

Conceptual Considerations on Applying the Precautionary Principle in Environmental Law Relationships

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12.12.2025

12.12.2025

Nature is the greatest artist of all time."

Dante Alighieri

Abstract

The principle of prevention in environmental policy provides a conceptual basis for the argument that the best environmental strategy is to prevent pollution and environmental damage of any kind from occurring, rather than trying to remedy its effects. Prevention involves, on the one hand, risk assessment to avoid hazards and, on the other hand, actions based on knowledge of the present situation to avoid environmental degradation.

The implementation of effective preventive and precautionary measures requires a thorough understanding of activities likely to generate environmental risks, of the hazardous substances and materials involved, as well as of the mechanisms for managing and controlling technological processes. Only through a rigorous assessment of these elements can the principles of preventive responsibility and legal environmental protection be coherently applied, in accordance with the requirements of both national and international environmental law.

The purpose of the article is to approach the principle of prevention in a conceptual-applicative way, which aims to study the field, the development of regulation, case law and the difficulties that may arise in its application, as well as the interaction of the principle of prevention with other principles in environmental law. Thus, the article states that the most appropriate and effective environmental strategy is to prevent pollution and environmental damage of any kind, rather than to repair its effects.

Keywords: precautionary principle, the environmental law report, environmental damage, environmental protection, environmental strategy.

Introduction

Climate conditions are constantly changing, and their evolution requires ensuring a secure, resilient future for present and future generations. Adapting to climate change is no longer an option; it has become a necessity.

Environmental protection is the set of regulations, measures, and actions aimed at protecting and improving natural environmental conditions and, where practicable, reducing

or eliminating environmental pollution and its sources. The Law on Environmental Protection No. 1515 of 16.06.1993 expressly provides that the protection of the environment is a national priority, which directly affects the living conditions and health of the population, the realization of economic and social-human interests, and the ability of society to develop sustainably in the future.

This gives two meanings: the holders of the right to a healthy environment are both man and nature.

We have encountered in the doctrine the opinion that man is the sole beneficiary of the right to a healthy environment, while others - on the contrary - support the idea that nature (which also includes man) also has the right to be protected (Popescu, 2003, p. 302)

It should be noted that in the content of this right there can be identified an interference between the individual meaning, which implies the right of every human being to prevent pollution, to cease the activity that causes pollution and to repair the damage suffered by this pollution, and the collective meaning, which implies the obligation of states to cooperate in order to prevent and combat pollution, to protect the natural environment, at regional and international level.

We would also like to emphasize the opinion expressed by Rodica-Iordanca Iordanov, PhD. in law, university lecturer (2007), who points out that the right to a healthy and ecologically balanced environment is guaranteed for any individual who is part of the current generation, but for the reason that the right to a healthy environment is an interaction between the human and natural dimension and cannot be limited within temporary limits, the holder of this right is recognized also the future generation.

Also, the Romanian authors Mircea Duțu and Andrei Duțu state that: "an important role in the effective prevention of damage to the environment and human health falls to the state by guaranteeing the fundamental right to a healthy and ecologically balanced environment" (Duțu M., Duțu A., 2015, p. 117).

Professor Gh. Iancu (Iancu, 1998, p. 572) considers that from a procedural point of view, the right to a healthy environment has a certain specificity. The explanation lies in the fact that the environment can be protected only by preventive measures. Prevention must be achieved through decisions and, above all, as a result of mass public information, information and participation must be provided beforehand. The environmental damage caused is tantamount to failure to protect the environment, which is often irreversible. In other words, "prevention is better than repair". Such an idea is deduced from the opinion of Prof. Gh. Iancu, as well as other remarkable researchers (Ardelean, Crețu, 2011, p. 92), who argue that it is difficult to establish the link of liability for environmental damage.

