

ACCESS TO JUSTICE FOR CITIZENS IN DISPUTES CONCERNING VIOLATIONS OF LEGISLATION ON IMPROPER WASTE MANAGEMENT IN THE REPUBLIC OF MOLDOVA

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Abstract

Improper waste management represents a critical environmental challenge in the Republic of Moldova, directly impacting public health and sustainable development. While Article 37 of the Constitution guarantees the right to a healthy environment, this right remains illusory without effective access to justice as provided by Articles 20 and 34. The national legal framework, primarily Law No. 1515/1993 and Law No. 209/2016, aims to align with European standards and the Aarhus Convention to ensure that environmental acts or omissions are justiciable.

Despite these regulations, significant legal and practical obstacles hinder citizens from obtaining effective remedies in waste-related disputes. Key barriers include restrictive rules on legal standing, the absence of a framework for collective actions, and the prohibitive costs of technical expertise required for environmental assessments. Furthermore, institutional opacity and limited access to reliable environmental data often prevent affected parties from identifying responsible entities or substantiating their legal claims in court.

To fulfill its positive obligations under international commitments, such as the EU-Moldova Association Agreement, the state must implement comprehensive reforms. Proposed solutions include expanding legal standing for environmental NGOs, regulating collective legal actions, and establishing a financial assistance scheme to cover technical expertise costs. Additionally, enhancing judicial capacity through specialized training in environmental law is essential to transform abstract constitutional guarantees into effective safeguards for citizens.

INTRODUCTION

Improper waste management is one of the most serious environmental challenges facing the Republic of Moldova. Municipal, industrial, and hazardous waste directly affects the quality of the environment, public health, the local economy, and the prospects for sustainable development. The problem is exacerbated by poor infrastructure, the lack of effective control and enforcement mechanisms, and gaps in institutional cooperation.

In this context, access to justice becomes a fundamental procedural right, indispensable for the effective realization of the substantive right to a healthy environment, enshrined in Article 37 of the Constitution of the Republic of Moldova. The procedural dimension conferred

by Article 20, which regulates free access to justice, and Article 34, which regulates the right to information, strengthens the constitutional framework for the protection of general and individual ecological interests.

In these circumstances, it is not enough to have substantive rules prohibiting pollution. Their effectiveness depends on the real possibility for citizens to challenge before an independent authority acts, facts, or omissions that contravene waste legislation. In other words, the right to a healthy environment remains illusory if it is not accompanied by an effective right of access to justice.

The objective of this study is to analyse, from a doctrinal and critical perspective, the extent to which the legal framework and practices in the Republic of Moldova ensure real access to justice in disputes concerning improper waste management, in relation to both domestic and European and international standards. The article analyses the national and European regulatory framework on citizens' access to justice in disputes arising from improper waste management in the Republic of Moldova. In the context of constitutional obligations regarding the right to a healthy environment and the principles derived from the Aarhus Convention, the study examines administrative and judicial review mechanisms, applicable forms of legal liability, and barriers that limit the effectiveness of these mechanisms. The study proposes a set of legislative and institutional solutions to strengthen real and effective access to justice as an integral part of the rule of law and the alignment of the Republic of Moldova with European standards.

1. ACCESS TO JUSTICE IN ENVIRONMENTAL DISPUTES

Improper waste management is one of the most serious environmental challenges facing the Republic of Moldova. Municipal, industrial, and hazardous waste directly affects the quality of the environment, public health, the local economy, and the prospects for sustainable development. The problem is exacerbated by poor infrastructure, the lack of effective control and enforcement mechanisms, and gaps in institutional cooperation. In this context, access to justice becomes a fundamental procedural right, indispensable for the effective realization of the substantive right to a healthy environment, enshrined in Article 20 of the Constitution of the Republic of Moldova, entitled the right of free access to justice, which states that: "Everyone has the right to have their rights, freedoms, and legitimate interests effectively defended by the competent courts." Thus, the violation of waste management rules—to the

extent that it affects the environment, health, or property—becomes justiciable under Article 37 in conjunction with¹ Article 20.

