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Barometer of the main gaps, contradictions and constraints existing within the legal and regulatory framework in the field of communal services

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The mapping of gaps, conflicts and constraints existing within the legal and regulatory framework in the field of communal services was performed by a team of experts within the Project on civic engagement in local governance – MA IMPLIC, funded by the Swiss Agency for Development and Cooperation (SDC) and implemented by Skat Consulting Ltd.

The opinions expressed in this report do not represent the official position of the Swiss Agency for Development and Cooperation (SDC) or of Skat Consulting Ltd.

INTRODUCTION

General context

The legal and regulatory framework governing the creation, organization and general regulation of public communal services in the Republic of Moldova is a vast one and is composed by multiple documents of various levels: normative acts, departmental administrative acts, construction normatives, standards, etc. Nevertheless, the basic legislative act governing the creation and organization of communal services is the Law on public communal services no. 1402/2002. According to the provisions of the respective law, in the Republic of Moldova the competence and responsibility for the provision of communal services is assigned to the local public authorities of first level.¹ All administrative-territorial units of first level (villages, communes, cities, "municipii"), irrespective of their size and economic/fiscal potential have the same list of competences, including in the field of communal services (symmetric decentralization). In a *stricto sensu* the communal service provision is an own exclusive competence/affair of the local governments of first tier as indicated above, however, in a *lato sensu* it is a shared responsibility and competence, where, according to art. 13 of the Law 1402/2002, the central government is mainly responsible for ensuring a conducive policy, legal, and regulatory framework in that field. While access to basic communal services, such as access to water supply and sanitation is recognized as a basic human right², the available data³ show a high disparity in access to these services, especially between urban and rural areas, with some services almost being inexistent in most villages (waste collecting, for example).

While it is clear that there are some more structural and systemic issues in local governance field (such as territorial-administrative fragmentation, weak fiscal base and limited own revenues, depopulation, limited administrative capacities, etc.), that affect the current situation regarding the access and quality of communal services, it is also clear that policies and strategic approaches at national level need to target the improvement of the management and provision of communal services.

The scope and focus of the mapping

The mapping exercise is focused on identifying the gaps and contradictions in the legal and regulatory framework, which prevent from the provision of good quality and affordable communal services in a sustainable manner (economically as well as environmentally / socially sustainable). In more concrete terms, the mapping captures only the problems (gaps, contradictions, etc.) which have their roots in the legal and regulatory framework. The issues that cannot be directly related to the legal and regulatory framework, such as the lack of human and institutional capacities, shortage of money and other resources, etc., will not be part of this inventory.

The Law 1402/2002 on public communal services, as amended, includes the following local services to the category of communal services:

- a) water supply;
- b) thermal energy (heating) supply;
- c) sewerage and treatment of wastewater and rainwater;
- d) sanitation (solid waste management), greening of the localities;
- e) local public transport;
- f) administration of the public and private housing fund.

¹ See article 14 of the Law on public communal services no. 1402/2002, in corroboration with article 4 of the Law on administrative decentralization no. 435 from 26.12.2006

² UN Resolution 64/292 from 2010

³ Such as the data of the 2014 census, from other reports and statistical data of the National Bureau for Statistics (for instance <https://statistica.gov.md/newsview.php?l=ro&idc=168&id=6639>), reports of the Court of Accounts (for example [this one](#)), various national strategies, etc.

For practical considerations, and in order to test the methodology, the scope of this mapping exercise was initially limited to two of the most important communal services that are commonly operated and provided in both rural and urban municipalities in the Republic of Moldova:

(1) *Water supply and sewerage;*

(2) *Solid waste management.*

The elaborated tool, tested now for the two fields mentioned above, can be used in the future for similar assessment of the normative framework of other communal services.

Description of the tool

The mapping of the main gaps, contradictions and constraints existing within the legal and regulatory framework in the field of communal services represents the result of the mapping exercise performed on the basis of a documentary analysis and review (strategies, laws, decisions, studies, articles, etc.) followed by interviews and discussions with relevant stakeholders (mayors and other representatives of the local government, service operators, AMAC, experts in the given field).

The mapping is covering five dimensions that comprise most important aspects of communal services' creation, organization, administration, control and monitoring, namely:

Dimension 1: Overall legal and institutional framework

Dimension 2: Normatives, standards and performance indicators

Dimension 3: Financing and tariffs

Dimension 4: Property management

Dimension 5: Intermunicipal cooperation

For each dimension, a list of issues – such as gaps, contradictions, etc. was compiled accompanied by an assessment of the trend and the urgency of fixing the respective problem. The mapping is using a color coding for both the **general trend** and **urgency**, as follows:

General trend		Urgency	
	changes made to the normative framework in the last 12 months have actually worsened the situation		very urgent (the status quo with a specific service cannot be changed because of the current legal framework);
	no changes were made to the normative framework in the past 12 months		somewhat urgent (the legal and regulatory framework is not perfect but local governments are able to manage or cope with this)
	the changes made to the normative framework in the past 12 months improved the situation in the given domain		not urgent (the current legal/regulatory framework is not causing any problems in practice)

Moreover, for each identified problem, as the case may be, the actions necessary/recommended by the team of experts to improve the relevant normative framework are shown.

Application and practical value of the barometer

The barometer's foremost value and function is to provide a comprehensive overview of relevant issues within legal and regulatory framework that could be a focus of the central government-local authorities' policy dialogue and/or advocacy and lobby campaigns.

The barometer could also serve as an interinstitutional monitoring tool, showing the evolution over time of various aspects of communal service's legal and regulatory framework, including in the context of decentralization reform. This type of monitoring could have a double impact. On the one hand it could incentivize the government/ministries to take action to improve the situation in the field of communal services. On the other hand, within this dialogue platform, could be identified areas to be supported by the development partners through technical assistance, including development of in-depth studies on the issues identified, adjustment of the national legislation, identification of financial resources for investments, etc.

In this context, the below presented barometer will need to be updated at regular intervals (once or twice per year) by an 'expert panel' to enhance objectivity and credibility of this tool. Moreover, the central public authority competent in this field could establish a dialogue platform (similarly to the External Coordination Committees) gathering central and local authorities, external partners, specialized associations in order to discuss the existing problems and identify the most feasible solutions in the field of communal service provision.

