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CONSOLIDATED FINAL REPORT ON THE EXECUTION OF THE ASSIGNMENT, COVERING ASPECTS RELATED TO THE ANALYSIS OF THE NATIONAL LEGISLATION AND POLICY FRAMEWORK FOR THE PRUPOSE OF THE GAP ANALYSIS AGAINST THE EU ACQUIS INCLUDED IN THE BILATERAL AGREEMENT ON CLIMATE ACTION AND TO THE ELABORATION OF THE ROADMAP AND/OR PROPOSALS FOR LEGISLATIVE ALIGNMENT

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Submitted by:

National Consultant on gap analysis against EU Climate acquis implementation:	Mrs. Veronica Lopotenco

Approved by:

EU4Climate National Coordinator:	Mr. Marius Taranu

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ABBREVIATIONS

AA RM-EU – Association Agreement between Republic of Moldova – European Union

CO_2 – Carbon Dioxide

ECT – Energy Community Treaty

EU – European Union

EU ETS – European Union Emissions Trading System

F-gases – fluorinated greenhouse gases

FQ – fuel quality

GD – governmental decision

GHG – Green House Gases

GWP – global warming potential

HCFC – hydrochlorofluorocarbons

HFC – hydrofluorocarbons

IED – Industrial Emissions Directive

MAC – mobile air conditioning

MARDE – Ministry of Agriculture, Regional Development and Environment

MRV – Monitoring, Reporting and Verification

ODS – ozone depleting substances

RAC – refrigeration and air conditioning

RIA – regulatory impact assessment

RM – Republic of Moldova

UNDP IRH – United Nations Development Programme, Istanbul Regional Hub

UNFCCC – United Nation Framework Convention on Climate Change

INTRODUCTION

This report is produced as a part of the EU4Climate Project.

The goal of EU4Climate Project is to contribute to climate change mitigation & adaptation and the development towards a low-emissions and climate-resilient economy in line with the Paris Agreement in Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine.

To realize this project goal, the following results should be achieved:

1. Result 1: Finalized or up-dated nationally determined contributions communicated to the UNFCCC;
2. Result 2: Improved inter-institutional awareness and coordination at political and technical level of the Paris Agreement and the corresponding national commitments;
3. Result 3: Established or strengthened MRV systems, with countries getting on track with Paris Agreement transparency requirements;
4. Result 4: Advanced alignment with EU climate acquis as provided by bilateral agreements with EU and in the context of Energy Community Treaty on climate matters that are not covered by the EU4Energy programme;
5. Result 5: Establishment of concrete sectoral guidelines for the implementation of the Paris Agreement in each of the Eastern Partners;
6. Result 6: Increased mobilization of climate finance;
7. Result 7: Enhanced adaptation planning.

The project implementation methodology will follow the logic of the Paris Agreement framework and relevant EU climate acquis, as well as their subsequent developments. The respective climate change EU acquis and climate provisions under the Energy Community Treaty will be the integral part of the project logic and implementation methodology, the EU best practices will be shared. Relevant technical guidance on various elements of climate policy development will be used through the capacity building and training activities.

The main objective of the report is to present the result of the review of the national legislation of the Republic of Moldova for the purpose of a gap analysis against the EU acquis included in the Bilateral Agreement on Climate Action and in the Energy Community Treaty. Based on the identified gaps, proposals for legislative alignment were formulated and proposed to be included into the Roadmap, which will be used to plan the legislative support within the EU4Climate project.

In this view, two local consultants (climate consultant and energy consultant) were hired to conduct the following activities:

1. Detailed analysis of existing national legislative framework of the Republic of Moldova and compliance check to verify if domestic legislation exists and/or is compatible with the EU acquis included in: (a) The Bilateral Agreement on Climate Action (reference to the Association Agreement Republic of Moldova – European Union, ratified through the Law No. 112 as of 02.07.2014, see specifically Chapter 17‘ Climate Policies’ and Annex XII of the AA RM-EU, as well as the Governmental Decision No. 808 as of 07.10.2014 on approval of the National Action Plan on implementation of the AA RM-EU within the period 2014-2016 and the Governmental Decision No. 1472 as of 30.12.2016 on approval of the National Action Plan on implementation of the AA RM-EU

within the period 2017-2019); and **(**b) The Energy Community Treaty (reference to the Law No. 117 as of 23.12.2009 on adherence of the Republic of Moldova to the Energy Community Treaty).

2. Based on stakeholders' consultation process, analyze the current situation in implementing climate related commitments under the Bilateral Agreement on Climate Action (AA RM-EU) and the Energy Community Treaty; determine the EU acquis alignment country needs and develop a Roadmap for the EU4Climate support in alignment with EU acquis (activity will be undertaken in collaboration with the international consultants hired by the Energy Community Secretariat and UNDP IRH);
3. Presentation of the consultation process findings and the draft Roadmap for the EU4Climate support at the national consultation workshop;
4. Drafting the concept of National Consultation Workshop and provide support in its organization at the request of EU4Climate Project Team and the Energy Community Secretariat Team of Experts;
5. Finalize the Roadmap for EU4Climate support in alignment with EU acquis, in collaboration with the international consultants hired by the Energy Community Secretariat and UNDP IRH.

Thus, the local consultants (climate consultant/team leader and the energy consultant) were expected to deliver the following outputs:

Deliverable 1: Activity Plan and timeframe developed, including tasks and timeline.

Deliverable 2: Gap analysis of the national legislative and policy framework vis-a-vis the Republic of Moldova's commitments, inclusively:

- Review of relevant climate acquis (EU and Energy Community) applicable to the Republic of Moldova;
- Desk review of national legislation and reporting;
- Detailed gap analysis of existing national legislative framework vis-à-vis the Republic of Moldova's commitments.

Deliverable 3: Contribution to development of the Roadmap outlining EU4Climate support to the Republic of Moldova through priority actions in the alignment with EU acquis included in the Bilateral Agreement on Climate change (reference to the AA RM-EU) and in the Energy Community Treaty

Deliverable 4: Expert contribution to national consultation workshop, including event preparatory work, presentation of the findings and draft Roadmap and/or proposals for legislative and policy alignment at the national coordination workshop.

Deliverable 5: A consolidated final report on the execution of the assignment, covering all the above aspects related to the analysis of the national legislation and policy framework for the purpose of the gap analysis against the EU acquis included in the Bilateral Agreement on Climate Action and on Energy Community Treaty and to the elaboration of the Roadmap and/or proposals for legislative alignment.

Current report represent the Deliverable 5 and it shows the gaps of the climate change national legislation against the RM's commitments under the AA RM-EU and gives proposals to overcome the gaps.

Deliverable 1: ACTIVITY PLAN AND TIMEFRAME

As for ***Deliverable 1. Activity Plan and timeframe developed, including tasks and timeline*** local climate consultant developed it based on the above listed deliverable.

The activity plan and timeframe of the local climate consultant are presented in the Annexes 1 to this report.

Deliverable 2: GAP ANALYSIS OF THE NATIONAL LEGISLATIVE AND POLICY FRAMEWORK VIS-À-VIS THE REPUBLIC OF MOLDOVA's COMMITMENTS

Climate commitments between RM and EU are laid down in the Chapter XVII of the AA RM-EU. Chapter XVII contains 6 articles (art. 92-97) dedicated to the collaboration between the RM and the EU in order to combat climate change.

It is established that cooperation takes place in the fields of mitigation, adaptation, awareness, mainstreaming of the climate change into sectoral policies, information exchange etc.

Art. 95 states the strategical framework which should be developed. These are adaptation and low emissions development policies. While art. 97 states the obligation to transpose at the national level of the EU normative acts listed in the Annex 12 to the AA RM-EU.

Annex 12 states the European directives (2) and regulations (2), which should be transposed into the national legislation, namely:

- Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (Text with EEA relevance),
- Regulation (EC) No 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases (Text with EEA relevance),
- Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer,
- Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC.

No directive/regulation need to be fully transposed only certain articles and annexes.
In addition, Annex 12 establish the transposition deadlines for all climate normative acts.
Further, each of the European normative act is analyzed, by finding out if it was transposed, compliance check of the national legislation with the European one and identifying existing legislative gaps.

2.1. Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (Text with EEA relevance)[1]

2.1.1. ETS Directive in the AA RM-EU and National Plans

[1] https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1431422544482&uri=CELEX:02003L0087-20140430

According to the Annex XII of the AA RM-EU, the Government of the Republic of Moldova has undertaken to implement selected basic provisions of the Directive 2003/87, namely:

- establishing a system for identifying relevant installations and for identifying greenhouse gases (Annexes I and II);
- setting up a monitoring, reporting, verification and enforcement system and a public consultations process (Articles 9, 14-17, 19 and 21).

These provisions of the Directive shall be implemented by September 2021.

National Action Plan for the implementation of the AA RM-EU for the period 2017-2019[2] (GD#1472/2016) sets out the following activities in order to transpose the selected articles of the ETS Directive:

- To develop list of installations covered by ETS Directive with the deadline September 2018,
- To develop the draft Government decision on the establishing of the monitoring, reporting and verification system of greenhouse gas emissions – deadline September 2019.

2.1.2. General consideration on EU ETS[3]

The EU ETS is a cornerstone of the EU's policy to combat climate change and its key tool for reducing greenhouse gas emissions cost-effectively. It is the world's first major carbon market and remains the biggest one.

The EU ETS works on the 'cap and trade' principle. A cap is set on the total amount of certain greenhouse gases that can be emitted by installations covered by the system. The cap is reduced over time so that total emissions fall. Within the cap, companies receive or buy emission allowances which they can trade with one another as needed. They can also buy limited amounts of international credits from emission-saving projects around the world. The limit on the total number of allowances available ensures that they have a value.

After each year a company must surrender enough allowances to cover all its emissions, otherwise heavy fines are imposed. If a company reduces its emissions, it can keep the spare allowances to cover its future needs or else sell them to another company that is short of allowances.

Set up in 2005, the EU ETS is the world's first international emissions trading system. It remains the biggest one, accounting for over three-quarters of international carbon trading. It aims to link the EU ETS with other compatible systems.

The EU ETS has proved that putting a price on carbon and trading in it can work. Emissions from installations in the system are falling as intended – by slightly over 8% compared to the beginning of phase 3. In 2020, emissions from sectors covered by the system will be 21% lower than in 2005**.** In 2030, under the revised system they will be 43% lower.

The system covers the following sectors and gases with the focus on emissions that can be measured, reported and verified with a high level of accuracy:

[2] http://lex.justice.md/md/376151/
[3] https://ec.europa.eu/clima/policies/ets_en

- carbon dioxide (CO_2) from: power and heat generation, energy-intensive industry sectors including oil refineries, steel works and production of iron, aluminum, metals, cement, lime, glass, ceramics, pulp, paper, cardboard, acids and bulk organic chemicals, commercial aviation;
- nitrous oxide (N_2O) from production of nitric, adipic and glyoxylic acids and glyoxal;
- perfluorocarbons (PFCs) from aluminum production.

The EU ETS is now in its third phase, which is significantly different from phases 1 and 2. The main changes from the previous two phases are:

- A single, EU-wide cap on emissions applies in place of the previous system of national caps.
- Auctioning is the default method for allocating allowances (instead of free allocation), and harmonized allocation rules apply to the allowances still given away for free.
- More sectors and gases are included.
- 300 million allowances set aside in the New Entrants Reserve to fund the deployment of innovative renewable energy technologies and carbon capture and storage.

The legislative framework of the EU ETS for its next trading period (phase 4) was revised in early 2018 to enable it to achieve the EU's 2030 emission reduction targets in line with the 2030 climate and energy policy framework and as part of the EU's contribution to the 2015 Paris Agreement.

The revision focuses on:

- strengthening the EU ETS as an investment driver by increasing the pace of annual reductions in allowances to 2.2% as of 2021 and reinforcing the Market Stability Reserve (the mechanism established by the EU in 2015 to reduce the surplus of emission allowances in the carbon market and to improve the EU ETS's resilience to future shocks);
- Continuing the free allocation of allowances as a safeguard for the international competitiveness of industrial sectors at risk of carbon leakage, while ensuring that the rules for determining free allocation are focused and reflect technological progress;
- Helping industry and the power sector to meet the innovation and investment challenges of the low-carbon transition via several low-carbon funding mechanisms.

2.1.3. EU ETS legislative framework

Current legislative framework on ETS consist in following acts:

- Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (Text with EEA relevance) which establishes a scheme for greenhouse gas emission allowance trading within the Community in order to promote reductions of greenhouse gas emissions in a cost-effective and economically efficient manner. Also, it establishes the MRV system.

- Commission Regulation (EU) No 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council (Text with EEA relevance) which lays down rules for the monitoring and reporting of greenhouse gas emissions and activity data pursuant to Directive 2003/87/EC.

- Commission Regulation (EU) No 600/2012 of 21 June 2012 on the verification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council Text with EEA relevance, which lays down

provisions for the verification of reports submitted pursuant to Directive 2003/87/EC and for the accreditation and supervision of verifiers.

- 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 of the European Parliament and of the Council.

- Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 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 Text with EEA relevance, which establish a mechanism for monitoring of all GHG and reporting by the Union and its Member States to the UNFCCC Secretariat.

- Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (Text with EEA relevance), which establishes a governance mechanism to implement strategies and measures designed to meet the objectives and targets of the Energy Union and the long-term Union greenhouse gas emissions commitments consistent with the Paris Agreement and ensure the timeliness, transparency, accuracy, consistency, comparability and completeness of reporting by the Union and its Member States to the UNFCCC and Paris Agreement secretariat.

2.1.4. National ETS legislative framework

ETS Directive have not been translated into national legislation, neither integral nor any articles.

There has been done some activities for establishing a system for identifying relevant installations (Annexes I). Thus, within the EU Clima East project a special questionnaire has been developed to be used to interview the installations and to identify those which can fall under the ETS Directive. The Air and Climate Change Unit within the Ministry of Agriculture, Regional Development and Environment did this exercise during the 2017 year and the list of 6 installations, selected after processing the questionnaires, has been approved by Minister Order #11/2018. The identified installations are: S.A. "Bucuria", "TERMOELECTRICA" S.A. CT Sud, "TERMOELECTRICA" S.A. CT Vest, "TERMOELECTRICA" S.A. CET Sursa 2, "TERMOELECTRICA" S.A. CET Sursa 1, S.A, "MACON". The Air and Climate Change Unit said that the results of questionnaire need to be reviewed by an expert, because they are not sure that they applied correct the provisions of the Directive and, respectively, if the approved list is correct.

An important piece of Moldovan legislation related to monitoring and reporting is the Governmental Decision #1277/2018 regarding the establishment and functioning of the National System for monitoring and reporting of greenhouse gas emissions and other information relevant to climate change. The DG 1277/2018 transpose at the national level the Regulation (EU) No 525/2013**.** The GD 1277/2018 approve the following:

- Regulation on establishment and functioning of the National System for monitoring and reporting of greenhouse gas emissions and other information relevant to climate change. National system consists on: (1) National Inventory System and (2) National System for Policies, Measures and Forecasts. It establishes the competent authority – Environmental Agency, instruments of reporting, format/structure of these instruments, deadline for presenting the reports to the secretariat of the UNFCCC etc.

- List of authorities and institutions which are part of the National System for monitoring and reporting of greenhouse gas emissions and other information relevant to climate change.
- List of GHG and their GWP which are taken into consideration within the National System for monitoring and reporting of GHG emissions.

Taken into consideration the Resolution A39-3 "Global market-based scheme for reducing greenhouse gas emissions" adopted by the International Organization for Civil Aviation, Republic of Moldova needs to implement the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA). Monitoring, reporting and verification of CO_2 emissions (MRV), applied in the CORSIA, is mandatory for all States starting with 01.01.2019. For implementation of the CORSIA it is needed to develop a regulation in this sense. Despite the fact that there was some discussion on how to organize the process of elaboration of this national regulation, no visible progress has been registered.

2.1.5. ETS Directive articles to be approximated by Republic of Moldova under the AA RM-EU

Establishing a system for identifying relevant installations and for identifying greenhouse gases (Annexes I and II)

In the Annex I of the ETS Directive a list of 22 classes of diverse industrial activities that are covered by the Directive and the GHGs which are expected to be monitor from installations.

Annex II is a list of the greenhouse gases which fall under the ETSD.

The Annexes can be transposed as they are, but in this case, Moldovan national legislation will include the activities that are not currently present in the Republic of Moldova. In the same time, such activities may be established in the future.

The process of identifying the installations that perform the activities set out in Annex I was described above (see **National ETS legislative framework**). As it was mentioned, Air and Climate Change Unit asked to check if they performed correct the exercise of identifying of the installations.

Setting up a monitoring, reporting, verification and enforcement system and a public consultations process (Articles 9, 14-17, 19 and 21)

According to the AA RM-EU, the full ETS will not be transposed and applied in RM and the installations will not be required to own and surrender allowances that cover their emissions.

The AA RM-EU sets that RM should establish a monitoring, reporting and verification system, based on the ETS Directive. Is to be noted that the Art. 4 of the Directive, which establish the provisions related to permitting, is not under the obligation of transposing at the national level. In the same time, in the ETS the requirement to monitor and report GHG emissions is included in the GHG permit. The GHG permit does not contain any limits to pollution, but gives the right to emit GHG emissions. In the ETS, permit is an instrument to establish the obligation to monitor and report emissions. Thus, in order to implement the MRV system, a GHG emission permit need to be introduced and the art. 4-7 of the ETSD need to be considered when approximate the Directive.

