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CHISINAU TRANSPORT DEVELOPMENT INITIATIVE



PROGRESS REPORT ON THE IMPLEMENTATION OF PUBLIC TRANSPORT RELATED PROVISIONS FROM THE EU-MOLDOVA ASSOCIATION AGREEMENT

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Acronyms and abbreviations

| | |
|---------|--|
| AA | Association Agreement EU –Moldova |
| CoUE | The Council of the European Union |
| EC | European Commission |
| ToR | Terms of Reference |
| CMC | Chisinau Municipal Council |
| GDPTCP | General Department of Public Transport and Communication Paths |
| DCFTA | Deep and Comprehensive Free Trade Area |
| GDAUPLR | General Department of Architecture, Urban Planning and Land Relations |
| GD | Government Decision |
| KE | Key expert |
| UMP | Urban Mobility Plan |
| NAPIAA | National Action Plan for the Implementation of the Association Agreement |
| EU | European Union |

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1. Introduction

1.1. Substantiation

Providing quality, efficient and effective public transport is one of the biggest challenges for local public authorities in all countries, and Chisinau is no exception in this respect. The quality and operational management of the public transport in a modern city largely depend on the quality of urban mobility, respectively, satisfaction and convenience for road and street users, including drivers. The economic aspect, too, is an element that cannot be neglected.

According to the Mission's ToR, the existing legal framework at the national level is not sufficiently clear, predictable, and exhaustive from the perspective of the legal regulations on the options for organizing and managing the urban mobility system. The regulatory framework is affected by the lack of specific provisions for the functioning of urban transport and enforcement mechanisms, as well as by the lack of policies for the sustainable development of public transport.

On the other hand, the urban area of roads and streets of Chisinau was formed through the prism of the radial concept of development, according to which the center connects to the peripheries through several arteries, without considering the functional hierarchy of the network, and the connection between the neighboring areas remained poorly developed.

As a result of the upward trend of increasing the number of vehicles registered in the metropolitan area, but also of those, which daily penetrate or circulate through the city, the level of congestion of the network increases significantly, and some structural, conceptual, and most importantly, sustainable measures are not applied, except for projects of a local character, which often only transfer sectoral problems. Thus, the traffic congestion situation is very acute and requires considerable and concentrated efforts to be solved.

One of the important aspects for improving things in the management of urban mobility and public transport is the taking over of good practices, and the EU - Moldova Association Agreement (AA) is the litmus sheet.

This report was produced in accordance with the Procurement Specification no. 85312320-8 (hereinafter - ToR) and in accordance with the reporting requirements of contract no. MILL/S/AA/01/2021/75-C/21, signed between the City Hall of Chisinau (hereinafter - Contracting Authority) and CRAYS Consulting SRL (hereinafter - Consultant), signed on July 15, 2021.

The main objective of this report was to present the data collected on public transport and urban mobility at the European and EU level and to analyze them with the establishment of key conclusions (findings), but also of the main constraints identified for the development of public transport and urban mobility in Chisinau, which was to circumscribe certain recommendations for the sustainable development of public transport.

As a result, the Consultant delivered a progress report on the implementation of all public transport commitments in the EU-Moldova Association Agreement, as well as recommendations for the transposition of the provisions of the Community legislation into the national one.

In this respect, the tasks of the Consultant established by the Contracting Authority were the following:

- analysis of progress in transposing the provisions of the EU-Moldova Association Agreement (hereinafter - AA) on public transport, including the analysis of the National Triennial Action Plans

(NTAP), from 2014 to the present. The analysis also imposes policy practices related to public transport and urban mobility, the standards and conditions of operation of transport, the provisions for the integration of other modes of transport, as well as for the application of traffic rules, the rights and obligations of local authorities, the police and other parties.

- analysis and proposal for further actions in line with the objectives of the project for the implementation of the legal provisions of the AA, other relevant EU guidelines (instructions), and international policy reports on public transport and urban mobility.
- analysis and recommendations on existing or potential legal limitations and risks, covering the restructuring of the public transport system of Chisinau municipality and the measures for the implementation of the transport policy.

In order to achieve the intended goal, the target groups include the City Hall of Mun. Chisinau and its relevant structures, the Project Implementation Unit, ministries and other relevant government authorities, civil society, companies in the field of interest, and other stakeholders, with whom the Consultant met in meetings and discussions on the topic of the stated purpose and objectives.

1.2. Structure of the Report

The general objective of the project to which this contract will form part is to improve the public transport system in mun. Chisinau.

This report is organized into four chapters as follows:

- Introduction to Chapter 1, which includes a brief description of the main tasks and characteristics of the Mission and an introduction to the subject of study;
- Chapter 2 presents the data collected by the Consultant, related to the AA and the analysis of its provisions concerning the purpose and objectives of the mission;
- In Chapter 3 the Consultant presented his main findings as conclusions and evaluation approaches;
- Chapter 4 presents the conclusions, recommendations, and how to implement them.

2. Data collected. Results of the analysis

2.1. EU - Moldova Association Agreement

Retrospectively, we recall that on June 27, 2014, the Republic of Moldova signed the Association Agreement with the European Union (AA), and on June 28, the Government approved the draft law for the ratification of the AA, and on July 2, 2014, the Parliament ratified the agreement by a majority of votes.

Subsequently, at the plenary session of the European Parliament on 13 November 2014, it was voted in favor of the ratification of this document by the European parliamentarians, and the Republic of Moldova and the European Union committed themselves to the negotiation of this ambitious document on January 12, 2010, the AA being to replace the old Partnership and Cooperation Agreement. At the same time, at the end of 2010, the Action Plan in the field of visa liberalization was finalized. The AA has been provisionally applied since September 01, 2014, and entered into force on July 01, 2016.

This document established a new legal framework, established for the advancement of relations between the Republic of Moldova and the EU in all sectors of interest, and includes the creation of a Deep and Comprehensive Free Trade Area (DCFTA), which aims to stimulate economic integration and political association between the Republic of Moldova and the EU.

The AA is the main milestone in promoting the processes of reform and consolidation of the rule of law, democracy, and the market economy. The provisions of the AA are transposed into concrete actions that were included in the National Action Plan for the Implementation of the Association Agreement (NAPIAA) for 2017-2019, adopted by Government Decision (GD) no. 1472 of December 30, 2016. The plan was subject to revision and completion after the approval on August 04, 2017, of the new Moldova - EU Association Agenda in the period 2017-2019 and the implementation of the central public administration reform in order to ensure the efficient implementation of all the commitments assumed by the Republic of Moldova (see GD no. 592 of June 23, 2018).

It is notable that the obligations derived from the AA also involve the improvement of the existing legal/regulatory framework by promoting normative acts, through which the European directives and regulations relevant to each sector covered by the AA are transposed. Therefore, the competent national authorities (Parliament, Government, Ministries, Agencies/specialized bodies) have the responsibility to ensure the compliance of the legislation in force with the rigors and standards of the Acquis Communautaire. The reporting process on the results of the NAPIAA has also reflected the level of implementation of the commitments related to the transposition of the EU legal acts.

Thus, from the perspective of carrying out a legal screening of the transposition, harmonization and/or, as the case may be, approximation of international/regional standards in the field of urban mobility, and in particular - of public transport, including, in the context of the commitments undertaken by the national authorities according to the AA, the relevant regulatory framework in force at the time of carrying out the research was analyzed. Of particular interest out of the 7 Titles of the AA for the analysis carried out is Title IV "Economic cooperation and other types of sectoral cooperation" and Chapter 15 "Transport", respectively.

Chapter 15 'Transport' of the AA provides the guidelines, which are to underpin the expansion and strengthening of cooperation in the field of transport with sustainable, efficient, safe, and secure

transport systems and operations, ensuring intermodality and interoperability of transport systems (see Article 80).

Cooperation includes, *inter alia*, the development of sustainable national transport policies (global) and (sectoral) strategies, in the particular road, where to include legal requirements in line with the highest international/regional standards, conditions and terms of implementation, administrative responsibilities and the necessary financial resources (primary/adjacent).

Finally, according to the AA, an increased focus is to be placed on better identification and evaluation of infrastructure projects for transport modes, promoting the use and implementation of intelligent transport systems. Support for intermodality and cooperation in the use of information technology, space systems, and commercial applications facilitating transport is encouraged (see Article 81). At the same time, joint efforts are called for to improve the movement of passengers and goods [...] by removing administrative, technical, and other obstacles, improving transport networks, and upgrading infrastructure in particular on the main axes linking the parties (see Articles 82, 83 and 84, Annex IX).

The commitment assumed by the Republic of Moldova in the part related to the approximation of the national legislation to the EU normative acts, in particular, to the international instruments mentioned in the Annex to the AA (art. 85) is to be materialized by the amendments or additions of the legal framework in the field of public transport in accordance with the reference standards. The actions taken must also reflect the environmental impact of the initiatives, as well as compliance with the relevant standards according to EU environmental and air quality legislation.

According to Annex X to Chapter 15, Title IV of the AA, the Republic of Moldova has committed to progressively approximate its legislation to the following EU legislation and the following international legal instruments within the stipulated deadlines.