In his scientific materials, the researcher Pavel Zamfir puts forward the idea that: "The adoption of the concept of environmental impact assessment is also based on the principle of prevention of environmental pollution, in this regard, the prevention of possible damage that could be caused to the environment is a much more effective solution than the subsequent repair of damage" (Zamfir, 2019, p. 34-42).

The author Monica-Elena Oțel (2009) in her research deals with environmental problems at the international level, carrying out a study on the organized connection between the prevention mechanism and the liability mechanism, highlighting that it is not possible to

classify them from the point of view of their usefulness in preventing environmental damage, each having a well-determined role in the activity of environmental protection.

In the same sense, the doctrine of environmental law promotes the idea that when it comes to mechanisms for solving the problem of environmental protection, the legislator is entitled to use those ways and mechanisms that most effectively provide the desired result. Environmental conservation implies both the rational and efficient use of natural resources, as well as the adoption of the most appropriate technological, agro-zootechnical, forestry works to limit and prevent the harmful effects of some natural phenomena - floods, landslides, accelerated erosion, etc. (Crețu, 2017, p. 131).

In this way, given the purpose of the field of environmental protection, it is appropriately required to identify also distinct methods that ensure the realization of this purpose.

The obligation to prevent approach requires the exercise of a "duty of care". The principle does not impose an absolute duty to do no harm, but rather an obligation on everyone to be prohibited from activities that could be dangerous to the environment (Kiss, 2006, p. 83).

Materials and methods

Materials

The research on this topic was made possible by researching the materials of foreign and domestic authors dedicated to the field of environmental protection, among which we mention Ig. Trofimov, A. Crețu, Gr. Ardelean, R. Iordanov, P. Zamfir, Gh. Duca, Mircea Duțu, Andrei Duțu, Monica-Elena Oțel and other remarkable researchers.

Methods

In preparing this study we have used a number of scientific research methods, including the historical method, the method of analysis, the method of synthesis, the method of deduction, the systematic method, the empirical method and the interpretative method.

Results and discussion

The principle of prevention in environmental policy provides a conceptual basis for the argument that the best environmental strategy is to prevent pollution and environmental damage of any kind from occurring, rather than trying to remedy its effects. Prevention involves, on the one hand, risk assessment to avoid hazards and, on the other hand, actions based on knowledge of the present situation to avoid environmental degradation.

In terms of its meaning, the principle implies both action on the causes of pollution or degradation (through the ecological re-engineering of production processes) and activities to limit the destructive or harmful effects on environmental factors.

The obligation to assess and take into account environmental protection requirements in any public or private action that may have an impact on the quality of environmental factors is instructive in this respect. Thus, a series of administrative procedures such as impact studies (aimed at preventing the realization of economic and social objectives with an impact on the environment without appropriate preventive measures) or environmental

balance and compliance program, or the concern to establish special regimes for such activities (such as toxic waste, chemical fertilizers and pesticides, etc.) are increasingly being established.

The concept of prevention is particularly important for ensuring environmental protection, an area where risk-based liability is particularly promoted. The adoption of effective preventive and precautionary measures, however, presupposes a good knowledge of the hazardous activities, materials and the management system of the relevant technological processes. In the form of known risk management measures, this principle can be found in international law, such as the protection of biodiversity, the fight against desertification and the protection of the ozone layer.

In international judicial practice the principle of prevention was first emphasized in the Trail Smelter arbitration decision (1941). Subsequently, the precautionary principle was reiterated in the Stockholm Declaration of 1972, as well as in the 1972 United Nations General Assembly Resolution on Cooperation between States in Environmental Matters.

The principle of prevention of transboundary harm from hazardous activities and the precautionary principle are also reflected in the Rio Declaration and other relevant international documents. In international jurisprudence this principle is recommended by the International Court of Justice in its advisory opinion of July 8, 1996 on the Legality of the Use of Nuclear Weapons by States in Armed Conflicts (Osmochescu, Harea, 2007, p. 18).