The GHG permitting can be introduced jointly with the integrated permits under the Directive 2010/75/EU of the European Parliament and the Council on industrial emissions (art. 8 of the ETS Directive refers to the Directive 96/61/EC, which was repealed by Directive 2010/75). The 2010/75 Directive is currently transposed into national legislation with the technical support of GIZ (project Capacity Development for Climate Policy in the countries of South East, Eastern Europe, the South Caucasus and Central Asia, Phase III). The proposal to introduce the GHG permitting into the integrated permit (under the IE Directive) was discussed with the GIZ expert during the mission on 18-22 November

2019, who confirmed that having the GHG permit included in the integrated environmental authorization is the only solution for the RM to introduce the MRV into the national legislation. Thus, Art. 8 of ETS Directive need to be considered when approximate the Directive.

Article 9 Community-wide quantity of allowances - states that the total quantity of allocations shall decrease by 1,74% from average allocation of the 2008-2012 period. This article refers to the Community and the Member States. Thus, is considered that the article is not relevant for the Republic of Moldova and no transposition is needed.

Art. 14 – Monitoring and reporting of emissions – states that operators and aircraft operators shall monitor and report their emissions in accordance with Regulation No. 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC[4]. Thus, in order to operationalize the monitoring and reporting system, Republic of Moldova needs to transpose the Monitoring and Reporting Regulation into national legislation.

Art. 15 – Verification and accreditation – states that the emission reports need to be verified in accordance with the criteria set out in Annex V of the ETSD and if verification is not achieved by 31 March, the installation's allowance account is blocked until this is done. Also, the article establish that the Commission will adopt rules on verification through Commission Regulation. This is the Commission Regulation (EU) No 600/2012 of 21 June 2012 on the verification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of verifiers pursuant to Directive 2003/87/EC[5]. Thus, in order to operationalize the verification and accreditation system, Republic of Moldova needs to transpose into national legislation the Regulation 600/2012. Is to be taken into consideration that Regulation (EU) No 600/2012 was recently repealed by 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 of the European Parliament and of the Council[6].

Art. 16 – Penalties – states that Member States shall ensure that any operator or aircraft operator who does not surrender sufficient allowances by 30 April of each year to cover its emissions during the preceding year shall be held liable for the payment of an excess emissions penalty. Also, this article states that in the event that an aircraft operator fails to comply with the requirements of ETS Directive and where other enforcement measures have failed to ensure compliance, its administering Member State may request the Commission to decide on the imposition of an operating ban on the aircraft operator concerned. When transposing this article, Republic of Moldova has to establish his own provisions on penalties which need to be correlated with the obligation of the operators.

Art. 17 – Access to information – states that Member States need to make publicly accessible decisions on allowance allocations, project activities, and operators' emission reports. The Article expressly indicates that this should be done in accordance with Directive 2003/4/EC on public access to environmental information. The article need to be transposed, being adapted to national situation, particularly referring to the national Regulation on public access to environmental information[7].

Art. 19 – Registry – states that issued allowances need to be registered in the Community Registry. The register is a system, where the allowance holdings and transactions of all installations are recorded. It also records the total verified emissions of each installation, and allows them to surrender the allowances as required under the EU ETS. Seems that this article cannot be transposed into the national legislation, as Moldovan installations will not receive allowances.

Article 21 – Reporting to the European Commission – establish that each year the Member States shall submit to the Commission a report on the application of the ETS Directive. The report shall pay particular

[4] https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex:32012R0601
[5] https://eur-lex.europa.eu/eli/reg/2012/600/oj
[6] https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32018R2067&from=ro
[7] http://www.legis.md/cautare/getResults?doc_id=97333&lang=ro

attention to the arrangements for the allocation of allowances, the operation of registries, the application of the implementing measures on monitoring and reporting, verification and accreditation and issues relating to compliance with this Directive and on the fiscal treatment of allowances, if any. Article can be translated into national legislation, but adapted to the Moldovan realities.

2.1.6. Conclusions

- The list of Moldovan installations which may follow under the ETS Directive need to be reviewed;
- MRV requirements from the ETS Directive and those included in the Commission Regulations (EU) No 601/2012 and 2018/2067 need to be transposed into national legislation;
- Provisions related to GHG permitting needs to be considered when national legislation is developed.

2.2. Regulation (EC) No 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases (Text with EEA relevance)[8]

2.2.1. F-gases in the AA RM-EU and National Plans

According to the Annex XII of the AA RM-EU, the Government of the RM has undertaken to implement selected basic provisions of the Regulation 842/2006, namely:

- adoption of national legislation and designation of competent authority/authorities;
- establishment/adapt national training and certification requirements for relevant personnel and companies (Article 5);
- establishment of reporting systems for acquiring emission data from the relevant sectors (Article 6);
- establishment of enforcement system (Article 13).

These provisions of the Regulation shall be implemented within 4 years of the entry into force of the AA RM-EU, respectively 2018 year.

National Action Plan for the implementation of the AA RM-EU for the period 2014-2016 (GD#808/2014) stated that before transposing the Regulation 842/2006 there should be done an institutional and legislation assessment in order to identify the way of transposing of the Regulation 842/2006. This assessment has been done under the Clima East project – Expert Facility Services CEEF2014-050-MD Implementation of the provisions from the Annex XII (Chapter 17, Climate Actions) of the Association Agreement between Republic of Moldova and European Union: Regulation (EC) No 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases and Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer.

According to the recommendation of the Clima East expert, RM may go beyond the articles stated in the Annex XII to the AA RM-EU (art. 5, 6 and 13) and transpose at the national level entire European Regulation. Respectively, National Action Plan for the implementation of the AA RM-EU for the period 2017-2019 (GD#1472/2016) sets out that the following legal acts will be developed in order to transpose at the national level the Regulation 842/2006:

1) development and approving of the Regulation on f-gases,
2) development and approving of the Program on requirements for training and certification of the companies and specialists involved in the installation, maintenance and service of equipment containing fluorinated gases or recovery of fluorinated gases,

[8] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32006R0842

3) development of the reporting system on emission of the f-gases from relevant sectors.

The deadline for development and approving of these documents is September 2018. Thus, the deadline expired a year ago.

According the operational conclusions of the 4th meeting of the EU-RM Sub-Committee on Energy, Transport, Environment, Climate Action and Civil Protection (cluster no.3), when approximating legislation to the EU climate acquis set out in the Association Agreement, RM should take into account the latest version of the EU legal acts. Respectively, the work that has been done until now under the f-gases topic is based on Regulation 517/2014[9], which repealed Regulation 842/2006.
The following table shows the matching of the articles between the old and the new regulations:

Regulation 842/2006 articles	**Regulation 517/2014 articles**
Article 5 Training and Certification	Article 10 Training and Certification
Article 6 Reporting	Article 19 Reporting on production, import, export, feedstock use and destruction of the substances listed in Annexes I or II
Article 13 Penalties	Article 25 Penalties

2.2.2. General consideration on F-gases[10]

Fluorinated greenhouse gases (F-gases) are man-made gases, mainly Hydrofluorocarbons (HFCs), Perfluorocarbons (PFCs) and Sulphur Hexafluoride (SF6). They are used in a range of industrial applications. Generally, they do not damage the ozone layer and are often used as substitutes for ozone depleting substances (ODS). However, in the same time, they are powerful GHGs (up to 23 000 times stronger than carbon dioxide), thus their discharge into the atmosphere should be avoided in order to mitigate climate change.

Caused by the replacement of ODS with F-gases, their emissions – in contrast to all other greenhouse gases, which have been reduced – increased in the EU by 60% since 1990, but were stabilized in 2010 due to regulatory framework of 2006. Similarly, F-gas emissions in the RM, observed since 1995, also follow an increasing trend. Due to Law No. 852/2002 on ozone depleting substances[11], which bans import, export, re-export, placing on the market and transit of certain ODS and equipment, components and technologies containing such gases, and the Hydrochlorofluorocarbon Phase out Management Plan (HPMP) – which aims for a full phase-out of HCFCs by 2040 – the import of HFCs as non-CFC alternatives and equipment that contain such substances are increasing year by year.

F-gases in the RM are primarily used in air conditioning systems for premises and vehicles, in refrigerators, freezers, refrigerated display cases and chillers, in component foam products, in aerosols for medical purposes and in switchgears. Currently, there is no production of F-gases or equipment charged with F-gases in the RM. Also, there is currently no recycling, reclaiming or destruction of RAC equipment. In the same time, there is no specific regulations for import, export, re-export, placing on the market and transit of f-gases and equipment, components and technologies containing such gases. The import of the f-gases is done in a simplified way – the importers inform the Environmental Agency on the fact that they are importing f-gases (name of the f-gas, quantity, country of origin, invoice, contract with the seller), Environmental Agency find out de fact and issue a letter informing that such a substance is not regulated by authorization and they can import it without any documents issued by an environmental protection institutions.

[9] https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32014R0517
[10] https://ec.europa.eu/clima/policies/f-gas_en
[11] http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=313251

2.2.3. EU F-gases legislative framework

Originally, the f-gases in European Union were regulated by Regulation No. 842/2006 and 10 implementing Regulations, adopted in 2006 and the succeeding years. In order to further strengthen and extend the related measures, the Regulation was replaced in 2014 by Regulation No 517/2014, which came into force from 1 January 2015. The implementing Regulations adopted under the original Regulation remained in force and continued to apply until repealed by new acts. As of October 2019, five out of the ten implementing Regulations have been replaced.

According to that, the current system consists of the following acts:

I. Regulation No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006 (Text with EEA relevance)

II. Implementing Regulations:

1. Leak checking/Stationary refrigeration, air conditioning and heat-pumps – Commission Regulation (EC) No. 1516/2007 of 19 December 2007 establishing standard leakage checking requirements for stationary refrigeration, air-conditioning and heat-pump equipment containing certain fluorinated greenhouse gases.
2. Leak checking/Fire protection – Commission Regulation (EC) No. 1497/2007 of 18 December 2007 establishing standard leakage checking requirements for stationary fire protection systems containing certain fluorinated greenhouse gases.
3. Labelling – Commission Implementing Regulation (EU) 2015/2068 of 17 November 2015 establishing the format of labels for products and equipment containing fluorinated greenhouse gases (replacing Commission Regulation (EC) No. 1494/2007 of 17 December 2007).
4. Reporting – Commission Regulation (EC) No 1191/2014 of 30 October 2014 determining the format and means for submitting the report referred to in Article 19 of Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases (replacing 1493/2007 of 17 December 2007).
5. Qualification/Certification/Stationary refrigeration, air conditioning, heat-pumps and trucks & trailers – Commission Implementing Regulation (EU) 2015/2067 of 17 November 2015 establishing minimum requirements and the conditions for mutual recognition for the certification of natural persons as regards stationary refrigeration, air conditioning and heat pump equipment, and refrigeration units of refrigerated trucks and trailers, containing fluorinated greenhouse gases and for the certification of companies as regards stationary refrigeration, air conditioning and heat pump equipment, containing fluorinated greenhouse gases (replacing Commission Regulation (EC) No 303/2008 of 2 April 2008).
6. Qualification/Certification/Fire protection systems and fire extinguishers – Commission Regulation (EC) No 304/2008 of 2 April 2008 establishing minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary fire protection systems and fire extinguishers containing certain fluorinated greenhouse gases.
7. Qualification/Certification/Electrical switchgears – Commission Implementing Regulation (EU) 2015/2066 of 17 November 2015 establishing minimum requirements and the conditions for mutual recognition for the certification of natural persons carrying out installation, servicing, maintenance, repair or decommissioning of electrical switchgear containing fluorinated greenhouse gases or recovery of fluorinated greenhouse gases from stationary electrical switchgear (replacing Commission Regulation (EC) No 305/2008 of 2 April 2008).
8. Qualification/Certification/Gas-based Solvents from equipment – Commission Regulation (EC)

No 306/2008 of 2 April 2008 establishing minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gas-based solvents from equipment.

9. Qualification/Training and training attestations/Mobile air conditioning – Commission Regulation (EC) No 307/2008 of 2 April 2008 establishing minimum requirements for training programmes and the conditions for mutual recognition of training attestations for personnel as regards air-conditioning systems in certain motor vehicles containing certain fluorinated greenhouse gases.
10. Format for notification of training and certification programmes – Commission Implementing Regulation (EU) 2015/2065 of 17 November 2015 establishing the format for notification of the training and certification programmes of the Member States (replacing Commission Regulation (EC) No 308/2008 of 2 April 2008).

2.2.4. RM F-gases legislative framework

The national legislation on f-gases consist in:

1) Regulation on measures to reduce emissions from air conditioning systems of motor vehicles (GD#1242/2016) which transpose partially at the national level Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (Text with EEA relevance) and Annex 1 of the Regulation No 517/2014. The national regulation prohibit subsequent installation of air conditioning systems designed to contain f-gases with GWP_{100} years higher than 150 on vehicles designed and manufactured for the carriage of persons and their luggage, which have a maximum of 8 seats, excepting the seat of the driver, or vehicles designed and manufactured for the carriage of goods with a maximum mass 3.5 tons (to be applied starting with 1st January, 2021). Starting with 1st January 2025 is prohibited to charge the air conditioning systems on any motor vehicle with fluorinated greenhouse gases with a GWP100 higher than 150, except for the recharging of air conditioning systems containing such gases, but which were installed on vehicles before 1 January 2021. GD#1242/2016 approve at the national level the list of f-gases and the method of calculating of the global warming potential for a substance.

2) Regulation regarding the training and certification of specialists in the field of cold technology, which contains hydrochlorofluorocarbons and fluorinated greenhouse gases (GD#483/2019[12]). As we may see from the name of the Regulation, it goes beyond the f-gases and includes the same requirements of training and certification for the specialists in the field of cold technology, which contain HCFCs (still used in RM). It was decided to go by this based on the art. 11 of the Regulation regarding the commercial regime and use of halogenated hydrocarbons that destroy the ozone layer (Law 852/2002), which states that the activities in the field of cold technology can only be carried out by qualified specialists, who are trained and certified every three years, according to the programs elaborated by the authorized institutions. The national Regulation is based on the following European legal acts/articles:

- article 2 Definition/p. 5, p. 7, p. 11, p. 14, p. 20-21; article 4 Leak checks/(1), art. 8 Recovery/(1), a); article 10 Training and certification and article 25 (1) Penalties of Regulation (EU) no. 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) no. 842/2006 (Text with EEA relevance),

- articles 1-4, 7, 8 and 10 of the Commission Implementing Regulation (EU) 2015/2067 of 17 November 2015 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of natural persons as regards stationary refrigeration, air conditioning and heat pump equipment, and

[12] http://www.legis.md/cautare/getResults?doc_id=118488&lang=ro

refrigeration units of refrigerated trucks and trailers, containing fluorinated greenhouse gases and for the certification of companies as regards stationary refrigeration, air conditioning and heat pump equipment, containing fluorinated greenhouse gases (Text with EEA relevance).

- Annex to the Commission Regulation (EC) No 307/2008 of 2 April 2008 establishing minimum requirements for training programmes and the conditions for mutual recognition of training attestations for personnel as regards air-conditioning systems in certain motor vehicles containing certain fluorinated greenhouse gases.

The AA RM-EU requires that a Competent Authority for F-gases is set up. The AA RM-EU makes the same requirement for a range of environmental and climate laws (e.g. ODS, Emissions Trading System, Industrial Emissions Directive, etc.). Given that F-gases are basically substitutes for ODS, used in the same equipment, it would be reasonable to build on the institutional framework that has been already established for ODS; namely, involving the Environmental Agency and Environmental Protection Inspectorate as the main competent authorities.

Competent authorities, stated in the national Regulation are 3 with different competences: (1) Training and Evaluation Center, (2) Environmental Agency and (3) Inspection for Environment Protection.

Training and Evaluation Center organizes and conducts the training courses, evaluate the knowledge and skills of the trained natural persons and issue the certificate of attestation of professional competences. Thus, evaluation and certification body is the same authority. National Regulation does not limit the number of training and evaluation centers which can provide services of training, evaluation and certification. But currently in RM exists only one training and evaluation Center in the field of cold technology – "Tehnofring" Training Center, which role is to provide the training services that are required under the HPMP. Tehnofrig is incorporated in the Technical University of Moldova and train refrigeration technicians and engineers in a programme that was developed taking into consideration EU Regulation No. 303/2008 (the regulation for trainings with regards to stationary refrigeration in the old EU F-gas framework) as well. They have the means to appropriately carry out not only theoretical but also practical education, having a well-equipped laboratory.

If there will be created some more training and evaluation centers, the certification competence is to be assigned to a range number of institutions, situation that can complicate the enforcement of the national legislation. Taking into account, that environmental policy in the RM is implementing by the Environmental Agency and this is the institution that issue permits, is to be considered to transfer the competence of issuing the certificate to it. Also, taking into account that Art. 8, paragraph (4) of the Regulation 2015/2067, which states that Evaluation Body shall also ensure that the necessary equipment, tools and materials are available for the practical tests, is to be considered to establish a list of minimum requirements for the training and evaluation centers which provide such services.

Environmental Agency, according to the national Regulation, keeps track of certificates attesting the professional competences of specialists in the field of cold technology.

Regulation 2015/2067 assignees this competence to the Certification Body, while in national regulation it is attributed to Environmental Agency (as a non-certification body). More than this, national Regulation does not establish an official register that allow verifying the status of a certified person or company (art. 7, paragraph (3) of the Regulation 2015/2067), because according to the legislative procedure, a register can be stablished only by a law, not by a Regulation.

Inspection for Environment Protection verifies compliance with the provisions of the national Regulation.