I. GAPS, CONTRADICTIONS AND CONSTRAINTS IDENTIFIED IN THE LEGAL AND REGULATORY FRAMEWORK RELATING TO WATER SUPPLY AND SEWERAGE (WSS)

Dimension 1. Overall legal and institutional framework

Dimension	Identified issues and gaps	Trend	Urgency	Necessary/recommended actions
Legal and regulatory framework in the field of WSS (overview)	The Law no. 303/2013 on WSS is a progressive piece of legislation that regulates in details the creation, organization, administration, control and monitoring of WSS service provision. The Law was updated in recent years (more substantively in 2018/2019) to respond to identified shortcomings and to adapt it to EU acquis. However, some provisions, requirements and solutions foreseen in the Law are to be appraised how implementable and realistic they are, for instance in relations to smaller WSS operators from rural areas, etc. See more details in the sections below.	Yellow	Green	Impact analysis of the Law 303/2013
	The Law no. 436 on local public administration defines the WSS service provision as an own competence of LPA of first level, however other laws, such as the Law 303/2013 on WSS or the Law no. 1402/2002 on communal public services contain ambiguous provisions concerning the role of raions (LPA 2) in organization and provision of these services (see for instance the syntagma "of raional interest or provided at raional level" which leaves room for interpretation).	Yellow	Yellow	Inclusion in all the three laws provisions to clarify the syntagma "public communal services of local or raional level/interest" to avoid confusions regarding the right to create those public communal services. The right to create communal services of raional/regional level should be explicitly granted to LPAs of first level, as this right is already exercised by them by association/intermunicipal cooperation (Intermunicipal Development Associations – IDA, Ltd, JSC.)
	The Law no. 1402/2002 on communal public services needs a throughout assessment and update in accordance with actual evolutions and trends - i.e. the IMC aspects and mechanisms are poorly reflected and incorporated in the law, the last changes from the civil code are not reflected, the law does not distinguish between LPA 2 and 1 and operates with generic notion "local public authorities" without specification.	Yellow	Red	This law needs a comprehensive assessment and updating according to the requirements of 2021, as compared to 2002.

Dimension	Identified issues and gaps	Trend	Urgency	Necessary/recommended actions
General aspects of the national institutional framework in the field of WSS	<p>After the reorganization of the central government in 2009-2010, the national normative framework lacks clarity regarding the central authority that coordinates the development, implementation and monitoring of public policies in the field of communal services. These functions are shared among many central public institutions according to their domain of competence, for this reason it is not clear which specialized authority is responsible for WSS from the point of view of developing public services in general. This led to multiple contradictory discussions regarding the role of MEI (Ministry of Economy and Infrastructure) or MARDE (Ministry of Agriculture, Regional Development and Environment) as central authorities fulfilling duties in the field of public services, given the fact that those ministries were successors of certain duties held before 2009 by other institutions, previously entrusted with such competences.</p> <p>More concretely, article 6 of law 303/2013 does not specify which ministry fulfills the duty of central specialized body of the public administration in the field of the public service of water supply and sewerage, and the Regulations on the organization and operation of the Ministry of Agriculture, Regional Development and Environment, approved by GD 695/2017 does not expressly stipulate WSS among the fields in which the ministry fulfills certain duties (see para. 6). There is no clear delimitation, for example, between the competences of MARDE and MEI, which, among other responsibilities, is responsible of town-planning, constructions and housing (see https://mei.gov.md/ro/content/urbanism-constructii-si-locuinte visited on 04.02.2021 and Regulations on the organization and operation of the Ministry of Economy and Infrastructure, approved by GD 690/2017).</p>			<p>The need to identify the institution responsible for the development of legislation / policy documents in the field of public communal services or to create a new entity is fairly urgent, its absence creates confusions and leads to the lack of a unified national framework for the development of standards to ensure an efficient management, and also causes misunderstandings regarding:</p> <ul style="list-style-type: none"> - Quality standards; - Assessment of service quality; - Lack of procedures for the licensing of small operators; - Lack of a clear framework for tariff setting that would contribute to ensuring the sustainability and quality of services. <p>During the discussions between the employers' organizations in the field of communal services and the state institutions, the need for a separate agency competent in evaluating the communal services and developing regulations to improve their quality was reiterated, because ANRE examines only the requests of large operators in the field of WSS and activities related to public services in other domains are not regulated, as for example SWM.</p>
National regulator	<p>The law 303/2013 on WSS attributed the competences of national regulator in WSS field to ANRE.</p> <p>From the point of view of separation of responsibilities and functions between state institutions, the authority issuing the license (permit to perform the activity) may not be the same authority that monitors how the permits are being executed. All the more it may not be the authority establishing the calculation methodology, endorsing the tariff calculations</p>			<p>According to para. (1) art. 32 of the Law 303/2013, the activity of ANRE is oriented towards regulating the activity of larger operators (regional, raional and the ones providing services in cities/"municipii"), and on Agency website only 44 operators at a country level are indicated, while the activity of other</p>

Dimension	Identified issues and gaps	Trend	Urgency	Necessary/recommended actions
	<p>and, in some situations, approving tariffs directly. This overlapping of competences may lead to certain activities vulnerable to corruption. Since the Strategy on public administration reform for 2016-2020, approved by GD No. 911 from 25-07-2016 stipulates, among the priority reform activities, a clear separation between the policy making functions, regulatory and monitoring functions and service rendering functions.</p>			<p>operators is not coordinated and is subjected to financial, organizational and other risks. However, the uncertainty in this regard is created by the provisions of para. (5) art. 7 of the given law.⁴</p> <p>It is also necessary to review the separation of competences for:</p> <ul style="list-style-type: none"> - issuing permits (it is recommended to exclude the license and to keep only the establishing of certain clearer rules for the issue of the permit for special use of water); - control activities, they should be transferred to the Environmental Inspectorate (EI); - establishing tariffs (to be left with ANRE, and to adjust the name of this institution to avoid confusions);
National licensing authority	<ul style="list-style-type: none"> - The licensing of WSS operators is currently done by ANRE. - The licensing requirements and criteria for the WSS operators are not realistic and are excessive for the rural WSS operators. - Due to the fact that both the operators and the regulator lack institutional capacities, the licensing activity is done with delays for the small rural operators. <p>See the findings and recommendations above regarding the need for separation of functions.</p>			<p>As in the case of regulation, ANRE coordinates only the activity of large operators and is not involved in the activity of the small ones, despite the fact that the Law 303/2013 contains some provisions in this regards (notwithstanding the fact that the provisions of para.5 art. 7 have not been excluded during the last amendment of the law, namely when a rural community has a centralized system of water supply, sewerage and wastewater treatment its activity shall be regulated in the same conditions as the activity of an operator acting at the level of a city, region, etc.). The idea to subject to licensing all the operators, but to provide a transition period and simplified conditions for the rural operators has</p>

⁴ It stipulates that the operators supplying/rendering the public service of water supply and sewerage at the level of village/community, provided with centralized water supply, sewerage and wastewater treatment plants shall be subject to the procedure of regulation, licensing, tariff approval in the same conditions as the operators supplying/rendering the public service of water supply and sewerage at the level of raion, municipality and city, which fact is not accepted and is interpreted in a different way by ANRE.