2.1.1. Road Transport

Technical conditions

The analysis of the EU framework, included in the AA, was carried out through the legal/regulatory evaluation, presenting the findings on two research directions:

- A. Successes vs. Gaps found in the process of transposition, harmonization and/or, as the case may be, approximation of international/regional standards in the field of public transport according to the commitments undertaken in the context of the AA;
- B. Analysis of the AA's provisions on public transport and urban mobility from the perspective of the current development of the legal/regulatory framework by extending the limits circumscribed by the AA, based on the needs found by the national authorities.

It is important to note that transposition does not necessarily imply an exercise in which the provisions of EU legal acts are automatically taken over within the national legal framework; it is always taken into account the relevance, opportunity, and timeliness of the amendments/additions proposed and, eventually, operated to the legislation of the Republic of Moldova by referring to the national peculiarities. In such circumstances, we are also talking about the recourse to the processes/procedures of harmonization and approximation.

In this case, following the analysis of the national legislation/normative acts of primary and secondary level, the following findings were formulated, based on the provisions of the AA in the **Road**

Transport chapter, concerning the degree of transposition/harmonization/approximation of the EU reference Directives / Regulations, according to the following segments:

1. Directive No. 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community. The purpose of this directive was to regulate the habitual installation and use of speed limitation devices for certain categories of vehicles from the perspective of protecting the environment and making energy consumption more efficient, as well as wear and tear on the engine and tires, and in order to increase road safety.

The need to transpose that directive was laid down in GD no. 16 of February 26, 2015 on the approval of the National Plan for harmonization of legislation for 2015, the Ministry of Transport and Road Infrastructure being designated as the responsible institution while making express reference to the provisions of the AA (Title IV, Chapter 15, Annex X).

The Directive was transposed by GD nr. 475 of April 20, 2016 for the approval of the Regulation on the conditions for the installation, repair, and verification of tachographs and speed limiters, as amended; This GD also partially transposed Regulation (EU) No 165/2014 of the European Parliament and of the Council of 04 February 2014 on tachographs in road transport), but also by GD 437/2016 for the approval of the Regulation on the issue, replacement, exchange, and renewal of tachograph cards, downloading and storage of data from tachographs and tachograph cards.

2. Directive No. 96/53/EC of 25 July 1996 laying down, for certain road vehicles circulating within the Community, the maximum authorized dimensions in national and international traffic and the maximum authorized weight in international traffic. The purpose of this directive was to create a single, standardized long-term framework of the maximum permissible dimensions/weight in national/international traffic with the aim of excluding the potential negative effect of different standards on competition, constituting an obstacle to traffic between States, thus aiming to ensure a balance between the rational and economic use of commercial road vehicles and the requirements for infrastructure maintenance, road safety, environmental protection, and payload structure.

The need to transpose this directive was initially provided by GD no. 16 of February 26, 2015, on the approval of the National Plan for harmonization of legislation for 2015, the Ministry of Transport and Road Infrastructure being designated as a responsible institution, by making express reference to the provisions of the AA (Title IV, Chapter 15, Annex X).

The National Action Plan for the Implementation of the Association Agreement (NAPIAA) for 2017-2019, adopted by the Government Decision no. 1472 of December 30, 2016, reiterates its commitment to transpose the directive into national law, the Ministry of Economy and Infrastructure being designated as the responsible institution.¹

In order to transpose this directive, the draft for the approval of the Regulation on the performance on public roads of transports with masses and/or dimensions exceeding the maximum permissible

¹ The Ministry of Economy and Infrastructure was the rightful successor of the Ministry of Transport and Road Infrastructure, after the government reform, which took place in 2016.

limits and submitted for approval² was drawn up, which, however, has not yet been approved, thus, this Directive has remained untranslated in its overall formula.

It should be noted that Directive 96/53/EC has been partially transposed, in particular, the technical parameters in Annex I that are in force so far, by being found in Annex no. 2 to the Law on roads nr. 590-XIII of 22 June 1995, as amended by Law No 590-XIII. 85/2011.

At present, are in force the provisions of GD no. 1073 of October 01, 2007 for the approval of the Regulation on the authorization, control, and performance on public roads of transports with weights and/or gauges exceeding the permissible limits, amended by GD no. No 979/2010, to be repealed with the approval of the abovementioned Regulation.

3. Directive no. 2009/40/EC of 06 May 2009 on roadworthiness tests for motor vehicles and their trailers, in the meantime, repealed by Directive 2014/45/EU of the European Parliament and of the Council of 03 April 2014 on the periodic roadworthiness tests of motor vehicles and their trailers. This Directive establishes minimum requirements for the system of periodic roadworthiness tests of vehicles that run on public roads.

The need to transpose this directive was provided by the GD no. 16 of February 26, 2015, on the approval of the National Plan for harmonization of legislation for 2015, the Ministry of Transport and Road Infrastructure being designated as the responsible institution, by making express reference to the provisions of the AA (Title IV, Chapter 15, Annex X).

The National Action Plan for the Implementation of the Association Agreement (NAPIAA) for 2017-2019, adopted by the GD no. 1472 of December 30, 2016, reiterates its commitment to transpose the directive into national law, the Ministry of Economy and Infrastructure¹ being designated as the responsible institution.

The Directive was partially transposed by GD no. 1047 of November 8, 1999, on the reorganization of the information system "Automobilul" in the State Register of Transports and the introduction of testing of motor vehicles and their trailers. In particular, it concerns the transposition of the conditions relating to technical inspection tests of vehicles, the use of the standard applicable to the periodic roadworthiness test badge, etc. The GD in question has been amended over the years by making additions and updates in the context of the technical requirements relating to vehicle safety, the most recent being from January 2020. By GD no. 814 of November 11, 2020, transposed Section 0 of Annex I to Directive 2014/45/EC.

However, it should be noted that this Directive, under the conditions of the AA, has not been transposed, even though in 2017 a draft GD for the approval of the Regulation on the periodic roadworthiness test of road vehicles was proposed for public consultation.³

² <https://cancelaria.gov.md/sites/default/files/document/attachments/927.pdf>, accessed on 26.08.2021.

³ <http://www.old.mtid.gov.md/ro/content/consultarea-public%C4%83-proiectului-GD-pentru-aprobarea-regulamentului-cu-privire-la-inspec%C8%9Bia>, accessed on 26.08.2021.

2.1.2. Safety conditions

1. Directive No. 91/439/EC of July 29, 1991 on driving licenses / Directive 2006/126/EC of the European Parliament and of the Council of December 20, 2006 on driving licenses. This directive regulates the single rules on driving licenses, their model, their recognition, the period of validity, the periodicity of renewal of licenses and the categories of vehicles, the minimum requirements for the issue of a driving license, the rules on driving examinations, and the issue of a license.

The need to transpose that regulation is laid down in the AA (Title IV, Chapter 15, Annex X). The relevant Ministry - Ministry of Transport and Road Infrastructure / Ministry of Economy and Infrastructure¹ - is designated as a responsible institution.

Directive 2006/126/EC was implemented by GD No 1452 of December 24, 2007, for the approval of the Regulation on the driving license, the organization and conduct of the examination for obtaining the driving license and the conditions of admission to road traffic, the most recent amendments being from June 2020.

It is important to point out that the transposition of this directive had ex-ante to the signing of the AA, the text of the GD expressly indicating the text: *"The present Government Decision creates the necessary framework for the application of the Directive of the European Union Parliament and Council no.2006/126/EC of December 20, 2006 on the driving license, published in the Official Journal of the European Union no. L403/18 of 30 December 2006."* At the same time, it is important to note that in 2020, the draft GD was proposed for the approval of the Regulation on the examination procedure for obtaining the right to drive vehicles, the issuance and validity of the driving license, through which GD 1452 is to be repealed.⁴

2. Directive No. 2008/68/EC of the European Parliament and of the Council of September 24, 2008, on the inland transport of goods. This Directive established common rules covering all aspects of the transport of dangerous goods by road, rail, or inland waterway, including loading and unloading activities, transfer from or to another mode of transport, as well as stations necessitated by the circumstances of transport, subject to the exceptions covered. All measures must be taken to ensure that this transport is carried out in the best possible conditions of safety.

The need to transpose this directive was provided by the GD no. 16 of February 26, 2015, on the approval of the National Plan for harmonization of legislation for 2015, the Ministry of Transport and Road Infrastructure being designated as the responsible institution, by making express reference to the provisions of the AA (Title IV, Chapter 15, Annex X).

The National Action Plan for the Implementation of the Association Agreement (NAPIAA) for 2017-2019, adopted by the GD no. 1472 of December 30, 2016, reiterates the commitment to transpose the directive into national law, the Ministry of Economy and Infrastructure¹ being designated as the responsible institution.

The provisions of the Directive were partially transposed by GD nr. 143 of February 18, 2016, for the approval of the Regulation on the inland transport of dangerous goods, amended in July 2018.

⁴ https://cancelaria.gov.md/sites/default/files/document/attachments/proiectul_817.pdf, accessed on 26.08.2021.