2.2.5. Establishment/adapt national training and certification requirements for relevant personnel and companies (Article 5)

According to EU legislation, certification programmes (including training and evaluation processes) must be ensured by the State for the persons carrying out the tasks listed in the following table[13]:

Equipment	Installation, Servicing, Maintenance, Repair or Decommissioning	Leak Checks	Recovery
Stationary RAC	x	x	x
Stationary heat pumps	x	x	x
Stationary Fire protection equipment	x	x	x
Refrigeration units of refrigerated trucks and trailers	x	x	x
Electric switchgear	x		x
Stationary equipment that contains solvents			x

As regards air-conditioning equipment in motor vehicles (MAC), the state must only ensure that a relevant training has been completed by the persons recovering F-gases (i.e. training attestation is issued instead of a certification; and an attestation body needs to be appointed instead of evaluation and certification bodies).

National Regulation is applying only for the following equipment: Stationary RAC, Stationary heat pumps, Refrigeration units of refrigerated trucks and trailers and MAC. No stationary fire protection equipment, electric switchgear and stationary equipment that contains solvents falls under the national regulation.

National Regulation is applying to natural persons who carry out the following activities: (1) installation, (2) repair, maintenance and servicing, (3) recovery of HCFCs and fluorinated greenhouse gases, (4) checks to detect leaks for equipment containing HCFCs and fluorinated greenhouse gases in quantities of 5 tons of CO2 equivalent or more and which are not contained in foams, unless such equipment is hermetically sealed, labeled as such and contain HCFCs and fluorinated greenhouse gases in quantities of less than 10 tons of CO2 equivalent and (5) decommissioning of the equipment.

Despite the fact that this is mandatory (according to the AA RM-EU), national Regulation does not contain any provisions related to companies, which are providing services mentioned above. There were tentative to introduce such provisions, mainly that companies should hire only natural persons that are certified and should take care that every 3 years these persons are trained and certified. These provisions were not accepted by the Working Group for regulating the entrepreneurial activity. The WG is analyzing all new regulation (at the draft stage) that have regulatory impact on business. According to the conclusions of WG, national Regulation contains provisions that can have a negative impact on company's activity. Thus, Ministry was forced to exclude them. This is one of the weak spot of the

[13] https://eia-international.org/report/eu-f-gas-regulation-handbook-keeping-ahead-of-the-curve-as-europe-phases-down-hfcs/

national Regulation. Companies are out of these regulations and are not obliged to train and to certify its personnel.

National Regulation establish 4 types of certificates: (1) Category I – allows the holder to provide all services regulated by national Regulation; (2) Category II – allows the holder to provide services of checking to detect leaks for equipment containing HCFCs and f-gases in quantities of 5 tons of CO2 equivalent or more and which are not contained in foams, unless such equipment is hermetically sealed, labeled as such and contain HCFCs and fluorinated greenhouse gases in quantities of less than 10 tons of CO2 equivalent with the condition that the holder does not have access to refrigeration circuits containing HCFCs and f-gases and all other services regulated by the national Regulation and provided for the refrigeration installations containing less than 3 kg of HCFCs and f-gases and hermetically sealed systems, which are labeled as such, and contain less than 6 kg of HCFCs and f-gases; (3) Category III – allows the holder to provide services of recovery of HCFCs and fluorinated greenhouse gases for the refrigeration installations containing less than 3 kg of HCFCs and f-gases and hermetically sealed systems, which are labeled as such, and contain less than 6 kg of HCFCs and f-gases; (4) Category IV – allows the holder to provide services of checking to detect leaks for equipment containing HCFCs and fluorinated greenhouse gases in quantities of 5 tons of CO2 equivalent or more and which are not contained in foams, unless such equipment is hermetically sealed, labeled as such and contain HCFCs and fluorinated greenhouse gases in quantities of less than 10 tons of CO2 equivalent with the condition that is it does not imply access to refrigeration circuits containing HCFCs and f-gases. This corresponds to the art. 3, (2) of the Commission Implementing Regulation (EU) 2015/2067

A person who owns one of the mentioned above certificate, may carry out activities for the recovery of f-gases from the air conditioning equipment in motor vehicles (MAC), in accordance with the provisions of the Regulation regarding the measures to reduce the emissions from the air conditioning systems of the vehicles (GD#1242/2016[14]).

According to the art. 10 of the Regulation 2015/2067 certificates are mutually recognized on the basis of common minimum requirements in Member States of the European Union. However, art. 10, paragraph 14 of the Regulation 517/2014 states that where the provision of certification and training would impose disproportionate burdens on a State because of the small size of its population and the consequent lack of demand for such training and certification, compliance may be achieved through the recognition of certificates issued in other Member States of the EU. This is why national Regulation states that recognition of certificates and training attestations is done based on national legislation – Regulation on recognition, equivalence and authentication of study acts and qualifications (Order #310/2009 of Ministry of education and youth[15]). Enabling certificates issued in EU Member States to be recognized in the Republic of Moldova will help the country to create a pool of appropriately certified persons active in this sector.

Annex 1 to the national Regulation transposed the Annex I to the Regulation 2015/2067 and covers the minimum skills and knowledge to base the training, evaluation and certification. This is the most important part of the regulation and was entirely transposed. It also transposes the Annex to the Commission Regulation (EC) No 307/2008 of 2 April 2008.

2.2.6. Establishment of reporting systems for acquiring emission data from the relevant sectors (Article 6)

There are not yet adopted provisions, which will transpose at the national level the art. 6 Establishment of reporting systems for acquiring emission data from the relevant sectors.

[14] http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=367710
[15] https://mecc.gov.md/sites/default/files/ordin_serviciul_de_autentificare_si_recunoastere.pdf

The contents of Article 6 of Regulation 842/2006 (which is explicitly required by the AA to be implemented) have been updated as Chapter V in Regulation 517/2014 with slight modifications that allow a more comprehensive reporting on F-gases. The outdated regulation required producers, importers and exporters to report on production, import, export, recycling, reclamation and destruction of F-gases in the preceding calendar year above limits expressed in tons of F-gases. The new regulation requires producers, importers, exporters as well as any undertaking that destroys, uses as feedstock or places on the market F-gases, to report on those activities for the preceding calendar year above limits expressed in tons of CO2 equivalent of F-gases. Both Regulations require Member States to acquire emissions data, which is actually the main provision in this context required by the AA.

The Reporting provisions are further to be elaborated in terms of the format in Commission Implementing Regulation (EU) No 1191/2014 of 30 October 2014 determining the format and means for submitting the report referred to in Article 19 of Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases[16].

The EU legislation makes references to an electronic reporting tool. This is actually a web form accessible online at the F-gas Portal, which is managed by the European Commission and operated by the European Environment Agency. Given that the web form is open for EU entities, Republic of Moldova cannot make use of it at present and thus there should be establish a national electronic tool for the reporting. Currently MARDE is elaborating the technical concept of the Automated Information Systems - Register of chemicals placed on the market of the Republic of Moldova. Thereby, is to be considered to introduce in this system the reporting requested by the art. 19 of the Regulation #517/2014.

2.2.6. Establishment of enforcement system (Article 13)

Article 13 of Regulation 842/2006, which is explicitly required by the AA to be implemented, is practically the same as Article 25 of Regulation 517/2014 on Penalties. They require Member States to lay down the rules on penalties applicable to infringements of the Regulation and to ensure that those rules are implemented.

Currently, the Contravention Code #218/2008, article 148 states penalties for violation of the regime and the use of Halogenated hydrocarbons that deplete the ozone layer and contain no provision regarding the f-gases. Such provisions can be introduced after having the base legislation on f-gases.

2.2.7. Development and approving of the Regulation on f-gases (national Action Plan for the implementation of the AA RM-EU for the period 2017-2019 (GD#1472/2016)

Despite the fact that AA RM-EU does not require to transpose entire F-gases Regulation, RM can go beyond the art 5, 6 and 13 of the Regulation 842/2006, respectively 10, 19 and 25 of the Regulation 517/2014 and to elaborate and adopt a normative act, which regulate the f-gases domain.

This position results from the international commitments of Republic of Moldova under the Vienna Convention and Montreal Protocol. RM ratified the Convention and the Protocol 1996 (Parliament Decision 966/1996[17]), being classified in the group 1 of developing countries. RM has adhered to the London, Copenhagen, Montreal and Beijing amendments to the Montreal Protocol, including in its regulatory area both, chemicals that deplete the ozone layer and those that cause global warming. On October 15, 2016 Republic of Moldova signed the Kigali Amendment for the progressive reduction of the use of hydrofluorocarbons (HFCs) worldwide and has the following HFC phase out schedule:

- estimation of the basic level (production / consumption of HFC) as an average of the years 2020, 2021, 2022 + 65% of the basic level (production / consumption) of HCFC;

[16] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014R1191
[17] http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=307092

- 2024-2028 - freezing of consumption at the level of basic consumption (average of 2020, 2021, 2022 + 65% of the basic level (production / consumption) of HCFC);
- 2029-2034 (stage I) - reduction of consumption by 10%;
- 2035-2039 (stage II) - reduction of consumption by 30%;
- 2040-2044 (stage III) - reduction of consumption by 50%;
- 2045 and later (stage IV) - reducing consumption by 80% (from the basic level).

In the RM, the sectors that use hydrofluorocarbons are stationary air conditioning, commercial refrigeration, industrial refrigeration, mobile air conditioning (CM), cooling in transport, foam and aerosol expansion. According to the national inventory, the annual demand of HFC for the service of the equipment is within the limits of 96 - 120 tons, being constantly increasing.

In recent years, demand in the refrigeration and air conditioning (RAC) sector has been increasing, while demand in the foam sector is declining. The foam sector is characterized by the highest share of consumption (36%), and the second place in the demand ranking is for stationary air conditioning sector, with 28% of the total consumption of HFC. Commercial refrigeration, mobile air conditioning, industrial refrigeration, transport cooling and aerosol sectors represent respectively 16%, 16%, 2%, 2% and 0.01% of total HFC consumption.

In the foam sector the consumption is totally determined by HFC-134A. In the stationary air conditioning sector, the highest demand is associated with the consumption of HFC-410A (10.31 tons) and HFC-407C (2.75 tons). In the mobile air conditioning sector, the demand is determined by the consumption of HFC-134A (15.73 tons). In the commercial refrigeration sector, the demand for HFC is associated with the consumption of HFC-134A, HFC-404A, HFC-407C and HFC-507A (14.95 tons). In the transport cooling sector, demand is met exclusively by consumption of HFC-404A (1.62 tons), while in the industrial refrigeration sector demand is associated with consumption of HFC-134A, HFC-507 and HFC-404A (1, 66 tons). In the aerosol sector, the HFC demand represents approx. 0.06 tons, being covered exclusively by HFC-134A.

According to the Customs Service data, a total quantity of 147,578 tons of hydrofluorocarbons was imported into the Republic of Moldova during 2018.

Currently, Republic of Moldova is in the process of ratifying the Kigali Amendment. In order to fulfill the provisions of the amendment, in the next years it will be necessary to take measures such as the elaboration of a program and a plan for phasing out the HFC, with the assurance of the retrofitting of the existing refrigeration and air conditioning equipment that works based of HFC with alternative new generation freons, including natural freons (hydrocarbons: propane; isobutane; cyclo-; isopentan; H_2O, NH_3, air, helium and CO_2). At the same time, it will be necessary to regulate the import / export, place on the market of HFC, to elaborate some provisions regarding the reporting of the consumption of HFC, the training of the specialists in this field.

Thus, after the ratification of the Kigali amendment, Republic of Moldova need to proceed with the elaboration of the legislation on f-gases, based on the Regulation 517/2014. This legislative need is dictated also by the fact that f-gases are not regulated at the national level at all. Import, placing on the market, use of these substances is out of the legislation. The only control is that importers inform the Environmental Agency about the import of these substances and present, on the request of the Agency, information regarding the quantity of f-gases imported, used and stoked. Taking into account that the demand of these substances is increasing, and commitments under the Kigali amendment are to phase out the HFCs, there must be elaborated a piece of legislation on f-gases.

When elaborating the f-gases law, is to be taken into account the existing legislation, mainly the Law on chemicals. If some provisions of Law on chemicals are applying for the f-gases (e.g. labeling), it should be used. Also, law on f-gases will establish a system on permitting. In this case is important to proceed with modification to the Law 160/2011 on regulation by authorization of the entrepreneurial activity, mainly the Annex 1 to the law – Nomenclature of the permitting acts issued by the authorities to

individuals and persons for the practice of entrepreneurial activity. Without introducing of the new permitting act into the Nomenclature, the draft law will not be accepted.

RM, as non-EU country, cannot access the European quota system. Thus, Republic of Moldova should create his own issuing quota system. It is recommended to use the system established by the GD#589/2018 for the approval of the Regulation regarding the establishment the mechanism for allocating annual quotas for import of halogenated hydrochlorofluorocarbons. This mechanism will ensure a proper and equitable phase out of the HFCs.

Due to the fact that elimination of HFCs from the market will have a substantial financial impact, it is dramatically important the public awareness on this topic.

2.2.8. Conclusions

- Regulation regarding the training and certification of specialists in the field of cold technology, which contains hydrochlorofluorocarbons and fluorinated greenhouse gases need to be reviewed in order to establish obligation for companies, which are providing services on cold technology, to train and to certify its personnel;
- to develop and to adopt a piece of legislation related to f-gases and to introduce the permitting system for importing the HFC;
- to develop the system of reporting of the emissions of f-gases;
- to ensure the synergy with the Automated Information Systems - Register of chemicals placed on the market of the Republic of Moldova in order to track the import, export, placing on the market of the f-gases;
- to apply on f-gases the existing system of issuing quotas for import.

2.3. Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer[18]

2.3.1. ODS in the AA RM-EU and National Plans

According to the Annex XII of the Association Agreement between Republic of Moldova and European Union, the Government of the Republic of Moldova has undertaken to implement selected basic provisions of the Regulation 1005/2009, namely:

- adoption of the national legislation and the designation of the competent authority/authorities
- establishing a ban on the production of controlled substances, except for certain uses and, until 2019, hydrochlorofluorocarbons (HCFCs) (art. 4)
- establishing a prohibition on the placing on the market and use of controlled substances, with the exception of regenerated HCFCs, which can be used as a refrigerant until 2015 (Articles 5 and 11);
- defining the conditions for the production, placing on the market and use of regulated substances for the exempt uses (as synthesis intermediates, process agents, for essential laboratory and analytical uses and critical halon use) and individual derogations, including the use of methyl bromide in cases emergency (Chapter III);
- establishing the obligations regarding the recovery, recycling, regeneration and destruction of the used regulated substances (art. 22);

[18] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32009R1005

- establishing a system of licenses for the import and export of controlled substances for the exempted uses (Chapter IV) and of reporting obligations for Member States and enterprises (Articles 26 and 27);
- establishing procedures for monitoring and inspecting the leakage of controlled substances (art. 23).

The deadline for transposition of these provisions is within 5 years of entry into force of the AA RM-EU, i.e. September 2019.

National Action Plan for the implementation of the AA RM-EU for the period 2014-2016 (GD#808/2014) stated that for transposing the Regulation 1005/2009 there should be done an institutional and legislation assessment in order to identify the way of transposing of the Regulation 1005/2009. Also, the National Action Plan 2014-2016 contain provisions regarding elaboration of the HCFC Phase-out Management Plan for 2016-2040 (HPMP) by 4th quarter, 2015.

The National Action Plan for the implementation of the AA RM-EU for the period 2017-2019 (GD#1472/2016) states that for the transposition of the Regulation 1005/2009 the national legislation, mainly the Law 852/2002 for the approval of the Regulation on the commercial regime and the regulation of the use of halogenated hydrocarbons that destroy the ozone layer, needs to be reviewed. The deadline for this activity is 3rd quarter 2019.

2.3.2. General consideration on Ozone Depleting Substances

Ozone Depleting Substances (ODS) are man-made chemicals that reduce the thickness of the ozone layer, which protects humans from the sun's ultraviolet (UV) radiation.

ODS gases were used for industrial and commercial purposes, mainly in refrigeration, air conditioning (RAC) systems and in fire extinguishers. They are also used as aerosol propellants, solvents and blowing agents for insulation foams. The key ODS are chlorofluorocarbons (CFCs), hiydrochlorofluorocarbons (HCFCs), halons, carbon tetrachloride and methyl bromide.

The protection of the ozone layer is organized under the 1987 Montreal Protocol on substances that deplete the ozone layer. The efforts undertaken under the Montreal Protocol have generally been successful, with the global consumption of ODS reduced by 98%, and the ozone layer showing signs of a slow recovery. To ensure that this recovery continues, the EU and the international community is now focusing on making sure that the current restrictive regime is maintained, illegal trade in ODS is prevented and ODS currently used in equipment and buildings are recovered.

Republic of Moldova do not produce ODS regulated by the Montreal Protocol, all ODS are imported. CFCs, Methyl Bromide, and Halons are all banned and eliminated, only HCFCs remain used, but phased out. R-22 is the HCFC most imported and used exclusively in the refrigeration and air conditioning sectors.

2.3.3. ODS Legal Framework/International

The fundamental international acts that regulate the ODS are Vienna Convention (1985) and the Montreal Protocol (1987). Republic of Moldova is part to these agreements since1996 (Parliament Decision 966/1996).

2.3.4. EU ODS legislative framework

ODS are regulated in the EU by Regulation 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer. It came into force in January 2010 and regulates the production, import, export, placing on the market, use, recovery, recycling, reclamation and destruction of ODS, the reporting related to ODS, the export-import rules and the placing on the market and use of products and equipment containing or relying on ODS. The production, import and export of ozone depleting substances is subject to licensing. These activities, as well as the destruction of ODS, feedstock uses and process agent uses, are also subject to annual reporting. Furthermore, the use of ODS for laboratory and analytical uses (including the placing on the market for such uses) is subject to registration. For these purposes, the European Commission operates electronic databases.