In turn, Article 34 of the Constitution guarantees the right to information, which, in environmental matters, takes on particular relevance: without access to information about waste, storage locations, risks, and authorizations, there can be no effective access to justice. This is one of the essential elements that make free access to justice possible in disputes related to improper waste management. Although it does not directly regulate the legal mechanisms of access to courts, this article enshrines the fundamental right of every citizen to obtain information of public interest, including information on the state of the environment, the activities of public authorities, and decisions that may affect the health of the population and the quality of the environment.

In the context of waste, the right to information becomes indispensable, because any legal action concerning pollution, illegal storage, waste incineration, or non-compliance with regulations in this area requires access to official data provided by the responsible institutions. At the same time, Article 34 works closely with Article 20 on free access to justice and Article 37 on the right to a healthy environment. Only by combining these constitutional guarantees can an effective mechanism for protecting the rights of affected persons be created. In the absence of transparency, access to justice would be limited and the right to a healthy environment would remain purely declarative.

Furthermore, Article 37 of the Constitution of the Republic of Moldova guarantees every person's right to "an environment that is not harmful to life and health"¹ and the state's obligation to ensure environmental protection. This right is twofold: on the one hand, it is a subjective right of the individual, and on the other hand, it has a collective dimension related to the public interest in environmental protection. In terms of its content, Article 37 is not limited to a simple declaration, but imposes on the state a positive obligation to ensure environmental protection, prevent pollution, and manage natural resources responsibly. In the context of waste, this constitutional obligation translates into the need for authorities to adopt and implement effective measures for the collection, storage, recycling, and neutralization of waste so that the health of the population is not endangered.

Legal doctrine has emphasized that environmental protection is one of the most important goals of administrative control, since the environment is a fundamental element of

¹ Constitution of the Republic of Moldova.

the general public interest, and the exercise of control must comply with the principle of legality and ensure the prevention of damage to the natural environment.² In European law, administrative control over compliance with environmental standards is essential to guarantee the effective protection of the fundamental right to a healthy environment.³ At the same time, pursuant to Article 37(2) of the Supreme Law, the state guarantees every person the right to free access to and dissemination of truthful information on the state of the natural environment, living and working conditions, and the quality of food and household items. It follows that the constitutional triad of Articles 37, 20, and 34 constitutes the primary normative basis for access to justice in disputes concerning environmental management. It follows that the constitutional triad of Articles 37, 20, and 34 constitutes the primary normative basis for access to justice in disputes concerning waste management.⁴

Fundamental rights are not only barriers to state interference, but also the basis for positive obligations. In the case of the right to a healthy environment, these include: adopting and updating a coherent regulatory framework on waste (framework law, regulations, technical standards). An important and necessary obligation is the organization of control institutions (Environmental Protection Inspectorate, local environmental authorities) and the creation of effective administrative and judicial appeal procedures.

Therefore, if the institutional structure is inefficient or judicial procedures are inaccessible, this may constitute an indirect violation of the constitutional right to the environment and to justice. Positive obligations also include ensuring public access to relevant information about the state of the environment, ecological risks, and the activities carried out by sanitation operators or waste storage.

The state has a duty to inform citizens transparently, to provide accurate and up-to-date data, and not to impede access to this information, as its absence compromises the possibility of challenging abuses before the authorities or in court. The authorities also have an obligation to organize efficient public sanitation services and prevent the occurrence of risk situations, such as unauthorized dumping, water pollution, or uncontrolled waste burning.

Last but not least, the positive obligations of the state extend to guaranteeing real and effective access to justice. This requires the creation of clear and accessible procedures so that affected persons can challenge the negligence of authorities or economic operators, as well

² G. Ardelean, M. Pascal, I. Țeruș, *Environmental protection through economic and financial instruments*, Chișinău, 2025. Clic Media Grup. 200 p. Pages 16–17.

³ European law manual on access to justice.

⁴ Constitution of the Republic of Moldova.

as the development of effective judicial mechanisms through which environmental damage can be identified and repaired. The state must ensure the independence of the courts, the effective functioning of control and investigation bodies, and the adoption of the necessary measures to prevent repeated violations.