In the GD, express reference is made to the transposition of the directive, in the present case, the transposition on all segments - road, rail or inland waterways - under the conditions of several derogations and transitional provisions. At the same time, certain additional expectations on the transposition side are identified in connection with the amendment of Law no. 176 of July 12, 2013 on the internal waterborne transport of the Republic of Moldova.

2.1.3. Social conditions

1. Regulation (CE) No 561/2006 of March 15, 2006 on the harmonization of certain provisions of social legislation in the field of road transport. The Regulation lays down rules on driving, rest periods and breaks to be observed by drivers supervising the carriage of goods and passengers by road in order to harmonize the conditions of competition between modes of land transport, in particular as regards the road sector, and to improve working conditions and road safety. At the same time, the regulation provides for the promotion of better practices for control and enforcement by states and better working methods in the road transport sector.

The need to transpose that regulation is laid down in the AA (Title IV, Chapter 15, Annex X). The relevant Ministry - Ministry of Transport and Road Infrastructure / Ministry of Economy and Infrastructure¹ - is designated as the responsible institution.

The regulation was partially transposed by GD No. 437 of April 12, 2016, for the approval of the Regulation on the issuance, replacement, exchange, and renewal of tachograph cards, downloading, and storage of data from tachographs, and tachograph cards, amended in July 2018. This GD has partially transposed including - Regulation (EU) No 165/2014 of the European Parliament and of the Council of 04 February 2014 on tachographs in road transport and Regulation (EU) No 165/2014. Commission Regulation (EC) No 581/2010 of 01 July 2010 on the maximum time limits for downloading relevant data from vehicle units and driver cards). The transposition concerns the components related to the recording of the working and rest time of the crews trained to carry out the transport operations, the driving times allowed, and the mandatory breaks and rest periods.

At the same time, it should be noted that within the EU Technical Assistance *Project "Support to Reform of the Transport Sector in the Republic of Moldova - EuropeAid/139029/DH/SER/MD"*, in 2019 the draft GD for the approval of the Regulation on the procedures for the control of the working and rest time of drivers was developed.

2. Directive No. 2006/22/EC of March 15, 2006, on minimum conditions for the implementation of the Regulations (CEE) nr. 3820/85 and (CEE) nr. 3821/85 of the Council on social legislation relating to road transport activities. The directive provides the framework for the proper application and harmonized interpretation of the social rules on road transport by laying down minimum requirements for uniform and effective verification by the States of compliance with the relevant provisions. The controls organized should serve to reduce and prevent infringements of these provisions.

The need to transpose this directive was provided in the National Action Plan for the Implementation of the Association Agreement (NAPIAA) for 2017-2019, adopted by the GD no. 1472 of December 30, 2016, the Ministry of Economy and Infrastructure¹ being designated as the responsible institution.

The directive was transposed by the amendments/additions to the Road Transportation Code no. 150 of July 17, 2014, the most recent dating to September 2020, and Law no. 131 of 07 June 2007 on road traffic safety, republished, the most recent dating back to November 2018.

It should be noted that the transposition was carried out according to the requirement identified in the NAPIAA by *the Draft Law on the amendment of the Road Transportation Code*.

In addition, we mention that, within the *EU Technical Assistance Project "Support to Reform of the Transport Sector in the Republic of Moldova - EuropeAid/139029/DH/SER/MD"*, in 2019 the draft GD for the approval of the Regulation on the procedures for the control of the working and rest time of drivers was developed.

3. Regulation (CE) No. 1071/2009 of October 21, 2009, laid down common rules on the conditions to be met for the occupation of the road transport operator. This Regulation governs the taking up and pursuit of the occupation of the road transport operator.

The need to transpose this directive was provided by GD no. 16 of February 26, 2015, on the approval of the National Plan for harmonization of legislation for 2015, the Ministry of Transport and Road Infrastructure¹ being designated as the responsible institution while making express reference to the provisions of the AA (Title IV, Chapter 15, Annex X).

The regulation was partially transposed by the additions/amendments to the Road Transportation Code no. 150 of July 17, 2014, the most recent dating back to September 2020, and GD no. 854 of July 28, 2006, on the Regulation on the carriage of passengers and luggage by car, the most recent dating to July 2017. In this context, there is talk of harmonizing national provisions with the provisions of the regulation on the conditions to be met for exercising the occupation of the road transport operator.

4. Directive (CE) No. 2002/15/EC of the European Parliament and of the Council of March 11, 2002, on the organization of the working time of persons performing mobile road transport activities. This directive lays down minimum rules for the organization of the working time of drivers, supplementing Regulation (CE) No 561/2006, which lays down common rules on driving time and rest periods for drivers.

The need to transpose this directive was provided in the National Action Plan for the Implementation of the Association Agreement (NAPIAA) for 2017-2019, adopted by the Government Decision no. 1472 of December 30, 2016, the Ministry of Economy and Infrastructure¹ being designated as the responsible institution.

The directive was transposed by the amendments/additions to the Road Transportation Code no. 150 of July 14, 2014, the most recent dating to September 2020.

It should be noted that the transposition was carried out according to the requirement identified in the NAPIAA by *the Draft Law on the amendment of the Road Transportation Code*.

5. Directive No. 2003/59/EC of July 15, 2003, on the initial qualification and periodic training of drivers of certain road vehicles intended for the carriage of goods or passengers. The purpose of that directive is to ensure, by means of initial qualification and periodic training, that the driver is to comply with a single standard by which he has access to and carries out the activity of driving, with

the aim of improving road safety and driver safety, including during the operations carried out by the driver when the vehicle is stopped.

The need to transpose that regulation is laid down in the AA (Title IV, Chapter 15, Annex X). The ministry in the field - The Ministry of Transport and Road Infrastructure / Ministry of Economy and Infrastructure¹ - being designated as the responsible institution; in this case, with the help of the Ministry of Education and Scientific Research / Ministry of Education, Culture and Research.

The directive has been transposed (not in classical form 1:1) through several national legal instruments, such as: Education Code no. 152/2014, Road Transportation Code no. 150/2014, Labor Code no. 154/2003, with subsequent amendments; Law nr. 131/2007 on road traffic safety, as amended; GD no. 357/2009 on the approval of the Road Traffic Regulation, as amended; GD no. 539/2008 on the creation of the public institution "National Agency for Motor Transport", amended; GD no. 1452/2007 on the approval of the Regulation on driving license, organizing and conducting the examination for obtaining the driving license and the conditions of admission to the road traffic, modified; GD nr. 193/2017 approving the regulation on in-service adult training, modified; GD nr. 827/2013 on the approval of the Transport and Logistics Strategy for 2013-2022; GD nr. 1016/2017 on the approval of the National Qualifications Framework of the Republic of Moldova, modified; GD nr. 425/2015 regarding the Nomenclature of professional training fields, modified; The classifier of the occupations of the Republic of Moldova, approved by the Order of the Ministry of Labour and Social Protection (MLSP) nr. no. 22 of March 03, 2014, modified by the Ministry of Transport and Road Infrastructure (MTRI) Order no. 9 of February 10, 2015, on the development of continuous professional training programs, etc.

It is necessary to point out that within *the framework of the EU Technical Assistance Project "Support to Reform of the Transport Sector in the Republic of Moldova - EuropeAid/139029/DH/SER/MD"*, in 2019, a complex exercise of compatibility of the national legal framework with the provisions of Directive no. 2003/59/EC. The main conclusion: *The national legal framework reveals the lack of a systemic approach. In this case, the qualification and periodic training of the categories of drivers identified by the provisions of Directive 2003/59/EC is regulated by a wide range of legal and regulatory acts.* The basic recommendation was on the need for a single regulation in this area.

2.1.4. Fiscal conditions

Directive nr. 1999/62/CE of 17 June 1999 on the application of charges to heavy goods vehicles for the use of certain **infrastructures**. This directive has regulated the framework for harmonizing charging systems and establishing fair mechanisms for imposing infrastructure costs on carriers. In order to ensure the homogeneous application of tolls and user charges, the Directive imposes an obligation to lay down certain rules to determine how they are to be applied, the maximum amounts of certain charges, and the other general conditions to be complied with.

The need to transpose that regulation is laid down in the AA (Title IV, Chapter 15, Annex X). The relevant Ministry - Ministry of Transport and Road Infrastructure / Ministry of Economy and Infrastructure¹ - is designated as a responsible institution, in this case, with the help of the Ministry of Finance.

The Directive has been partially transposed into Title IX. Road Taxes, Fiscal Code no. 1163-XIII of 24 April 1997, republished, with subsequent amendments; GD no. 1073/2007 for the approval

of the Regulation on the authorization, control, and performance on public roads of transports with weights and/or gauges exceeding the permissible limits, as amended.

2.2. European legislation on urban mobility and public transport

Urban mobility is a concept of ensuring the mobility needs of people and businesses in and around cities for a better quality of life. This concept builds on existing planning practices and takes due account of the principles of integration, participation, and evaluation. In order to be sustainable, urban mobility must be carried out in accordance with a sustainable urban mobility plan, which is a strategic plan designed to meet mobility needs. In this context, it should be noted that mun. Chisinau does not have developed and approved an Urban Mobility Plan (UMP).