Dimension	Identified issues and gaps	Trend	Urgency	Necessary/recommended actions
				been also proposed, but ANRE refused to execute such proposals.
Control in the field of WSS (exercised by ANRE and other agencies and public institutions – public health, environmental agencies, etc.)	<p>The control of WSS is regulated by the Law 303/2013 and by the Law 131/2012 on the governmental control of entrepreneurial activity, and these two laws have some contradictory aspects, especially: risk assessment mechanisms for the performance of control. Moreover, this situation is contrary to the principles forbidding the overlapping of the fields of control between the control bodies, since ANRE and EI control the way of executing the activities provided in the permits.</p> <p>Moreover, art. 9 of the Law 303/2013 induces total lack of clarity regarding the authorities having the right to exercise the control, the contained provisions are unclear and do not clearly define the control body and its competence, Only art. 9¹ stipulates the right and the type of control done by ANRE.</p>			The revision of the mentioned acts is recommended to ensure conformity with the Law 131/2012.
Permits	<p>The environmental permit for special use of water for the purpose of water supply is issued by the Environmental Agency, in accordance with Law 160/2011. At the same time, according to Law 303/2013, the WSS operators shall be subject to licensing, which is also a permit. Accordingly, the WSS operator should hold two permits: the License and the Permit for special use of water (for water intake and for wastewater disposal).</p> <p>According to art. 12/2 of Law 160/2011 (c) licensing shall not double other regulatory procedures, shall not cover risks similar to other existing intervention means or to other permits, and shall not be done for the purpose of ensuring the fulfilment of conditions and requirements entrusted by the law to another existing regulatory mechanisms.)</p> <p>By means of the above situation, the WSS operator is subjected to a double system of establishing permits and a double control system is established in the same field. ANRE checks how the licensing requirements are being implemented, and EI checks how the provisions of the permit are being fulfilled.</p> <p>It should be also underlined that the law 160/2011 in its art. 4, para. 6 creates confusions in interpretation (on the one hand, the acts issued for public services are not included in the Nomenclature of Permits) on the other hand,</p>			<p>The revision of the mentioned acts is recommended: Law 303/2013 to take into consideration the provisions of Law 160/2011.</p> <p>One single permit should be established (it is recommended to keep the one in the field of special use of water). As It contains many elements similar to the requirements for a license.</p>

Dimension	Identified issues and gaps	Trend	Urgency	Necessary/recommended actions
	in its art.4 ¹ , it recognizes the license as a permit, and art.12 ² of the same law does not allow the license to double other regulatory procedures (in this case they are similar to those provided for the issue of the permit for special use of water).	Yellow	Red	

Dimension 2. Normatives, standards and performance indicators

Dimension	Identified issues and gaps	Trend	Urgency	Necessary/recommended actions
The quality standards and technical parameters (sanitary, bacteriological, chemical for drinking water, for discharged wastewater, etc.) for the provision of the service	New construction normatives have been adopted and partly replaced old soviet SNiPs and GOSTs (NCM G.03.01:2017 for Low-capacity communal wastewater treatment plants; NCM G.03.02:2015 for External sewerage networks and installations; Regulation on the main principles in design and construction of external water supply systems of small localities with a consumption less than 200 m ³ /day). Nevertheless, the current regulations and normatives do not offer solutions for certain specific problems faced by the rural communities, such as the status of and requirements for septic tanks. In conditions of financial austerity and high costs of the classic centralized systems of sewerage and wastewater treatment, as well as due to the specific conditions not allowing the operation of such systems at their to optimal parameters in most rural communities (low density of users per network km, low wastewater volume discharged, topographic properties, long pumping distances, etc.), regulating and encouraging the use of septic tanks would be a temporary/transition solution much better than the current situation when wastewater is infiltrated in the soil.			<ul style="list-style-type: none"> - A normative document for the construction, maintenance of septic tanks (or in a separate normative document for small wastewater discharge (sewerage) systems in rural communities⁵). - <i>Instructions on the disinfection of drinking water and of treated wastewater, washing and disinfecting water reservoirs and water pipes</i> – this document would serve as a regulating framework for the process of disinfection of the drinking water, wastewater and sludge deposit, washing and disinfection of water reservoirs, installations and pipelines
	The law 182/2019 on the quality of drinking water is not distinguishing between LPA I and LPA II, which may create confusions regarding the holder of the competence or obligation to act (see for instance article 8, para 1; article 9, para 4; article 10, para 7; article 13, para 1).			The provision of this normative act should be adjusted to clearly distinguish between the role of LPA I and of LPA II.
Performance indicators for the service provision in WSS field	The framework performance indicators were approved at national level by ANRE. No specific problems and gaps relating to such framework indicators were identified currently.			
Normatives regulating the operational activity of the	A series of normatives that have to be developed and that may bring clarity in the activity of operators rendering public communal services relating to increasing the efficiency of their activity are planned but, unfortunately, till now MEI has not accepted such initiatives, and no offers were presented as			Development and approval of a series of additional norms (see Annex 3).

⁵ A concept note has been developed within the project EUWI + on the development of a separate normative documents for small wastewater disposal (sewerage) systems in the Republic of Moldova.

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	a result of the call for proposals made by MARDE in the process of launching a tender for contracting a company to develop such documents.			

Dimension 3. Financing and tariffs

Dimension	Identified issues and gaps	Trend	Urgency	Necessary/recommended actions
Methodology for calculation and approval of tariffs for WSS services	There is no possibility of requesting and giving a consultative endorsement for the calculation of tariffs for WSS services supplied at the level of rural communities, which is of high importance, especially in the conditions when the local council refuses to adjust tariffs.			The need to revise the procedure/methodology of endorsing, calculating the tariff by ANRE
	Methodology for tariffs calculations is not adapted for small WSS operators from rural areas			Development of a simplified Methodology for operators from rural areas
	<p>The legislation provides for the need to take into account the affordability of the WSS service, which, besides the availability of the service includes also the affordability of the tariff, without establishing clear criteria of application (see, for example, art. 1, art. 2, let. f) of the law 303/2013, art. 7, let. b), art. 12, para 1, let. c) of the law 1402/2002).</p> <p>The human right to water and sanitation includes the dimensions of availability, accessibility, acceptability affordability of prices and quality;</p> <p>The economic affordability becomes a more and more concerning issue on the background of the economic crisis faced by the Republic of Moldova. The issue of tariff affordability is tackled in the Water supply and sanitation strategy (2014 – 2030) approved by GD 199/2014.</p>			<p>It is necessary to evaluate the projects and programs in the fields of water and sanitation from the point of view of human rights, with a view to developing complying policies, guidelines and practices; a comparative evaluation system should be established (water quality, price affordability, sustainability, coverage, etc.) to improve the quality of public water supply and sanitation services.</p> <p>The normative framework should be adjusted to establish the criteria of application of these accessibility requirements when establishing the payments for the rendered services of water supply and sanitation (for example, some options could be taken into consideration: differentiated tariffs for vulnerable population, progressive tariff depending on the consumed volume – similarly to the tariff for natural gas, offering some compensations, etc.).</p>
	Lack of regulations at a national level, including the lack of methodic indications for differentiated tariffs depending on the consumed volume of water (progressive tariff increase for higher volumes) to ensure the continuous WSS service rendering to the population (in the conditions of hot weather / draught and limited drinking water sources)			Currently the legislation does not provide for differentiated tariffs depending on the volume. These aspects should be taken into consideration in case of an eventual amendment of the Law 303/2013