In another case, the case law of the International Court of Justice stated that "... it is not lost sight of the fact that, in the field of environmental protection, vigilance and prevention are called for, particularly because of the often irreversible nature of the damage caused to the environment and the inherent limitations of the mechanisms for identifying such damage" (C.I.J., *Affaire Gabčíkovo-Nagymaros* (Hongrie/Slovaquie), 1997).

Moreover, prevention means that risks must be assessed so that hazards and concrete actions can be avoided. At the same time, the current state of the environment must be based on in-depth and diversified knowledge.

An important document was the adoption on April 21, 2004 of Directive 2004/35/EC on the prevention and remedying of environmental damage, which aims to establish a common framework for regulating liability for acts damaging the environment, based on the polluter pays principle, and to prevent environmental damage at a reasonable cost to society. Liability for environmental damage and imminent threats of such damage and imminent threats of such damage occurring applies in cases where it results from occupational activities, if a causal link is established between the damage and the activities covered by the Directive.

At the same time, the prevention of transboundary damage to the environment, persons and property has been accepted as an important principle in most international treaties in the field of environmental protection, nuclear accidents, launching of space objects, international watercourses, hazardous waste management and marine pollution prevention (Osmochescu, Harea, 2007, p. 18).

At the national level, the Law on Environmental Protection adopted on 16.06.1993 (being adopted until the entry into force of the Constitution of the Republic of Moldova) in the section on "basic principles of environmental protection" stipulates that "planning, design, location and commissioning of social-economic objectives, the realization of policy

and planning documents, as well as planned activities that may have an impact on the environment and health of the population in the Republic of Moldova or outside its borders, are allowed if:

- planned activities referred to in Annexes No. 1 and No. 2 to the Law No. 86/2014 on Environmental Impact Assessment are subject to the procedure of environmental impact assessment and/or, where appropriate, biodiversity assessment;

- planned activities not covered by Annexes No. 1 and No. 2 to Law No. 86/2014 on Environmental Impact Assessment, but which may have a potentially significant impact on Emerald sites, are subject to the biodiversity assessment procedure;

- policy and planning documents with potentially significant effects on the environment, including on the health of the population, are subject to the strategic environmental assessment procedure in accordance with Law No. 11/2017 on Strategic Environmental Assessment;

- it ensures that the interested public is informed and consulted about the planned activities and policy and planning documents, and that the participatory principle is respected in decision-making as provided for by Law No. 86/2014 on Environmental Impact Assessment and Law No. 11/2017 on Strategic Environmental Assessment.

This principle of prevention of an environmental hazard puts the beginning of the institution of the precautionary right which is expressed in the obligation of the state to take all necessary measures to prevent possible environmental damage, and for citizens - the right to demand from the state to take all necessary acts to avoid possible damage. This precautionary right, which, although enshrined rather vaguely in the content of the regulations of the Law on Environmental Protection, implies a rather broad perspective (Trofimov, Ardelean, Crețu, 2015, p. 26).

In this connection, it should be noted that the legislator recognizes the right of the citizen to benefit from an effective mechanism to prevent possible environmental damage as a result of planned economic activities aimed at using environmental factors. Thus, the principle of prevention guides those actions that directly affect the protection of the environment - most actions in the economic field are of such a nature - and the proponents of economic actions are responsible for demonstrating their safety.

The same principle enshrines the right of citizens to participate in decisions on the authorization of activities using environmental factors.

We should also note the difference between the precautionary principle and the prevention principle. The precautionary principle must be applied in a practical way, i.e. without hindering development. Two practical ways of preventive actions based on the precautionary principle can be distinguished: strict precaution, meaning that one tries to avoid or prevent the development or release of any pollutants, and adaptive precaution - recognizing the existence of scientific uncertainties and, allowing for development processes or pollutant emissions, procedures are created for implementation and monitoring in order to assess any changes that may occur, making the possibilities for reaction and response flexible.