The European Commission (EC) is working to improve citizens' quality of life and strengthen the economy, promoting sustainable urban mobility and increased use of clean and energy-efficient vehicles through specific legislation, which has not been included and is not part of the AA.

In recent years, new political challenges have emerged at the EU level, relating to climate change, energy policy, air quality legislation and difficulties in tackling congestion, etc. The current objective is to increase mobility while reducing congestion, road accidents, and pollution in European cities.

The EC is working on a new EU urban mobility framework to support the Member States, regions, and cities as they develop safe, accessible, inclusive, smart, resilient, and zero-emission urban mobility. Everyone must contribute to the EU's climate and transport policy objectives, as set out in the European Green Agreement and in the Sustainable and Intelligent Mobility Strategy. Actions will include strengthening the role of urban road hubs in the Trans-European Transport Network (TEN-T) as facilitators of sustainable, efficient, and multimodal transport.

Public transport is a good way to reduce congestion, the environment, and health-damaging emissions in urban areas, especially when they use alternative and cleaner fuels. The EC encourages the use of public transport, as part of the number of modes, that each person living or working in a city can use. For example, parking the car outside the city center at a train station or public transport station.

As part of its responsibilities for policy development and the management of funding instruments, the European Commission is addressing urban public transport on several dimensions:⁵

- working with key stakeholders,
- promoting the exchange of best practices,
- producing studies on specific topics,
- regulation of the market for the carriage of passengers by coaches and buses,
- financing of the European investments.

⁵ https://ec.europa.eu/transport/themes/urban/urban_mobility/urban_mobility_actions/public_transport_en, accessed on 18.08.2021.

Information on this subject can be obtained on the websites of the EC, as well as of the projects ELTIS⁶ and CIVITAS⁷.

2.2.1. Mobility

1. Communication from the EC to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "Together for competitive resource-efficient urban mobility" (COM/2013/0913 final)⁸.

Presentation: The Communication sets out how the Commission will strengthen its actions on sustainable urban mobility in areas where there is EU added value. The Commission also encourages Member States to take stronger and better coordinated action. The document calls for the development and implementation of Sustainable Urban Mobility Plans.

Finding: Not applied.

2. Directive 2008/50/EC of the European Parliament and of the Council of May , 2008 on air quality and cleaner air for Europe.

Presentation: The directive sets out the need to protect human health and the environment as a whole, and it is of particular importance that pollutant emissions are combated at source and that the most effective measures to reduce emissions are identified and implemented at local, national and Community level. Emissions of harmful air pollutants should therefore be avoided, opposed, or reduced, and appropriate ambient air quality targets should be set, taking into account the standards, guidelines, and programs of the World Health Organisation.

Finding: Not transposed.

3. Directive 2008/96/EC of the European Parliament and of the Council of November 19, 2008 on road infrastructure safety management, as amended and supplemented by Directive (EU) 2019/1936 of the European Parliament and of the Council of October 23, 2019 (Consolidated text).

Presentation: This Directive provides for the establishment and implementation of procedures relating to road safety impact assessments and audits, road safety inspections, and network-wide road safety assessments carried out by the Member States.

The Directive applies to roads that are part of the TEN-T network, motorways, and other main roads, whether they are in the design, construction, or operation phase.

Finding: There is no commitment, even if Law 131/2007 includes some provisions.

⁶ <https://www.eltis.org/>

⁷ <https://civitas-initiative.eu/>

⁸ <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX:52013DC0913>, accessed on 19.08.2021.

2.2.2. Passenger (public) transport

1. Regulation (EC) nr. 1073/2009 of the European Parliament and of the Council of October 21, 2009 on common rules for access to the international market for coach and bus services and amending the Regulation (EC) no. 561/2006 (Text with EEA relevance).

Presentation: This Regulation replaces Regulation (EEC) No 684/92 and Regulation (EC) No 12/98. The latest regulation makes the rules clear and less complex, improves enforcement and avoids unnecessary administrative burden.

The international carriage of passengers by coaches and buses shall be subject to possession of a Community licence. Any road passenger transport operator holding a valid community licence issued by the home Member State has access free of charge to the entire international road transport market in the EU.

Finding: Not applied.

2. Regulation (EC) no. 1370/2007 of the European Parliament and of the Council of October 23, 2007 on public passenger transport services by rail and by road and repealing the Regulations (EEC) no. 1191/69 and no. 1107/70 of the Council.

Presentation: This Regulation seeks to provide guidance on how competent authorities may act in the field of public passenger transport in order to guarantee the provision of this service of general interest. It also regulates how public procurement should be organized.

On 1 December 2010, the European Parliament and the Council reached an agreement⁹ on the rights of passengers in bus and coach travel; it is a set of basic passenger information rights¹⁰, including non-discrimination, adequate information for passengers, in particular those with reduced mobility, which applies to all passengers.

Finding: Not applied.

2.3. Institutional situation and management of the transport sector

The Chisinau City Hall is the authority of the second level of local public administration, according to the provisions of Law no. 436/2006 on local public administration – as a public authority, taken as a whole, which is established and activates on the territory of Chisinau municipality, with a special legal status, in order to promote the interests and solve the problems of the population of the respective administrative-territorial unit.

In this respect, the Chisinau City Hall is a functional structure that assists the mayor in the exercise of his legal duties, assisted by the local council – representative and deliberative authority of the population of the municipality, elected in order to solve the problems of local interest.

According to article 3 of Law no. 436/2006, public administration in administrative-territorial units is based on the principles of local autonomy, decentralization of public services, eligibility of local public

⁹ https://ec.europa.eu/commission/presscorner/detail/en/IP_10_1639, accessed on 15.08.2021.

¹⁰ https://ec.europa.eu/transport/themes/passengers/road_en, accessed on 15.08.2021.

authorities and consultation of citizens on local issues of special interest. Thus, the local public administration authorities benefit from decision-making, organizational, management and financial autonomy, have the right to initiative in everything related to the administration of local public affairs, exercising, under the law, their authority within the limits of the administered territory.

Chisinau is the capital of the Republic of Moldova, and by Law nr. 136/2016 with subsequent amendments was approved the statute of the Chisinau municipality, which regulates the specific peculiarities of the organization and functioning of public administration authorities in the municipality. In accordance with article 4 (1) of Law no. 136/2016, in the achievement of its competencies, the public administration authorities of Chisinau municipality have autonomy, enshrined and guaranteed by the Constitution of the Republic of Moldova and other legislative acts, and article 6, by establishing the competences of the Chisinau Municipal Council, gives this body the power to approve, at the proposal of the general mayor, the personnel limit and the organizational chart of the city hall, the subdivisions of the municipal public administration (...), and the regulations for the operation of the subdivisions of the City Hall, (...) and decides on the administration and management of assets, including the network of roads and streets, its planning, design, construction, operation, and maintenance, but also on the public transport domain.

The structure of the Chisinau City Hall is approved by the Decision of the Chisinau Municipal Council (CMC) no. 50/2 of 29.06.2006, and by the order of the general mayor of Chisinau the activity Regulations of the City Hall subdivisions are approved, which includes 14 general directorates, including the General Directorate for Public Transport and Communication Paths (GDPTCP), with a number of 57 employees. On the transport and urban mobility side, management and control functions are also performed by the General Directorate for Architecture, Urban Planning and Land Relations, with a total of 128 employees¹¹.

2.3.1. General Directorate for Public Transport and Communication Paths

According to the function states, published on the website of the Chisinau City Hall, GDPTCP is led by the head of the GDPTCP, assisted by two deputy heads, who promote and execute the following tasks:

- Promoting the single policy and the development strategy in the field of the public transport complex and Communication Paths;
- Coordination of the activity of the enterprises involved in the maintenance and development of communication routes, all types of transport, regardless of the type of ownership and organizational-legal form, in the field of passenger service, organization and management of road traffic, electrical lighting networks, and parking lots in Chisinau municipality.

GDPTCP consists of:

- Project Implementation and Supervision Department;
- Department of municipal works;
- Transport Management Department:

¹¹ https://www.chisinau.md/public/files/anul_2018/audit_intern/Prezentarea_Structura_AAPM_29.pdf accessed on 30.11.2021.

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- Municipal public transport unit;
- Private public transport unit;
- Road safety service.
- Economic and financial directorate;
- Marketing and Public Procurement Department:
 - Project implementation service.
- Human Resources Unit;
- Analysis and synthesis service;
- Technical service unit.

According to the public information on the website of the Chisinau City Hall¹², GDPTCP is subordinated to the following municipal enterprises in the field of transport and road infrastructure:

- The Administration of operation of Roads and Bridges "ExDrupo"
- Joint-stock company "Road construction company "Edilitate";
- The Chisinau electric transport authority;
- Urban bus park.

In August 2020, a team of national consultants of the United Nations Development Programme presented the report "Assessing the effectiveness of GDPTCP's work"¹³, including subordinated municipal enterprises, but also the assessment of their capacity to provide qualitative services for the planning of transport and communication routes and maintenance of related services, aligned with international and national standards and municipal strategic objectives (for example, the Public Transport Development Strategy for the years 2015 - 2025).