Under the EU rules, chlorofluorocarbons (CFCs), other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane, hydrobromofluorocarbons, bromochloromethane and methyl bromide have been phased out.

There are also 2 implementing Regulations which are not incorporated in the text of the Regulation on ODS:

- Commission Regulation (EU) No 291/2011 of 24 March 2011 on essential uses of controlled substances other than HCFCs for laboratory and analytical purposes, which sets out and further narrows the permitted essential uses of controlled substances (except for HCFCs).
- Commission Regulation (EU) No 537/2011 of 1 June 2011 on the mechanism for the allocation of quantities of controlled substances allowed for laboratory and analytical uses in the Union: This Regulation sets out a mechanism for determining the quantity for allocation for „new" companies (i.e. had no production or import in years 2007- 2009. The allocation mechanism ensures that all undertakings requesting a new quota receives an appropriate share of the quantities to be allocated.

2.3.5. Republic of Moldova's ODS legislative framework

The key legislative act on ODS in the Republic of Moldova is the Law 852/2002 for the approval of the Regulation on the commercial regime and the regulation of the use of halogenated hydrocarbons that deplete the ozone layer[19], which contains all the relevant provisions on prohibitions, trading, importing, exporting, transport, labeling, reporting procedure, etc. Also, the Law bans a large number of substances and it establish a permitting system for importers and users of ODS for the rest of the substances.

The phased out process is regulated by the HCFC phase-out Programme for the years 2016-2040 (GD#856/2016[20]) with the following phase-out schedule:

Stage	Objective	Consumption at start	End-date	Rate of reduction
Freeze	Base level	17,0 MT	2013	Phase-out
Stage 0	10% phase-out	15,3 MT	2015	1,7 Mt (10%)
Stage I	35% phase-out	11,0 MT	2020	6,0 Mt (35%)
Stage II	67,5% phase-out	5,5 MT	2025	11,5 Mt (67,5%)
Stage III	97,5% phase-out	0,4 MT	2030	16,6 Mt (97,5%)
Stage IV	Total phase-out	0,00 MT	2040	17,0 Mt (100%)

[19] http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=313251
[20] http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=365905

Annual quota issuing is regulated by the GD#589/2018 for the approval of the Regulation regarding the establishment the mechanism for allocating annual quotas for import of halogenated hydrochlorofluorocarbons. Regulation establish a Committee (within the Ministry of Agriculture, Regional Development and Environment) that allocates the annual quotas, describe procedure of applying for annual quota, the mechanism of calculating the annual quota for importing of the HCFC allocated to the applicants. Based on the issued quota, economic entities can apply for permitting acts for importing of HCFCs. Authorization is issued by the Environmental Agency. This mechanism is applying for 2 years and demonstrated its good applicability.

Contravention Code #218/2008[21], article 148 states penalties for violation of the regime and the use of Halogenated hydrocarbons that deplete the ozone layer.

2.3.6. National legislation versus AA RM-EU requirements

National legislation on ODS is a good one and has generally a successful implementation. Below is presented an assessment of the requirements of the AA R-EU and the linkage with the national provisions.

Requirements of the AA RM-EU	**National provisions/ Law 852/2002**
Adoption of the national legislation	
This requirements of the AA RM-EU is not related to a specific article of the EU Regulation 1005/2009, but establish a task to adopt legislation which transpose the mentioned Regulation.	National Regulation on ODS states that it is drafted in accordance with the provisions of the Convention for the Protection of the Ozone Layer (Vienna, 1985) and of the Protocol on Substances that Deplete the Ozone Layer (Montreal, 1987). In order to fully realize this requirement, when updating the national Regulation based on the EU Regulation 1005/2009 there must be indicated the reference to the articles which are transposed.
Designation of the competent authority/authorities	
Again, this requirement of the AA RM-EU is not referred to an article from the Regulation 1005/2009. Competent authority is an authority of the government that is assigned to implementation the tasks stated in a regulation.	National ODS Regulation designate 2 competent authorities: - Ministry of Agriculture, Regional Development and Environment which issue the annual quota for the import of HCFCs (Chapter III, paragraph 5 of the Law 852/2002), - Environmental Agency which issues the authorization for the import, export and re-export of ozone-depleting substances (Chapter IV, paragraph 13 of the Law 852/2002). With this is considered that the requirement is fully realized.

[21] http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=369412

Establishing a ban on the production of controlled substances, except for certain uses and, until 2019, hydrochlorofluorocarbons (HCFCs) (art. 4)	
Article 4 states that the production of controlled substances shall be prohibited. Controlled substances are listed in Annex I to the Regulation.	Chapter III, paragraph 5 of the national Regulation states that production, import, export and reexport of the substances listed in Annex 1 to the Regulation are regulated. This mean that all these activities are carried out base on an authorization. In the same time, is to be mentioned that from the list of activities mentioned above, only the import of ODS is carried out in the Republic of Moldova. So, due to the fact that at the national level there is no production of the ODS, generally we can conclude that there is no need of the express provisions on banning the production of the ODS. Controlled substances listed in the Annex 1 to the Regulation 1005/2009 are the same as those listed in the Annex 1 to the national ODS Regulation. So, is considered that the requirements of the art. 4 of the Regulation 1005/2009 do not need to be transposed. Otherwise, it would regulate non-existent relations. Referring to controlled substances, it is considered that these are already transposed into the national ODS legislation.
Establishing a prohibition on the placing on the market and use of controlled substances, with the exception of regenerated HCFCs, which can be used as a refrigerant until 2015 (Articles 5 and 11)	
Article 5, paragraph 1. The placing on the market and the use of controlled substances shall be prohibited.	Chapter II, pt. 4, sub-pt. 1), lit. h) bans import, export, re-export, transit and placing on the market of the substances listed in the Annex A group I and II, annex B group I and annex C groups II and III. Placing on the RM's market of the HCFCs (Annex C, group I) is not banned, but these substances are phased-out according the international commitments of RM under the Montreal Protocol. Chapter III, pt. 5 establish that quota for import of the HCFC are issued according the Phase-out program for the period 2016-2040. According to national legislation tetrachloromethane and 1,1,1-trichloroethane are not banned, but in practice these substances are not imported. More than this, Republic of Moldova has ratified the London Amendment to the Montreal Protocol, but

	national legislation was not updated based on this international commitments. So, to transpose the art, 5, para. 1 of the European Regulation, the substance from the Annex B II and B III need to be banned and for HCFCs need to be introduced a ban starting with 2040.
Article 5, paragraph 2. Controlled substances shall not be placed on the market in non-refillable containers, except for laboratory and analytical uses as referred to in Article 10 and Article 11(2).	National Regulation states that ODS are packed according to the Regulation on classification, labelling and packaging of the substances and mixtures (pt. 5^2). Also, according to the pt. 3, sub-pt. 1) the national ODS Regulation is not applied to the production, commercialization and use of the substances listed in Annex no.1 if they represent samples destined to the activities of research, development or use for analytical purposes, in the laboratories of quality control of the products, or for the development of other types of activity, if which the mass of the corresponding substance does not exceed 10 kg. Thus, the provisions of the Art. 5, para. 2 need to be taken into consideration when developing the Regulation on classification, labelling and packaging of the substances and mixtures.
Article 11 is setting out exemptions for HCFC from the overall ban on producing controlled substances stated by the art. 4.	Taking into account that there is no HCFC production in the Republic of Moldova, paragraph 1 of the Art. 11 is not relevant for the Republic of Moldova. It would regulate a situation that do not exist in the Republic of Moldova. More than this, the exemption is valid until 31 December 2019 there is no need to transpose it already. Regarding the para. 2, considering that import of HCFCs is not banned in the Republic of Moldova there is no need to establish some exemptions.
Article 11, paragraph 3 sets out exemption regarding placing on the market of the reclaimed HCFCs.	Transposing of this paragraph is irrelevant for the Republic of Moldova, because according to national ODS Regulation, (pt. 4, sub-pt. 1), letter i) , placing on the market of the reclaimed and recycled ODS is prohibited. More than this, the exemption was valid until 31 December 2014.
Article 11, paragraph 4 establish an exemption for use of the reclaimed HCFCs	This paragraph can be transposed into national legislation, but is to be take into consideration that the exemption was valid until 31 December 2014.

Article 11, paragraph 5 sets out an exemption for import placing on the market of HCFCs for repackaging and subsequent export.	Paragraph 5 is irrelevant for the Republic of Moldova, because there are no registered repacking and subsequence export of the HCFC in the Republic of Moldova
Article 11, paragraph 6 contain provisions related to labeling the equipment which contain recycled HCFCs. Labeling is done in accordance with Regulation (EC) # 1272/2008	This provision of this paragraph need to be taken into consideration when transposing at the national level the Regulation (EC)#1272/2008.
Article 11, paragraph 7 on recording of the quantity and type of the substance recovered and added	This provision can be transposed into the national legislation.
Article 11, paragraph 8 states exemption of using and placing on the market of the HCFCs, which is valid until 31 December 2019.	Generally, Republic of Moldova has his own time schedule for HCFCs phase-out. Total elimination of the HCFCs, according to international commitments, is 2040 year. Thus, the paragraph 8 is not applicable for the Republic of Moldova.
Defining the conditions for the production, placing on the market and use of regulated substances for the exempt uses (as synthesis intermediates, process agents, for essential laboratory and analytical uses and critical halon use) and individual derogations, including the use of methyl bromide in cases emergency (Chapter III);	
Article 7 – contains a derogation for feedstock production and use.	There are not such provision at national level and this article should be transposed, but in the same time there is not feedstock production in the Republic of Moldova.
Article 8 – contains derogation for producing, placing on the market and using controlled substances as process agents	There are not such provision at national level and this article should be transposed, but in the same time there is not process agent production or use in the Republic of Moldova.
Article 9 – contains derogation regarding placing on the market of controlled substances for destruction or reclamation, or of equipment	There are not such provision at national level and this article should be transposed, but in the same time there are not such cases on placing on the market in the Republic of Moldova.
Article 10 – contains derogation on using of non-HCFC controlled substances for essential laboratory and analytical uses	Generally this article is not relevant for the Republic of Moldova, because non-HCFCs controlled substances are banned and not imported.
Article 12 Quarantine and pre-shipment applications and emergency uses of methyl bromide	National Regulation bans the use of methyl bromide in agriculture: a) from July 1, 2002 - for phytosanitary treatments for plant protection, including soil work in enclosed spaces, such as greenhouses, solariums, etc.; b) from January 1, 2005 - at the fumigation hygiene treatments of the enclosures and storage spaces. Chapter II, pt. 4, sub-pt. 4) states a derogation - the competent authority allow the use of methyl bromide, in accordance with the approved technologies, in cases where quarantine operations or treatments are performed in order to dispatch the

	plant products, when these treatments are requested, in writing, by the competent authority of the country importers, as well as in critical cases for agriculture, established in accordance with the provisions of the Montreal Protocol. This derogation should be reviewed based on the art. 12, but taking into account that use of methyl bromide is not registered in the Republic of Moldova.
Article 13 – contains derogation for halon usage	Halons are banned in Moldova. National ODS Regulation contains a derogation on using the halons, but was valid until 1 July 2002. Thus the article 13 is not really relevant for the Republic of Moldova.
Article 14 - Transfer of rights and industrial rationalization	This article is not relevant for the Republic of Moldova, because there is not production process.
Establishing the obligations regarding the recovery, recycling, regeneration and destruction of the used regulated substances (art. 22)	
Article 22 requires that controlled substances in refrigeration, heat-pump and air-conditioning equipment need to be recovered during servicing or before dismantling. The recovered substances should be destroyed, recycled or reclaimed. Controlled substances in other equipment should be recovered if possible, or destroyed without recovery.	National ODS Regulation states that the recovery, recycling, regeneration, neutralization and destruction of the controlled substances are carried out with special equipment for this type of operation, in the units authorized by the competent authorities, specified in art. 24 of Law no. 209/2016 regarding the waste, in compliance with the provisions of art. 25 of the same law. Mixing of chemicals is not permitted during recovery activity or later during recycling and regeneration operations. Also, recovery is obligatory during the equipment maintenance operations, the equipment failure, when using chemicals as a cleaning agent or solvent. Also, Regulation regarding the training and certification of specialists in the field of cold technology, which contains hydrochlorofluorocarbons and fluorinated greenhouse gases (GD#483/2019) contains provisions on minimum requirements for the personnel involved. Generally, the national provisions need to be updated based on the art. 22 of Regulation 1005/2009.
Establishing a system of licenses for the import and export of controlled substances for the exempted uses (Chapter IV) and of reporting obligations for Member States and enterprises (Articles 26 and 27)	
Article 15 contains provisions related to import of controlled substances or of products and equipment containing or relying on controlled substances	National ODS Regulation contains provisions on importing and transit of controlled substances and of products and equipment containing or relying on controlled substances. Generally, only the HCFCs are allowed to be imported, based on authorization. Due to the HCFCs phase-out process, it is recommended to ban the

	import of the equipment containing or relying on HCFCs. Most of the exemptions refer to uses which do not exist in the Republic of Moldova.
Article 16 – states the free circulation in the Community of imported controlled substances	The transposition is not relevant for the Republic of Moldova because it regulates movement of controlled substances between Member States of EU.
Article 17 – export of controlled substances or of products and equipment containing or relying on controlled substances	Even there is not registered the export from the Republic of Moldova of controlled substances or of products and equipment containing or relying on controlled substances, the export is regulated at the national level. National Regulation allows only the export of the HCFCs and of equipment containing or relying on HCFCs.
Article 18 – Licensing of imports and exports	European licensing system is similar with the Moldovan authorization stated in the Chapter IV Management and records of national Regulation. It can be slightly updated on the content of the application.
Article 19 – Measures for monitoring illegal trade	The article is not relevant for transposing, because contains provisions addressed to the European Commission.
Article 20 – Trade with a State not party to the Protocol and a territory not covered by the Protocol	Chapter II, pt. 4. sub-pt. 1), letter. a) and b) stated the same as art. 20 of the European Regulation. Thus, it is considered that the art. 20 is transposed.
Article 21 – List of products and equipment relying on controlled substances	This article refers to the obligation of the Commission and is no need to be transposed. In the same time, at national level, this list of products and equipment is listed in the Annex 2 to the Regulation. The list should be updated based on the European one.
Article 26 – Reporting by the Member States The provisions of this article requires Member States to report to the European Commission on certain issues, e.g. illegal trade and the use of methyl bromides and halons.	As the Republic of Moldova is not a Member State, this reporting process needs to be adjusted to reflect this.
Article 27 – Reporting by undertakings	Reporting should be sent to the competent authority. The data reported by economic entities need to be updated to the European ones.
Establishing procedures for monitoring and inspecting the leakage of controlled substances (art. 23)	
Article 23 – Leakages and emissions of controlled substances	National Regulation need to be updated base on the art. 23 of the Regulation 1005/2009.

2.3.7. Conclusion

Generally, there is no need to develop a new piece of legislation on ODS at the national level. The existing one is applicable and has a good enforcement. Nevertheless, the national Regulation need to be updated against some articles of the Regulation EU 1005/2009.

2.4. Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC[22]

2.4.1. Fuel quality Directive (FQD) in the AA RM-EU and National Plans

According to the Annex XII of the Association Agreement between Republic of Moldova and European Union, the Government of the Republic of Moldova has undertaken to implement selected basic provisions of the Directive 98/70/EC, namely:

- adoption of the national legislation and designation of the competent authority(s);
- carrying out an assessment of the national fuel consumption;
- establishing a fuel quality monitoring system (art. 8);
- prohibition of the sale of leaded petrol (art. 3 paragraph (1);
- authorizing the sale of unleaded petrol, diesel fuels and fuels used for non-road mobile machinery and agricultural and forestry tractors, provided that the relevant requirements are met (Articles 3 and 4);
- establishing a system for regulating exceptional circumstances and a system for collecting fuel quality data at national level (Articles 7 and 8).

The deadline for transposition of these provisions is within 5 years of entry into force of the AA RM-EU, i.e. September 2019.

National Action Plan for the implementation of the AA RM-EU for the period 2014-2016 (GD#808/2014) stated that for transposing the Directive 98/70/EC there should be done an institutional and legislation assessment in order to identify the way of transposing of the Directive 98/70/EC.

The National Action Plan for the implementation of the AA RM-EU for the period 2017-2019 (GD#1472/2016) states that for the transposition of the Directive 98/70/EC the national legislation needs to be reviewed (activity with deadline for 3rd quarter 2019) and a study on national fuel consumption needs to be conducted.

2.4.2. EU FQ framework

- Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC which sets technical specifications on health and environmental grounds for fuels to be used for vehicles equipped with positive-ignition and compression-ignition engines. Controlling the composition of vehicle fuels can reduce air pollutant emissions from combustion and CO_2 emissions from transport. The fuel quality specifications stipulated in the FQD relate to the chemical composition of the fuels (e.g. the sulphur content of diesel), directly linked to harmful emissions, and physical properties (e.g. the minimum octane rating of petrol) of the fuels, having an indirect impact on emissions of both air quality pollutants and CO_2.
- Directive 2003/17/EC of the European Parliament and of the Council of 3 March 2003 amending Directive 98/70/EC relating to the quality of petrol and diesel fuels (Text with EEA relevance) establishes a further reduction in the sulfur content of gasoline and diesel, in order to allow stricter emission standards.
- Directive 2004/26/EC of the European Parliament and of the Council of 21 April 2006 amending Directive 97/68/EC on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in

[22] https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A31998L0070

non-road mobile machinery, which requires the use of sulfur fuels below 10 ppm and 50 ppm for land equipment, while inland waterways should be at most 300 ppm.

