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CONCEPTUAL MILESTONES OF THE RESEARCH

Topicality and importance of the problem addressed.

Environmental control has emerged as a critical pillar of environmental governance, particularly in nations such as the Republic of Moldova, which face systemic challenges such as air pollution, inadequate monitoring systems and fragmented legislation. While our country has taken the first steps in aligning with the European Union's environmental standards, today there are still persistent gaps in enforcement mechanisms. Therefore, in this paper we opt that one of the main solutions in streamlining the enforcement of environmental legislation should focus on improving the control over the correctness, timeliness and completeness of environmental law enforcement, as well as compliance with legal requirements, which concern the wise use and protection of the environment.

This thesis examines the environmental control regime in Moldova from a unique legal-institutional perspective, proposing targeted legislative solutions to bridge theory and practice.

At the same time, one of the reasons justifying the topicality of the topic is the evident discrepancy between the legal norms and their effective application. In the Republic of Moldova, the legislative framework for environmental protection is, to a large extent, already in place and is gradually being brought into line with European standards. The reality shows, however, that these rules are not implemented clearly and consistently. The regulations are often open to interpretation, incomplete or insufficiently interlinked, which leads to confusion among enforcement authorities, economic operators and citizens.

In practice, environmental authorities face major challenges in determining exactly which forms and methods of control are applicable in a given situation, and the legal subjects are not always certain of their obligations and responsibilities.

In this context, there is a clear need to clarify and strengthen the legal rules on environmental control. This is a highly topical issue not only from the perspective of alignment with European requirements, but also because it responds to a pressing domestic need: transforming environmental legislation from a formal, often ineffective framework into a functional, clear system that is adapted to the realities of the Republic of Moldova.

Description of the research situation and identification of the research problem

This doctoral thesis tackles the given problematic with the aim of contributing substantially to the scientific substantiation of legislative reforms, to increasing the efficiency of control institutions and, implic-

itly, to improving the state of the environment. Therefore, the topicality of the topic derives from the need to clarify and streamline legal regulations, so that the existing rules are not just theoretical, but become real instruments of environmental protection, applied consistently and effectively in practice.

To this end, we set out to carry out a comprehensive investigation of the legislation on environmental control, in particular to elucidate the main problems in this field, in order to identify existing problems and ways to solve them. The starting point was the study of the content, character and structure of the system of environmental control, as well as the mechanism of application of control levers. By studying the existing literature in the field, especially taking into account the works of both local [20] and foreign authors, we came to the conclusion that such a situation calls for a fundamental, integrative research of environmental legislation as a system, in order to elucidate its structure and functioning, to identify the causes of its poor functioning and to foresee the ways and solutions necessary for its overall development and efficiency.

The aim and objectives of the paper is to study in depth the essence, principles, forms and methods of environmental control in order to identify some necessary solutions to be recommended to the legislator in the process of improving the existing environmental legislation, its compliance with international standards, as well as the creation of new effective mechanisms of environmental control in the Republic of Moldova.

In order to achieve the research goals, the following objectives were set:

a) To determine the legal nature of environmental control, its role and place in the control activity carried out by state authorities;

b) To analyze the doctrinal approaches to environmental control, in order to reveal the concepts, which were the basis for the regulation of this field of activity;

c) To study the modern system of regulation of environmental control that is claimed to be promoted by the Republic of Moldova, and to identify opportunities for its improvement, taking into account the experience of neighboring states and those of the European Union;

d) To analyze the specificity of environmental monitoring in relation to other environmental monitoring activities;

e) Examination of the status of the subjects participating in environmental monitoring reports, in particular, the competent public authorities in the field;

f) Analysis of the legal regime of application of the forms and methods of environmental monitoring.

g) Identification of the problems, which affect the effectiveness of environmental control in relation to the current deplorable state of the environment;

h) To formulate some recommendations of *lege ferenda* in order to improve the normative framework regulating the conditions and the procedure of environmental control.

Scientific research methodology

A number of general research methods, as well as those specific to environmental law, have been widely used in the elaboration of the doctoral thesis, among which we enumerate: the method of analysis, used to examine the doctrinal and legislative situation in the field of environmental control; the method of observation, the method of synthesis, the method of induction and deduction.

In particular, the method of comparison is constantly used in the process of evaluating the specifics of the regulations promoted by other states in the field of environmental control, as well as for the purpose of comparative analysis of the quality and degree of compliance of the current control rules with the requirements of environmental legislation. In particular, the comparative method is used to examine the national regulations on environmental liability and environmental monitoring with those of the European Union, in particular, the relevant European directives. This method has made it possible to identify legislative gaps, inconsistencies and differences in the application of the rules, providing a sound basis for proposing legislative reforms adapted to the national context. The study also uses other methods aimed at understanding the evolution of regulations in the field of reference, such as the historical method, the generalization method, the abstraction method, as well as logical methods of knowledge.

Thus, the methodological synthesis of the study is based on an integrated approach to legal research in the field of environmental protection, combining doctrinal, comparative, interpretative and empirical methods to analyze the national legal framework on environmental control in order to identify solutions for legislative optimization. The use of the above methods of knowledge allowed to analyze the regulations with reference to the forms and methods of environmental control, both separately and together with other types of control, as well as to identify the characteristics of an environmental control as one of the most effective forms of ensuring the activity of environmental protection.

The novelty and scientific originality of the research. Theoretical recommendations presented in the paper provide a more consistent vision of some conditions and institutions to be applied in the process of realization of ecological control. In particular, the scientific novelty of the

thesis is imposed by distinct theoretical concepts such as: the concept of “form”, “method” and “event” of ecological (environmental) control; the concept of “act of ecological control” as a set of methods and means of influence, used by the authority, or the person carrying out the control, in the framework of the control; the development of a new definition of the concept of “form of ecological (environmental) control”, which is an expression of management activities of the state (state authorities) in the environmental sphere, related to the organization, and the procedure of authorization of planned activities of use of environmental resources, as a preventive act, but also as an activity, aimed at verifying the compliance of activities already carried out by the beneficiaries of environmental use, in particular economic agents, with the provisions of environmental legislation in force; the establishment of a new concept of “environmental audit” [4,p. 23], as a variety of control activity, but which is the responsibility of the beneficiaries of environmental use.