2. DOMESTIC LEGAL REGIME APPLICABLE TO WASTE MANAGEMENT

2.1. Domestic legislation on environmental protection

This law provides the basis for: actions to establish ecological damage, followed by proposals for actions to compel the authorities to take remedial measures and prepare for civil liability actions for damage caused by pollution (including waste management). It thus functions as a "lex generalis" in relation to special legislation on waste. The right to a healthy environment is implicitly guaranteed by Law No. 1515/1993, Article 2(a), which states that this law constitutes the basic legal framework for the drafting of special normative acts and instructions on specific issues in the field of environmental protection⁵ with the aim of ensuring every person's right to a healthy and aesthetically pleasing environment.

The right to an aesthetically pleasing environment has a rather narrow meaning compared to the needs of society in terms of environmental protection. It refers to a clean, unpolluted environment, whereas the right to sanitation, within the meaning of environmental legislation, covers a broader spectrum of regulations, including waste management.

Therefore, based on the above, we consider that the right to sanitation deserves fundamental legislative recognition, if not in the Constitution, because the supreme law already proclaims, in general terms, this right when guaranteeing the right to a healthy environment (Art. 37), then in the content of the Framework Law on Environmental Protection, by specifying in the text of Art. 2(a) as follows: a) ensuring every person's right to a healthy and sanitary environment.

Thus, at first glance, Law No. 209/2016 on waste largely transposes the most current European standards on waste management, but after an in-depth study, we still find some contradictory provisions, and, in some places, gaps that need to be filled in order to streamline the existing legislative framework, but especially the role of the authorities responsible for

⁵ Law of the Republic of Moldova No. 1515/1993 on environmental protection.

ensuring environmental safety and minimizing the negative impact of waste on the environment and human health. Therefore, we can distinguish the entire structure of the legal regime for waste management from the content of Article 1 of Law No. 209/2016, which establishes the legal basis, state policy, and measures necessary for the protection of the environment and public health by preventing or reducing the adverse effects caused by waste generation and management, increasing the efficiency of their use, maintaining social sustainability and economic acceptability to enable the transition to a circular economy.

In this regard, the law contains the relevant regulations for the field of waste management and establishes: the rules for preventing waste generation and managing waste; the rights and obligations of persons involved in waste management; the powers of public administration bodies in waste management.

Thus, according to Article 10 of Law No. 209/2016 of the Republic of Moldova, in the field of waste management, the Environmental Protection Inspectorate has the following⁶ responsibilities: exercise state control and supervision of waste management, including waste products subject to extended producer responsibility regulations, exercise control in the fields of economic activity over compliance with the provisions of the law and normative acts by institutions, organizations, economic agents, regardless of the type of ownership and legal form of organization, and by individuals, including foreigners; exercises state control over compliance by institutions, organizations, and economic agents with the targets for separate collection and recycling of various waste streams and waste products subject to extended producer responsibility regulations; keeps records and carries out inventories at economic agents, institutions, and organizations regarding the formation, recovery, and disposal of waste, as well as stored waste stocks; suspends, in whole or in part, in accordance with the procedure provided for by Law No. 131/2012 of the Republic of Moldova on state control over entrepreneurial activity, the activity of economic agents in the event of detecting very serious violations of waste management regulations, if they may lead to environmental pollution; identify and examine contraventions and apply sanctions in accordance with the Contravention Code of the Republic of Moldova⁷No. 218-XVI of October 24, 2008, and take action to recover damage caused to the environment as a result of violations of legislative and regulatory provisions in the course of their activities.

⁶ Law of the Republic of Moldova No. 209/2016 on waste.

⁷ Contravention Code of the Republic of Moldova.

2.2. Related legislation

The legal framework for waste management is complemented by other legislative acts that strengthen environmental protection mechanisms and access to justice in the Republic of Moldova. Notably, in Article 1 of Law of the Republic of Moldova No. 86/2014⁸, we also identify the concept of environmental impact assessment, which is understood to mean the procedure carried out in accordance with this law to assess the possible impact of the planned activity on the environment, as well as to develop proposals for preventing and minimizing negative impacts or, in the event of a violation of the requirements of this law, to prohibit the planned activity from starting.