The author Andrian Crețu, in his doctoral dissertation entitled "Contravention procedure in cases of environmental offenses" (2017), addressed a no less important issue

in the formulation of the content of the precautionary principle in the contravention law, which is related to the fact that in the classical formulation of the principle, the task of manifesting precaution is usually assigned to the state. As a rule, it implies the obligation of the state to undertake certain acts to prevent environmental damage. In our opinion, in the chapter related to environmental offenses, the task of taking action to prevent environmental damage will fall to all natural and legal persons, who are, in fact, the beneficiaries of environmental uses. As a result, the range of subjects to whom this task is assigned will be much broader.

In addition to the proven effectiveness of the precautionary principle in preventing damage by imposing specific preventive measures from the moment the risk is recognized, enshrining it would also have certain advantages in terms of assessing and proving the causal link between the act and the damage (Ardelean, 2016, p. 43).

This principle is often confused with the principle of prevention, although the latter becomes applicable to certain risks, while the precautionary principle is intended to impose measures from the moment of detection of uncertain risks of occurrence, but which by their potentiality and irreversibility can generate certain more specific damage in the ascertainment, evaluation and repair due to lack of knowledge even at the scientific level. The precautionary principle, which comes from the Western legal area and is situated between the principle of prevention and the principle of compensation for damage, is a fairly favorable alternative for those who carry out economic activities with an impact on the environment, who would prefer to bear certain costs in exchange for ceasing these activities, which would make it possible to manage the risk of lesser-known damage or even to promptly repair the damage to the environment with potential repercussions on the individual. (Nastas, Cernomoret, 2022, p. 222). In the legislation of the Russian Federation, in the absence of the promotion of such a principle, according to the principle of prevention of future damage, identified in the content of paragraph 1 of Article 1065 of the Civil Code, it is stated that the danger of causing future damage may serve as a basis for bringing an action to prohibit the activity that generates such a danger. In such circumstances, it is stated that the preventive sanction applies if there is a danger of causing harm in the future, unrelated to the tortious obligation (Суханов, 2010, p. 638).

Taking into account the above, we can state that, although prevention and are closely related to each other, they are completely different.

An eloquent example is Directive No. 61/1996/EC on Integrated Pollution Prevention and Control, this framework directive combines the precautionary principle with the use of best available techniques for the purpose of setting permit conditions and integrated approaches to emissions to air, water and soil.

The principles of environmental law find their finality in the mandatory requirements of regulatory acts. Relevant in this respect are the provisions on the management of plastic waste in EU legislation, the Packaging and Packaging Waste Directive being the only one to set a specific collection target. Article 4 of this legislation, Prevention, states that, „*Member States shall ensure that, in addition to the measures to prevent the formation of packaging waste adopted in accordance with Article 9, other prevention measures are introduced. Such measures may consist of national programs or similar actions adopted, where appropriate, in consultation with other economic operators, and designed to bring together and build upon the many prevention initiatives within Member States*”.

It should be noted that, at present, the priorities and actions in the field of waste management at the national level are included in the Strategy for Waste Management in the Republic of Moldova 2013-2027, adopted by GD 248/10.04.2013, as well as the National Program for Waste Management for 2023-2027, approved by Government Decision no. 972/2023, contains the following objectives: to develop in the Republic of Moldova the necessary infrastructure and services for waste management within an integrated system aimed at preventing environmental pollution, reducing the quantities of waste deposited and increasing by up to 40-60% the rate of recovery and recycling of products subject to the extended producer responsibility regime and increasing awareness of the importance of waste management by 2027.

In another vein, regarding the enshrinement of the principle of prevention in the legislation of the Republic of Moldova, we note that it is also expressly stipulated in the Law on Environmental Impact Assessment (art.3, paragraph (2)): *"the principle of preventive action implies that the environmental impact assessment is carried out at the early stage of planning, design and decision-making on the planned activity, based on the technical and scientific information available at the time, indicating measures to reduce or prevent potential environmental impact, taking into account the sustainable development of the country"*.