- Directive 2009/30/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC.
- Council Directive (EU) 2015/652 of 20 April 2015 laying down calculation methods and reporting requirements pursuant to Directive 98/70/EC of the European Parliament and of the Council relating to the quality of petrol and diesel fuels which lays down rules on calculation methods and reporting requirements in accordance with Directive 98/70/EC. The Directive applies to fuels used to propel road vehicles, non-road mobile machinery (including inland waterway vessels when not at sea), agricultural and forestry tractors, recreational craft when not at sea and electricity for use in road vehicles.
- Directive 1999/32/EC relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 3/12/EEC which propose is to reduce the emissions of sulphur dioxide resulting from the combustion of certain types of liquid fuels and thereby to reduce the harmful effects of such emissions on man and the environment.
- Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (Text with EEA relevance) which establishes common technical requirements for the type approval of motor vehicles and replacement parts, such as replacement pollution control devices, with regard to their emissions. In addition, this Regulation lays down rules for in-service conformity, durability of pollution control devices, on-board diagnostic systems, measurement of fuel consumption and accessibility of vehicle repair and maintenance information.
- Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC (Text with EEA relevance) which establishes common technical requirements for the type-approval of motor vehicles, engines and replacement parts with regard to their emissions. This Regulation also lays down rules for in-service conformity of vehicles and engines, durability of pollution control devices, on-board diagnostic systems, measurement of fuel consumption and CO_2 emissions and accessibility of vehicle on-board diagnostic and vehicle repair and maintenance information.
- Directive 2000/25/EC of the European Parliament and of the Council of 22 May 2000 on action to be taken against the emission of gaseous and particulate pollutants by engines intended to power agricultural or forestry tractors and amending Council Directive 74/150/EEC.

2.4.3. Republic of Moldova's FQ legislative framework

The main normative acts which regulate the quality of the fuel are:

- Law #461/2001 on the market of petroleum products[23], which establish legal norms on import, transport, storage and marketing of petroleum products. Article 5(2) of the Law states that the inoffensive nature of petroleum products for environment is ensured by the quality of the products, which are governed by national and international legal acts. The quality of the petroleum products is attested by inspection reports issued by the accredited inspection bodies under the conditions of Law no. 235/2011 on accreditation and conformity assessment activities and recognized by the Ministry of Economy and Infrastructure.

[23] http://lex.justice.md/index.php?action=view&view=doc&id=313295

- Regulation on storage and wholesale marketing, through an automated system, of petroleum products (GD #1116/2002[24]), which transpose at national level some articles of the Directive 98/70.
- Regulation on reduction of the sulfur content in certain liquid fuels (GD #414/2016[25]) which transpose at the national level Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC.

2.4.4. National legislation versus AA RM-EU requirements

During the 2018 year, with the support of the Technical Assistance Facility for Promoting Efficient Vehicles in the Republic of Moldova project (UNEP)**,** the GD#1116/2002 was amended based on the Directive 98/70 provisions. Further, is presented an assessment of the requirements of the AA RM-EU and the linkage with the national provisions.

AA RM-EU requirements	**National provisions**
Adoption of the national legislation	
This is not related to a specific article, but is a task to adopt legislation which transpose the Directive 98/70	Chapter I of the Regulation on storage and wholesale marketing, through an automated system, of petroleum products states that the regulation transpose the art. 2, p.1 and 2, art 3, 4, 7 and 8, annex I-II of the Directive 98/70**.**
Designation of the competent authority(s)	
This is not referred to an article from the Directive 98/70. Competent authority is an authority of the government that is entrust the implementation of tasks stated in a regulation.	Under the national Regulation competent authorities are: - Ministry of Economy and Infrastructure – responsible for the FQMS and for the improvement of the national sampling plan (p. 24, 25 of the national Regulation); - Inspection bodies, recognized by Ministry of Economy and Infrastructure, which carries out the sampling activities (p. 25^3 of the national Regulation). Regulation establish condition for recognition of the inspection bodies (25^4, 25^5); - Agency for Consumer Protection and Market Surveillance responsible for the state control (planned or unplanned) and for taking decisions in case of finding of non-conformities (p. 25^{10}, 25^{11}).
Carrying out an assessment of the national fuel consumption	
This is a provision of the annex XII of the AA RM-EU	The assessment has carried out under the Technical Assistance Facility for Promoting Efficient Vehicles in the Republic of Moldova project (UNEP). Some of the conclusions of the assessment are:

[24] http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=297673
[25] http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=364234

	- On the market of petroleum products of the RM, in addition to the existing small companies, six large regional companies operate. - The consumption of petroleum products in the RM is almost entirely covered by imports. The own oil fields are very small – around 1% of the total volume of petroleum products consumed. - Diesel constitutes more than 2/3 from the total volume of imported and consumed petroleum products. The import, respectively the consumption of gasoline, is declining, currently constituting around 1/5 of the total volume imported. The import of liquefied petroleum gas is increasing and reaches a quota of about 10%. The evolution of the consumption of petroleum products is influenced by the modification of the structure of the national fleet of vehicles and by the consumption of the agricultural sector, which is mainly based on the consumption of diesel. - The main trading partner of the Republic of Moldova regarding the supply of petroleum products is Romania, a European Union member country, which delivers about 3/4 of the quantity of imported petroleum products. The fuels imported from Romania comply with European standards EN 228 "Fuel for cars. Unleaded. Requirements and test methods" and EN 590 "Fuel for cars. Diesel. Requirements and test methods", also adopted in the RM. Petroleum products imported from outside the EU comply with standards other than those mentioned.
Prohibition of the sale of leaded petrol (art. 3 paragraph (1)	
Art. 3, paragraph 1 - No later than 1 January 2000, Member States shall prohibit the marketing of leaded petrol within their territory.	P. 21 of the Regulation on storage and wholesale marketing, through an automated system, of petroleum products states that on the territory of the RM the import, storage and marketing of gasoline with tetraethyl lead are prohibited. Also, the import, storage and marketing of halogen absorbents and additives for fuels and oils are prohibited. This provision is in force starting with 24 February 2019. *Thus, the art. 3, paragraph 1 is considered transposed.*
Authorizing the sale of unleaded petrol, diesel fuels and fuels used for non-road mobile machinery and agricultural and forestry tractors, provided that the relevant requirements are met (Articles 3 and 4)	
Art. 3, paragraph 2 states that the Member States shall ensure that, no later than 1 January 2000, unleaded petrol can be marketed within their territory only if it complies with the	P. 22 of the Regulation on storage and wholesale marketing, through an automated system, of petroleum products sets that petrol and diesel used in vehicles equipped with spark ignition engines

environmental specifications set out in Annex I. Thus, **t**his article should be read in conjunction with Annex I and Annex III. It provides further quality requirements for petrol, relating to their physical and chemical properties. The requirements have been provided for 18 different fuel parameters**.**	and, respectively, those equipped with compression ignition engines, at import, must comply with the technical specifications, based on health and environmental considerations, performed according to the analytical methods provided in following standards: SM EN228 "Fuel for cars. Unleaded petrol. Test requirements and methods" and SM EN590 "Fuel for cars. Diesel. Test requirements and methods". These 2 European standards are adopted at the national level. Annex I to the European Directive 98/70 was transposed at the national level through Annex 3 to the Regulation on storage and wholesale marketing, through an automated system, of petroleum products. Table 1 sets the technical specification for the petrol. The listed parameters are identical (18 parameters), while limits can slightly differ from those established by the Directive. This is referred to the oxygen content and oxygenates. The most important parameters – lead and sulfur content – are identical transposed to the national level. Also, the national Regulation sets the same test methods as it is established in the Annex 1 to Directive 98/70 – SM EN228 "Fuel for cars. Unleaded petrol. Test requirements and methods".
Art. 3, paragraphs (3)-(6) contain some derogation from the paragraph (2)	The deadline for these derogations has expired. Thus, can be not considered in the national legislation.
Art. 3, paragraph (7) sets that Member States may continue to permit the marketing of small quantities of leaded petrol to a maximum of 0,5 % of total sales to be used by old vehicles of a characteristic nature and to be distributed through special interest groups.	Republic of Moldova may consider this derogation.
Art. 4, paragraph 1 stipulates mandatory quality specifications for diesel fuel. As in case of the Art. 3, the 4th article should be read in conjunction with Annex II and Annex IV. The specifications have been provided for 6 different parameters.	P. 22 of the Regulation on storage and wholesale marketing, through an automated system, of petroleum products sets that petrol and diesel used in vehicles equipped with spark ignition engines and, respectively, those equipped with compression ignition engines, at import, must comply with the technical specifications, based on health and environmental considerations, performed according to the analytical methods provided in following standards: SM EN228 "Fuel for cars. Unleaded petrol. Test requirements and methods" and SM EN590 "Fuel for cars. Diesel. Test

	requirements and methods". These 2 European standards were adopted at the national level. Annex II and annex IV to the European Directive 98/70 were transposed at the national level through Annex 3 to the Regulation on storage and wholesale marketing, through an automated system, of petroleum products. Table 2 sets the technical specification for the diesel. The listed parameters are identical (5 parameters), while the limit for the polycyclic aromatic hydrocarbons are slightly different. Annex 3, Table 2 of the national Regulation establish the content of methyl esters of fatty acids. Also, the national Regulation sets the same test methods as it is established in the Annex I1 to Directive 98/70 – SM EN590 "Fuel for cars. Diesel. Test requirements and methods".
Art. 4, paragraphs (2)-(4) contain some derogation from the paragraph (1)	The deadline for these derogations has expired. Thus, can be not considered in the national legislation.
Establishing a fuel quality monitoring system (art. 8)	
Art. 8, paragraph (1) states that the Member States shall monitor compliance with the requirements of Articles 3 and 4, in respect of petrol and diesel fuels, on the basis of the analytical methods referred to in European standards EN 228:1999 and EN 590:1999 respectively	P. 25^1 states that monitoring of the compliance with the requirements of the technical specifications provided for petrol and diesel fuel placed on the market is done by sampling according to the analytical methods established in SM EN228 standards "Fuel for cars. Unleaded. Test requirements and methods" and SM EN590 "Fuel for cars. Diesel. Requirements and test methods". This, the article 8, paragraph (1) is fully transposed.
Art. 8, paragraph (2) states that Member States shall establish a fuel quality monitoring system in accordance with the requirements of the relevant European standard (which is European Standard EN 14274). The use of an alternative fuel quality monitoring system may be permitted provided that such a system ensures results of equivalent confidence. EN 14274 names the countries that are required to implement the standard. This list does not include Republic of Moldova. However, as the Republic of Moldova needs to approximate its national legislation with the FQD, they transposed the EN standard into SM standard EN14274 "Fuel for cars. Evaluation of the	P. 25 of national Regulation states that Ministry of Economy and Infrastructure approve national sampling plan, elaborated in accordance with SM standard EN14274 "Fuel for cars. Evaluation of the quality of petrol and diesel fuel (diesel). Fuel Quality Monitoring System (FQMS)". Additionally, P. 25^2 of national regulation states that the sampling activity consists in taking the petrol and diesel samples, according to the approved national plan, and in performing the tests for determining the parameters of the technical specifications provided in annex no.3 to this Regulation.

quality of petrol and diesel fuel (diesel). Fuel Quality Monitoring System (FQMS).	Annex 5 to the national Regulation establish the Sampling Methodology.
Establishing a system for regulating exceptional circumstances and a system for collecting fuel quality data at national level (Articles 7 and 8).	
According to Article 7 of the FQD, if as a result of exceptional events, a sudden change in the supply of crude oils or petroleum products renders it difficult for the refineries in a Member States to respect the fuel specification requirements of those stipulated in Articles 3 and 4, that Member State shall inform the European Commission. The Commission may thereafter authorize higher limit values in that Member State for one or more fuel components.	P. 25[19] of the national Regulation states that in the event of the occurrence of exceptional events, such as sudden changes in the supply of crude oil or in the supply of petroleum products, which make it difficult to comply with the technical specifications set out by the Regulation, the Ministry of Economy and Infrastructure informs the Secretariat of the Energy Community, in view of the authorization by the Ministerial Council of the Energy Community of higher limit values for one or more parameters of petrol and diesel fuel, but not exceeding 6 months.
According to the art. 8, paragraph (3) of FQD by no later than 30 June each year the Member States must submit a report of the fuel quality monitoring data collected during the period January to December of the previous calendar year to the European Commission. The format of the report is described in the European Standard.	Reporting aspects are stipulated in the p. 25[12]-25[14] and the Annex 6 of the national Regulation. Thus, annually, until August 31, the Ministry of Economy and Infrastructure jointly with the recognized inspection bodies prepare the annual report (based on the Standard SM EN14274) with the national data on the monitoring of the quality of petrol and diesel for the previous calendar year, which contains: a) information regarding the quality of petrol and diesel; b) the total quantities of petrol and diesel sold; c) the quantities of petrol and diesel sold by regions. Ministry of Economy and Infrastructure will publish the report on its official web page. The national data on fuel quality will be presented to the European Commission based on its reporting template.

2.4.5. Conclusions

Generally, the commitments under the AA RM-EU related to FQD were transposed at the national level. There is a need to check how the national legislation works.

2.5. Other normative requests established in the National Action Plans for implementation of the Association Agreement RM-EU

Further will be examined other normative requests stipulated in the National action plans for implementation of the Association Agreement RM-EU

<table>
<tr><th>Provisions of the National Action Plan</th><th>Current situation</th></tr>
<tr><td colspan="2">National Action Plan for the implementation of the AA RM-EU for the period 2014-2016 (GD#808/2014)</td></tr>
<tr><td>Elaboration and approval of the National Contribution for the new global agreement on climate change (Q IV, 2015)</td><td>INDC was elaborated and submitted to the UNFCCC Secretariat in September 2015.
Currently, the process on updating the NDC is ongoing with the support of EU4Climate project and more ambitious targets for reduction of GHG are to be established.</td></tr>
<tr><td>Development and approval of the Low Emissions Development Strategy (Q II, 2016)</td><td>Based on the international commitments of the RM, the LED Strategy was elaborated and approved at the national level (GD#1470/2016). The general objective of this Strategy corresponds to the one established in the INDC and is oriented towards the unconditional reduction, until 2030, of the total national emissions of net greenhouse gases with no less than 64% compared to the level of 1990, in supporting the global effort to maintain the tendency to increase the global average temperature, up to 2100, within the limit up to 2°C. The emission reduction target could increase up to 78% conditionally - according to a global agreement, which would address important issues, such as low cost financial resources, technology transfer and technical cooperation, access to all to an appropriate extent with the challenges of global climate change.
After updating the NDC, RM needs to update the LED Strategy also.</td></tr>
<tr><td>Developing and approval of the HCFCs phase-out National Program for the years 2014-2040 (Q IV, 2015)</td><td>The HCFC phase-out Programme for the years 2016-2040 was approved by Governmental Decision #856/2016. With the following phase out schedule:
<table>
<tr><th>Stage</th><th>Objective</th><th>Consumption at start</th><th>End-date</th><th>Rate of reduction</th></tr>
<tr><td>Freeze</td><td>Base level</td><td>17,0 MT</td><td>2013</td><td>Phase-out</td></tr>
<tr><td>Stage 0</td><td>10% phase-out</td><td>15,3 MT</td><td>2015</td><td>1,7 Mt (10%)</td></tr>
<tr><td>Stage I</td><td>35% phase-out</td><td>11,0 MT</td><td>2020</td><td>6,0 Mt (35%)</td></tr>
<tr><td>Stage II</td><td>67,5% phase-out</td><td>5,5 MT</td><td>2025</td><td>11,5 Mt (67,5%)</td></tr>
<tr><td>Stage III</td><td>97,5% phase-out</td><td>0,4 MT</td><td>2030</td><td>16,6 Mt (97,5%)</td></tr>
<tr><td>Stage IV</td><td>Total phase-out</td><td>0,00 MT</td><td>2040</td><td>17,0 Mt (100%)</td></tr>
</table></td></tr>
<tr><td colspan="2">National Action Plan for the implementation of the AA RM-EU for the period 2017-2019 (GD#1472/2016)</td></tr>
</table>

Ratification of the Paris Agreement (Q II, 2017)	Paris Agreement was ratified by Law #78/2017
The draft Government decision for the approval of the Regulation regarding the coordination mechanism of the appropriate mitigation actions at national level (Q I, 2018)	The draft of the Government Decision on establishing a mechanism for coordinating climate change activities was elaborated and is now under the promotion to be adopted by the Government. The Decision is setting up it the National Commission for Climate Change as a collegiate body, which coordinates climate change adaptation and mitigation. GD establish the composition, the rights and responsibilities of the National Commission (Annexes 1 and 2). Annex 3 establish the inter-sectorial mechanism for coordination of the climate change adaptation process. National Adaptation Plan and Sectoral Adaptation Plans are the key elements of the climate change adaptation process and are described in the mentioned annex of the document. Annex 4 Regulation on the mechanism for coordinating of the national appropriate mitigation actions. The purpose of this Regulation is to establish the responsibilities and the framework for elaborating, evaluating and approving the NAMA projects at national level. Adoption of the Coordination Mechanism will ensure the climate change mainstreaming into the national policies.
Draft Government Decision approving the Regulation on the organization and functioning of the National Monitoring and Reporting System for greenhouse gas emissions and other information relevant to climate change	The Governmental Decision #1277/2018 regarding the establishment and functioning of the National System for monitoring and reporting of greenhouse gas emissions and other information relevant to climate change. It transposes at the national level the European Regulation 525/2013. National system consists on: (1) National Inventory System and (2) National System for Policies, Measures and Forecasts. It establishes the competent authority – Environmental Agency, instruments of reporting, format/structure of these instruments, deadline for presenting the reports to the secretariat of the UNFCCC etc. GD approve also the list of authorities and institutions which are part of the National System for monitoring and reporting of greenhouse gas emissions and other information relevant to climate change and the list of GHG and their GWP which are taken into consideration within the National System. Due to repealing of the Regulation 525/2013 by the Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action there is a need to review the national Regulation based on the new European one.
Develop the strategies to adapt to climate change in the fields of forestry and health	These 2 strategies were developed, but their promotion to be adopted was suspended. Mapping of the policy documents exercise, done by State Chancellery in 2016, pointed out that in the Republic of Moldova there are an excessive number of policy documents (more than

	300 policy documents and their number continues to grow), which often overlap or contradict, are elaborated for too narrow policy areas, being uncorrelated between them and sectors are non-integrated in the budget planning processes. These documents are not properly monitored nor properly evaluated, and the responsibilities between the implementation partners are not clearly assigned. Thus, it was decided that NDS Moldova 2030 will be the long-term strategic reference document for ensuring coherence between national, sectoral and budgetary policies. After approving the NDS Moldova 2030, the sectoral strategies will be updated/elaborated based on the objectives and priorities established. Draft of the National Development Strategy Moldova 2030 establish that priority sectors for adaptation to climate change are the following: agriculture, water resources, health, forestry sector, energy and transport. Thereby, strategies to adapt to climate change in the fields of forestry and health will be promoted after the adoption of the NDS Moldova 2030.