Law of the Republic of Moldova No. 1540/1998 on payment for environmental pollution⁹, includes, among its objectives, the stimulation of the construction and operation of systems for the capture and neutralization of pollutants, the collection, recycling, and destruction of waste, as well as the implementation of non-polluting technologies and other measures that would reduce the volume of pollutant emissions (discharges) into the environment and diminish the formation of production and packaging waste. The law also defines certain concepts specific to the field of waste management (waste packaging), establishes the regulatory framework for the payment for the storage of production waste, as well as the tariffs for waste storage.

Law of the Republic of Moldova No. 1402/2002 on public utility and sanitation services¹⁰, governs the legal relationship between local public authorities, service operators, and users. This legislative framework establishes the legal basis for resolving disputes when obligations related to waste management are not properly fulfilled.

3. RELEVANT INTERNATIONAL AND EUROPEAN NORMS AND STANDARDS

The EU has adopted the Aarhus Convention. It provides for public participation in decision-making on environmental issues and guarantees access to justice for individuals and NGOs when environmental legislation and/or the provisions of the Convention are violated. The Republic of Moldova ratified, by Parliament Decision No. 346-XIV of April 7, 1999, the

⁸ Law of the Republic of Moldova No. 209/2016 on waste.

⁹ Law of the Republic of Moldova No. 1540/1998 on payment for environmental pollution.

¹⁰ Law of the Republic of Moldova No. 1402/2002 on public utility and sanitation services.

Convention on Access to Information, Justice, and Public Participation in Decision-Making in Environmental Matters, signed in Aarhus, Denmark, on June 25, 1998, as an international regulation that takes precedence over any other domestic legal instruments, except those containing more favourable provisions.¹¹

It is based on the recognition of the right of every person of the present and future generations to enjoy an environment adequate for their well-being and health, establishing common requirements for procedures for access to justice. For example, Article 1 of the UN Aarhus Convention provides for the right of present and future generations to live in an environment adequate for their health and well-being¹². The Convention provides that, in order to achieve the proposed goal, the so-called "three pillars" are necessary: access to information, public participation, and access to justice-namely, by removing obstacles to access to justice, such as excessive costs for decisions with a high degree of difficulty. Excessive formalism in legal rules can constitute a procedural barrier to access to justice. Article 9 of the Aarhus Convention provides for specific rights regarding access to justice in environmental matters (the third pillar).

a. The RM-EU Association Agreement and the EU *acquis* on waste

With a view to implementing the priority actions in the field of environmental protection, as set out in the Government's Action Program "European Integration: Freedom, Democracy, Welfare" 2011-2014, but also with a view to strengthening the legislative and institutional framework necessary to align the Republic of Moldova's waste management practices with those of the European Union, the Waste Management Strategy in the Republic of Moldova for 2013- 2027¹³ and the Action Plan for its implementation were approved.

With the signing of the Association Agreement between the Republic of Moldova and the European Union (on June 27, 2014, in force since July 1, 2016)¹⁴, where Chapter 16 focuses on the environment as a strategic objective, the following are suggested: "environmental impact assessment (EIA); education and training; environmental liability; combating environmental crime; access to environmental information, decision-making processes, and effective administrative and judicial review procedures; environmental taxes and charges; environmental monitoring and information systems; inspections and law enforcement; and harmonization of

¹¹ ECHR judgment in the case of *Adolf v. Austria*, no. 8269/78 of 26 March 2012.

¹² Convention on Access to Information and Justice signed in Aarhus.

¹³ Waste management strategy in the Republic of Moldova for 2013-2027.

¹⁴ Association Agreement between the Republic of Moldova and the European Union.

certain laws with EU standards and international instruments, such as the transposition of certain provisions of the Industrial Emissions Directive (IED)."