Thus, the precautionary principle cannot be used in response to a completely hypothetical impact of the process or situation in question. There has to be some level of understanding of how a particular pollutant might cause an effect, even though there may be uncertainties about the intensity, extent, and complexity of that impact.

It is possible, of course, that a new pollutant can cause unpredictable consequences. For example, when chlorofluorocarbons were first used, they were considered inert and their impact on the ozone layer was not predicted (although a theoretical prediction of such an effect of these substances was made later, before the ozone hole was discovered). In general, it must be possible to identify a reasonable causal link between the pollutant and its potential impact.

In addition, the Strategic Environmental Assessment Report shall contain the measures envisaged to prevent, reduce and, as far as possible, balance any significant adverse effects on the environment, including on human health, through the implementation of the policy or planning document (Annex 2, point (g)).

Further to the above, the State aims to streamline the application of economic instruments to ensure better implementation of environmental policies. The State's visions on the application of economic instruments in this field are stipulated in the "Environmental Strategy for 2024-2030".

The Environmental Strategy for the years 2024-2030, being a long-term policy document, aims to implement the basic principles of environmental protection such as precautionary principle, pollution prevention and remediation at source, "polluter pays" and aims to achieve multiple benefits and impact categories, linked to sustainable development of the country and protection of natural heritage.

National efforts in the area of climate change response focus on 3 dimensions: reducing greenhouse gas emissions, adapting to climate change, preventing and reducing weather and climate-related disasters and preparing for and preparing to respond to them.

The general objectives of the Environment Strategy for the years 2024-2030 are formulated in line with the specific general objectives of the National Development Strategy "European Moldova 2030", which have tangency with the field of environmental protection and climate change, such as SDG 14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development (Target 14.1). Prevent and significantly reduce pollution of surface waters, especially from land-based activities.

The Republic of Moldova needs to establish an efficient and effective mechanism for responding to environmental non-conformities that helps prevent, limit, and/or repair damage to the environment or human health.

As we can see, everything that has been stated refers directly to the issues concerning the activity of the bodies responsible for protecting the rule of law, aimed at preventing damage to the environment or to human health. If the state strives to ensure the rule of law, it is obliged to strengthen morality. Otherwise, the state deliberately stimulates the causes of criminality. To prevent criminality — in our case, environmental criminality — while simultaneously expanding the basis for deviant behavior, is a contradiction in itself (Nastas, Cernomoreț, 2023, p. 274).

General Objective 6. "Ensure the development of an integrated waste and chemicals management system." The adoption of new principles for active transition to a circular economy is a priority in increasing resource and energy efficiency, while the implementation of the measure on waste prevention and the implementation of the Extended Producer Responsibility (EPR) scheme for certain types of products (according to Art. 12 of the Law no. 209/2016 on waste) will lead to decoupling economic growth from the use of natural resources, promoting the greening of the economy by increasing its competitiveness, all this will help the country to achieve the objectives of sustainable development according to the National Development Strategy "European Moldova 2030", as well as to respond to the commitments undertaken within the Strategic Approach to International Chemicals Management (SAICM), as a priority the decisions adopted at the International Conference on Chemicals Management (ICCM-5).

The circular economy is part of sustainable development, bringing to the forefront the need to optimize resource consumption to promote recycling and reuse. Preventing waste generation, reducing the consumption of primary sources in the production process by reusing and reusing products are some of the actions that will be taken in this direction

Referring to the Romanian legislation, enshrined in art. 3, lit. b of the Environmental Protection Law as "the principle of prevention of environmental risks and damage", it is recognized in a well-defined sense. Its meanings remain imprecise, however, as the law defines the two component elements in a general way.

Thus, in the meaning of Law 137/1995, potential environmental risk is the likelihood of negative effects on the environment, which can be prevented on the basis of an assessment study, and damage (harm) is the quantifiable cost of damage to the health of people, property or the environment caused by pollutants, harmful activities or disasters. The implications of the principle are also evident in relation to the guarantees of the right to a healthy environment, Article 5 of Law 137/1995 provides, among others, the right to compensation for the damage suffered (lit. e) and the right to apply directly or through associations, administrative or judicial authorities to prevent or in the event of direct or indirect damage (lit. d).