The findings of this report from a strategic, legislative and regulatory point of view were as follows:

- The transport strategy of mun. Chisinau 2015 – 2025, approved by the CMC decision no. 7/1/2014;
- The general legislation, according to its competencies, was appreciated at over 20 laws and 6 Government Decisions;
- The special legislation is based on the provisions of the Road Transportation Code, the Law on Roads and government decisions, especially the Regulation on passenger and luggage transports by car (GD 854/2006), transposed in Chisinau through the Regulation of public passenger transport operated by minibusses and the conditions of the competition on the administration of minibus routes in Chisinau municipality, approved by the CMC decision no. 4/6/2000;

¹² <https://www.chisinau.md/pageview.php?l=ro&idc=458&t=/Primaria/Directii/Directia-general-a-transport-public-si-cai-de-comunicatie>, accessed on 30.11.2021.

¹³ Moldova Sustainable Green Cities – Catalysing investment in sustainable green cities in the Republic of Moldova using a holistic integrated urban planning approach/00097704

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- Methodology of calculation and regulation of tariffs for services provided by passenger transport undertakings and Regulation on the method of examination and approval of tariffs for services provided by passenger transport operators in the area of mun. Chisinau, approved by decision of CMC no. 51/2 of 11.07.2006;
- Regulation of the General Directorate for Public Transport and Communication Paths, approved by the CMC decision no. 11/31 of 04.06.2004;
- Municipal road transport program.

The recommendations of the project focused on:

- amending the Road Transportation Code and Government regulations for adapting urban mobility;
- elaboration and approval of a new normative document with reference to the transport of passengers and luggage;
- the adoption of a new Regulation on the activities of GDPTCP;
- approval of new regulation on works in the area of the public roads;
- updating service contracts and charging methodology, and
- approval of a plan for the implementation of the Transport Strategy.

At the same time, according to the Regulation, GDPTCP is:

- the beneficiary in the field of development and exploitation of public transport and Communication Paths;
- the promoter of the single policies and of the development strategy in the field of public transport activity and Communication Paths (General urban plan for the development of the Chisinau city and the plan for repair, rehabilitation, and reconstruction of roads in Chisinau);
- determines the main directions of the investment, technical-scientific, social, and personnel policy in the field of maintenance and development of public transport and Communication Paths;
- coordinates the activity of the subordinated enterprises;
- exercises control over compliance with transport legislation, traffic safety, and means of communication.

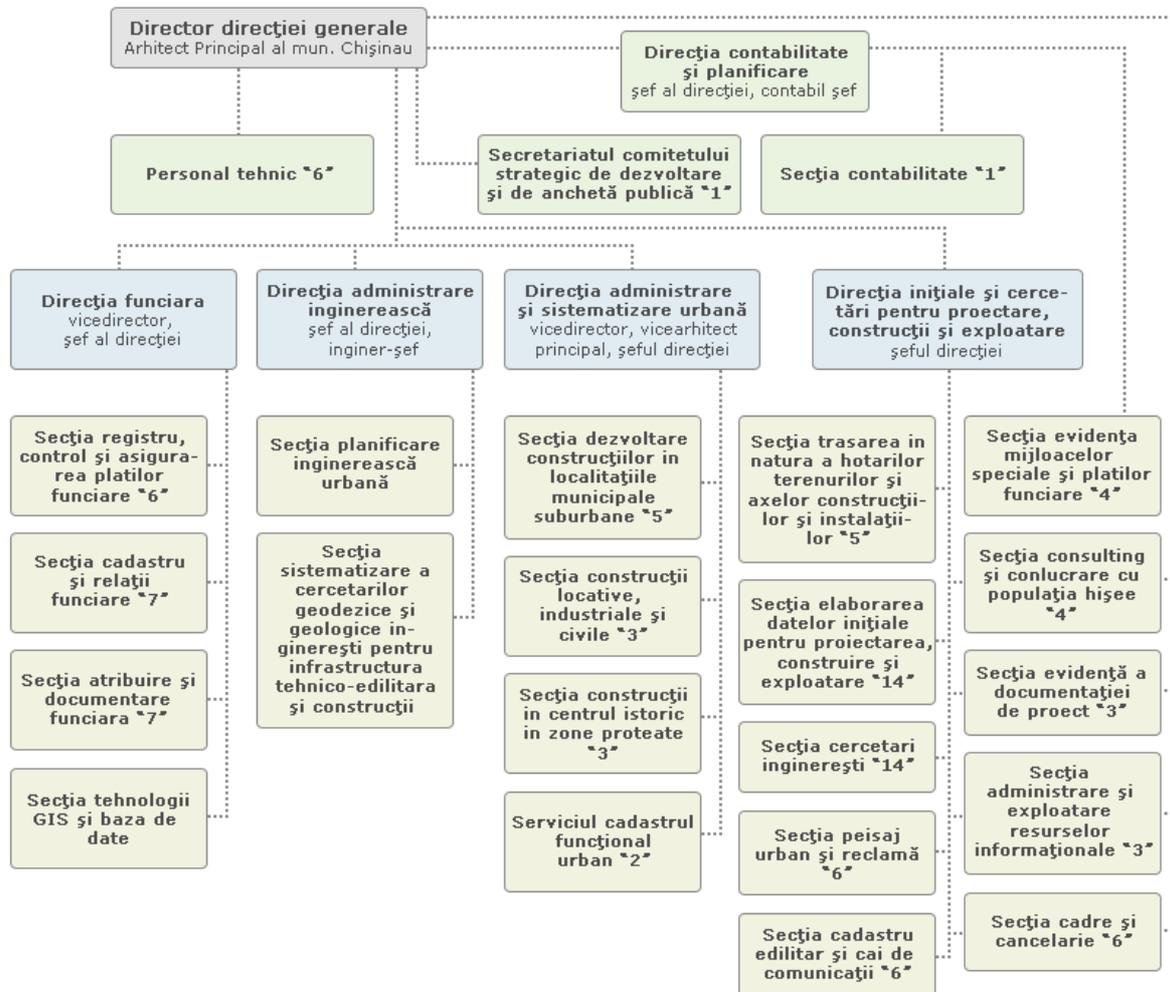
At the same time, and very important to note:

- GDPTCP has no regulatory functions;
- The Regulation of the execution of the works of laying, redevelopment of underground constructions in the localities of city subordination, approved by the Decision of the Executive Committee of the Chisinau City Council of People's Deputies nr. 11/1 of 15.07.1991, is a very old one with serious legal problems;
- The organization of these activities within GDPTCP is not carried out and are not linked to similar activities of the GDAUPLR in a register of road assets in mun. Chisinau, respectively, are not digitized;

- There is no well-defined mechanism for communication, information exchange, coordination and implementation of solutions that overlap the public domain.

2.3.2. General Directorate for Architecture, Urban Planning and Land Relations

According to the Regulation of the General Directorate for Architecture, Urban Planning and Land Relations, it has the following functional structure¹⁴:



In accordance with the GDAUPLR Regulation, the General Directorate is based in its activity on the legislative and normative acts in force in the field of territorial and planning, architecture, construction, and land relations, as well as on the provisions of the mentioned regulation.

¹⁴ <https://www.chisinau.md/pageview.php?!=ro&idc=461&t=/Primaria/Directii/Directia-general-a-arhitectura-urbanism-si-relatii-funciare>, accesat în 30.11.2021.

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The General Directorate is a subdivision of the Chisinau City Hall, which deals with the realization of a set of activities specific to urban and spatial planning and includes in its structure the following subdivisions:

- Directorate of Urban Administration and Systematization,
- Directorate of Engineering Administration,
- Land Directorate,
- Accounting and planning Directorate and,
- Directorate of initial data and research for design, construction, and operation.

In fact, the GDAUPLR also has in its obligations on the urban planning component the tasks of urban mobility planning, jointly with GDPTCP, including in terms of planning and design of road infrastructures and other urban mobility objects.

2.3.3. Other authorities and institutions involved

The implementation of the national legal framework requires the collaboration at national level with governmental authorities in the field, and mainly with:

- Specialized subdivisions of the Ministry of Infrastructure and Regional Development,
- State Road Administration,
- National Agency for Motor Vehicles,
- Institute of Design "Chisinauproject",
- Institute of Design "Urbanproiect",
- Other institutions in the field.

2.3.4. Meetings and data collected

For a better understanding of the institutional considerations, including in terms of national legislation and the implementation of the AA, which is the subject of this report, the Consultant requested and held several meetings with the administrations of the General Directorate for Public Transport and Communication Paths (GDPTCP), separately in the segment of road infrastructure management (urban mobility), and of public transport, and with the General Directorate for Architecture, Urban Planning and Land Relations (GDAUPLR).

The requested meetings with both Directorates of the City Hall of Chisinau had the following goal:

1. The legislative and normative framework used and the relationship with the AA;
2. Management of activities and problems faced. Implementation of good practices;
3. Urban mobility management and the problems faced;
4. Relations with the national level in the management of road infrastructure (urban mobility) and public transport;
5. Hierarchy of municipal road infrastructure;
6. Establishing problems and needs on the side of legal regulations for the management of road infrastructure (urban mobility) and public transport:
 - a) which is missing,
 - b) existing but with execution problems,
 - c) existing, but causing obstacles to the activity,

d) other regulatory issues (institutional, financial, procurement, etc.).