Another novel element is the proposal to regulate environmental control separately within the economic regulations, but as a form of it, consisting in the obligation of the beneficiary of environmental resources to carry out a complex of measures of self-verification and self-assessment of its activity, having as its object the issue of environmental protection in the economic activity it carries out. From a regulatory point of view, the novelty of the research is the series of recommendations for the completion and adoption of new rules to enable the coordination of monitoring activities carried out by the various players, including the authorities of other countries.

The theoretical significance of the paper is due to the specificity of the topic addressed, but also to the importance of the environmental issue, within which the subject is addressed. The thesis is a comprehensive study of the main approaches to the definition of the concepts of “form” and “method” of ecological (environmental) control, as well as a comprehensive analysis of the legal norms regulating the procedure of their application, including taking into account modern trends of development of the Republic of Moldova in the integrationist context. Of great theoretical importance is also the identification of the characteristics of some elements of the mechanism of environmental control as well as the consideration of the impact of the application of forms and methods of environmental control on the activities.

The applicative value of the work consists in substantiating the conditions for increasing the efficiency of environmental control, as well as in developing practical recommendations that can be useful in the process of environmental law enforcement. The research results were disseminated through participation in round table discussions, as well as

through articles published in specialized journals, thus contributing to the expansion of knowledge in the field. The papers presented at national and international conferences have also facilitated the exchange of ideas and best practices among practitioners involved in environmental law, providing a broad context for future discussions and collaborations.

The main scientific results submitted for support were aimed at identifying problems and gaps in the existing legislation on environmental control, coming up with recommendations for the application of tools and mechanisms to achieve environmental control.

Implementation of scientific results. All the ideas, proposed solutions and recommendations can be used in the framework of didactic and scientific activities in the elaboration of master's thesis, for the training of the staff of the public authorities of the Ministry of Environment in order to apply the instruments and mechanisms for the implementation of environmental control.

Dissemination of results Research results have been disseminated through articles published in national and international journals, thus contributing to the validation of knowledge and research in the field. Similarly, papers presented at national and international conferences have stimulated debates involving internationally renowned specialists. A particular contribution to ensuring the visibility of the results of the proposed research has been the participation in international projects with themes related to environmental protection, climate change and the promotion of sustainability (COST 22124, COST 23113, COST 23118, COST 23157, and Erasmus + Teaching Mobility - Teaching Mobility, where we taught for a week and presented extracts of the thesis to the academic environment in Turkey). In the framework of these scientific research projects, I participated in many academic mobilities (Belgium, Switzerland, Croatia, Poland, Greece, Czech Republic, Portugal, Turkey, etc.), where I had the opportunity to present the results of the research of my thesis. the author of the thesis also moderated 7 sessions in international scientific conferences abroad with the profile of environmental law, where I participated in debates related to the topic of environmental protection, all of which facilitated a considerable dissemination of the ideas proposed in the thesis.

Publications on the thesis topic. On the topic of the PhD thesis were published 2 articles in journals indexed in Scopus and Web of Science, 7 articles in journals indexed abroad, 5 articles in journals indexed in Moldova, Category B, and 39 articles in the volumes of international scientific conferences.

Keywords ecological control, form, method, types of ecological control, act of ecological control, procedure

SUMMARY OF THESIS COMPARTMENTS

Introduction of the thesis: It reflects the main points, with the help of which the necessity and importance of the thesis is argued, these are offered in the following sections: topicality and importance of the problem addressed, the aim and objectives of the thesis, the research hypothesis, the research methodology, the scientific novelty, the scientific problem solved, the theoretical importance and applicative value of the work and the summary of the sections of the thesis

Chapter 1, entitled “**Situation analysis in the field of environmental control research and regulation**”, analyses the existing situation with regard to the issue of environmental control by assessing the regulatory framework governing the field.

In essence, the problems of developing environmental control legislation worldwide are diverse and interrelated, reflecting the complex challenges of environmental protection. A major problem is regulatory inconsistency, where different countries adopt different regulations, making it difficult to implement uniform environmental control standards. This situation is exacerbated by economic interests that prioritise industrial development at the expense of environmental protection, highlighting the need for legislative reform that integrates the principles of sustainable development and ensures that economic actors are held accountable for their environmental impact.

To this end, we have decided to carry out a comprehensive study of environmental control legislation, with the aim in particular of identifying the main problems in this area, in order to identify existing problems and ways of resolving them.

The starting point was to study the content, characteristics and structure of the ecological control system, as well as the mechanism for applying control levers. Finally, an analysis of the doctrine was made in such a way that we were able to identify which doctrinal issues could find implementation in practical activity, taking into account the works of the local authors **Zamfir P., Zamfir N., Trofimov Ig., Ardelean Gr., Ursu V. Iordanov R., Vlaicu V.**, those from the post-Soviet space - **Petrov V., Erofeev B., Bogoliubov S., Brinciuc M.**, but also those from Romania - **Lupan E., Duțu M., Marinescu D., Tașcă Șt., Dogaru L., Popovici O.**, as well as those from the European Union community, Asia and the United States, Canada, - **Bodansky D., Fichman R., Odum H., Holling C.S., Lovelock J.** Overall, these authors represent only a part of those who shape the dialogue around ecological control, reflecting a diverse range of methodologies and theoretical frameworks that continue to evolve in response to global environmental problems.

In **Chapter 2**, entitled “**Environmental Control in the State Control**

System", we analyzed the legal regime of environmental control, as a variety of state control. We formulated a clearer definition of the notion of environmental control, because the specialized literature has not provided such a definition so far. We also analyzed **the act of environmental control, the conditions of the act of environmental control, the effects, principles and characteristics of environmental control**. Here we approached the **role** and **essence** of environmental control in two ways: the broad and the narrow sense. In the narrow sense, environmental control is defined as a set of government regulatory measures, ensuring the implementation of effective control for environmental policy, the economic security of the state and compliance with the environmental interests of the state. In the broad sense, environmental control is the control of the state, through its authorities, carried out with the aim of ensuring compliance with legal norms.

The national legislator regulates environmental control activities quite "dryly". We draw such a conclusion, based mainly on the fact that at the moment there is no well-systematized code of laws, which would enshrine the unique regime of environmental control. For example, in many scientific works the terms "control", "audit", "verification" and "supervision" or "monitoring" are often used as synonyms.