In the context of the above, the importance of the rules forming the mechanism for preventing environmental damage is unanimously recognized as indispensable in circumstances where reparation is quite difficult, or, more frequently, such damage is irrecoverable, so that the damage cannot be repaired.

For example, Case c-378/08 outlines the following issues: Community principles of environmental policy and in particular the principle of polluter pays' are laid down in Article 174(2) EC: "Community policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Community. It shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay".

The way in which the principles of European environmental law are formulated makes it a requirement that they must be respected when adopting measures in this field: "EC environmental policy shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay". (Art. 174 (2)).

Conclusions

The purpose of this scientific work is summarized in the following doctrinal and applied conclusions and proposals.

In environmental law, legal rules must contribute to the realization of a concrete goal, which is to prevent pollution of any kind, and to maintain and improve living conditions on Earth. Within the framework of measures (including legal measures) aimed at protecting nature, particular emphasis should be placed on preventive measures and ecological reconstruction, because the environment, more often than not, having been destroyed, cannot be restored to its normal state.

The application of (even harsh) sanctions is often not enough to prevent environmental damage. For this reason, environmental legislation must lay down a series of stringent conditions under which any activity that poses a risk to the environment must be carried out. We have in mind, first and foremost, the procedure for authorizing economic and social activities with an impact on the environment and the responsibility for the impact assessment. We are also considering other levers - economic and fiscal - to protect the environment, such as: pricing policy in favor of environmental conservation, subsidies and tax exemptions, pollution grants, etc.

We believe that the role that legislation must play in protecting environmental factors is primarily preventive. People, economic operators, governmental and non-governmental bodies must adopt a conduct that ensures and guarantees a healthy environment and avoid, as far as possible, actions that may cause pollution. As is well known, it is much easier and less costly to prevent damage than to repair it, not to mention the fact that it is often impossible to restore environmental factors to their original, normal state.

It must be said that preventing risks and also preventing damage is based on the premise that this type of action is much less costly than restoring the quality of the environmental factors that are damaged or degraded. Prevention involves, on the one hand, risk assessment to avoid hazards and, on the other hand, actions based on knowledge of the

present situation in order to avoid environmental degradation. Strictly speaking, once the necessary knowledge has been acquired, both the European institutions and the Member States must comply with the principle of prevention.

This principle is also formulated directly or indirectly in all (national and international) legislation on environmental protection. Risk prevention is the main purpose, the essence of environmental protection, and the rationale for this activity. Prevention can be considered in two ways: preventing the harmful consequences of pollution from occurring; and limiting or eliminating the harmful effects that may occur after the pollution has taken place. The principle essentially expresses prophylactic protection of the environment and operates basically in two steps. In the first stage, it concerns all lawmaking in this field, the rationale of environmental law being precisely preventive activity. In the second step when translating this principle into practice, particular emphasis is placed on the role of environmental protection authorities in issuing environmental agreements and or authorizations (Drăgan, p. 26).

References

Ardelean, Gr. 2010. The interference of the principles of environmental damage liability with those of civil tort liability.” In: *Scientific Annals of the “Ștefan cel Mare” Academy of the Ministry of Internal Affairs*, 16th Edition, **1**, p. 41–48.

Ardelean, Gr., Crețu, A. 2011. The Particularities of Subjective and Objective Liability in Environmental Law. In: *Scientific Annals of the “Ștefan cel Mare” Academy of the Ministry of Internal Affairs*, 11th Edition, p. 90–94.

Case c-378/08 - Opinion of Advocate General Juliane Kokott, Chapter II - Legal Framework, paragraph 8. Available at: eur-lex.europa.eu/legal-content/LV/TXT/PDF/?uri=CELEX:62008CC0378. (29.10.2025).