On August 26, 2021, the Consultant had a meeting with the GDPTCP management, in the person of Mr. Vitalie Mihalache, head, and Dumitru Ceban, deputy head, with responsibilities in the road infrastructure and urban mobility field.

During this meeting, it was found that there are no serious problems in the application of the Law on roads no. 509/1995, only on the normative level of application of the law, which is very insufficient and incomplete. At the same time, several important problems were found:

- the hierarchy (classification) of urban and local road infrastructure, which is not clearly regulated, except at the level of public roads, without connections with urban road infrastructure. Even if there are technical rules, which provide for the classification of the street network, in reality, there are no implementing regulations, which is why management problems arise.
- the procedures for linking planning→design→construction→operation→maintenance are not clearly defined, so at the institutional management level, there are a lot of services and institutions, which create multiple obstacles, even if the legislation for conferring competencies has changed in many cases (e.g. the powers for police coordination, or, project checks, etc.).
- consequently, the lack of a legal procedure (law, GDs) makes the lack of interpretation on the institutional side, which causes corruption and poor quality of works.

City Hall Chisinau (local public authority) does not have the status of the ascertaining agent, so they cannot verify, ascertain and sanction the problems that arise within the chain. In the same context, the police have these rights but do not apply them (cooperation), given that they are related to the management of the activities of the local authorities.

Another problem is the damage recorded as a result of road accidents. The legislation does not stipulate what are the procedures regarding the responsibility of the road manager and his obligations in the event of an accident, but also what are the obligations to restore the infrastructure and recover the damage. Also, the process of coordination and record-keeping of works in the road area, including at the coordination level, is not regulated by the Government.

On September 1, 2021, the Consultant held a meeting with the head of the GDAUPLR, Mrs. Svetlana Dogotaru, during which the same topics were discussed.

An important topic that stood in the foreground throughout the meeting was the lack of an updated GUP at the current level of the Chisinau city, but also of some local urban regulations, urban zonal plans, and a city's urban mobility plan. This creates great problems for the municipality's activity and chaos in the regulation of urban planning activities.

3. Findings and constraints

3.1. Association Agreement, urban mobility and EU legal framework

The AA addresses mobility and the creation of the conditions for ensuring a well-managed and safely conducted mobility (see Preamble, Art.1, Art. 15 (2), Art. 123 (d)), but without clear provisions for transposition.

The concept is circumscribed to cross-border mobility, without defining urban mobility or other elements in the field of mobility and road traffic or expressly pursuing the transposition of certain international regulations in this field into the legislation of the Republic of Moldova, including also with reference to public transport, other than the international one, or, public transport is found in the concept of urban mobility.

In general, it should be noted that Urban Mobility is not legally regulated at the EU level, being more of a term recently developed as a set of good practices, which refers to the totality of road infrastructure users, with facilities for their safe use, but oriented towards the creation of generally-equal conditions for all modes of travel, limiting as much as possible the facilitation of travel by private transport.

By deciding on what was found in point 1.1, given that Chisinau is facing, in turn with other European cities, problems caused by the road transport and traffic, the basic question is how to improve mobility, while reducing congestion, accidents, and pollution. Usually, cities themselves are in the best position to find the right answers to these challenges, taking into account their specific circumstances.

The EU reiterates the importance of efficient and effective urban transport in this regard, with mobility in urban areas also being a decisive facilitator for economic growth and employment and for sustainable development in urban areas. The European Green Deal (**COM(2019)640**) and the 'Strategy for Sustainable and Smart Mobility' (**COM(2020)789**), adopted in 2019 and 2020 respectively, provide a new framework for the overall direction of EU transport policy in the coming years and recognize the importance of urban mobility in the context of the ecological and digital transitions.

The results of the evaluation found in the Commission staff working document of 24 February 2021 entitled 'Assessment of the Urban Mobility Package 2013' (SWD(2021)0047), highlight the need for further EU action on urban mobility to update the EU-wide sustainable urban mobility toolbox by responding to growing challenges (CO₂ emissions and air pollutants, congestion, road accidents, the resilience of the transport network) and contribute to the most ambitious climate, digital and social objectives, in line with EU commitments. The preparation of a new EU urban mobility framework is pending approval: a roadmap has been published and consultation activities already started. The new initiative on urban mobility is to be published by the end of 2021¹⁵.

¹⁵ See - https://ec.europa.eu/transport/themes/urban/urban_mobility_en, accessed on 17.08.2021.

3.2. Urban mobility planning – good practices

The EU's concern in terms of urban mobility, also expressed in the Communication '**COM/2013/0913 final**' of the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions, entitled 'Together for resource-efficient competitive urban mobility', which notes that the cities of Europe, where 70% of the EU population lives and which generate more than 80% of the EU's GDP, are linked through one of the EU's GDP - is undoubtedly unquestionable. the best transport systems, but moving within them is becoming more and more difficult and with less and less efficiency. In this respect, urban mobility still relies heavily on private cars using conventional fuels. There is only slow progress being made in moving towards the more sustainable modes of transport of urban mobility.

In addition to serious ecological problems, motorized transport is the cause of about 38% of the number of deaths in road accidents at the European level, which in the Republic of Moldova exceeds the figure of 42%.

The Commission is actively promoting the concept of planning sustainable urban mobility, which for example provides local authorities with concrete proposals on how to implement strategies for urban mobility, which are based on a detailed analysis of the current situation as well as a clear perspective on the sustainable development of their urban area.

The concept of a sustainable urban mobility plan takes into account functional urban areas and proposes that urban mobility measures should be part of a **broader urban and territorial strategy**. Those plans should therefore be drawn up in cooperation in different policy areas and sectors (transport, land use, and spatial planning, environment, economic development, social policy, health, road safety, etc.); at different levels of government and administration, as well as with authorities in neighboring areas, in both urban and rural areas.

States should therefore consider the following:

- Conduct a careful assessment of the present and future performance of urban mobility on their territory and in the light of major policy objectives;
- Developing an approach to urban mobility that ensures mutually coordinated and mutually enhanced measures at national, regional, and local levels;
- Ensure that sustainable urban mobility plans are developed and implemented in their urban areas, being integrated into a broader urban or territorial development strategy;
- Review and amend, if necessary, the technical, strategic, legal, financial, and other instruments available to local planning authorities;
- Take measures to avoid fragmented approaches to ensure the continuity and compatibility of urban mobility measures in order to ensure the functioning of the internal market.

Sustainable urban mobility plans are about promoting balanced development and better integrating different modes of urban mobility. This planning concept highlights that urban mobility is mainly aimed at people and, in fact, underlines the involvement of citizens and stakeholders, facilitating behavioral change towards mobility.

The Republic of Moldova will adopt an attitude by rallying to the standards in the field, even if the AA does not define such immediate commitments. In the current conditions, in the absence of a national regulatory framework regarding the concept of mobility, which is a new one for urban planning in the

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Republic of Moldova¹⁶, more legal clarity is required on the notions and the legal and regulatory approach for the concepts of:

- urban mobility¹⁷,
- urban mobility plan (definition and component parts), legal requirements related to the implementation of an urban mobility plan.

In fact, these elements expose the urgent need to improve or adopt an updated legal framework that corresponds to the needs of the moment and perspective - a legal framework according to the international standards promoted in the EU¹⁸ and which exposes a new paradigm of networking between road infrastructure users, adapted to conditions of comfort and safety for all these users, in equal measure.

Such a legislative priority is all the more justified given that, on June 16, 2021, the Strategy for Transport and Smart Mobility for the municipality was presented, as well as the related action plan. The documents were developed by UNDP Moldova consultants, so this Strategy must regain its place and utility within the national regulatory framework.

Moreover, the Government is involved in activities of elaboration-adjustment of the National Strategy for Road Safety, which should be adjusted to the new requirements for addressing urban mobility, in accordance with the document mentioned above.

3.3. Key findings (constraints)

The basic finding established by the Consultant is that the AA on the "Road Transport" level is completed only with EU legislation on cross-border and intermodal road transport with **a total lack of provisions on urban mobility or urban public transport.**

These findings are to be treated from objective temporal positions and access to public information, or the legislative process (including the analysis, elaboration and consultation of acts) is quite complex and lasting, being admitted the reservation of the existence / or already the lack of draft legislative / normative acts. At the same time, the project team also consulted the GDPTCP and GDAUPLR on the issue.

The fact is that, at the moment, the legal/regulatory framework in the field of road transport, in particular, that concerning urban public transport, requires a categorical revision, without opting for summary transpositions and/or occasional adaptations, justified, e.g. by the lack of financial resources. At the same time, on some EU legislation, there are transposition delays, the justification of which does not fall within the scope of the Consultant's activity.