Dimension	Identified issues and gaps	Trend	Urgency	Necessary/recommended actions
Taxation of WSS operators, payments and tariffs collected	The communal services, including WSS provided to the population are exempted from VAT. However, the operators as such are not in the list of legal entities that enjoy the zero quota of VAT, they pay 20% VAT for the goods and services that they purchase.	Yellow	Yellow	Examination of the opportunity to apply the exemption from VAT for the WSS operators or at least the decrease of the VAT rate for the purchased goods and services (for ex. from 20% to 8 %.)
Investments in WSS infrastructure	There is no mechanism (fund) established at national level, to cover/help to cover LPA contributions within major investment projects.	Yellow	Red	The inclusion of certain mechanisms of financing the mandatory contribution of LPA within the investments projects financed from external sources, from trans-border and transnational cooperation projects. This tool may be managed either by the Ministry of Finance or on the platform for regional development on the account of the National Regional Development Fund, with the development of a special mechanism in this regard.
Amortization of assets	The Law 303/2013 stipulates in its article 13 ¹ , para (11) that the value of the royalty should not be less than the amortization of the concessional assets relating to the WSS service. Such provision has been introduced in 2019 by the Law no. 322 from 30.11.2018 for the amendment of the Law no. 303/2013, and its purpose is to ensure the financial sustainability of the WSS service operators, including by means of gathering the necessary financial resources for the repayment of loans and for making investments in infrastructure. Although generally this provision is necessary for a good operation of WSS services, the impact that such provision may have on tariff affordability should be taken into account and necessary mechanisms to ensure the access of vulnerable people to this service should be in place.	Yellow	Green	Evaluation of the impact of establishing a royalty that would totally cover the amortization of concessional goods on tariff affordability and, as the case may be, taking the necessary actions to ensure that the service is accessible to the vulnerable population as well.

Dimension 4. Property management

Dimension	Identified issues and gaps	Trend	Urgency	Necessary/recommended actions
Delineation and registration of objects/goods belonging to WSS systems	The national legislation gives place for interpretation in terms of place of registration (in what registry – of the territorial-administrative unit (local) or in the central registry, or in both);			Development of a thorough study on such problem and development of a draft law for the elimination of confusions, as the case may be.
	There is no clear mechanism at a legislative level to delineate and register the assets part of WSS systems.			Development of a thorough study on such problem and development of a draft law for the elimination of confusions, as the case may be.
	<p>There is no clear mechanism of transmitting into the property of LPAs the goods and infrastructure obtained from grants / projects implemented by associations, NGOs and other authorities (not directly by LPAs) or built by natural/legal persons on the lands in public property (see art. 19 para (4) of the law 303/2013).</p> <p>A specific situation proving the revealed gap is the fact that there are fruit growing partnerships in the suburbs of municipalities, where infrastructure systems have been built on public lands and LPAs have not taken such lands in their administration/property. The operators in municipalities extend the number of service beneficiaries without establishing the mechanism of handing over the infrastructure systems. Moreover, the situation is even more unclear after the provision "<i>free of charge at the balance</i>" contained in para (4) art. 19 of the law 303/2013 has been declared unconstitutional.</p>			<p>It is necessary to develop a mechanism of transmitting the infrastructure systems, eventually by amending GD 901/2015 and other relevant normative acts.</p> <p>The development of guidelines and methodological notes would also be useful.</p>
Evaluation of goods related to the WSS systems	There is no clear methodology for the evaluation of the objects belonging to the WSS system;			Development of a methodology for the evaluation of the goods belonging to the WSS system; Offering methodological support to LPAs and to WSS operators for the performance of the process of evaluation of goods.
Tools for storage and evidence of datasets regarding the objects belonging to WSS	The legal framework does not foresee the requirement/obligation to establish and maintain a digital tool for the storage of the datasets regarding the objects belonging to WSS systems. The legal and regulatory framework is not defining the conditions and the parameters for the datasets to be submitted in digital form. There is a lack of a mechanism for accountability and penalization for not submitting at all			Preparation of a draft law to include the requirement/obligation to establish and maintain a digital tool for the storage of the datasets regarding the objects belonging to WSS systems, as well as the requirement to submit the datasets in digital form.

Dimension	Identified issues and gaps	Trend	Urgency	Necessary/recommended actions
systems	or in an appropriate format the datasets regarding the objects belonging to WSS systems and also for the failure to comply with the conditions for keeping and archiving of the datasets concerning the object belonging to WSS systems;			
Registration and record of infrastructure objects from WSS systems	Legislative contradictions lead to either duplication of record or to total lack of record of the objects belonging to WSS systems;			An analysis is necessary to emphasize those contradictions and proposals for their solving.
Requirements for establishment of the development fund by WSS operators	The capitalization of the property owned by the administrative-territorial units in the public domain from the development fund is not sufficiently regulated and can lead to litigation.			Elaboration of a study followed by the development of a draft law to amend the law 303/2013 and/or other normative acts, as the case may be.

Dimension 5. Intermunicipal cooperation

Dimension	Identified issues and gaps	Trend	Urgency	Necessary/recommended actions
Overall legal framework on the intermunicipal cooperation in general and in WSS field	The normative framework regarding IMC is general and lacks clear mechanisms for initiating, developing and ending an IMC. There is no special law on IMC, there are few specific provisions in the Law on local public administration and Law on communal public services that apply to IMC.			There is a legislative initiative in the Parliament regarding the Intermunicipal Development Associations (IDA). ⁶ It is necessary to promote such draft law, as well as to develop a study on the need to develop a favorable legal framework for IMCs.
Legal forms for institutionalizing the IMC	The recent changes of the civil code have excluded the legal form of union of legal persons that was used by some municipalities to establish IMCs (as, for example, the waste management association in the South Development Region);			Identification of an organizational-legal form that may be used by LPAs to create non-profit IMCs. Promotion on the draft law on IDAs registered in the Parliament of Moldova, with the improvements suggested during the endorsement and consultation process.
	The approval of the new law on state and municipal enterprises and the subsequent practices makes impossible to register municipal enterprises with more than one founder, this was the main legal/institutional form used by LPAs to initiate IMCs;			Amendment of the law on state and municipal enterprises to offer several LPAs the possibility to jointly create an IMC (municipal enterprise with several founders) as it was before the law has been approved, on the basis of the former template regulation on municipal enterprises.