As a result of the obligations assumed by our country, as of 2017, Law No. 1347/1997 of the Republic of Moldova on production and household waste is no longer applicable, being replaced by Law No. 209/2016 on waste, which transposes European best practices and also addresses a new concept, with a variety of measures and subjects involved in the waste management process.

b. Relevant case law of the CJUE and the ECHR

EU law is generally consistent with the case law of the European Court of Human Rights, unless expressly stated otherwise. Relevant judgments of the Court of Justice of the European Union (CJEU) illustrate how EU standards on the right of access to justice operate in parallel with those developed under the European Convention on Human Rights. In European human rights law, access to justice is guaranteed by Articles 6 and 13 of the ECHR¹⁵ and by Article 47 of the EU Charter of Fundamental Rights, which enshrine the right to a fair trial and an effective remedy as interpreted respectively by the ECtHR and the CJUE.

Both courts have developed principles on judicial independence to ensure impartiality, as well as standards regarding the right to counsel, defence and representation, which in EU law are expressly recognised in Article 47 of the Charter and in the CJEU's general principles. Under ECtHR case law, Article 6(1) may also require states to provide legal assistance where necessary to guarantee effective access to a court, linking the concepts of judicial and legal aid.

This approach is reflected in the CJEU's jurisprudence, which has held that excessive restrictions on NGO standing infringe EU law and the Aarhus principles (e.g. *Lesoochránárske zoskupenie, Janeczek*). In these cases, the Court emphasized that public access to justice must be interpreted broadly, reinforcing the parallel development of EU and ECHR standards in this field.

¹⁵ Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

4. TYPES OF DISPUTES CONCERNING IMPROPER WASTE MANAGEMENT

4.1. Administrative disputes: acts and omissions of public authorities

These relate in particular to: challenging environmental permits for waste management activities (e.g., authorizing a landfill that does not comply with standards); another type of dispute would be challenging the omissions of local public authorities to organize sanitation services or to intervene in cases of illegal dumping; and the annulment of decisions on the location of storage platforms, transfer stations, or incinerators, in the absence of a transparent impact assessment. In this context, the granting of the status of subject of administrative liability to legal persons was caused by the major changes in the political, economic, and social regime. Since, prior to the entry into force of the new Code of Administrative Offenses, the administrative liability of legal persons was not very common, constituting practically an exception.

Special credit is also due to the author Grigore Ardelean, who, through his numerous works, has made an essential contribution to the development of environmental doctrine, mainly in the field of repairing damage caused to the environment, including through incorrect and defective waste management.¹⁶

A prime example is his doctoral thesis, in which he mentions, in his research on the institution of environmental liability, that "the dumping of waste into a public pond, an action that will change the color and composition of the water, which is not essential and can be used without causing any consequences, will be considered pollution (ecological imbalance). This can be remedied even without human intervention, naturally, but it opens up the right to take administrative or criminal action against the person who caused it.

Thus, author A. Trăilescu mentions that "even if the financial liability of public administration is also subject to common law rules, certain specific legal rules differentiate it from civil tort liability, namely: it is a liability arising from acts of public administration issued under public power (public law); the basis of the patrimonial liability of public administration is the presumption of fault on the part of the public authority issuing the illegal act or the unjustified refusal to resolve a request concerning a legitimate right or interest; the action for damages falls within the jurisdiction of the administrative court, being ancillary to the direct

¹⁶ G. Ardelean, *Repairing ecological damage*. Doctoral thesis in law. Chișinău: Academy of Sciences of Moldova, 2017. 182 p, p. 43.

action for the annulment of an administrative act or against the unjustified refusal of a public authority to resolve the claimant's request concerning his legitimate interest; the action for damages being, as a rule, ancillary to the main action in administrative litigation, follows the purpose of that action."¹⁷

4.2. Civil disputes: civil liability for environmental damage

Civil liability may be triggered when violations of waste management laws cause damage to individuals and the environment, and the individuals or entities involved may be required to pay compensation with a significant financial impact on their operations. Therefore, the performance of regulations on accountability for compliant waste management should not affect the subjects concerned, but, on the contrary, should encourage them, by any means, to resort to waste management measures and mechanisms that are advantageous to them, but which minimize the impact on the environment and human health.¹⁸

With regard to liability for violations of waste management legislation, there are a wide variety of applicable forms, such as criminal liability, administrative liability, and civil liability for compensation for damage caused.