An urban public transport according to modern mobility standards is a good way to optimize the time used, to reduce congestion and the emission of pollutants, substances harmful to the environment,

¹⁶ See Proposal for public policies (project) Development of sustainable urban mobility in Chisinau, author Victor Chironda, 2019, developed within the Project "Public hearings for Chisinau", implemented by the Institute for European Policies and Reforms (IPRE), with the support of the Open Society Foundation (FOSI), p. 6, http://ipre.md/wp-content/uploads/2019/06/Politica-publica-II-2019-V-Chironda-Mobilitate-urbana_Draft-FINAL.pdf

¹⁷ Mobility is defined as the potential for travel and the ability to get from one place to another, using one or more modes of transport to meet daily needs, Ibidem.

¹⁸ See - https://ec.europa.eu/transport/themes/urban/urban_mobility_en, accessed on 17.08.2021

and the health of the population in urban areas. The stated benefits can be obtained in particular when clean alternative vehicles and fuels are used.

Therefore, the necessary amendments/additions in the legislative/normative acts are to be made in the part related to the regulation of public transport and the multimodal relationship between the public transport on urban and interurban routes, according to good practices, one of which is presented in the chapter 3. Instruments such as electronic tickets, urban parking management, the competencies of public and local authorities in the field of setting tariffs, the development of public transport routes, the activity of road transport operators, etc. must be thoroughly developed and respect the experience of states with the best practices in the field.

Taking into account that the present Consultancy Contract is carried out in parallel with another one from the same project – The Analysis of the national and local legislation on public transport within the Project "MOVE IT like Lublin – A Chisinau public transport sustainable development initiative", the development of the subject at the local level will be carried out in the final report of that Contract.

3.3.1. Conclusions and recommendations for urban mobility

The Urban Mobility Observatory has been developed at EU level¹⁹ – an online platform for communicating and presenting good practices in this important segment, where resources, ways of approaching and examples of sustainable urban mobility planning, already implemented in Europe's cities, can be found, which can create a conducive development framework to this topic, starting from the concept, processes, guides and case studies, and ending with assessment tools. The production of an Urban Mobility Plan involves 11 implementation steps, as established by Ruppert Consult (see image below):

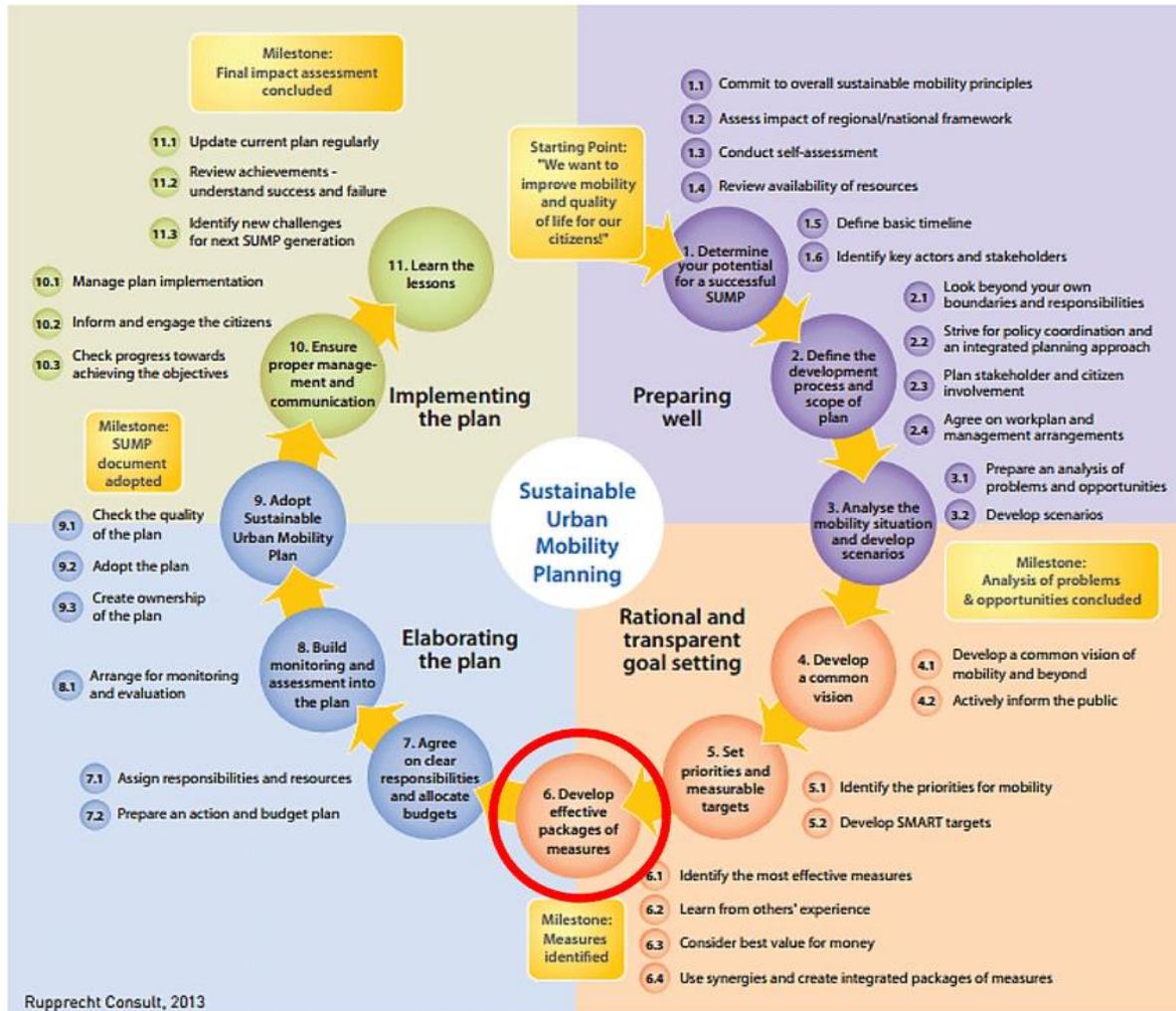
1. Determining the potential, developing a working structure and planning framework:
 - alignment with all principles of sustainable mobility,
 - assessment of the impact of the regional and national framework,
 - carrying out an internal evaluation,
 - the evaluation of resources,
 - the establishment of the work plan,
 - identifying key actors and stakeholders.
2. Defining process development and purpose:
 - look beyond the boundaries of responsibility,
 - policy coordination actions and integrated planning approach,
 - the planned involvement of stakeholders and citizens,
 - approval of the work plan and management arrangements.
3. Analysis of the urban mobility situation and scenario development and development:

¹⁹ <https://www.eltis.org/mobility-plans>

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- preparing an analysis of problems and opportunities - mandatory with relevant conclusions,
 - scenario development.
4. Developing the vision and strategy with stakeholders:
 - developing a common vision of mobility,
 - Active communication with the public.
 5. Setting the purpose, objectives and performance indicators:
 - identifying priorities for mobility,
 - developing SMART goals.
 6. Development of a set of action packages, mandatory to identify:
 - identification of the most effective measures,
 - learning from other experiences,
 - consideration of the best budget value,
 - using synergies and creating a package of measures.
 7. Approval (adoption) of actions and responsibilities and provision of financing:
 - assessment of responsibilities and resources,
 - preparing a budget and action plan.
 8. Implementation management, monitoring and evaluation:
 - arranging monitoring and evaluation.
 9. Adoption of SUMP:
 - evaluation of the quality of the plan,
 - the adoption of the plan,
 - establishing management.
 10. Ensuring an efficient management and communication:
 - implementation management,
 - informing and engaging citizens,
 - evaluating progress by achieving the objectives.
 11. Learning lessons:
 - permanent improvements,
 - evaluation of results – SWOT,
 - identifying new challenges for improvements.

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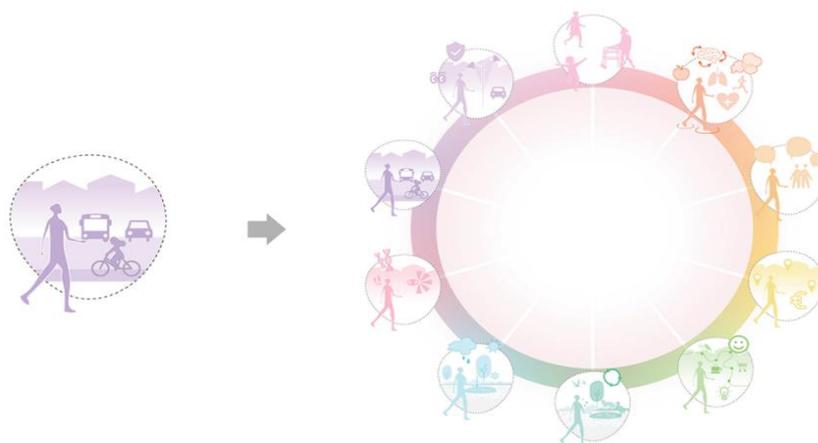
4. Conclusions, recommendations and arguments for implementation

When it is intended to carry out an institutional reform of the field of transport, especially from an urban point of view, it is important not only to renew rolling stock (public transport), but to take a general approach to mobility. It is important to create a product of a new quality, to change the attitude of a modern city to it.