Why environmental control is an institution of environmental law. Approaching the subject regarding the distinct institutions of environmental law has always been a difficult issue, from a theoretical point of view. This is because the distinctive criteria of a branch of law have not yet been finalized. Moreover, the current legal system tends to renounce the strict demarcation of the boundaries of the branch of law.

For this reason, we will emphasize the following theses:

a) The institution of ecological control must essentially represent a distinct institution of environmental law, while remaining an instrument with administrative levers.

b) In environmental law relations, this institution must necessarily be characterized by certain particularities. These particularities also reside in the nature of the protected interest, but also in the purpose that this institution sets itself in terms of environmental protection.

c) In environmental law relations, the institution of control acquires new characteristics, but also new application instruments, even distinct from those in administrative law.

d) This institution is expressed through the prism of its basic element – the act of ecological control.

All of this makes it possible for the institution of ecological control to stand out in the regulatory plan and to create a distinct legal mechanism, which is different from the rules and principles established for

other forms of control, such as financial, banking, administrative and other types.

Likewise, we criticize the use of the term ecological control only in the sense in which the actions of monitoring the state of the environment are taken into account. However, the application of the meaning of control involves more stages, but also more elements, not limited to the decision-making act on the basis of which the control is initiated or finalized. Thus, **the act of ecological control** can be expressed through the actions or abstentions carried out, on the one hand, by the ecological control authority, and on the other hand, by the subject subject to control. Likewise, the act of ecological control can be expressed through the decisions and provisions adopted by the ecological control authority, but also the volitional acts (proceedings, requests, appeals, etc.) of the subject subject to control.

To a large extent, the ecological control act could assimilate the characteristics reflected in the doctrine of administrative law, regarding the administrative act, such as the fact that the administrative act is a legal act, is a unilateral manifestation of legal will, is issued by a public authority, is a manifestation of will for the purpose of exercising public power and is issued in order to enforce the law, but still, it is necessary to return to the idea of a control act as an element of the ecological control institution, belonging to a distinct branch of law - environmental law, where it is identified not only by the decision-making element belonging to a participant in the report - the public authority, but also by the one resulting from the legal control report as a whole, which is also the result of the act of will of other categories of subjects participating in the control reports.

Resulting from the legal texts, we can extract the meaning of the ecological control act, at least in two ways. The first way represents a traditional approach to defining the ecological control act, as a manifestation of will committed with the intention of producing certain effects within the ecological control process. These are those acts that relate to the tasks of ecological control, that is, to create, modify or, why not, and extinguish an environmental law relationship, namely in the process of carrying out ecological control. The second approach represents a definition of the ecological control act in relation to the acts to be undertaken by the controller - the ecological inspector or another official, where the ecological control act is viewed as a unilateral manifestation of will by the controller, which has the effect of generating rights and obligations in the control process - we could determine this act as a procedural act of control

We must note that although the legislator refers to conditions relat-

ed to the act of control, we do not find a systemic regulation that would provide us with a specific framework of conditions for the act of control. For this reason, it becomes necessary to systematize the conditions of the act of control, as well as to classify them according to whether they are conditions that confer validity to the act of control or merely provide its effectiveness.

The definition we propose: Any legal act is concluded by the participants in legal relationships with the purpose of producing legal effects. However, for it to produce effects, it must meet (correspond to) certain conditions-the conditions of the legal act. For the validity of carrying out the act of ecological control, it is necessary to observe certain conditions.

We will define the conditions of the act of ecological control as those structural elements, mandatory for the realization of the act of ecological control, which are determined by law as obligatory elements, their observance being required under the sanction of nullity.

In our view, regarding the form of control acts, in the future the written form will still represent the basis of control relations; however, it will be replaced by the form that results from the use of information technologies. Currently, the legislation in force clearly establishes that the future belongs to the electronic format of documents. In this sense, Article 461 of the Contravention Code stipulates that the remediation plan is drawn up in writing, on paper or in electronic form, or by converting it into an easily accessible electronic format, including the use of a simple electronic signature.

In this context, we mention that the main effect created by an act of ecological control is the determination of whether the activity of the person subject to control complies or does not comply with the legal requirements in force.

It is evident that when the subject exercising the control identifies violations, these are recorded in the control report-the control minutes. If the deficiencies or violations found are not essential or irremediable, the environmental inspector may grant a period during which the beneficiary of environmental use must remedy these deficiencies.

The obligation to eliminate or remedy the identified violations thus represents one of the effects of the act of ecological control. In this regard, the parties to the act of ecological control are required to precisely fulfill, in the manner and within the deadlines established by law, all the conditions for its execution. In this context, any deviation-even one that may initially seem acceptable to the other party to the act of ecological control-will still be considered improper execution of the act of ecological control.

It should be noted that one of the main conditions for ensuring the

functionality of ecological control is the establishment of clear regulations, including legal norms that strictly and exhaustively regulate the implementation procedure. Although current legislation sets out regulations regarding the forms and methods of ecological control, it must be acknowledged that these rules are largely of a general nature and indicate a number of uncertainties.

The main challenge faced by the authors of procedures for drafting legislation that regulates environmental control is that these procedures have been reduced to a detailed regulation of environmental control mechanisms, in such a way as to exclude the possibility of them being ignored or misinterpreted.

At the doctrinal and legislative level, with the recognition of the institution of the environmental control act, there also arises the necessity to regulate in detail the conditions of the environmental control act, along with the rules for its applicability and the effects it produces.

Considering the frequent cases of confusion in practice between environmental control acts and acts of criminal or contravention procedure, we believe that both doctrinally and legislatively, it is necessary to identify criteria that distinguish the environmental control act from acts of criminal or contravention procedure in cases involving environmental contraventions or offenses.

The analysis of cases examined by the courts leads to the conclusion that the primary interest of the environmental resource user is to ensure a coherent use of environmental resources, primarily to avoid the imposition of sanctions. Therefore, the effectiveness of the environmental control act largely depends not only on the correctness of the control process but also on the swiftness with which the violations found are followed by the sanctioning response of the authorities. Accordingly, it is necessary to give the environmental control procedure a different procedural framework so that the environmental control authority, in order to achieve the final goal of environmental control, is not forced to resort to the “services” of the prosecution office, police, or other authorities.