C.I.J., *Affaire Gabcikovo-Nagymaros (Hongrie/Slovaquie)*, arret du 25 septembre 1997, 140. Available at: <https://www.icj-cij.org/sites/default/files/case-related/92/7377.pdf> (01.11.2025).

Crețu, A. 2017. Contravention procedure in cases of environmental offenses, PhD Thesis in Law. Drăgan, S. Environmental Law. Course Notes. (online) Available at: https://file.ucdc.ro/cursuri/8_2_do2319_Dreptul_mediului_Dragan_Sorina.pdf (19.11.2025).

Duțu, M., Duțu, A. 2015. Environmental liability, Bucharest, Publishing House of the Romanian Academy.

Government Decision on the approval of the Environmental Strategy for the years 2024 - 2030 No. 409 of 12.06.2024. Published in the Official Gazette of the Republic of Moldova, No. 325-328, 30.07.2024. Available at: https://www.legis.md/cautare/getResults?doc_id=144295&lang=ro (19.11.2025).

Iancu, Gh. 1998. Fundamental rights and environmental protection. Bucharest, p. 572.

Iordanov, R. 2007. Scientific substantiation and normative regulation of environmental human rights in the Republic of Moldova. PhD Thesis in Law.

Kiss, A. 2006. Introduction au droit internationale de l'environnement, Ed: UNITAR, Geneve, 128 p.

Law on Environmental Protection No. 1515 of 16.06.1993. Published in the Official Gazette of the Republic of Moldova, No. 10, 30.10.1993. Available at: https://www.legis.md/cautare/getResults?doc_id=147597&lang=ro# (11.11.2025).

Law on Environmental Impact Assessment No. 86 of 29.05.2014. Published in the Official Gazette of the Republic of Moldova, No. 414-417, 08.11.2023. Available at: https://www.legis.md/cautare/getResults?doc_id=150617&lang=ro# (09.11.2025).

Law on Strategic Environmental Assessment No. 11 of 02.03.2017. Published in the Official Gazette of the Republic of Moldova, No. 109-118, 07.04.2017. Available at: https://www.legis.md/cautare/getResults?doc_id=144643&lang=ro (14.11.2025).

Nastas, A., Cernomoreț, S. 2022. Criminalization of Wicked Statements with Legal Consequences in the Criminal Law of the Republic of Moldova In the International Conference on Criminal Law May 23-24, Berlin, Germany, p. 222.

Nastas, A., Cernomoreț, S. 2023. Criminology: Treatise. Bucharest: ProUniversitaria, 291 p.

Osmochescu, N., Harea, D. 2007. International liability of States for environmental damage. In: *National Law Review* No. 4, pp. 17-22. Available at: https://ibn.idsi.md/sites/default/files/imag_file/17-22_34.pdf (01.11.2025).

Oțel, M. 2009. International liability in the field of law. Volume 3, Bucharest: Universul Juridic, 348 p.

Packaging and Packaging Waste Directive 94/62/EC of the European Parliament and of the Council of December 20, 1994 on packaging and packaging waste. Available at: <https://eur-lex.europa.eu/legal-content/RO/ALL/?uri=celex:31994L0062> (07.11.2025).

Popescu, E. 2003. Environmental Law, Tîrgu Jiu, Mapamond Publishing House, p. 302.

Trofimov, Ig., Ardelean, Gr., Crețu, A. 2015. Environmental Law. Chișinău: Bons Offices, 320 p.

Zamfir, P. 2019. Environmental Impact Assessment – a legal instrument for promoting interests in a transboundary context: the case of the Dniester river basin. In: *National Law Review*, 7-9(225-227). Available at: https://ibn.idsi.md/sites/default/files/imag_file/34-42_6.pdf (14.11.2025).

Суханов Е.А.. 2010. Civil Law. Volume IV. Moscow: Wolters Kluwer, 755 p.