Among other things, civil liability provides for the liability of the person in charge, but in a vague manner, as it is absorbed by the liability of the public authority in which that person works. However, according to Article 2006 of the Civil Code, damage caused by an illegal administrative act or the failure to resolve a request within the legal deadline by a public authority or by a person in a position of responsibility within that authority shall be fully compensated by the public authority.¹⁹ It should be noted here that the person in a position of responsibility will only be liable if they have issued an illegal administrative act or failed to resolve a request within the deadline, and not if they have taken decisions that have caused damage to the environment. The author also conducts important research in other works on the role of public authorities in implementing environmental protection measures, as well as legal liability in the field of environmental protection, insisting that this is a distinct liability, capable of more effectively addressing the issue of accountability for those who violate the relevant legislation and ensuring the restoration of the environment by having the party responsible for

¹⁷ A. Trăilescu, *Administrative Law*. Fourth edition. Bucharest: C.H. Beck, 2010, 432 p, pp. 299–300

¹⁸ M. Pascal, Doctoral thesis in law. *Legal liability for violations of waste management legislation*. Chişinău, 2025, 189 p.120-122.

¹⁹ Art.2006 din Civil Code of the Republic of Moldova.

the damage bear the costs. Injured parties may bring civil tort actions, in most cases seeking material and moral damages or environmental remediation measures (e.g., soil decontamination) that would allow the reuse of that soil, followed by a ban on the continuation of polluting activities.

The main difficulties that arise in the context of ecological damage remediation are those that are carefully examined by the competent authorities in order to establish the causal link between the waste and the damage and to assess the ecological damage, in the absence of a uniform methodology, ending with the costs of technical and scientific expertise that must be and are reviewed to remove these problems.

4.3. Administrative and criminal offenses: applicable sanctions

One of the most renowned local authors, who has studied the legal regime of waste management, but mainly that of environmental liability, in his numerous works, is Igor Trofimov. The author is also noted for his other scientific works, in which he deals in great detail with the issue of environmental liability, as well as administrative liability for environmental offenses, in which he devotes a separate section to liability for violations of the waste regime, which is a frequent source of environmental damage.

Disputes arising in relation to the formation, storage, use, neutralization, and disposal of waste are settled in court.²⁰ Improper waste management may constitute a misdemeanour or a crime, depending on its severity. For example: storing waste in unauthorized places, burning waste in open fields – misdemeanours; and another problem would be serious pollution of water or soil with hazardous waste, with an impact on health, which are identified as crimes. In the field of criminal liability for environmental crimes committed through the use of waste, the author M. Boşcaneanu also points out in his doctoral thesis that criminal law should refer to all categories of sources that can cause water pollution, including waste, but not only. The author also argues that environmental crimes should be classified from "the moment the danger to human health, physical integrity, and life is created, without waiting for the consequences, which often become irreversible, to occur, and a series of aggravating factors should be established depending on the specific value that is being harmed, thus differentiating between the consequences for flora, fauna, and environmental components and those for persons, which

²⁰ I. Trofimov, *Environmental Law*. Chişinău: Elena Printing House, 2002, p.181.

are normally much more dangerous.²¹

In terms of administrative liability for environmental pollution, the author A. Crețu makes valuable contributions to national doctrine through his doctoral thesis on "Administrative proceedings in cases of environmental offences"²² and other important works in which he discusses cases that exclude administrative liability in the field of environmental protection. Criminal liability is that form of legal liability based on the rules of criminal law and on the offences committed, as a result of which the competent authorities apply appropriate penalties in the form of criminal fines, deprivation of the right to hold certain functions or to perform certain activities, unpaid community service, deprivation of liberty, life imprisonment, etc.) The particularity of criminal liability for waste management offenses stems from the very notion of "environmental crime."