⁶ <http://parlament.md/ProcesulLegislativ/Proiectedeacteleislative/tabid/61/LegislativId/5211/language/ro-RO/Default.aspx>

Dimension	Identified issues and gaps	Trend	Urgency	Necessary/recommended actions
	<p>The current legal framework and practice impose Joints Stock Companies for establishing IMCs, however this legal form is not always appropriate for several reason:</p> <p>a) in order to be able to influence the process of providing the WSS service, which by the way is an own exclusive competence of the LPA level I, the municipality has to become a shareholder of the JSC. The contribution to the social capital of the JSC cannot be formed from the objects of the system, but only from monetary contributions or other goods that are not attributed to the public domain of the ATU. In the conditions of an extremely austere budget, mostly rural LPAs will be placed in the decisional minority, their voice being reduced due to no. small shares that they will hold.</p> <p>b) it remains uncertain the determination of the right and share of ownership of the ATU over the assets transferred in the form of a grant or in another form to strengthen the institutional capacities of the JSC jointly established by several municipalities;</p>			<p>Revision on the legislative framework to allow establishing municipal enterprises as a form of institutionalizing the intermunicipal cooperation. Development of Guidelines for the LPAs, which would contain the cooperation options, including suggesting the use of other institutional forms, such as LTDs, etc.</p>
Incentives for IMC	Current legal and regulatory framework does not provide for any incentives for IMCs.			Examination of the opportunity to create mechanisms giving incentives to IMCs, such as priority during calls for projects financed from national funds, possible tax facilities, etc.

II. GAPS, CONFLICTS AND CONSTRAINTS IDENTIFIED IN THE NORMATIVE FRAMEWORK RELATING TO SOLID WASTE MANAGEMENT (SWM)

Dimension 1. Overall legal and institutional framework

Dimension	Identified issues and gaps	Trend	Urgency	Necessary/recommended actions
Overall legal and regulatory framework in the field of SWM	The SWM organization and provision is not regulated by a special law. The law 209/2016 on waste is focused on measures necessary for the protection of the environment and public health by preventing or reducing the adverse effects of waste generation and management and by reducing the overall effects of the use of resources and increasing the efficiency of their use, <u>but it is not regulating in details the organization, functioning, administration of the SWM service</u>	Yellow	Red	It is necessary either to amend/complete the Law 1402/2002 regulating, as a framework law, the basic principles for the organization of communal services, or to develop a new law regulating the organization and operation of SWM services.
	Article 11 of the Law 209/2016 on waste is not specifying and not distinguishing between different levels of local public administration.			The need to distinguish these aspects should be done both in the law 209, and in the laws 1402, 436, 435 etc.
	Article 9, point c) of the Law 1515/1993 on environment protection mentions that the rayonal authorities jointly with local authorities for environment are supervising and coordinating the activity of town halls (LPA1) [...] in the field of storage and processing of production and household waste. This provision is not fully in line with the provisions of the article 6 of the Law 436/2006 that stipulates that there are no relations of subordination between the public authorities of first and second level of local public administration.			According to the legislative provisions, if there are several laws with the same force, the provisions of the last law/amendments approved shall apply. Still, to have a better coherence of the normative framework, it is necessary to adjust such provisions to take into account art. 6 of the law 436/2006.

Dimension	Identified issues and gaps	Trend	Urgency	Necessary/recommended actions
	<p>A major gap identified in the current normative framework is the lack of an efficient legislative and institutional solutions for the problem of the inhabitants refusing to conclude contracts for the waste removal service. The representatives of LPAs have reported multiple situations when the inhabitants refuse to sign such contracts grounding this by the fact that they do not produce waste, bury it, etc. and they don't have what to pay for. Taking into consideration the comparative practice of other countries that have introduced mechanisms automating the signing of waste removal contracts (there is no option not to sign a contract), tackling this issue and an eventual adjustment of the normative framework are imperative.</p>			<p>It is necessary to amend the law no. 209 and eventually the law no. 1402 and to include provisions stipulating that when there is a communal service provided (water supply, sewerage or SWM) the population should conclude waste removal contracts, otherwise penalties shall be apply for causing damage to the environment.</p>
National institutional framework in the field of SWM	<p>Unlike the WSS field, article 9 of the law on waste 209/2016 expressly stipulates in relation to SWM that MARDE is the competent authority entrusted with competences and responsibilities regarding the waste management regime. On the other hand, as in the case of WSS, the Regulation on the organization and operation of the Ministry of Agriculture, Regional Development and Environment approved by GD 695/2017 does not expressly stipulate SWM among the domains in which the ministry shall fulfill certain functions (see p. 6). There is also no clear distinction between the competences of MARDE and those of the Ministry of Economy and Infrastructure in the field of SWM, as MEI has, among others, responsibilities in the sphere of town-planning, constructions and housing which could tangentially concern the SWM field.</p>			<p>The need to identify the institution responsible for the development of legislation / policy documents in the field of public communal services or the creation of a new entity is fairly urgent, its absence creates confusions and leads to the lack of a unified national framework for standards development to ensure an efficient management, and also causes differences regarding:</p> <ul style="list-style-type: none"> - Quality standards; - Assessment of service quality; - Lack of procedures for the licensing of small operators; - Lack of a clear framework for tariff setting that would contribute to ensuring the sustainability and quality of services
National regulator	<p>Despite the fact that there is no institution entrusted to regulate the given public services as such, as in the case of WSS, in 2019 certain functions of national regulatory authority in the SWM field were attributed to National Agency for Environment.</p>			<p>As in the previous paragraph, it is necessary to identify the institution that would ensure the procedure of regulation, licensing, tariff approval in the field of SWM.</p>

Dimension	Identified issues and gaps	Trend	Urgency	Necessary/recommended actions
Licensing or authorization of the SWM activities	<p>The Law on the regulation by authorization of the entrepreneurial activity no. 160/2011, foresees the following requirements:</p> <ul style="list-style-type: none"> • A license for the collection, storage, processing, marketing and export of waste and scrap of non-ferrous metals, used batteries and accumulators, including in a processed form (issued by the Agency for Public Services); Environmental permit for waste management (issued by the National Agency for Environment); • See the above comments on the existence and duplication of the permit and the license in the field of WSS. 			<p>The lack of a regulatory institution represents in fact, for the moment, one of the most acute problems affecting the quality of rendered services and the sustainability of investments. It is necessary to identify the institution that could undertake such functions.</p>

Dimension 2. Normatives, standards and performance indicators

Dimension	Identified issues and gaps	Trend	Urgency	Necessary/recommended actions
The quality standards for the provision of the SWM service	At national level there are specialized regulations for the management of specific types of waste (medical, electrical and electronic devices, batteries and accumulators, dangerous waste, etc.), but there are no quality standards for municipal/household waste;	Yellow	Yellow	It is necessary to approve the following regulations (or framework regulations): <ul style="list-style-type: none"> - On the organization and operation of SWM services - On landfills - On used oil - On used tires - On motor vehicles out of use
	Lack of standards and normatives for landfills			Yellow
Performance indicators for the service provision in SWM field	The framework performance indicators for SWM service are not developed and approved at national level.	Yellow	Yellow	