Deliverable 3: CONTRIBUTION TO DEVELOPMENT OF THE ROADMAP OUTLINING EU4CLIMATE SUPPORT TO THE REPUBLIC OF MOLDOVA THROUGH PRIORITY ACTIONS IN THE ALIGNEMENT WITH EU ACQUIS INCLUDED IN THE BILATERAL AGREEMENT ON CLIMATE CHANGE (REFERENCE TO THE AA RM-EU)

Below are presented proposals to the legislative Roadmap. Proposals include not only the activities which are expected to be supported by the EU4Climate project, but also those, which can be done with national efforts (by MARDE experts). Thus, these proposals can be used for national planning of the activities related to implementation of the AA RM-EU/Chapter 17.

3.1. Legislative proposals for transposing at national level the ETS Directive/MRV system

#	Proposals to legislative road map	Explanation	Assistance needed
1	To review the list of Moldovan installations which may follow under the ETSD	The Air and Climate Change Unit within the Ministry of Agriculture, Regional Development and Environment identified a list of 5 installations, which fall under the ETSD. The list has been approved by Minister Order #11/2018. Representatives of the Air and Climate Change Unit are not sure that the identification exercise they did is correct and asked to review the list.	The reviewing process can be done by an international expert or a national one with strong knowledge in this area.
2	To introduce the provisions related to GHG permitting into the national legislation	The AA RM-EU states that the Republic of Moldova should establish a monitoring, reporting and verification system, based on the ETS Directive. Is to be noted that the Art. 4 of the Directive, which establish the provisions related to permitting, is not under the obligation of transposing at the national level. In the same time, in the ETS the requirement to monitor and report GHG emissions is included in the GHG permit. The GHG permit does not contain any limits to pollution, but grants the right to emit GHG emissions. In the ETS, permit is an instrument to establish the obligation to monitor and report emissions. Thus, in order to implement the MRV system, a GHG emission permit need to be introduced and the art. 4-7 of the ETSD need to be considered when approximate the Directive. There are 2 ways of proceeding with this activity: 1) To amend the Law 160/2011 regarding the regulation by authorization of the entrepreneurial activity[26],	The amendments to the national Law 160/2011 can be done by MARDE experts. To introduce the provisions related to GHG permitting into the Industrial Emissions Law a national/international expert need to be involved (the same person as for activity #3). Is to be taken into consideration that the development of the Industrial emissions law is ongoing.

[26] http://lex.justice.md/viewdoc.php?action=view&view=doc&id=345774&lang=1

		particularly the Annex 1 Nomenclature of the permissive acts, by introducing in the list "II. Permissive documents that fall within the category of authorizations" the GHG permit. Having the GHG permit introduced in to the law, this will be legislative basis for development and approving the normative acts related to ETS/MRV. The only fact to be mentioned is that amending the Law 160/2011 is a very complicate and long procedure, which needs a strong and detailed argumentation. This argumentation is done under the Regulatory Impact Assessment procedure. The risk that Working Group for regulating the entrepreneurial activity will not accept the mentioned amendments is very high, especially because the GHG permit is an act that impose only the obligation to monitor, report and verify and not any other limits which would regulate the installations activity. 2) The second way is to introduce the GHG permit into the environmental integrated permit procedure, developed under the Industrial Emissions Directive. This will be in line with the art. 8 of ETS Directive and will make more easily the procedure of approval of the new permit by the Working Group for regulating the entrepreneurial activity. Having the Environmental Integrated Permit introduced into the Annex 1 of the Law 160/2011, this will be legislative basis for development and approving of the normative acts related to ETS/MRV. Is to be mentioned that the procedure of development of the national legislation and RIA argumentation for the Environmental Integrated Permit is ongoing under the GIZ project "Capacity Development for Climate Policy in the countries of South East Eastern Europe, the South Caucasus and Central Asia, Phase III". GIZ IED expert Lothar Gündling, during its 19-22 November 2019 mission, confirmed that introducing the GHG permit into the environmental integrated permit is the more reasonable solution to have this permit in place. Thus, it is recommended to	

		proceed with the second way and to consolidate the efforts with the GIZ experts. By this way the synergy with GIZ project will be insured.	
3	To develop the MRV regulation	After having adopted amendments to the Law 160/2011 or adopted Law on industrial emissions, the MRV normative act can be developed and promoted to be approved. The national normative act on MRV will be based on the requirements from the ETS Directive and those included in the Commission Regulations (EU) No 601/2012 and No 600/2012. Is to be taken into consideration that Commission Regulation No. 600/2012 was replaced by Commission Implementing Regulation (EU) 2018/2067 of 19 December 2018. Having in mind that MRV normative act will have impact on business activity, it needs to be passed through RIA procedure. Thus, a strong and detailed RIA document need to be developed.	International expert and/or national expert for developing of the MRV regulation. National expert for developing the RIA document.

3.2.Legislative proposals for transposing the F-gases Regulation

#	Proposals to legislative road map	Explanation	Assistance needed
1	To develop HFC's phase out program.	Phasing out of the HFCs is Republic of Moldova's commitment under the Montreal Protocol. On 15 October 2016 Republic of Moldova signed the Kigali Amendment for the progressive reduction of the use of hydrofluorocarbons (HFCs) worldwide and has the HFC phase out schedule until 2045. Republic of Moldova is in process of ratifying the Kigali Amendment, but this was blocked by the lack of a strategic document, which will plan the phasing out activities. Currently, Republic of Moldova is trying to apply to the Multilateral Fund for the implementation of the Montreal Protocol for developing the phase out program, but have no results yet. This document is crucial for the ratification of the Kigali Amendment and, respectively, for fulfilling the phase out schedule. Development of the phase-our program need to be preceded by an inventory of the HFCs in the Republic of Moldova.	International and/or national expert. To be correlated with the results of RM's applying to the Multilateral Fund for the implementation of the Montreal Protocol/

		The inventory data will be used to estimate the basic level, to develop the HFCs phase out program and Regulatory Impact Assessment (for f-gases Law)	
2	To ratify Kigali Amendment to the Montreal Protocol	Process of ratification of the Kigali amendment has started, but was blocked by the lack of a strategic document, which will plan the phasing out activities. To promote further the Kigali ratification, at least a draft of the HFCs phase-out program is needed.	No assistance is needed. This activity is done by MARDE experts
3	To develop the f-gases Law	Despite the fact that AA RM-EU does not require to transpose entire F-gases Regulation, Republic of Moldova can go beyond the art. 5, 6 and 13 of the Regulation 842/2006, respectively 10, 19 and 25 of the Regulation 517/2014 and to elaborate and adopt a normative act, which regulate the f-gases domain. Need of this piece of legislation is dictated by the fact that f-gases are not regulated at the national level at all. Import, placing on the market, use of these substances is out of the legislation. The only control is that importers inform the Environmental Agency about the import of these substances and present, on the request of the Agency, information regarding the quantity of f-gases imported, used and stoked. Taking into account that the demand of these substances is increasing, and commitments under the Kigali amendment are to phase out the HFCs, there must be elaborated a piece of legislation on f-gases. The Law on f-gases need to contain the most general provisions related to rights and obligations of the authorities and importers and users of the f-gases, establishing of the competent authority/authorities, authorization for import of f-gases, reporting on importing and use of f-gases, reporting on emissions, penalties etc. Detailed provisions will be transposed into the subordinated legislation. Due to the fact that this piece of legislation will have a significant impact on the	International and national experts to develop the f-gases Law National expert to develop the RIA

		business, a deep Regulatory Impact Assessment is needed to be developed.	
4	To amend the Law 160/2011 regarding the regulation by authorization of the entrepreneurial activity	A new "f-gases authorization" need to be introduced into the Annex 1 Nomenclature of the permissive acts/List "II. Permissive documents that fall within the category of authorizations". As in case of GHG permit, we cannot introduce into the legislation a new permissive act without having it in the Nomenclature of the permissive acts. This amendment need to be developed and promoted in parallel with the main legislative act – Law on f-gases. The RIA for the f-gases Law should cover this amendment to.	No assistance is needed. This activity can be done by MARDE experts RIA expert mentioned in the activity #3 should cover the RIA for this amendment to
5	To amend the Regulation regarding the training and certification of specialists in the field of cold technology, which contains hydrochlorofluorocarbons and fluorinated greenhouse gases	The amendment of this Regulation is needed in order to introduce the obligation for companies, which are providing services on cold technology, to train and to certify its personnel. This amendment should be developed and promoted after the Law on f-gases will be adopted. Training and certification of the company's personnel is to be introduced into the f-gases Law as an obligation of the companies which are providing services on cold technology. This will serve as a legislative base to review the Regulation regarding the training and certification.	No assistance is needed. This activity can be done by MARDE experts
6	To develop normative acts related to reporting on f-gases	Articles related o reporting on f-gases are Article 19 'Reporting on production, import, export, feedstock use and destruction of the substances listed in Annexes I or II' and Article 20 'Collecting emissions data' of the Regulation (EU) No. 517/2014. As regard the art. 19, the reporting on production, import, export, feedstock use and destruction of the f-gases is to be included into the Automatic Information System "Register of chemical products placed on the market in the Republic of Moldova", which is currently developed under the Articles 30 and 46 of the Law No. 277/2018 on chemical substances.	The assistance is already provided by the EU4Climate projecy

		The Commission Implementing Regulation (EU) No 1191/2014 of 30 October 2014 determining the format and means for submitting the report referred to in Article 19 of Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases is to be taken into consideration when developing the Concept of the Information System. Emission reporting system (art. 20 of the Regulation 517/2014) need to be developed and integrated with the existing information resources. Is to be taken into consideration that for an informational system firstly the technical concept need to be developed, then the informational system and normative acts that will ensure its functionality.	
7	To amend the Regulation regarding the establishment the mechanism for allocating annual quotas for import of halogenated hydrochlorofluorocarbons (Governmental Decision #589/2018)	The Regulation establish the procedure of issuing the quotas for the import of HCFCs. This procedure ensures a proper allocation of the importing quotas so that the phase out of the HCFCs can be implemented. The same system can be used for allocating quotas for the import of HFCs. The amendments need to be developed and adopted after the HFCs phase out schedule will start – 2024 – freezing year.	No assistance is needed. This activity can be done by MARDE experts.
8	To amend the Contravention Code #218/2008	Article 25 on Penalties of Regulation 517/2014 requires Member States to lay down the rules on penalties applicable to infringements of the Regulation and to ensure that those rules are implemented. Currently, the Contravention Code #218/2008, article 148 states penalties for violation of the regime and the use of Halogenated hydrocarbons that deplete the ozone layer and contain no provision regarding the f-gases. Such provisions need to be introduced after having the base legislation in the f-gases field.	No assistance is needed. This activity can be done by MARDE experts.

3.3.Legislative proposals for transposing the ODS Regulation

#	Proposals to legislative road map	Explanation	Assistance needed
1	To review the national ODS Law in order to ensure the transposing of all requirements of the AA RM-EU	Generally, the national ODS Law contains already many provisions which are the same as in the European Regulation, but it need to be slightly updated based on the analysis presented in the pt. 2.3.6.	National expert with strong knowledge on ODS

3.4. Recommendations regarding the activities planned into the National Action Plan for implementing the AA RM-EU

#	Proposals to road map	Explanation	Assistance needed
1	To update the NDC	Article 4, paragraph 2 of the Paris Agreement requires each Party to prepare, communicate and maintain successive nationally determined contributions (NDCs) that it intends to achieve. NDCs are submitted every five years to the UNFCCC secretariat. In order to enhance the ambition over time the Paris Agreement provide that successive NDCs will represent a progression compared to the previous NDC and reflect its highest possible ambition. All Parties are requested to submit the next round of NDCs (new NDCs or updated NDCs) by 2020 and every five years thereafter (e.g. by 2020, 2025, 2030), regardless of their respective implementation time frames. Taken into account RMs obligation under the Paris Agreement, the NDC need to be updated and submitted by 2020 (the previous one was submitted in 2015)	Assistance for updating the NDC is already provided by the EU4Climate project and the updated NDC should be developed by the end of 2019.
2	To update the Low emissions development Strategy	Considering that the LED Strategy is based on the NDC, because of updating the NCD and establishing of more ambitious reduction targets, the Strategy need to be reviewed. Is important to follow the approach of "updating the LEDS" than "to elaborate a new LEDS". This recommendation is based on the fact that after caring out of the policy documents mapping, State Chancellery find out that Republic of Moldova has more than 300 strategies, plans and programs and a lot of them are not proper implemented. So, it becomes difficult to promote a new policy	National expert

		document. In this context, the option "to update the LEDS" is more acceptable. More than this, the Moldovan Adaptation Strategy until 2020 soon comes to its end. So, the next planning step on adaptation need to start and a new strategy on adaptation need to be developed. Draft of the National Development Strategy Moldova 2030 establish that priority sectors for adaptation to climate change are the following: agriculture, water resources, health, forestry sector, energy and transport. In order to avoid the resistance of the State Chancellery on promoting a new policy document, it is recommended to integrate the adaptation aspect into the LEDS. This approach, at list, is not wrong (fact confirmed by the UNFCCC representative Tugba Icmely within the Regional workshop on LEDS and climate mainstreaming, 15-17 October 2019).	
3	To promote for approval the draft of the Government Decision on establishing of a mechanism for coordinating climate change activities	The draft of the GD was developed and consulted with all interested stakeholders. Its promotion was hindered by the new legislative requirements, which states that all normative acts need to be passed through the Regulatory Impact Assessment procedure. In this regards, the RIA need to be developed and to promote further the GD.	This activity has already support from the GCF project "Support for the Republic of Moldova in establishing and fortifying the National Designated Authority (NDA), developing the strategic framework and developing the national program for engagement with the Green Climate Fund"
4	To update the Governmental Decision #1277/2018 regarding the establishment and functioning of the National System for monitoring and reporting of greenhouse gas emissions and other information relevant to climate change	This GD was elaborated based on the Recommendation R/2016/02/MC-EnC of the Ministerial Council of the Energy Community. It transposes at the national level the Regulation (EU) 525/2013. The Regulation 525/2013 recently was repealed by the Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action. More than this, the GD needs to be updated based on the art 13, para. 13 of the Paris Agreement, which states that "The Conference of the Parties serving as the meeting of the Parties to this Agreement shall, at its first session, building on experience	Assistance for updating the GD 1277/2018 is already provided by the EU4Climate project

		from the arrangements related to transparency under the Convention, and elaborating on the provisions in this Article, adopt common modalities, procedures and guidelines, as appropriate, for the transparency of action and support". Modalities, procedures and guidelines for the transparency framework for action and support referred to in Article 13 of the Paris Agreement were adopted by the Decision 18/CMA.1 during the Katowice COP24 (2018). All these new documents need to be taken into account for updating the Governmental Decision #1277/2018.	

Deliverable 4: EXPERT CONTRIBUTION TO NATIONAL CONSULTATION WORKSHOP, INCLUDING EVENT PREPARATORY WORK, PRESENTATION OF THE FINDINGS AND DRAFT ROADMAP AND/OR PROPOSALS FOR LEGISLATIVE AND POLICY ALIGNMENT AT THE NATIONAL COORDINATION WORKSHOP

For organizing the national consultation workshop, the following documents were drafted:

- Invitation to the workshop (Annex 2),
- Tentative list of the participants (Annex 3),
- Concept note and workshop agenda (Annex 4),
- Presentation of the findings and proposals to the roadmap on climate change (Annex 5).