Courts of law face numerous questions stemming both from gaps in criminal procedural law and from the sometimes contradictory nature of the norms that regulate the trial based on evidence collected during the environmental control phase—norms that have not previously been the subject of substantial legal research.

In **Chapter 3**, entitled “**Justifying the Need to Regulate a Procedure for Conducting Environmental Control**,” the procedure for conducting environmental control was analyzed, starting from the rationale behind the necessity of regulating such a procedure. The chapter addresses the types, forms, and methods of environmental control. It also analyzes the

actors involved, the stages, and the timeframe applicable to the procedure within the framework of environmental control.

It must be acknowledged that environmental legislation—and to a large extent, the legislation regulating state control activities in general—has not devoted sufficient attention to the procedural actions of the subjects who carry out environmental control. The issue of procedural ambiguity is addressed here as well, since insufficient regulation generally leads to various forms of abuse [9, p. 530].

Depending on the moment of implementation, environmental control can be classified as preliminary control, current (operational) control, and subsequent control. In this regard, legislative adjustments are necessary to introduce more detailed evaluation conditions and, depending on the situation's severity, extend the timeframe for environmental control where appropriate.

In this context, a comparative study was conducted among several countries, taking into account international experiences.

Thus, it must be recognized that environmental legislation—and broadly, the legislation governing state control activities—has not paid sufficient attention to the procedural actions of those who perform environmental control. One can assert that the prevailing uncertainty is largely due to the insufficient regulation of the environmental control process itself. The actions of the environmental control authority may generate significant consequences, both in terms of the substance of issues related to environmental control and regarding the way it is organized—that is, the control procedure.

In this context, the question arises regarding the necessity of improving environmental legislation through the introduction of a well-defined procedure and, consequently, the establishment of procedural rights and obligations for the participants involved in environmental control relations.

It must be acknowledged that the state has undertaken certain actions to eliminate unnecessary administrative burdens and barriers to business activity—an objective that is also relevant in the area of environmental protection. Among such actions are initiatives such as the declaration of moratoriums on state control activities.

To gain a more comprehensive understanding of environmental control procedures, it is necessary to consider the specific characteristics of both **desk-based (office)** environmental control and **on-site (field)** control procedures [7].

Desk-based environmental control may be carried out as soon as the specific authority with environmental oversight competence is constituted. The legal basis for conducting such control is found both in the

Law on State Control and in the legislative acts regulating the **rational use and protection of environmental factors**.

For a deeper understanding of environmental control—including state environmental control—it is essential to consider its **types, forms, and methods of implementation**, as these elements constitute the **core mechanism for the execution of environmental control**.

The passage defines the concept of “**form of control**” as the manifestation or expression of specific actions performed by the subjects exercising control, aligning this definition with the philosophical interpretation of the category “form.” Ecological control methods encompass a comprehensive system of scientific, theoretical, and practical methods of knowledge. These include general scientific methodological techniques such as analysis, synthesis, induction, deduction, analogy, mathematics, modeling, abstraction, statistical methods, logical and comparative methods; empirical methodological techniques like inventory, measurement control, verifications and cross-checks, logical testing, scanning, written and oral surveys, witness hearings, document verification, inspection of objects and related documents, territory and object inspections, and other examinations; as well as specific techniques from related sciences, including biological and chemical expertises, theoretical methods such as probability application (presumptions), and mathematical statistics.

The choice of a particular method depends on various factors, including the ecological control status of the controlling authority and the status of the subject under control, as well as characteristics of the subject's activity forms

This explanation is supported by research on environmental management methods, which emphasize the use of universal scientific methods (dialectical, systemic-structural, praxiological, modeling, evolutionary, comparative, quantitative), general scientific methods of observation and measurement, and specific environmental management scientific methods. The dialectical method, for example, investigates phenomena in their interrelations and development, forming a basis for applied decisions in ecological management.

Thus, the “form of control” is understood as the specific actions expressed by control subjects, while the “methods of ecological control” refer to the diverse scientific and practical techniques employed to study and verify compliance within environmental management frameworks.

In the specialized literature, it is noted that **environmental expertise** emerges as a form of **preventive environmental control** [15], while **environmental auditing** represents a control tool for operational enterprises. Through environmental audits, it becomes possible to evaluate

and document the activities carried out by economic agents to determine whether they comply with applicable standards, regulations, laws, and environmental safety requirements [3, p. 5]. This is part of a broader system that includes environmental control and related mechanisms.

The methods for implementing state environmental control include inspections in the form of audits, reviews, authorization of operations, and others [19, p. 200].

Based on the foregoing, and recognizing the lack of uniformity in the theoretical understanding of the concept of **methods of environmental control** in environmental law, we conclude that this lack of clarity results in a broader absence of consensus regarding the understanding and application of environmental control methods.

Specialized literature also addresses the concept of **environmental control events** and the **period of environmental control**, considering these as potential grounds for initiating environmental control procedures. In this regard, the legislator proposes environmental control measures that include the involvement of an expert or specialist. It has been noted in environmental control literature that environmental control agents are, in fact, functioning as **environmental auditors**, both in office-based and field capacities. Thus, this category has been introduced as a tool for environmental management, and the duration of environmental control should be conditioned by the authority's capacity to adapt to environmental risks, administrative resources, and national priorities [3].

Developed countries, such as **Germany** and the **United States**, emphasize **frequent inspections** and the use of **advanced monitoring technologies**, while other countries, like **China**, implement **intensive inspection strategies** aimed at combating severe pollution. In all cases, **flexibility and adaptability** remain essential for optimizing the frequency of controls and achieving environmental protection objectives. This diversity of approaches highlights the importance of a **robust legal framework** and the use of **scientific data** in the development and implementation of environmental control programs.

Following the arguments outlined above, we consider that the conduct of environmental control **should not be constrained by rigid procedural time limits**. In our view, the current 5-day control period is excessively short. We believe the legislator should **refrain from imposing strict control deadlines** on the authority performing the control and instead identify **alternative criteria** for ensuring environmental control is carried out efficiently within reasonable timeframes—including measures aimed at **eliminating corruption risks** [1, p. 18].

We agree with the doctrinal and legislative approach that **unan-**

nounced (ad hoc) inspections should be limited in number, even in comparison with scheduled (planned) inspections.