Dimension 3. Financing and tariffs

Dimension	Identified issues and gaps	Trend	Urgency	Necessary/recommended actions
Methodology of tariff calculation and approval for SWM services	There is no methodology of calculation and approval of tariffs for SWM, for waste collection. It is to mention that there are two model to finance the service – based on a tariff for rendered services according to the contracts concluded with the users and based on a local tax – tax for sanitation, instituted for waste collection (without any contracts between the operators and users). In both cases, the amount of the tariff/tax is established by the local council. Currently MARDE, with the support of the development partners, is in process of developing a tariff calculation methodology.			It is necessary to finalize and approve the Methodology of tariff calculation, as well as the mechanism of approval and application, and also to identify the institution that would ensure the performance of those activities. It is important to develop Guidelines for the LPAs and it would be important to also ensure the institution of training courses within LPAs which would build the capacities of LPAs in tariff calculation for both WSS and SWM.
Taxation of SWM operators, collected payments and tariffs	The communal services, including SWM, are exempted from VAT. At the same time, the municipal enterprises/operators have to pay VAT (20 %) for the purchased goods and services.			Examination of the opportunity to apply the exemption from VAT for SWM operators or at least to decrease the VAT rate for the purchased goods and services (for ex., from 20 % to 8%).
	A specific situation is noticed when the SWM service is rendered on the basis of a local sanitation tax, not on the basis of individual contracts signed with the beneficiaries – article 103, para 16 of the Fiscal Code of Moldova provides the exemption from VAT only for the services rendered to the population, while in this format the service renderer does not sign a contract with the population and LPAs and the services do not benefit from the exemption.			Amendment of art. 103, para 16 of the Fiscal Code to expressly provide the situation when the services are rendered on the basis of a local sanitation tax and, consequently, no contracts are concluded with the household beneficiaries.
Financing investments in SWM infrastructure	There is no mechanism (fund) established at national level, to cover/help to cover LPA contributions within major investment projects;			The inclusion of certain mechanisms of financing the mandatory contribution of LPA within the investment projects financed from external sources, from trans-border and transnational cooperation projects. This tool may be managed either by the Ministry of Finance or on the platform for regional development on the account of the National Regional Development Fund, with the development of a special mechanism in this regard.

Dimension 4. Property management

Dimension	Identified issues and gaps	Trend	Urgency	Necessary/recommended actions
Delineation and registration of objects/goods belonging to SWM systems	The national legislation gives place for interpretation in terms of place of registration (in what registry – of the territorial-administrative unit (local) or in the central registry, or in both);			Development of a thorough study on such problem and development of a draft law for the elimination of confusions, as the case may be.
	There is no clear mechanism at a legislative level to delineate and register the assets part of SWM systems.			Development of a thorough study on such problem and development of a draft law for the elimination of confusions, as the case may be.
	There is no clear mechanism of transmitting into the property of LPAs the goods and infrastructure obtained from grants / projects implemented by associations, NGOs and other authorities (not directly by LPAs);			It is necessary to develop a mechanism of transmitting the infrastructure systems, eventually by amending GD 901/2015 and other relevant normative acts. The development of guidelines and methodological notes would also be useful.
Evaluation of goods related to the SWM systems	There is no clear methodology for the evaluation of the objects belonging to the SWM system;			Development of a methodology for the evaluation of the goods belonging to the SWM system; Offering methodological support to LPAs and to SWM operators for the performance of the process of evaluation of goods.
Tools for storage and evidence of datasets regarding the objects belonging to SWM systems	The legal framework does not foresee the requirement/obligation to establish and maintain a digital tool for the storage of the datasets regarding the objects belonging to SWM systems. The legal and regulatory framework is not defining the conditions and the parameters for the datasets to be submitted in digital form. There is a lack of a mechanism for accountability and penalization for not submitting at all or in an appropriate format the datasets regarding the objects belonging to SWM systems and also for the failure to comply with the conditions for keeping and archiving of the datasets concerning the object belonging to SWM systems;			Preparation of a draft law to include the requirement/obligation to establish and maintain a digital tool for the storage of the datasets regarding the objects belonging to SWM systems, as well as the requirement to submit the datasets in digital form.

Dimension	Identified issues and gaps	Trend	Urgency	Necessary/recommended actions
Registration and record of infrastructure objects from SWM systems	Legislative contradictions lead to either duplication of record or to total lack of record of the objects belonging to SWM systems;			An analysis is necessary to emphasize those contradictions and proposals for their solving.
Requirements for establishment of the development fund by SWM operators	Unlike WSS, the legislation does not provide for the creation of a development fund for the SWM field. Moreover, the funds collected on the account of the local sanitation tax do not have a special destination (not earmarked) and might be used by the LPA for other purposes than SWM financing.			Performance of an analysis on the opportunity of creating a development fund in the field of SWM similarly to the requirements existing in the field of WSS. Development of a draft law for the creation of such fund, as the case may be.

Dimension 5. Intermunicipal cooperation

Dimension	Identified issues and gaps	Trend	Urgency	Necessary/recommended actions
Overall legal framework on the intermunicipal cooperation in general and in SWM field	The normative framework regarding IMC is general and lacks clear mechanisms for initiating, developing and ending an IMC. There is no special law on IMC, there are few specific provisions in the Law on local public administration and Law on communal public services that apply to IMC.			There is a legislative initiative in the Parliament regarding the Intermunicipal Development Associations (IDA). ⁷ It is necessary to promote such draft law, as well as to develop a study on the need to develop a favorable legal framework for IMCs.
Legal forms for institutionalizing the IMC	The recent changes of the civil code have excluded the legal form of union of legal persons that was used by some municipalities to establish IMCs (as, for example, the waste management association in the South Development Region);			Identification of an organizational-legal form that may be used by LPAs to create non-profit IMCs. Promotion on the draft law on IDAs registered in the Parliament of Moldova, with the improvements suggested during the endorsement and consultation process.
	The approval of the new law on state and municipal enterprises and the subsequent practices makes impossible to register municipal enterprises with more than one founder, this was the main legal/institutional form used by LPAs to initiate IMCs;			Amendment of the law on state and municipal enterprises to offer several APLs the possibility to jointly create an IMC (municipal enterprise with several founders) as it was before the law has been approved, on the basis of the template regulations on municipal enterprises.

⁷ <http://parlament.md/ProcesulLegislativ/Proiectedeacteleislative/tabid/61/LegislativId/5211/language/ro-RO/Default.aspx>

Dimension	Identified issues and gaps	Trend	Urgency	Necessary/recommended actions
	<p>The current legal framework and practice impose Joints Stock Companies for establishing IMCs, however this legal form is not always appropriate for several reason:</p> <p>c) in order to be able to influence the process of providing the SWM service, which by the way is an own exclusive competence of the LPA level I, the municipality has to become a shareholder of the JSC. The contribution to the social capital of the JSC cannot be formed from the objects of the system, but only from monetary contributions or other goods that are not attributed to the public domain of the ATU. In the conditions of an extremely austere budget, mostly rural LPAs will be placed in the decisional minority, their voice being reduced due to no. small shares that they will hold.</p> <p>d) it remains uncertain the determination of the right and share of ownership of the ATU over the assets transferred in the form of a grant or in another form to strengthen the institutional capacities of the JSC jointly established by several municipalities;</p>			<p>Revision on the legislative framework to allow establishing municipal enterprises as a form of institutionalizing the intermunicipal cooperation. Development of Guidelines for the LPAs, which would contain the cooperation options, including suggesting the use of other institutional forms, such as LTDs, etc.</p>
Incentives for IMC	Current legal and regulatory framework does not provide for any incentives for IMCs.			Examination of the opportunity to create mechanisms giving incentives to IMCs, such as priority during calls for projects financed from national funds, possible tax facilities, etc.

