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REPARATION OF DAMAGES CAUSED TO THE ANIMAL KINGDOM

552.04 – Land and Environmental Law

SUMMARY OF THE PHD THESIS IN LAW

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CONCEPTUAL FRAMEWORK OF THE RESEARCH

Topicality and Importance of the Addressed Issue. The concept of the environment can only be discussed in relation to the human being, as the latter occupies a central position within both the natural and artificial environment. This centrality stems from the fundamental priorities related to living in a healthy and ecologically balanced environment. In its traditional understanding, the term "environment" refers to: "...the totality of the Earth's natural conditions and elements: air, water, soil, subsoil, landscape characteristics, all atmospheric layers, all organic and inorganic matter, as well as living beings, interacting natural systems, the quality of life, and the conditions that may affect human well-being and health [27, art. 1, para. (2)]".

The protection and rational use of the environment represent matters of global concern. Consequently, achieving these goals must be treated as a national priority, as they directly affect the population's living conditions and health, the fulfillment of economic interests, and the capacities for sustainable development of society. Therefore, the issues concerning the manner in which environmental protection is to be implemented, along with the balanced use of environmental resources, are worthy of being addressed as topics of scientific research.

The specific role of the animal kingdom, as an inherent part of the natural environment, is determined by its dependence on the survival environment (habitat) within which a given organism exists.

In the past 10–20 years, anthropogenic and climatic factors have had a detrimental impact on the native fauna. Many wildlife species have become rare or endangered and require special protective measures. Based on these developments, the *Red Book of the Republic of Moldova [5]* has been updated to include 116 animal species (compared to 29 in the previous edition).

Existing legislation regulates the legal relationships regarding the protection and use of wild animals (mammals, birds, reptiles, amphibians, fish, insects, crustaceans, mollusks, etc.) that naturally inhabit land, water, air, or soil, either permanently or temporarily within the territory of the Republic [22, art.1, para. 2]. Legal regulations also apply to domestic animals and wild animals kept in captivity or semi-captivity for economic, scientific, educational, cultural, or aesthetic purposes. These relationships fall under the Law on the Animal Kingdom, supplemented by a vast body of regulatory acts.

Despite the existing legal framework, we still observe alarming indicators of harm to these natural, exhaustible values. Therefore, studying the issues related to the damage and compensation for harm caused to the environment in general, and to the animal kingdom in particular, deserves special attention. Identifying viable solutions to improve this situation is of both practical and scientific relevance.

The current relevance of this study also lies in the necessity of identifying an appropriate set of mechanisms and procedures through which effective and equitable reparation of damages caused to the animal kingdom may be ensured. First and foremost, we aim to highlight the existing regulatory framework in this field. Consequently, a concise analysis will be conducted of the legal framework, starting from the formulation, refinement, and adaptation of key legal concepts that define the field, in accordance with current requirements and standards. These should be capable of resisting any attempts to harm or endanger what may rightfully be deemed "environmental values." This approach is justified by the fact that the animal kingdom constitutes an integral component of the environment, one which ensures ecological balance and the proper functioning of all natural elements – without which human existence would be untenable.

As a primary step, it is necessary to establish clear parameters regarding what may qualify as damages to the animal kingdom, as well as to determine effective mechanisms for the quantification and redress of such environmental harm.

Although the animal kingdom represents a fundamental component of the environment, it remains vulnerable to harm – such harm at times acquiring an irreversible character (particularly in the case of species listed in the *Red Book* and facing extinction), or requiring long-term efforts for their restoration.

The comparative analysis of compensation mechanisms for damages inflicted upon the animal kingdom reinforces the findings of the present research. This topic may be of particular interest to researchers in the field, as well as to wildlife management experts.