Annex 1: ACTIVTY PLAN AND DELIVERY TIMEFRAME of the national consultant on gap analysis against EU Climate acquis implementation

Key Deliverables and Anticipated Workload	**Timeline**													
	01-06.10	**07-13.10**	**14-20.10**	**21-27.10**	**28.10-03.11**	**04-10.11**	**11-17.11**	**18-24.11**	**25.11-01.12**	**02-08.12**	**09-15.12**	**16-22.12**	**23-29.12**	**30-31.12**
Deliverable 1: Activity Plan and timeframe developed														
up to 2 working days	**x**	**x**												
Deliverable 2: Gap analysis of the legislative and policy framework vis-à-vis the Republic of Moldova's commitments, inclusively: • Review of relevant EU climate acquis applicable to the Republic of Moldova; • Desk review of national legislation and reporting; • Detailed gap analysis of existing national legislative framework vis-à-vis the Republic of Moldova's commitments.														
up to 18 working days		**x**	**x**	**x**										
Deliverable 3: Contribution to development of the Roadmap outlining EU4Climate support to the Republic of Moldova through priority actions in the alignment with EU acquis included in the Bilateral Agreement on Climate Change (reference to the Association Agreement EU-Republic of Moldova) and in the Energy Community Treaty														

up to 15 working days						**x**	**x**	**x**	**x**					
Deliverable 4: Expert contribution to national consultation workshop, including event preparatory work, presentation of the findings and draft Roadmap and/or proposals for legislative and policy alignment at the national coordination workshop														
up to 5 working days										**x**	**x**			
Deliverable 5: A consolidated final report on the execution of the assignment, covering all the above aspects related to the analysis of the national legislation and policy framework for the purpose of the gap analysis against the EU acquis included in the Bilateral Agreement on Climate Action and on Energy Community Treaty and to the elaboration of the Roadmap and/or proposals for legislative alignment														
up to 5 working days											**x**	**x**		

Annex 2: INVITATION TO THE NATIONAL WORKSHOP, 18.12.2019

MINISTERUL AGRICULTURII, DEZVOLTĂRII REGIONALE ŞI MEDIULUI AL REPUBLICII MOLDOVA

МИНИСТЕРСТВО СЕЛЬСКОГО ХОЗЯЙСТВА, РЕГИОНАЛЬНОГО РАЗВИТИЯ И ОКРУЖАЮЩЕЙ СРЕДЫ РЕСПУБЛИКИ МОЛДОВА

MD-2005 mun.Chişinău, str. Constantin Tănase, 9
Tel. 20 45 79; Fax 22 07 48, E-mail: cancelaria@madrm.gov.md, WEB: www.madrm.gov.md

03.12.2019 Nr. 13-08/4455

Instituţiilor şi organizaţiilor
(conform listei)

La nr _____ **din** _____

Prin prezenta vă informăm că, Ministerul Agriculturii, Dezvoltării Regionale şi Mediului, în parteneriat cu PNUD Moldova, organizează în data de 18 decembrie 2019, seminarul consultativ "*Prezentarea rezultatelor analizei lacunelor în implementarea Capitolului 17 „Politici Climatice", Capitolului 14 „Cooperarea în Sectorul Energetic" din Acordul de Asociere Republica Moldova - Uniunea Europeană şi a Tratatului Comunităţii Energetice. Propuneri de aliniere legislativă*".

Evenimentul este organizat în cadrul proiectului regional EU4Climate, finanţat de către Uniunea Europeană şi implementat de către PNUD.

Proiectul EU4Climate ajută guvernele din cele şase ţări ale Parteneriatului Estic (PE) (Armenia, Azerbaidjan, Belarus, Georgia, Republica Moldova şi Ucraina) să acţioneze împotriva schimbărilor climatice.

Obiectivul proiectului este de a sprijini elaborarea şi implementarea politicilor asociate cu combaterea schimbărilor climatice în ţările din PE, care să contribuie concomitent la dezvoltarea cu emisii reduse de carbon, să asigure o mai mare rezilienţă la schimbările climatice şi să susţină realizarea angajamentelor asumate în cadrul Acordului de la Paris privind schimbările climatice.

Proiectul se bazează pe realizările importante din cadrul programelor anterioare de cooperare, cum ar fi Programul EU ClimaEast, finalizat în 2017, care a sprijinit eforturile de atenuare şi adaptare la schimbările climatice în ţările PE. Domeniile de aplicare ale proiectului au fost definite în cooperare cu toate ţările partenere.

Proiectul EU4Climate constă din următoarele componente: (i) actualizarea Contribuţiilor Naţionale Determinate (NDC-urilor); (ii) elaborarea Strategiilor de Dezvoltare cu Emisii Reduse către anul 2050 (LT-LEDS); (iii) consolidarea sistemelor naţionale de monitorizare, raportare şi verificare (MRV) a emisiilor de gaze cu efect de seră; (iv) alinierea la acquis-ul comunitar al UE pe politici climatice şi energetice; (v) integrarea aspectelor climatice în alte sectoare, sensibilizarea interinstituţională şi elaborarea ghidurilor sectoriale pentru implementarea Acordului de la Paris; (vi) investiţii în domeniul climatic; şi (vii) planificarea adaptării la schimbările climatice.

Atelierul de lucru se axează pe componenta patru a proiectului: alinierea la acquis-ul comunitar al UE - politici climatice și energetice.

În cadrul componentei respective a fost efectuată analiza lacunelor legislative în domeniile politici climatice și energetice, reieșind din obligațiile asumate de către Republica Moldova în cadrul Acordului de Asociere RM-UE (Capitolele 14 și 17) și Tratatului Comunității Energetice. Urmare a lacunelor identificate, au fost definite necesitățile legislative pe domeniile menționate și au fost formulate propuneri la foaia de parcurs legislativă, pentru acordarea asistenței tehnice în cadrul proiectului EU4Climate.

În acest context, solicităm respectuos nominalizarea pentru participare la seminar a persoanelor implicate în mod direct în promovarea și/sau implementarea politicilor climatice și/sau energetice în contextul AA RM-UE și/sau a Tratatului Comunității Energetice.

Seminarul național consultativ se va desfășura în sala de conferințe Orion a Hotelului Jolly Alon din str. Maria Cebotari, 37, cu începere de la ora 9.00.

Numele persoanelor nominalizate, Vă rugăm să le comunicați pana la data de 15 decembrie 2019, la adresele de email cristina.arseni@madrm.gov.md și ana-maria.manole@undp.org.

Agenda evenimentului se anexează.

Ministru **Ion PERJU**

Ex.: Maia Guțu
Tel. 022 20 45 80

Annex 3: TENTATIVE LIST OF THE PARTICIPANTS TO THE NATIONAL WORKSHOP, 18.12.2019

LISTA TENTATIVĂ A INVITAȚILOR LA SEMINARUL NAȚIONAL CONSULTATIV DIN 18 DECEMBRIE 2019

Ministere și instituții subordonate:

1. Dorin ANDROS, Secretarul de Stat în domeniul dezvoltării regionale și rurale, Ministerul Agriculturii, Dezvoltării Regionale și Mediului (MADRM) (madrm@madrm.gov.md; cancelaria@madrm.gov.md; dorin.andros@madrm.gov.md);
2. Secretarul de Stat în domeniul protecției mediului și resurselor naturale, Ministerul Agriculturii, Dezvoltării Regionale și Mediului (MADRM) (madrm@madrm.gov.md, cancelaria@madrm.gov.md);
3. Calin NEGURA – Secretar de Stat, Ministerul Economiei și Infrastructurii (MEI) (secretariat@mei.gov.md; calin.negura@mei.gov.md);
4. Denis TUMURUC – șef-adjunct, Direcția politici în domeniul energetic, MEI (denis.tumuruc@mei.gov.md);
5. Viorica BEJAN – șef-adjunct, Direcția infrastructura calității și securitate industriala, MEI (viorica.bejan@mei.gov.md);
6. Valentina TAPIS – șef, Secția politici de aer și schimbări climatice, MADRM (madrm@madrm.gov.md; cancelaria@madrm.gov.md; valentina.tapis@madrm.gov.md);
7. Maia GUTU – consultant superior, Secția politici de aer și schimbări climatice, MADRM (madrm@madrm.gov.md; cancelaria@madrm.gov.md; maia.gutu@madrm.gov.md);
8. Cristina ARSENI – consultant principal, Secția politici de aer și schimbări climatice, MADRM (madrm@madrm.gov.md; cancelaria@madrm.gov.md; cristina.arseni@madrm.gov.md);
9. Maria NAGORNII – șef, Direcția politici de prevenire a poluării si evaluării de mediu, MADRM (madrm@madrm.gov.md; cancelaria@madrm.gov.md; maria.nagornii@madrm.gov.md);
10. Andrei CUCOS – consultant superior, Direcția politici de prevenire a poluării si evaluării de mediu, MADRM (madrm@madrm.gov.md; cancelaria@madrm.gov.md; andrei.cucos@madrm.gov.md);
11. Raisa LEON – șef, Direcția implementare a politicii de mediu, Agenția de Mediu (am@mediu.gov.md; r_leon@mediu.gov.md);
12. Dragoş PIDLEAC, director interimar, Agenția Națională pentru Reglementare in Energetica (dragos.pidleac@aee.md);
13. Veronica ONESCIUC – Autoritatea Aeronautica Civila (secretariat@caa.gov.md; info@caa.gov.md);
14. Vasile SCORPAN – manager, Oficiul Schimbarea Climei, UIPM, MADRM (v.scorpan@yahoo.com);
15. Ala DRUTA – expert adaptare, Oficiul Schimbarea Climei, UIPM, MADRM (drutaala@yahoo.com);
16. Ala COJOCARU – Oficiul Ozon, UIPM, MADRM (ala_cojocaru@hotmail.com, ala.cojocaru@undp.org).

Alte instituții:

17. Octavian CALMÎC – Director, Agenția Națională pentru Reglementare in Energetica (anre@anre.md);
18. Andrei SULA – Agenția Națională pentru Reglementare in Energetica (asula@anre.md).

Uniunea Europeana:

19. Christian BALLARO – Delegația UE (Christian.BALLARO@eeas.europa.eu);
20. Svetlana ZHEKOVA – Consilier de Nivel Înalt, UE, MADRM (svetlana.zhekova@eu-advisers.md, zhekovasvetlana@gmail.com);
21. Alexandru SANDULESCU – Consilier de Nivel Înalt, UE, MEI (alex.sandulescu@yahoo.com).

Secretariatul Comunității Energetice:

22. Ion COMENDANT – Expert internațional cu angajamente contractuale către Secretariatul Comunității Energetice în perioada octombrie 2019 – martie 2020 (icomendant@gmail.com).

UNDP Moldova:

23. Inga PODOROGHIN – liderul clusterului pentru schimbări climatice, protecția mediului și energie, PNUD Moldova (inga.podoroghin@undp.org);
24. Silvia PANĂ-CARP – analist de programe, clusterul pentru schimbări climatice, protecția mediului și energie, PNUD Moldova (silvia.pana-carp@undp.org);
25. Marius ȚĂRANU – Coordonator National, Proiectul EU4Climate (marius.taranu@undp.org).

Proiectul EU4Energy:

26. Mariana BOTEZATU – Coordonator Național, Proiectul EU4Energy (botezatumariana_m@yahoo.com).

Agenția de Cooperare Internațională a Germaniei (GIZ) în Republica Moldova:

27. Sergiu GRADINARU – GIZ Moldova (sergiu.gradinaru@giz.de).

Întreprinderi:

28. Iacov CAZACU – Vicepreședinte al Consiliului de Administrație SA „Moldovagaz" (office@moldovagaz.md);
29. Ghenadie DIMOV, Director general, Î.S. Moldelectrica (anticamera@moldelectrica.md)
30. Veaceslav ENI, Director general, S.A. Termoelectrica (anticamera@termoelectrica.md)
31. Marian BRÎNZA, Director general, S.A. CET-Nord (m.brinza@cet-nord.md);
32. Valeriu GRUMEZA – Director general interimar, RED-Nord S.A. (anticamera@rednord.md);
33. Grigore RETIS – Centrul de Eficienta Energetică (grigorii.retish@gmail.com);
34. Valeriu CHICIUC – I.M. "Eco Power" (v.chiciuc@ecopower.md; v.chiciuc@gmail.com);
35. Sergiu ROBU – Energplan SRL (sergiu.robu@asm.md);
36. Eugen BOT – Energocom (eugen.bot@energocom.md).

Mediul academic:

37. Anatol TARITA – Institutul de Ecologie si Geografie (ozonmd@mail.ru);
38. Mihail LUPU – Institutul de Energetica (mihu.lupu@gmail.com);
39. Victor GROPA – Universitatea Tehnica din Moldova (victor.gropa@ee.utm.md).

ONG-uri:

40. Irina PLIS - Alianța pentru Eficiență Energetică și Regenerabile (aeer.moldova@gmail.com);
41. Victor PAPRLICOV – Expert în politici energetice, IDIS Viitorul (victor.parlicov@viitorul.org; parlicov@gmail.com);
42. Denis CENUSA – Director Program „Securitate energetică", Expert Grup (info@expert-grup.org);
43. Ina COSERU – președinte, Centrul National de Mediu, Coordonator Regional al Grupului de Lucru 3 Mediu, Schimbări Climatice si Securitatea Energetica al Forumului Societății Civile in cadrul Parteneriatului Estic (ina.coseru@environment.md).

Experții naționali in cadrul proiectului EU4Climate:

44. Mihai TIRSU – expert in energetica (tirsu.mihai@gmail.com);
45. Veronica LOPOTENCO – expert in schimbarea climei (lopotenco.veronica@gmail.com).

Annex 4: CONCEPT NOTE AND WORKSHOP AGENDA

PROIECT EU4CLIMATE

ATELIER CONSULTATIV NAȚIONAL

"REZULTATELE ANALIZEI LACUNELOR PRIVIND IMPLEMENTAREA CAPITOLULUI 17 "POLITICI CLIMATICE" ȘI A CAPITOLULUI 14 "COOPERARE ÎN DOMENIUL ENERGETIC" DIN ACORDUL DE ASOCIERE REPUBLICA MOLDOVA-UNIUNEA EUROPEANĂ ȘI PRIVIND IMPLEMENTAREA TRATATULUI COMUNITĂȚII ENERGETICE, PROPUNERI DE ALINIERE LEGISLATIVĂ"

Notă de concept și agenda atelierului de lucru

18 decembrie 2019

Sala de conferințe Orion,
Hotelul Jolly Alon,
Str. Maria Cebotari, 37,
Chișinău, Republica Moldova

CONTEXTUL PROIECTULUI EU4CLIMATE

Proiectul EU4Climate ajută guvernele din cele șase țări ale Parteneriatului Estic (PE) (Armenia, Azerbaidjan, Belarus, Georgia, Republica Moldova și Ucraina) să acționeze împotriva schimbărilor climatice. Obiectivul proiectului este de a sprijini elaborarea și implementarea politicilor asociate cu combaterea schimbărilor climatice în țările din PE, care să contribuie concomitent la dezvoltarea cu emisii reduse de carbon, să asigure o mai mare reziliență la schimbările climatice și să susțină realizarea angajamentelor asumate în cadrul Acordului de la Paris privind schimbările climatice. Proiectul se bazează pe realizările importante din cadrul programelor anterioare de cooperare, cum ar fi Programul EU ClimaEast, finalizat în anul 2017, care a sprijinit eforturile de atenuare și adaptare la schimbările climatice în țările PE. Domeniile de aplicare ale proiectului au fost definite în cooperare cu toate țările partenere.

EU4Climate constă din următoarele componente: (i) actualizarea contribuțiilor naționale determinate (NDC-urilor); (ii) elaborarea strategiilor de dezvoltare cu emisii reduse până în 2050 (LT-LEDS); (iii) consolidarea sistemelor naționale de monitorizare, raportare și verificare (MRV); (iv) alinierea la acquis-ul UE pentru climă și energie; (v) integrarea aspectelor climatice în alte sectoare, sensibilizarea interinstituțională și ghiduri de sector pentru implementarea Acordului de la Paris; (vi) investiții în domeniul climatic; (vii) planificarea adaptării la schimbările climatice. Prezentul atelier de lucru se axează pe componenta (iv) - alinierea la acquis-ul UE în domeniul climatic și energetic.

COOPERAREA MULTILATERALĂ UE LA SUBIECTUL CLIMEI

Cooperarea multilaterală în domeniul climatic cu țările Parteneriatului Estic are loc pe o Platformă pentru conectivitate, eficiență energetică, mediu și schimbări climatice și un panel tematic pentru mediu și schimbări climatice, înființat sub egida Platformei menționate. Alte paneluri tematice, cum ar fi cel pentru energetică, se ocupă de diverse chestiuni legate de schimbările climatice relevante la nivel sectorial. Panelurile facilitează schimbul de informații și cele mai bune practici în elaborarea și implementarea politicilor privind schimbările climatice și promovează concordanța cu legislația UE, după caz. Conform Comunicării comune a Înaltului Reprezentant al Uniunii pentru Afaceri Externe și Politica de Securitate și a Comisiei Europene din 18 noiembrie 2015 privind Revizuirea Politicii Europene de Vecinătate, UE va acorda o mai mare atenție securității energetice și acțiunilor climatice atât a UE, cât și a partenerilor săi. Comunicarea comună propune „securitatea energetică și acțiunile climatice" drept prioritate comună de cooperare și îndeamnă la „promovarea implementării depline a Acordului de la Paris și evoluțiilor sale ulterioare". UE se angajează să împărtășească cele mai bune practici, inclusiv cu privire la introducerea „sistemelor naționale robuste de monitorizare, raportare și verificare a emisiilor, inclusiv pe termen lung, sistemelor de comercializare a emisiilor, care ar putea fi legate de sistemul UE de comercializare a emisiilor din moment ce acestea devin disponibile". În PE, Georgia, Ucraina și Republica Moldova sunt membri ai Tratatului Comunității Energetice. În octombrie 2016, Consiliul Ministerial al Comunității Energetice a adoptat o recomandare privind incorporarea elementelor esențiale ale Regulamentului UE privind mecanismul de monitorizare (MMR) în acquis-ul Comunității Energetice. Pe lângă aceasta, în prezent sunt în curs de desfășurare acțiuni pentru a transforma această recomandare într-un angajament obligatoriu din punct de vedere juridic, cel puțin pentru componentele cheie ale Regulamentului.