ANNEXES

Annex 1. Laws, normative acts and regulations in the WSS field relevant for the creation, organization, administration, control and monitoring of WSS service provision

A. Laws

- Law on water supply and sanitation no. 303 from 31.12.2013 // Official Monitor no. 60-65 from 14.03.2014;
- Law on local public administration no. 436 from 28.12.2006 // Official Monitor no. 32-35 from 09.03.2007;
- Law on administrative decentralization no. 435 from 28.12.2006 // Official Monitor no. 29-31 from 02.03.2007;
- Law on communal public services no. 1402 from 24.10.2002 // Official Monitor no. 14-17 from 07.02/2003;
- Law on the quality of the drinking water no. 182 from 19.12/2019 // Official Monitor no. 1-2 from 03.01.2020;
- Law on water no. 272 from 23.12.2011 // Official Monitor no. 81 from 26.04.2012;
- Law on housing no. 75 from 30.04.2015 // Official Monitor no. 131-138 from 29.05.2015;
- Law on condominium in the housing stock no. 913 from 30.03.2000 // Official Monitor no. 130-132 from 19.10.2000;
- Law on the Register of technical-utility infrastructure objectives no. 150 from 14.07.2014 // Official Monitor no. 277-288 from 04-08-2014;
- Law on procurement in the energy, water, transport and postal services sectors no. 74 from 21.05.2020 // Official Monitor no. 153-158 from 26.06.2020;
- Law on the regulation by authorization of the entrepreneurial activity no. 160 from 22.07.2011 // Official Monitor no. 170-175 from 14.10.2011

B. Government's Decisions

- Government's Decision no. 199 from the 20th of March 2014 on the approval of the Water Supply and Sanitation Strategy (2014-2030) (amended by GD 442 of 01.07.2020)
- Government's Decision no. 191 from 19.02.2002 on the for the approval of the Regulation on the manner of provision and payment for housing, communal and non-communal services for the housing stock, metering of apartments and the conditions for their disconnection from / reconnection to heating and water supply systems // Official Monitor no. 29-31 from 28.02.2002;
- Government's Decision no. 506 from 01.11.2019 for approving the Framework Procedure for the organization, execution and award of contracts for the delegation of the management of the water supply and sewerage public service // Official Monitor no. 346-351 from 22.11.2019;
- Government's Decision no. 950 from 25.11.2013 for the approval of the Regulation on requirements for collection, treatment and discharge of wastewater in the sewerage and/or emission system for urban and rural localities // Official Monitor no. 284-289 from 06.12.2013;
- Government's Decision no. 1466 from 30.12.2016 for the approval of the Sanitary Regulation on small drinking water supply systems // Official Monitor no. 60-66 from 24.02.2017;
- Sanitary norms on the quality of drinking water (annex no. 2 to GD no. 934 of 2007) – currently the draft DG is being developed on the Sanitary Regulations on the supervision and monitoring of the quality of drinking water (by the Ministry of Health).
- Government's Decision no. 802 from the 09th of October 2013 for the approval of the Regulation on the conditions of discharge of wastewater in water bodies. (<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=350109>)
- Government's Decision no. 894 from the 12th of November 2013 for the approval of the Regulations on the organization and operation of the one stop shop in the sphere of environmental permits for special use of water. (<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=350368>)

C. Regulatory Acts

Decisions of the National Agency for Energy Regulation

- Decision no. 286 from 17.10.2018 of the National Agency for Energy Regulation on the approval of the Regulation on the procedures for submitting and examining licensees' applications for regulated prices and tariffs // Official Monitor no. 430-439 from 17.10.2018;
- Decision no. 355 from 27.09.2019 of the National Agency for Energy Regulation on the approval of the Framework Regulation for the organization and operation of the water supply and sewerage public service // Official Monitor no. 352-359 from 29.11.2019
- Decision no. 356 from 27.09.2019 of the National Agency for Energy Regulation for the approval of the Framework Regulation on performance indicators for the water supply and sewerage public service // Official Monitor no. 352-359 from 29.11.2019;
- Decision no. 357 from 27.09.2019 of the National Agency for Energy Regulation for the approval of the Regulation on principles of investments in the water supply and sewerage sector // Official Monitor no. 352-359 from 29.11.2019;
- Decision no. 358 from 27.09.2019 of the National Agency for Energy Regulation on the approval of the Framework Specifications of the water public supply and sewerage service // Official Monitor no. 352-359 from 29.11.2019;
- Decision no. 359 from 27.09.2019 of the National Agency for Energy Regulation on the approval of the Framework Contract for the provision of the public water supply and sewerage service // Official Monitor no. 352-359 from 29.11.2019;
- Decision no. 489 from 20.12.2019 of the National Agency for Energy Regulation on the approval of the methodology for the calculation, approval and application of tariffs for water supply, sewerage and waste water treatment public services // Official Monitor no. 55-61 from 21.02.2020;
- Decision no. 180 from 10.06.2016 of the National Agency for Energy Regulation on the approval of the Regulation on the calculation and proving, for the purpose of determining tariffs, of the technological consumption and water losses in public water supply systems // Official Monitor no. 206-214 from 15.07.2016;
- Decision no. 270 from 16.12.2015 of the National Agency for Energy Regulation on the approval of the Methodology on the approval and application of tariffs for auxiliary services provided to consumers by operators of the public water supply and sewerage service // Official Monitor no. 55-58 from 16.12.2015;

Construction standards and normatives

- NCM G.03.01:2017 for Low-capacity communal wastewater treatment plants adopted by the Order no. 382 from 19.12.2017 of the Ministry of Economy and Infrastructure.
- NCM G.03.02:2015 for External sewerage networks and installations adopted by the Order 56 from 25.04.2016 of the Ministry of Regional Development and Construction.
- Regulation on the basic principles of design and construction of external water supply systems of small localities with a consumption less than 200 m³/day adopted by the Order no. 179 from 04.04.2018 of the Ministry of Economy and Infrastructure.
- Code of Practices G.03.08: 2020 introducing new permanent norms for the design and construction of small water supply systems (less than 200 m³/day) in the Republic of Moldova (adopted by the Order no. 162 from the 01st of September 2020 of the Ministry of Economy and Infrastructure).
- SnIP 2.04.02-84* Water supply. External networks and installations.
- NCM G.03.03:2015 (MCH 4.01-02) "Interior installations of water supply and sewerage", adopted by the order no. 124 from 18.11.2015 of the Ministry of Regional Development and Construction (Official Monitor 2015, no. 317-323, art. 2267);
- NCM G.03.01-2012 Low-capacity communal wastewater treatment plants, adopted by the order no. 48 from 15.04.2013 of the Ministry of Regional Development and Construction (Official Monitor, 2013, no. 104-108, art. 584);
- CP D.01.06-2012 Determination of the admissible limits of harmful substances in the superficial debits (flows) for the conditions of the Republic of Moldova;
- CP G.03.01-2006 Design and mounting of the pipelines of interior cold and hot water supply systems using polymer covered steel pipes;