The active subject of the legal relationship under criminal law can be both a natural person—Moldovan citizens, foreigners, stateless persons, persons with dual citizenship, etc.—and a legal person. However, what is also specific is that the state, through its competent bodies, will always participate in this legal relationship of liability as the holder of the right to apply the sanction provided for by law.

5. LEGAL AND PRACTICAL OBSTACLES TO THE EFFECTIVE REALIZATION OF THE RIGHT OF ACCESS TO JUSTICE

The effective realization of the right of access to justice in environmental disputes faces a number of legal and practical obstacles that affect the actual ability of citizens to obtain effective remedies. A first obstacle is the restrictions on standing to sue, as national legislation often imposes strict conditions on the interest of the person concerned, limiting the possibility for a party to bring an action even in situations where the environmental damage affects the community as a whole. This restricts access even when environmental harm affects the broader public interest. Similarly, the absence of a legal framework for collective actions undermines the ability of communities to seek justice collectively, weakening the impact of environmental litigation and creating a structural imbalance between individuals and public authorities or

²¹ M. Boșcaneanu, G. Ardelean, V. Ursu, *Criminal and civil liability for water pollution*. Chișinău, Artpoligraf. 2022, 602 p. 107.

²² A. Crețu, *Administrative proceedings in cases of environmental offenses*. Doctoral thesis in law. Chișinău 2017. 182 p, pp. 72–83.

private operators.

Another major challenge lies in the evidentiary burdens associated with environmental claims. Such cases often require complex technical analyses, expert reports, environmental assessments, and laboratory testing—costly and generally inaccessible to ordinary citizens. The high costs of producing this evidence discourage litigation, turning access to justice into a theoretical rather than practical right. Additionally, institutional opacity and limited access to environmental information further erode citizens' ability to build strong legal cases. Without timely, reliable data on pollution levels, waste permits, or enforcement actions, affected individuals cannot substantiate claims or identify responsible parties. To address these challenges, legislative and institutional reforms are needed. First, the scope of legal standing must be expanded to allow not only directly affected individuals but also environmental NGOs to initiate legal proceedings, in line with the Aarhus Convention. Secondly, the introduction of collective legal actions should be regulated, enabling citizens to act jointly in cases of shared environmental harm.

Moreover, a public fund or financial assistance scheme should be created to cover the costs of technical expertise in environmental cases. In parallel, a standardized methodology for ecological damage assessment would ensure consistency and clarity in the burden of proof. Finally, judicial capacity should be enhanced through specialized training in environmental law, ensuring consistent, informed rulings. These reforms would help establish a functional, equitable, and transparent justice system in which citizens are empowered to defend their constitutional right to a healthy environment, transforming legal provisions from abstract guarantees into effective safeguards.

CONCLUSIONS

Effective access to justice for citizens in disputes concerning violations of legislation on improper waste management constitutes a fundamental pillar of the rule of law and an indispensable condition for the realization of the constitutional right to a healthy environment, as guaranteed by Article 37 of the Constitution of the Republic of Moldova. This right cannot be effectively enforced without functional procedural mechanisms, as enshrined in Article 20 on free access to justice and supported by Article 34, which affirms the right to information.

The analysis reveals that, although the national regulatory framework is relatively well aligned with European standards, particularly through Law No. 1515/1993 and Law No. 209/2016, the procedural dimension of the right to justice remains underdeveloped. Obstacles

such as the absence of collective legal actions, limited access to environmental information, the high costs of technical expertise, and evidentiary difficulties directly hinder citizens' ability to obtain effective remedies.

In this context, the state's positive obligations arise not only from domestic legislation but also from international commitments undertaken through the Aarhus Convention and the EU– Moldova Association Agreement, which impose clear duties to ensure effective, timely, and affordable access to justice in environmental matters.

Accordingly, strengthening the role of the judiciary, facilitating access for environmental NGOs, ensuring institutional transparency, and standardizing the assessment of ecological damage are essential measures to transform the formal constitutional right of access to justice into a fully effective right. Only by doing so can citizens become active participants in environmental protection, and waste-related regulations acquire a truly preventive and remedial function.

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