As for the **methods of environmental control**, we believe that **environmental auditing** should become the **primary instrument of post-implementation environmental control** in the future. This shift will be driven both by the increasing awareness of the need to protect the environment and by the **stricter sanctions** imposed for non-compliance with environmental legislation currently in force.

From a doctrinal perspective, we consider it necessary to **give due attention to the subject of environmental control**, specifically the **entity subject to control**. This area of doctrinal interest has remained understudied, primarily because in the broader subject of state control, administrative law scholars have largely focused on the actions taken by the controlling authority, while the issue of the controlled subject has generally been placed on a secondary level of interest [10, p. 42].

In our view, the **current legislation governing state control** establishes rules that are **overly permissive** with regard to the rights of the environmental resource user (i.e., the controlled subject), such as the right to deny access to inspectors, to withhold necessary documentation, and other similar actions. Beyond the fact that many of these provisions **contradict regulations** which allow for the performance of control activities without the presentation of a control mandate, the **granting of such rights** to the environmental resource user **is not aligned with the interpretative capacity limits** of each subject. This creates a legal ambiguity that can be **misused or abused**.

Therefore, we believe the legislator should **abandon such provisions** when it comes to environmental control, in order to strengthen the effectiveness and enforceability of environmental protection measures.

GENERAL CONCLUSIONS AND RECOMMENDATIONS

The study conducted during the preparation of this paper has allowed us to better understand the current level of regulation and research concerning the institution of environmental control as a mechanism for environmental protection, and, more broadly, the challenges faced by practitioners in relation to the regulation of environmental control relationships.

In this context, the research efforts undertaken have led to the following key results:

- Evaluation of the extent to which the issue of environmental control has been scientifically addressed as a tool for environmental protection within the broader framework of state control mechanisms;
- Identification of the problems that hinder the effective implementation of existing legal norms governing environmental control as a mechanism for environmental protection;
- Clarification of the specific principles underlying the organization and implementation of environmental control;
- Justification of the rationale and benefits of revising the traditional perception of environmental control as merely an instrument of administrative law, given the inevitability of recognizing its distinct character as a dedicated tool for environmental protection;
- Justification of the need to distinguish environmental control acts from criminal procedural acts and administrative offence procedures in cases involving environmental harm;
- Identification of a core element of environmental control, namely the environmental control act, which constitutes the essence of the control process;
- Systematization of control acts into various categories, including the conditions and legal effects of the environmental control act;
- Definition of the characteristics that constitute the essence of the control act, distinguishing it from environmental monitoring acts and other similar actions;
- Identification of new forms and types of environmental control acts, as well as their importance within the broader system of environmental protection instruments;
- Determination of the specific features of the procedures involved in both subsequent and preliminary environmental control.

In addition, the present study has led to the formulation of the following **general conclusions**:

1. During the Soviet period, and even after the declaration of independence, environmental control was sporadically regulated by various normative acts adopted by the Government. Starting in 2012, it became

subject to legislation concerning state control, which emphasizes economic considerations rather than those specific to environmental protection [5, p.47]. Nevertheless, environmental control should reflect and ensure the identification of environmental damage, as well as establish mechanisms for prevention and mitigation of negative environmental impacts, especially those arising from economic activities.

2. In the national academic field, the issue of environmental control is typically treated as a subsidiary, secondary objective. It must be acknowledged that the level of scholarly engagement is underdeveloped, with very few fundamental scientific works addressing this issue directly. Most existing materials are narrow in scope (e.g., scientific articles, conference proceedings, monographs), and comprehensive studies focused exclusively on environmental control are virtually non-existent [8, p.980]. At the international level, while environmental control is more widely researched and promoted, the approaches are rarely systemic, as the subject is mostly analyzed as an element of administrative law.

3. At the cognitive level, environmental control is rarely interpreted or debated, either scientifically or in practice, making it difficult to understand and apply, especially by those responsible for its implementation. This often results in confusion between environmental control acts and criminal or administrative procedural acts, particularly in cases involving environmental damage.

4. In terms of legal transposition and practical application, many environmental control instruments are not reflected in national legislation, nor are they incorporated in the content of current environmental strategies. Moreover, competent environmental authorities frequently misapply procedural tools, confusing them with criminal or administrative procedures, or limiting themselves to approaches of a financial-economic nature [9, p.530].

5. The national legal framework on environmental protection lacks a concrete mechanism for environmental control, composed of clear legal provisions designed to prevent negative environmental impacts. An exception is the preliminary control conducted through environmental impact assessment (EIA) at the planning stage of economic activities.

6. At the European legislative level, and similarly in international doctrine, there is a clear tendency to implement pollution reduction measures through preliminary control mechanisms, as well as by requiring regular reporting on the condition of environmental factors used in economic activities.

The outcome of the present study, which is reflected in the broad spectrum of identified conclusions, is also expressed through the following set of recommendations:

At the theoretical level

1. Environmental control should be established both legislatively and doctrinally as a distinct institution of environmental law. This necessity arises not only from the numerous particularities involved in conducting environmental control processes but also from the objectives pursued by any such control mechanism [11, p.78].

2. The concept of “environmental control” must be defined as a category of state control focused on supervising the use of environmental components at all stages, with the overarching aim of ensuring continuous compliance with environmental protection norms.

3. A clear distinction should be made between environmental control, environmental monitoring, ecological supervision, and other similar activities [13]. In this context, it should be emphasized that environmental monitoring refers to the ongoing observation of natural processes without legal implications, while ecological supervision relates to procedural-investigative actions within the framework of environmental criminal or administrative offences.

4. In the academic field, there is currently an urgent need to conceptualize the act of environmental control as a type of legal act and as an integral element of any legal relationship involving environmental control. Accordingly, it is proposed that the act of environmental control be defined as the formal expression of the control process – a declaration of intent made by one or more persons (natural or legal), aiming to create, modify, or extinguish legal relationships in the field of environmental law [15, p.87].

5. Based on an analysis of the current legislation concerning the conditions of validity for environmental control acts, we propose a broader categorization that includes:

- a) The legality of the control act,
- b) The competence or authority to issue the act,
- c) The object of the act,
- d) The purpose of the act
- e) The formal requirements of the act.

6. The effects of an environmental control act should be understood as the totality of rights and obligations arising from the content of the act, its execution, or non-execution. These effects may be grouped as follows [17, p.56]:

7. Effects resulting from the planning of the control; Effects arising from the initiation of control procedures; Effects generated through the execution of the control act; Effects caused by non-execution or improper execution of the control act.