- CP G.03.02-2006 Design and mounting of the pipelines of water supply and sewerage systems made of polymeric materials;
- CP G.03.03-2011 Design and mounting of the underground water supply pipelines of plastic pipes with glass fiber;
- CP G.03.04-2011 Design, mounting and operation of interior sewerage systems of polypropylene pipes;
- CP G.03.05-2011 Design and mounting of interior water supply and heating systems of buildings made of copper pipes;
- CP G.03.06-2011 Design and mounting of underground sewerage pipeline of pipes made of plastic materials and reinforced with glass fiber;
- CP G.03.07:2016. System of natural biologic epuration of communal wastewater in filters planted with macrophytes (phytofilters);
- CP G.04.11.-2013 Methodology of calculation of the heat losses, unregistered volume of hot water, hot water losses in the communal systems of household hot water supply.
- SNiP 3.05.04-85 External water supply and sewerage networks and installations. Rules of performance and acceptance of works;
- SNiP 3.05.05-84 Technological equipment and technological pipelines;
- Manual on the design of installations for underground water intake (to SNiP 2.04.02-84);
- Manual on the design of installations for water cleaning and treatment (to SNiP 2.04.02-84*);
- Manual on the determination of the wall thickness of steel pipes, choice of trademarks, groups and categories of steel for external water supply and sewerage networks (to SNiP 2.04.02-84 and SNiP 2.04.03-85);
- SNiP 2.03.11-85 Protection of construction structures from corrosion;
- SN 456-73 Norms for allocation of lands for main water supply lines and sewerage collectors;

Annex 2. Laws, normative acts and regulations in the SWM field relevant for the creation, organization, administration, control and monitoring of SWM service provision

A. Laws:

- Law on waste no. 209 from 29.07.2016 // Official Monitor no. 459-471 from 23.12.2016
- Law on local public administration no. 436 from 28.12.2006 // Official Monitor no. 32-35 from 09.03.2007;
- Law on administrative decentralization no. 435 from 28.12.2006 // Official Monitor no. 29-31 from 02.03.2007;
- Law on communal public services no. 1402 from 24.10.2002 // Official Monitor no. 14-17 from 07.02.2003;
- Law on environment protection no. 1515 from 16.06.1993 // Official Monitor no. 10 from 30.10.1993;
- Law on housing no. 75 from 30.04.2015 // Official Monitor no. 131-138 from 29.05.2015;
- Law on condominium in the housing stock no. 913 from 30.03.2000 // Official Monitor no. 130-132 from 19.10.2000;
- Law on the Register of technical-utility infrastructure objectives no. 150 from 14.07.2014 // Official Monitor no. 277-288 from 04-08-2014;
- Law on the regulation by authorization of the entrepreneurial activity no. 160 from 22.07.2011 // Official Monitor no. 170-175 from 14.10.2011

B. Government's Decisions

- Government's Decision no. 191 from 19.02.2002 on the for the approval of the Regulation on the manner of provision and payment for housing, communal and non-communal services for the housing stock, metering of apartments and the conditions for their disconnection from / reconnection to heating and water supply systems // Official Monitor no. 29-31 from 28.02.2002;
- Government's Decision no. 212 from 07.03.2018 on for the approval of the Regulation on waste electrical and electronic equipment // Official Monitor no. 95-104 from 23.03.2018;
- Government's Decision no. 682 from 11.07.2018 on the approval of the Concept of the Automated Information System "Waste Management" // Official Monitor no. 267-275 from 20.07.2018
- Government's Decision no. 561 from 31.07.2020 on the approval of the Packaging and Packaging Waste Regulation // Official Monitor no. 212-220 from 21.08.2020
- Government's Decision no. 696 from 11.07.2018 on for the approval of the Sanitary Regulation on the management of waste resulting from medical activity // Official Monitor no. 295-308 from 10.08.2018
- Government's Decision no. 637 from 27.05.2003 on the control of cross-border transportation of waste and their disposal // Official Monitor no. 99 from 06.06.2003;
- Government's Decision no. 99 from 30.01.2018 for the approval of waste list // Official Monitor 33-39 from 02.02.2018
- Government's Decision no. 501 from 29.05.2018 on the for the approval of the Instruction on the keeping of records and the transmission of data and information on waste and its management // Official Monitor no. 176-180 from 01.06.2018;
- Government's Decision no. 586 from 31.07.2020 for the approval of the Regulation on the management of batteries and accumulators and waste batteries and accumulators // Official Monitor no. 221-225 from 28.08.2020

C. Regulatory Acts

- Normative document CP A.09.04-2014 "Construction and demolition waste management" approved by the order no. 107 from 28.07.2014 of the Ministry of Regional Development and Construction // Official Monitor no. 249-255 from 22.08.2014

Annex 3. Normative documents regulating the operational activity of the operators in WSS that have to be developed and approved

- Timeframes for technical maintenance and repairs of water supply and sewerage systems:
- Part I. Water supply and sewerage systems and installations;
- Part II. Electrical power supply networks, electrical equipment, measurement and control devices, tools for automation and auxiliary works. These timeframes shall be used to regulate the work of employees, to determine the workmanship involved for specific tasks, to calculate the norms of staff and to establish standardized procedures, to prepare calculations and to estimate the planned maintenance and repairs of the equipment.
- Timeframes for the liquidation of damages in utilities and equipment – they will establish norms of interventions in case of failures.
- Normative for the use of materials for the maintenance and repairs of water supply and wastewater systems – the norms shall be recommended for planning the materials, for the calculation of materials, for the organization of tenders and signing contracts with companies supplying materials.
- Recommended timeframes, norms for the maintenance and rehabilitation of non-centralized water supply sources (wells, water basins) – the norms shall regulate the activities of workers, determine the complexity of performed works, plan the number of staff and establish the standard to be applied for the rehabilitation of water sources.
- Instructions for the creation of stocks of spare parts, materials and equipment for the replacement of damaged equipment and restoration of the supply and water and of the sewerage systems = the instructions establish the way of configuration, use and maintenance of the inventories of materials and equipment for the performance of urgent works of rehabilitation and increase of efficiency in the operation of water supply and sewerage systems.
- Norms for spare parts, materials and equipment for repair works at water supply and sewerage companies;
- Rules on labor safety in the operation of the water supply and sewerage systems in the Republic of Moldova – the rules should establish basic labor safety requirements for the employees involved in the operation of the water supply and sewerage systems, and are common to all the organizations with various forms of property and legal-organizational form;
- Norms on the number of employees for the water supply and sewerage companies – the norms shall be used to establish the standard tasks and also to plan the necessary number of employees in the water supply and sewerage companies.