ANGAJAMENTELE REPUBLICII MOLDOVA ÎN TEMEIUL ACORDULUI DE ASOCIERE ȘI AL TRATATULUI COMUNITĂȚII ENERGETICE

Republica Moldova a semnat Acordul de asociere cu Uniunea Europeană în iunie 2014[1]. Documentul conține angajamente specifice de aliniere la Directivele și Regulamentele UE, cum ar fi sistemul de comercializare a emisiilor (ETS), substanțele care diminuează stratul de ozon (ODS), gazele fluorurate cu efect de seră (gaze F), Directiva privind calitatea carburanților. În plus, acesta conține angajamente legate de planificarea climatică, cum ar fi planificarea măsurilor de adaptare și a dezvoltării cu emisii reduse.

Conform Tratatului Comunității Energetice (ianuarie 2010[2]) Republica Moldova s-a angajat să pună în aplicare pachetele energetice II și III, pentru acesta din urmă obținând o derogare până în 2020 de la termenul limită stabilit pentru alte state partenere în partea ce ține de separarea activităților de transport de cele de producție și furnizare, pe piața de gaz (Art. 9, Directiva 2009/73 privind normele comune pentru piața internă în sectorul gazului).

Republica Moldova are două priorități în sectorul energetic: i) integrarea în piața energetică a UE, inclusiv prin intermediul participării depline la Tratatul Comunității Energetice, inclusiv prin semnarea în iunie 2017 a Acordului cu privire la condițiile de interconectare a sistemului energetic al Republicii Moldova la sistemul energetic al Europei continentale, adică sistemul ENTSO-E (durata de implementare fiind de 6 ani) și eventuala aderare la ENTSO-G; ii) obținerea și valorificarea sprijinului oferit de Uniunea Europeană în implementarea de proiecte pentru a diversifica sursele de alimentare cu energie ale Republicii Moldova (construcția de conducte de gaz, interconexiuni electrice, dezvoltarea de proiecte de eficiență energetică, investiții în resurse alternative).

Moldova are deficiențe în ceea ce ține de capacitățile instituționale, tehnice și financiare pentru a-și îndeplini angajamentele asumate conform acordurilor de cooperare cu UE și pentru a promova proactiv acțiunile climatice naționale. Pentru a remedia aceste lacune, în cadrul proiectului EU4Climate a fost analizată legislația națională a Republicii Moldova în vederea efectuării unei analize a deficiențelor în raport cu acquis-ul UE inclus în Acordul Bilateral privind combaterea schimbărilor climatice și în Tratatul Comunității Energetice, fiind elaborate propuneri pentru alinierea legislativă.

AGENDA ȘI OBIECTIVUL ATELIERULUI DE LUCRU

Atelierul de lucru este structurat în două sesiuni, una dedicată angajamentelor privind schimbările climatice conform Acordului de Asociere RM-UE și a doua – angajamentelor conform Tratatului privind Comunitatea Energetică. Reprezentanții MADRM si MEI vor prezenta situația actuală privind punerea în aplicare a Capitolului 17 „Politici climatice" și Capitolului 14 „Cooperare în domeniul energetic" ale Acordului de Asociere RM-UE și a angajamentelor obligatorii conform Tratatului Comunității Energetice, în timp ce experții naționali în schimbările climatice și energetică vor prezenta lacunele legislative identificate și propunerile pentru alinierea legislativă. Fiecare sesiune va fi urmată de o sesiune de întrebări și răspunsuri.

Atelierul național va sprijini MADRM și MEI prin:

- Scoaterea în evidență a lacunelor legislative în domeniul schimbărilor climatice și energetic în raport cu AA RM-UE și TCE;
- Identificarea necesităților legislative de aliniere la angajamentele asumate în AA RM-UE și TCE;
- Contribuirea la elaborarea foii de parcurs legislative în vederea planificării asistenței din cadrul proiectului EU4Climate.

[1] http://lex.justice.md/md/353829/
[2] http://lex.justice.md/viewdoc.php?action=view&view=doc&id=333457&lang=1

AGENDA ATELIERULUI DE LUCRU

Ora	Sesiuni	Comentarii
8.30 – 09.00	**Înregistrarea participanților**	
09.00 – 09.40	**Cuvânt de salut** • Secretar de stat, Ministerul Agriculturii, Dezvoltării Regionale și Mediului • Secretar de stat, Ministerul Economiei și Infrastructurii • Reprezentantul Delegației UE în Republica Moldova • Reprezentantul PNUD Moldova	Dl. Dorin ANDROS Dl Calin NEGURĂ Dl Christian BALLARO Dna Inga PODOROGHIN
09.40 – 10.00	Obiectivul Atelierului de lucru Tour de table	Dl Marius ȚĂRANU Toți participanții
10.00 – 11.10	**Sesiunea 1. Stadiul punerii în aplicare a Acordului de Asociere RM-UE, angajamente asumate în cadrul Capitolului 17 „Politici climatice”** • Reprezentantul MADRM va prezenta situația actuală privind implementarea capitolului 17 "Politici climatice", din AA RM-UE – angajamente, termene, realizări și probleme. • Consultantul național în schimbările climatice va prezenta lacunele asociate cu implementarea angajamentelor de politici în domeniul schimbărilor climatice și va oferi recomandări privind modul de îndeplinire a obligațiilor în temeiul AA RM-UE, inclusiv prin sprijinul acordat prin proiectul EU4Climate în Republica Moldova. Întrebări și răspunsuri privind prezentările	Dna Valentina ȚAPIȘ Dna Veronica LOPOTENCO Toți participanții
11.10 – 11.30	**Pauză de cafea**	
11.30 – 12.40	**Sesiunea 2. Nivelul de implementare a angajamentelor asumate în cadrul Tratatului Comunității Energetice (TCE)** • Reprezentantul MEI va prezenta situația actuală privind implementarea angajamentelor asumate în cadrul Tratatului Comunității Energetice – termene, realizări și probleme. • Consultantul național în domeniul energiei va prezenta lacunele privind implementarea angajamentelor asumate și va oferi recomandări cu privire la măsurile care trebuie luate pentru îndeplinirea obligațiilor conform TCE. Întrebări și răspunsuri	Dl Denis TUMURUC Dl Mihai TIRSU Toți participanții
12.40 – 12.00	**Concluziile atelierului național consultativ.**	Dna Valentina TAPIȘ Dl. Denis TUMURUC Dl. Marius ȚĂRANU
13.00 – 14.00	**Prânz**	Toți participanții

Annex 5: PRESENTATION OF THE FINDINGS AND PROPOSALS TO THE ROADMAP ON CLIMATE CHANGE

Slide 1

EU4Climate

Schimbarea climei: analiza legislației, identificarea lacunelor, propuneri legislative

Veronica Lopotenco,
18 decembrie, 2019
Chișinău

Slide 2

Scopul prezentării:

✓ Prezentarea lacunelor legislative în domeniul schimbării climei,
✓Prezentarea propunerilor legislative.

Slide 3

Directiva 2003/87/EC de stabilire a unui sistem de comercializare a cotelor de emisie de gaze cu efect de seră în cadrul Comunităţii

Slide 4

Angajamentele RM în cadrul Acordului de Asociere RM-UE:

- instituirea unui sistem pentru identificarea instalaţiilor relevante şi pentru identificarea gazelor cu efecte de seră (anexele I şi II),
- crearea unui sistem de monitorizare, raportare, verificare şi asigurare a punerii în aplicare şi a unor proceduri de consultare publică (art. 9, 14–17, 19 şi 21).

Termen – septembrie, 2021.

Slide 5

Monitorizarea și Raportarea – Art. 14 ETSD

Regulamentul #601/2012 privind monitorizarea și raportarea emisiilor de gaze cu efect de seră în conformitate cu Directiva 2003/87

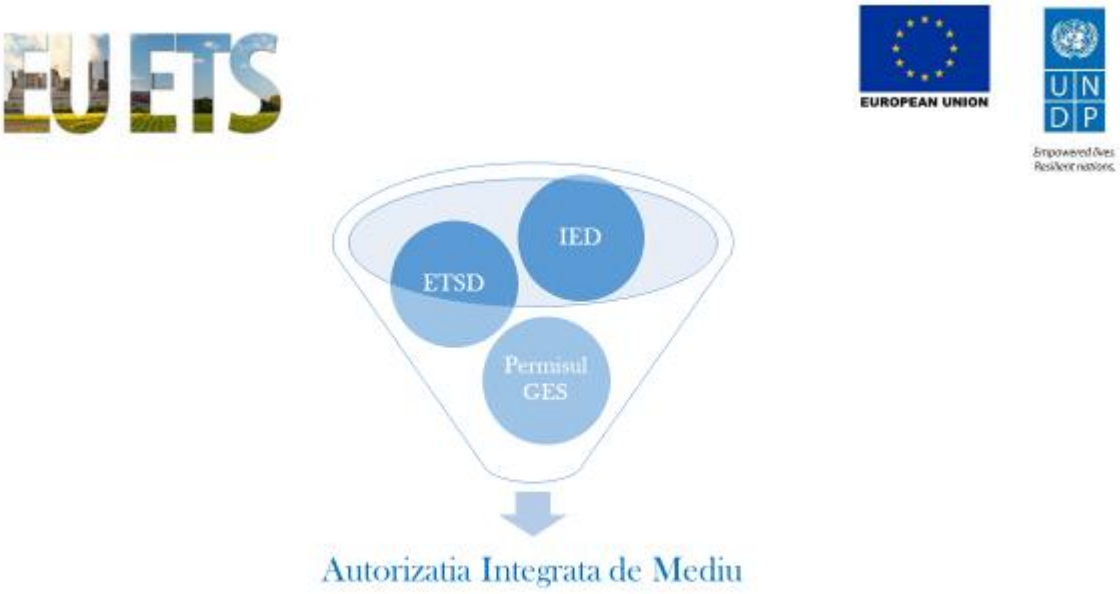
Slide 6

Verificarea – Art. 15 ETSD

Regulamentul #600/2012 privind verificarea rapoartelor de emisii de gaze cu efect de seră și a rapoartelor privind datele tonă-kilometru și acreditarea verificatorilor în conformitate cu Directiva 2003/87

Slide 7

Slide 8



Slide 9

Expert international/național MRV

Expert în elaborarea AIR-ului

Slide 10

Regulamentul (CE) #842/2006 privind anumite gaze fluorurate cu efect de seră

Slide 11

Angajamentele RM în cadrul AA RM-UE:

- adoptarea legislaţiei naţionale şi desemnarea autorităţii (autorităţilor) competente,
- stabilirea/adaptarea cerinţelor de formare şi certificare naţionale pentru personalul şi societăţile relevante (art. 5),
- stabilirea de sisteme de raportare în vederea obţinerii de date privind emisiile în sectoarele relevante (art. 6),
- stabilirea unor sisteme de asigurare a punerii în aplicare (art. 13).

Termen – septembrie, 2019

Slide 12

- Regulamentul cu privire la măsurile de reducere a emisiilor provenite de la sistemele de climatizare ale autovehiculelor (HG 1242/2016),
- Regulamentului cu privire la formarea şi atestarea specialiştilor în domeniul tehnicii frigului care conţine hidroclorofluorocarburi şi gaze fluorurate cu efect de seră (HG 483/2019).

Slide 13

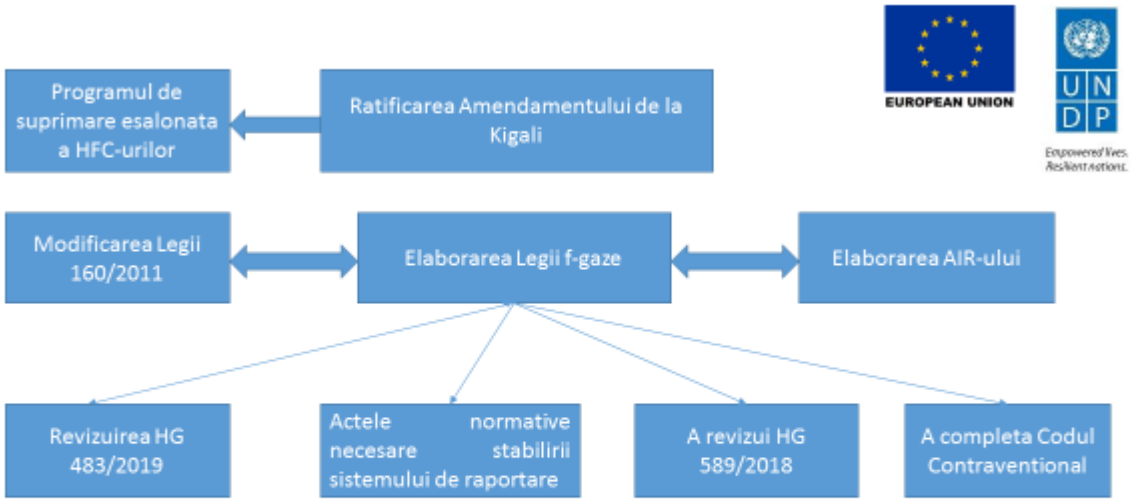
- Art. 19 Raportarea producției, a importului, a exportului, a utilizării intermediarilor de sinteză și a distrugerii substanțelor
- Art. 20 Raportarea emisiilor

Slide 14

Art. 25 - Penalitati

Slide 15

Slide 16



Slide 17

Expert international/național pentru elaborarea legii f-gaze

Expert pentru elaborarea programului de suprimare esalonata a HFC-urilor

Expert în elaborarea AIR-ului

Slide 18

OZONE-DEPLETING

Regulamentul (CE) #1005/2009 privind substanțele care diminuează stratul de ozon

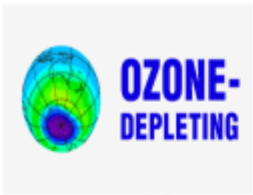
Slide 19

- Legea 852/2002,
- Hotarirea Guvernului 856/2016,
- Hotarirea Guvernului 589/2018.

Slide 20

- Legislația națională permite plasarea pe piață doar a HCFC-urilor, dar și acestea sunt suprimate eșalonat
- Controlul importului HCFC-urilor – eliberarea cotelor de import și a autorizatiei

Slide 21



Expert național pentru a actualiza legislația națională în baza prevederilor Regulamentului #1005/2009

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Directiva 98/70/CE din 13 October 1998 privind calitatea benzinei și motorinei

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Angajamente ale RM in cadrul AA RM-UE:

- realizarea unei evaluări a consumului naţional de combustibil;
- stabilirea unui sistem de monitorizare a calităţii combustibililor (art. 8);
- interzicerea comercializării benzinei cu plumb (art. 3 alin. (1));
- autorizarea comercializării benzinei fără plumb, a combustibililor diesel și a carburanţilor folosiţi pentru utilajele mobile nerutiere și tractoarele agricole și forestiere, cu condiţia îndeplinirii cerinţelor relevante (art. 3 și 4);
- stabilirea unui sistem de reglementare a împrejurărilor excepţionale și a unui sistem de culegere de date privind calitatea combustibililor la nivel naţional (art. 7 și 8)

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- HG 1116/2002 a transpus la nivel național articolele menționate din Directiva 98/70.
- Studiul privind consumul benzinei și motorinei a fost realizat.
- Suport – proiectul UNEP de asistență tehnică pentru promovarea vehiculelor eficiente în Moldova (implementat de către Oficiul Finanțării de Carbon).

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Achievement

- Autoritati competente: MEI, Organisme de Inspectie, APCSP,
- Benzina cu plumb – interzisă
- Specificatii tehnice aprobate: 18 pentru benzină și 5 pentur motorina.
- SM EN228 „Carburanți pentru automobile. Benzină fără plumb. Cerințe și metode de încercare”
- SM EN590 „Carburanți pentru automobile. Motorină. Cerințe și metode de încercare.”

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Alte obligatii

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1. Elaborarea şi aprobarea CND – introces de revizuire
2. Elaborarea şi aprobarea Strategiei de dezvoltare cu emisii reduse – urmeaza a fi revizuită
3. Regulamentul privind organizarea şi funcţionarea Sistemului naţional de monitorizare şi raportare a emisiilor de gaze cu efect de seră şi a altor informaţii relevante pentru schimbările climatice – in proces de revizuire
4. Elaborarea şi aprobarea HG cu privire la instituirea mecanismului de coordonare a activităţilor în domeniul schimbărilor climatice – in proces de promovare.

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Vă mulțumesc!

Proiectul EU4Climate sprijină guvernele celor șase țări ale Parteneriatului Estic, și anume Armenia, Azerbaidjan, Belarus, Georgia, Republica Moldova și Ucraina, să întreprindă măsuri împotriva schimbărilor climatice. Proiectul oferă suport în implementarea Acordului de la Paris și îmbunătățirea politicilor și a legislației în sectorul climatic. Scopul proiectului este de a limita impactul schimbărilor climatice asupra vieții cetățenilor și de ai face mai rezistenți la efectele acestuia. EU4Climate este finanțat de Uniunea Europeană și implementat de Programul Națiunilor Unite pentru Dezvoltare.