8. The list of principles guiding state control in the environmental

domain should be enriched by incorporating key environmental protection principles, such as: The polluter pays principle, The precautionary principle among others that reflect environmental priorities.

9. A new framework for classifying environmental control acts should regroup all control variants based on a clear internal logic and, in some cases, sequence. This would prevent both the subjects of control and the controlling authorities from unjustifiably limiting themselves to just one form or type of control [18].

At the legislative level, we propose that the legislator proceed in two stages with the modification of the relevant legislation, such that in the first stage the existing regulations on state control are revised, and in the second stage, a distinct legislative act is adopted to govern ecological control specifically.

Thus, in order to improve the current regulatory framework, we recommend the following:

1. Amending the provisions of Article 1 of the Law on State Control, so that the activity of preliminary environmental control is excluded from the scope of the rules and procedures established by the Law on State Control. Accordingly, we propose supplementing paragraph (4) of Article 1 of Law No. 131 of 08.06.2012 on State Control with a new letter g), which would read as follows: *“g) preliminary control in the case of environmental impact assessment.”*

2. Replacing the term “body vested with control functions” (as used in Law No. 131/2012) with the term *“authority vested with control functions”*, to reflect more accurately the institutional structure of environmental governance.

3. Amending Article 2 of Law No. 131 of 08.06.2012 on State Control, by supplementing the definition section following the phrase:

“planned control – control carried out in accordance with the annual control plan, based on analysis and evaluation using risk criteria”, with the following addition:

“ecological control – control carried out with the purpose of verifying whether beneficiaries of environmental resources comply with environmental legislation in their activities.”

4. Amending paragraph (4) of Article 4 of Law No. 131/2012 on State Control by adding the following text:

“, except for ecological control.”

5. Revising paragraph (21) of Article 4 of Law No. 131/2012 on State Control as follows:

“The right to initiate and carry out specialized control belongs to the public authorities/institutions listed in the annex to this law, within the limits of their competence, as well as to the authorities which are legally empow-

ered to carry out general control.”

6. Amending paragraph (5) of Article 4 of Law No. 131/2012 by supplementing it with the following phrase:

“the costs of carrying out ecological control acts which resulted in the detection of environmental law violations, as well as other cases expressly provided by law.”

7. Revising paragraph (7) of Article 19 of Law No. 131/2012 on State Control as follows:

“ecological control acts resulting in the finding of environmental law violations, as well as...”

8. Amending paragraphs (71) and (11) of Article 4 of Law No. 131/2012 by adding the phrase:

“This rule does not apply to ecological control.”

9. Amending paragraph (10) of Article 4 of Law No. 131/2012 by adding the phrase:

“This rule does not apply to ecological control.”

10. Repealing point (7) of Article 19 of Law No. 131/2012 on State Control. In the same context, it is also proposed to **remove the text in paragraph (22) of Article 19** of the same law.

11. Repealing paragraph (11) of Article 442 of the Contravention Code.

12. Repealing paragraph (10) of Article 28 of Law No. 131/2012 on State Control.

13. Amendment of paragraph (2) of Article 21 of Law no. 131/2012 on State Control, by adding the following text after the sentence: *“Control may be exercised only by inspectors expressly specified in the control mandate and only during the working hours of the controlled person or its subdivision”*:

“In the case of ecological control, the control may also be carried out outside the working hours of the controlled subject.”

Also, **repeal paragraph (4) of Article 21** of the same law.

14. Repeal of paragraph (6) of Article 21 of Law no. 131/2012 on State Control.

15. Amendment of paragraph (1) of Article 22 of Law no. 131/2012 on State Control by adding the following sentence:

“In the case of ecological control, its duration shall not exceed 45 days, unless a longer period is established by the head of the ecological control authority. In such a case, the period exceeding 45 days must be justified in the control mandate.”

16. Amendment of paragraph (2) of Article 22 of Law no. 131/2012 on State Control by adding the following phrase after the wording *“by an additional 5 working days”*:

“and in the case of ecological control – by 45 days.”

17. Repeal of the provisions under letters **a)** and **e)** of paragraph (1) of Article 23 of Law no. 131/2012 on State Control.

18. Repeal of the sentence under letter **d)** of paragraph (1) of Article 23 of Law no. 131/2012 on State Control.

19. Repeal of the phrase *“only once”* from the text under letter **f)** of Article 25 of Law no. 131/2012 on State Control.

20. Repeal of the provision under letter **k)** of Article 25 of Law no. 131/2012 on State Control.

21. Repeal of Article **31¹** of Law no. 131/2012 on State Control.

22. Amendment of Article 32 of Law no. 131/2012 on State Control, by replacing the phrase *“before and after the imposition of the sanction”* with the phrase *“until the issuance of the sanctioning decision.”*

23. Article 2 of Law no. 86 of 29.05.2014 on Environmental Impact Assessment shall be amended by adding the phrase *“of preliminary ecological control”* after the word *“procedure”* in the definition of *“environmental impact assessment – a procedure carried out under this law, which consists of:”*.

Suggested Potential Research Directions Related to the Addressed Topic:

• Procedural Criminal and Contraventional Acts Resulting from the Ecological Control Act

An analysis of how findings from ecological controls may lead to legal liability, including criminal or administrative responsibility, and a delineation of the applicable legal framework.

• The System of Organizational Tools for Environmental Protection

A study of the institutional mechanisms, administrative structures, and internal procedures used by control authorities and other entities involved in environmental protection.

• Ecological Auditing

An evaluation of ecological auditing as a complementary tool to ecological control, with emphasis on its efficiency, independence, and added value in preventing pollution and ensuring compliance with environmental regulations.

• The Repercussions of Ecological Control on the Conduct of Entrepreneurial Activities Involving the Use of Natural Resources

An investigation into the impact of ecological controls on the costs, planning, and sustainability of businesses engaged in natural resource exploitation, including entrepreneurs' perceptions and strategic adjustments made in response.