In the concept of "Urban mobility", the street (urban road infrastructure) must be understood and approached as a starting point, both for the efficient management of transport, but also as a space for human activities and mobility, in all its possible forms. In order to design streets for people, it is important to start again to see the street as a "common space", a public space for people, and not a functional link between points A and B.

The functional link between points A and B implies in this system a "Social interaction". In this regard, the most important thing is to diversify the attractions in the city (municipality) and adjust the infrastructure to the needs of users. In the cities of the Republic of Moldova, the ratio between the utilized area of the road (street) and the general urban area is significantly lower than in EU cities, and this proportion is often not functional enough, which in turn causes motorization. It is necessary to be re-thought out and re-learned the approach that everything must take into account the multifactorial and multifunctional nature so that it is possible to cope with this phenomenon created over time.

A one-dimensional approach to street design, where mobility is the only guiding principle, is no longer viable. Instead, mobility will combine accessibility, safety, human perception, health, social interaction, ecology, climate adaptation, economy, culture, and history to create a functional and people-friendly road infrastructure in all respects, and for this 10 dimensions of the street must be taken into account²⁰, and included for the mandatory approach in the rules for the design of urban road infrastructure:



²⁰ Public Spaces Guide of city of Groningen, <https://www.felixx.nl/news/leidraad-openbare-ruimte-groningen.html>, accessed on 30.11.2021.

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The conclusions related to the AA analysis and the institutional management application establish that despite some attempts to apply some provisions and concepts of good practices, they do not have an efficient practical finality due to the lack of the respective provisions in the legal and normative framework of the Republic of Moldova, and the AA, in its current version, does not provide any elements on this level, urban mobility and public transport.

The consultant does not have the task to approach the AA in terms of proposals, so he focused on a series of findings and conclusions, followed by some recommendations and suggestions for implementation on the legislative-normative, but also institutional side.

It should be noted that the analyses and conclusions of the projects mentioned in this report are also very useful and relevant to be taken into account, especially on the institutional side of improving the operational management of GDPTCP. In this context, a very important element of management on the management side of efforts on the urban mobility level for 2 directorates within the City Hall of Chisinau (GDPTCP and GDAUPLR) must be carried out on a mandatory basis, taking into account the above-mentioned management improvement proposals, as follows:

- General Directorate for Public Transport and Communication Paths - on the side of road traffic and road infrastructure management, and
- The General Directorate for Architecture, Urban Planning and Land Relations – on the urban planning and development side.

In order to homogenize these activities and streamline the institutional communication, we consider that in the framework of urban planning and development it is absolutely necessary to interact and coordinate possible urbanism projects with GDPTCP, in order to avoid situations of putting the last ones in front of the project approved by the CMC, and vice versa – avoiding the adoption of decisions that affect the street network from the point of view of urbanism and urban planning without consulting with the subdivision of urban planning of the GDAUPLR.

In order to raise awareness that the elements described are part of the municipal (urban) plans and programs, we propose the following recommendations, which will be based on EU legislation, action plans, and strategies related to urban mobility, which will be transposed, in the form of conclusions, recommendations and implementing measures.

A more detailed description of how to transpose EU rules will be produced in the final report of the project "Move It Like Lublin – of Chisinau Sustainable Development Initiative. Analysis of national and local legislation on public transport (MILL/S/LEX/04 of 30 June 2021)".

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| N. | Aspect | | |
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| | Institutional | Legal and normative | Deployment |
| 1. | In the Regulations of both entities mentioned, the areas of interaction (ensuring efficient and safe urban mobility) adapted to EU best practices must be presented clearly and without interpretation. | The Regulations of Activity of both entities should be reviewed in this respect | Evaluations of the efficiency of the activity of the Directorates of the Chisinau City Hall carried out under the auspices of UNDP, GIF and Green City Lab in 2020, described very eloquently the institutional problems of structure and activity of GDPTCP and GDAUPLR. It is recommended to take into consideration when drawing up new regulations for the activity of these directorates the need for effective networking in the context of urban mobility issues. |
| 2. | For the implementation of good urban mobility practices, the urban road infrastructure must be functionally ranked, in accordance with the classification of the Roads Law, but adapted to the needs of the concept of universal design and urban mobility for all users. | CMC decision approving the functional hierarchy of the network of roads and streets in mun. Chisinau. | The functional hierarchy of roads and streets refers to the function of each road (street) on the network, related to mobility (transport) and access (users) depending on the level of danger and traffic speed. Roads Law No. 509/1995 provides for the functional classification of public roads. The CMC will have to establish the hierarchy on the street network, which will be mandatory in the framework of subsequent works to design new streets or to rehabilitate existing ones. This aspect is already explained in the Street Design Guide, developed by UNDP Moldova for the Chisinau City Hall, within the project "Sustainable green cities for Moldova". |

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| 3. | The subject and field of urban mobility must be regulated by the Government from the technical and standards point of view, including as a technology, institutional and knowledge transfer. | Including the definition of 'Urban mobility' in: Law nr. 131/2007 on road traffic safety and the legal and normative regulation of the subject. Draft law on the road infrastructure safety management. | A big part of the strategies developed for the Chisinau City Hall with aspects related to mobility and road traffic also uses the term "Urban mobility", but which is not contained as a regulation in the related legislation. Its regulation and definition will allow the implementation of a new street planning concept and the legislating of good practice guides already developed but which cannot be implemented, including for this reason. |
| 4. | The municipality does not institutionally and digitally manage a Register of Municipal Road Assets, which would allow it to control in real-time all the works on the road infrastructure, from planning to record-keeping and monitoring. This institutional mechanism is also important and efficient in terms of accounting and purchasing activity. | The decision of the CMC on the creation and administration of the Municipal Register of Road Assets and its implementation. | Elaboration and adoption of a municipal regulation on the record of road assets, but also the planning, design, laying, monitoring, and record-keeping of engineering works in Chisinau and the digitization of these works for efficient monitoring and record-keeping of all actors will allow the efficient management of each municipal work, both as procurement and as financial efficiency and road infrastructure management, monitoring in real-time its planning, development, and monitoring. |
| 5. | The City Hall (through its specialized subdivisions) must have the capacity of ascertaining agent in order to be able to protect and efficiently manage its patrimony or sanction for non-compliance with obligations, including as a result of road accidents. | Amendment and completion of the Code of Administrative Offences and Law 436/2006 on local public administration. Amending and supplementing the rules for data collection in case of road accidents. | Currently, only the Police has the competence to establish and sanction in accordance with articles 223 to 224 of the Code of Administrative Offences. On the other hand, the owners of the road network cannot defend that property from possible irregularities or improper performance of the works at the time of establishing these non-conformities. This mismatch creates great problems, difficulties, and losses for the respective authorities. The same problems are in the management of the procedures for the involvement of the road manager in the process of documentation, record-keeping, and liability following the road accidents. |

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| 6. | The need to establish within the GDAUPLR an urban planning subdivision, which would manage the infrastructure problems at the level of elaboration of the GUP, RLU, ZUP, UMP. | Revision and improvement of Law no. 835/1996 on the principles of urbanism and spatial planning so as to meet the current needs and requirements. Law No 163/2010 on the authorisation to carry out construction works should also be improved. | The Romanian Law nr. 350/2001 on spatial and urban planning would be a good example to follow. |
| 7. | Elaboration and approval of a plan for the implementation of the Transport Strategy of Chisinau. | Elaboration and approval of the Action Plan for the implementation of the Transport Strategy of Chisinau. | The Transport Strategy of Chisinau was approved by the CMC, but without elaborating and approving an implementation plan for this. Without this plan, the Strategy is a document, which exposes only goals and objectives, but without institutional elements of implementation. |
| 8. | The structure and regulation of the work of the GDAUPLR, and in particular the GDPTCP, must be adapted to the needs for the active implementation of good practices with reference to the universal design and implementation of good practice strategies for urban mobility. | The rules of business of both entities should be reviewed in this respect. | Evaluations of the efficiency of the activity of the Directorates of the Chisinau City Hall carried out under the auspices of UNDP, GIF, and Green City Lab in 2020, described very eloquently the institutional problems of structure and activity of GDPTCP and GDAUPLR. It is recommended to take into account when drawing up new regulations for their effective networking in urban mobility issues. |
| 9. | The updating of the current public transport regulations, in close relation to urban mobility strategies and best practices, must be carried out. The technical rules for the design of urban road infrastructure do not correspond to the new requirements to ensure efficient urban mobility and public transport to match. | NCM B.01.05:2019 "Urbanism. The systematization and arrangement of urban and rural localities" and CP D.02.11-2014 "Recommendations on the design of streets and roads in urban and rural localities" must, as well as other technical documents that influence the planning, design, | The Street Design Guide for Chisinau, developed within the Green City Lab by UNDP Moldova, is a very efficient landmark in this respect, which exposed in the mentioned normative documents will "unlearn" the hands and requires in the same sense the relevant authorities to change their vision and paradigm. |

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| | | construction and rehabilitation of urban infrastructures, must be brought to the requirements of modern urban mobility concepts. | |
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