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31. ARDELEAN, Grigore, DIACONU, Luminita, *Environmental Control and The Problem Regarding The Ownership of Forest Resources Record*; În: Conferința științifică internațională : International Halich Congress on Multidisciplinary Research,; conf. șt. Inter.03-05 decembrie,2024, Istanbul, Turcia, p.218-224. ISBN: 978-625-378-037-1

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34. DIACONU, Luminita, *The Importance of Conducting Environmental Assessment –Organizational Mechanisms for Environmental Control Monitoring* In: Conferința științifică internațională: Statul de drept : Intre realitate si deziderat :, conf. șt. inter., 17-19 mai 2024, Cluj-Napoca/Romania, p.299-311, ISBN;978-606-39-1611-3

35. Trofimov,Igor,DIACONU, Luminita, *Approaches regarding The Framework of Legal Reports:Environmental Protection and The Instruments used in Environmental Law*;, In: Conferința științifică internațională Statul de drept : Intre realitate si deziderat ,conf. șt. inter., 17-19 mai ,2024, Cluj-Napoca/Romania, p.290-298, ISBN;978-606-39-1611-3

36. DIACONU, Luminita, *The Period of Environmental Control in Moldova: A Comparative Analysis of Global Regulatory Practices* În: Conferința științifică internațională IBANESS, XXIII. International Balkan and Near Eastern Congress Series on Economics, Business and Management din Plovdiv, Bulgaria, 15-16 martie, 2025, p.461-467, ISBN: 978-9989-695-80-3

37. DIACONU, Luminita, *The Current Situation and Prospects for Control and Analysis on the Resolution of Legal Reports and Regulations in Environmental Law*, În volumul conferinței științifice cu participare internațională “Competitiveness and Innovation in the Knowledge Economy” September 22-23, 2023 Chisinau, Republic of Moldova. p.695-601; ISBN 978-9975-167-39-0 (PDF)

38 DIACONU, Luminita, *Masurile de control ecologic –mecanism de asigurare a drepturilor omului la un mediu sanatos si echilibrat din punct de vedere ecologic.*, În volumul conferinței științifice cu participare internațională „Protecția drepturilor și libertăților fundamentale ale omului în procesul asigurării ordinii și securității publice”7 decembrie 2023, p.87-93, ISBN 978-9975-135-84-9

39.TROFIMOV, Igor, DIACONU, Luminita, *Controlul ecologic ca instrument principal de asigurare a protecției mediului*, În: Protecția drepturilor și libertăților fundamentale ale omului în procesul asigurării ordinii și securității publice, Chisinau,2024, p.87-93, ISBN 978-9975-135-84-9.

ADNOTARE

DIACONU Luminița. Controlul ecologic. Teză de doctor în drept. Chișinău, 2025. Școala Doctorală Științe penale și Drept public a Academiei „Ștefan cel Mare” a MAI al Republicii Moldova. Chișinău, 2025

Structura tezei: Adnotare în limbile română, engleză și rusă, lista abrevierilor, introducere, trei capitole divizate în paragrafe, concluzii generale și recomandări, bibliografia din 256 titluri, 180 pagini text de bază. Rezultatele obținute sunt publicate în 49 lucrări științifice.

Cuvinte-cheie: control ecologic, beneficiar de folosință a resurselor de mediu, autoritate pentru control ecologic, folosirea resurselor de mediu, act de control ecologic.

Scopul și obiectivele lucrării sunt determinate de necesitatea reglementării, într-o manieră distinctă, a controlului ecologic, care ar optimiza procedura și condițiile de realizare a acestuia, în vederea identificării de noi soluții pentru eficientizarea procesului de monitorizarea a respectării legislației de mediu, precum și a celui de urmărire a celor ce se fac responsabili de încălcarea legislației în domeniu.

Pentru atingerea scopului prestabilit, au fost trasate următoarele **obiective ale cercetării**: examinarea doctrinei naționale și internaționale în materia raporturilor de control ecologic; examinarea condițiilor, modalităților și formelor de realizare a controlului ecologic; analiza conceptelor ce stau la baza reglementării actului de control ecologic; identificarea problemelor de reglementare a condițiilor de efectuare a controlului ecologic, în contextul ineficienței identificate pe segmentul unor forme specifice de control de mediu; evidențierea specificului aplicării măsurilor și procedeelelor de control în compartimentul dreptului mediului; determinarea naturii juridice a raportului de control ecologic; evaluarea gradului de corespundere a principiilor de efectuare a controlului ecologic cu cele care reglementează alte tipuri de control de stat; reconceptualizarea mecanismului de realizare a controlului asupra respectării standardelor de protecție a mediului.

Noutatea și originalitatea științifică a lucrării se concretizează, în plan teoretic, prin șirul propunerilor conceptuale noi atribuite formelor de control ecologic (de mediu), în plan legislativ, noutatea constă în recomandarea unor noi conținuturi ale normelor existente, având ca scop asigurarea realizării unui cadru mai clar al legislației.

Semnificația teoretică a lucrării rezidă în clarificarea naturii juridice a controlului ecologic (de mediu); fundamentarea științifică a aplicabilității instituției de control ecologic în raport cu alte categorii de instituții similare.

Valoarea aplicativă a tezei constă în propunerea soluțiilor distincte în abordarea problematicii cu privire la aplicarea legislației care stabilește limitele, condițiile și efectele controlului ecologic; soluționarea conflictelor de competențe în exercitarea controlului ecologic; ghidarea participanților la procesul de control în soluționarea chestiunilor privind condițiile și procesul de efectuare a controlului. Rezultatele cercetării au fost publicate în diverse reviste științifice, și prezentate la conferințe internaționale. Principalele prevederi și rezultate ale cercetării sunt reflectate în 49 articole științifice care au fost publicate în reviste științifice, precum *Legea și viața*, *Revista națională de drept*, *Analele științifice ale Academiei Ștefan cel Mare*, *Suprematia dreptului*, *Buletinul Științific al Universității de Stat, B.P. Hasdeu* din Cahul, *Compliance Elliance Journal* (Germania), *Environmental Control and Fiscal Policy*– Peter Lang– indexate Scopus, (Marea Britanie) și *Fostering Resilience and Quality of Life through Sustainable Urban Evolution*, indexata SCOPUS și Web of Science. (SUA). etc.

Implementarea rezultatelor științifice. Recomandările înaintate în conținutul lucrării vor fi utilizate în procesul instruirii unui cerc larg de subiecți, ce au implicație în activitatea din domeniul protecției mediului, precum și în cadrul cercetărilor științifice necesare fundamentării reglementărilor în materia realizării controlului ecologic.

ANNOTATION

DIACONU Luminița. Ecological control. Doctor of Law Thesis. Chișinău, 2025.
Doctoral thesis in law. Doctoral School of Criminal Sciences and Public Law,
„Ștefan cel Mare” Academy of the Ministry of Internal Affairs, Republic of Mol-
dova. Chișinău, 2025

Thesis structure: Annotation in Romanian, English and Russian, list of abbreviations, introduction, three chapters divided into paragraphs, general conclusions and recommendations, bibliography of 256 titles, 180 pages of basic text. The results obtained are published in 49 scientific papers.

Keywords: ecological control, beneficiary of use of environmental resources, authority for ecological control, use of environmental resources, act of ecological control.

Objective and aims of the thesis: The purpose and objectives of the work are determined by the absence of express norms that would regulate the procedure and conditions for carrying out ecological control, in order to identify new solutions for streamlining the process of monitoring the circuit, as well as that of pursuing those responsible for violating the legislation in the field.

To achieve the predetermined goal, the following research objectives were outlined: examining the national and international doctrine in the field of ecological control reports, and in particular, the conditions for carrying out, the modalities and forms of carrying out ecological control; analyzing the concepts underlying the regulation of the ecological control act; identifying the problems of regulating the conditions for carrying out ecological control, in the context of the inefficiency identified in the segment of specific forms of environmental control; highlighting the specifics of the application of control measures and procedures specifically in the field of environmental law; determining the legal nature of the ecological control report; systematizing the norms that regulate the activities of ecological control authorities; assessing the degree of correspondence of the principles of carrying out ecological control with those that regulate other types of state control; reconceptualizing the mechanism for carrying out control of compliance with environmental protection standards.

Scientific novelty and originality of the work is materialized, theoretically, through the series of new conceptual proposals attributed to the forms of ecological (environmental) control, and in legislative terms, it consists in recommending new contents of the existing norms, aiming to ensure the achievement of a clearer framework of legislation.

Theoretical significance of the thesis consists in clarifying the legal nature of ecological (environmental) control; the scientific substantiation of the applicability of the ecological control institution in relation to other categories of similar institutions.

Practical value of the thesis consists in proposing distinct solutions in addressing the issues regarding the application of legislation that establishes the limits, conditions and effects of environmental control; resolving conflicts of competence in exercising environmental control; guiding participants in the control process in resolving issues regarding the conditions and process of carrying out control. The results of the research have been published in various scientific journals, and presented at international conferences. The main provisions and results of the research are reflected in 49 scientific articles that have been published in scientific journals, such as Law and Life, National Law Journal, Scientific Annals of the Ștefan cel Mare Academy, Suprematia dreptii, Scientific Bulletin of the State University „B.P. Hasdeu” of Cahul; Compliance Elliance Journal (Germany), Environmental Control and Fiscal Policy- Peter Lang- indexed Scopus, (Great Britain) and Fostering Resilience and Quality of Life through Sustainable Urban Evolution, indexed SCOPUS and Web of Science. (USA). etc.

Implementation of scientific results. The ideas, arguments and recommendations submitted in the content of the work will be used in the process of training a wide circle of subjects involved in environmental protection activity, as well as in the scientific research necessary to substantiate regulations in the field of carrying out environmental control.

АННОТАЦИЯ

ДИАКОНУ Луминица. Экологический контроль. Диссертация на соискание степени доктора юридических наук. Докторантура по уголовным наукам и публичному праву Академии «Штефан чел Маре» МВД Республики Молдова. Кишинев, 2025.

Структура диссертации: Аннотация на румынском, английском и русском языках, список сокращений, введение, три главы, разделенные на параграфы, общие выводы и рекомендации, библиография из 256 названий, 180 страниц основного текста. Полученные результаты опубликованы в 49 научных работах.

Ключевые слова: экологический контроль, выгодоприобретатель природопользования орган экологического контроля, природопользование, акт экологического контроля.

Цель и задачи исследования определяются отсутствием четких норм, регламентирующих порядок и условия проведения экологического контроля, в целях поиска новых решений по оптимизации процесса контроля, а также привлечения к ответственности лиц, нарушающих законодательство в данной области.

Для достижения поставленной цели были намечены следующие задачи исследования: рассмотрение отечественной и международной доктрины в области экологического контроля, в частности условий осуществления, методов и форм осуществления экологического контроля; анализ концепций, лежащих в основе регулирования закона об экологическом контроле; выявление проблем в регулировании условий осуществления экологического контроля; выделение особенностей применения мер и процедур контроля, особенно в сфере экологического права; определение правовой природы акта экологического контроля; регламентирующих деятельность органов экологического контроля; оценка степени соответствия принципов осуществления экологического контроля принципам, регламентирующим иные виды государственного контроля;

Новизна и научная оригинальность работы теоретически реализуется в ряде новых концептуальных предложений, относящихся к формам экологического (природоохранного) контроля, а в законодательном плане заключается в рекомендации нового содержания действующих норм, направленного на достижение более четкой структуры законодательства.

Теоретическая значимость работы заключается в выяснении правовой природы экологического (природоохранного) контроля; научное обоснование применимости института экологического контроля по отношению к другим категориям подобных учреждений.

Практическая ценность диссертации заключается в предложении конкретных решений при рассмотрении вопроса применения законодательства, устанавливающего пределы, условия и последствия экологического контроля; разрешение конфликтов компетенции при осуществлении экологического контроля; оказание содействия участникам процесса контроля в решении вопросов, касающихся условий и порядка проведения контроля. Результаты исследований были опубликованы в различных научных журналах и представлены на международных конференциях- 49 научных статьях, опубликованных в таких научных журналах, как *Legea si viata*, *Revista nationala de drept*, *Peter Lang*, индексируется *Scopus* (Великобритания) и *Fostering Resilience and Quality of Life through Sustainable Urban Evolution*, индексируется *SCOPUS* и *Web of Science* (США) и т. д.

Внедрение научных результатов. Идеи, аргументы и рекомендации, изложенные в содержании статьи, будут использованы в учебном процессе широкого круга субъектов, занимающихся природоохранной деятельностью, а также в научных исследованиях, необходимых для обоснования нормативных актов по осуществлению экологического контроля.

DIACONU Luminița

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