The deficiencies identified in the relevant legal literature provide a necessary foundation for launching an in-depth scientific inquiry and for substantiating appropriate legislative interventions in the field. The absence of a systematic and coherent approach to the reparation of damages caused to the animal kingdom not only reveals a significant theoretical gap but also underscores the pressing need for normative solutions capable of addressing contemporary challenges in the legal protection of fauna. In this context, the selection and formulation of the subject matter of this doctoral thesis have been driven by the desire to respond to these urgent needs expressed within both legal doctrine and practice. The theoretical relevance of the topic lies in its contribution to the conceptual clarification and legal systematization of an underexplored area, while its practical and applicative significance is reflected in its potential to inform public policy and to underpin effective regulatory frameworks concerning liability for harm inflicted upon the animal kingdom.

Framing the Topic within International Concerns. Environmental protection constitutes a global concern. Studies of undeniable scholarly value – particularly those distinguished by their innovative character in

the field of environmental law and their focus on the institution of liability for environmental damage at the international level—are found in the works of renowned French authors such as M. Prieur, M. Despax, G. Martin, P. Girod, F. Trebulle, R. Drago, and M. Boutonnet.

The contribution of scholars who have scientifically argued for the necessity of consolidating a distinct and specific legal mechanism, exclusively dedicated to the reparation of damages caused to the animal kingdom, continues to inspire those striving for new advancements in research – an ongoing process.

At the international level, specific regulations concerning the protection and rational use of the animal kingdom are enshrined in various legal instruments. The European Convention on Human Rights and Fundamental Freedoms stands as the primary instrument for the international protection of human rights in Europe. Signed in Rome on November 4, 1950, and subsequently supplemented by multiple protocols, the Convention does not explicitly address environmental protection. However, through the progressive interpretation of its provisions, the European Court of Human Rights has increasingly incorporated environmental considerations, thereby imposing upon states a genuine regime of responsibility in this field.

The "polluter pays" principle represents a cornerstone for both the prevention and reparation of environmental damage, in accordance with established norms in environmental law. This principle is specifically regulated through Directive 2004/35/EC on environmental liability with regard to the prevention and remedying of environmental damage.

The need to ensure environmental protection within the EU acquis is further reinforced by the recently adopted Directive (EU) 2024/1203 on the protection of the environment through criminal law, which replaces Directives 2008/99/EC and 2009/123/EC. The updated legal framework significantly improves the previous regime for combating environmental offences, notably by expanding the scope of environmental crimes and introducing specific criminal and non-criminal sanctions.

Unlike Directive 2008/99/EC – which listed nine offences in total (three pollution control offences, two waste management offences, three biodiversity offences, and one air pollution offence) – the reformed Directive 2024/1203 not only retains these offences (with changes ranging from minor to substantial), but also introduces twelve new offences. Additionally, it establishes two qualified offences akin to ecocide, largely as a result of the European Parliament's input during the legislative negotiations. This broadening of scope reflects recent developments in EU environmental law and policy, including newly adopted environmental legislation that was being negotiated concurrently with Directive 2024/1203. The examination of this topic within the international legal context further strengthens the foundation of the proposed research.

Framing the Topic within National and Regional Concerns. The analysis of the legal literature, both national and regional, conducted with the aim of assessing the extent to which the issue of compensation for damages caused to the animal kingdom is addressed, has revealed that this topic is only partially covered in academic works dedicated to environmental law. Specifically, the procedural aspects related to the reparation of such damages are addressed only incidentally – typically within sections devoted to legal liability for environmental harm, and usually in studies that examine environmental law in its broader context.

The institution of environmental damage reparation constitutes a distinct area of regulation, involving a complex set of specific mechanisms, tools, and procedures.

As a result, the subject matter relating to legal accountability – particularly in terms of compensation – has been, and continues to be, a sensitive and underdeveloped area within the legal doctrine.

A thorough analysis of the works, monographs, and textbooks authored by prominent national legal scholars – such as Andrei Smochină, Gheorghe Costache, Ion Guceac, Nicolae Osmochescu, Igor Trofimov, Pavel Zamfir, Natalia Zamfir, Iordanca-Rodica Iordanov, Avornic Gheorghe, Ștefan Belecciu, Grigore Ardelean, Andrian Crețu (*Republic of Moldova*), Daniela Marinescu, Ingrid-Ileana Nicolau, Mircea Duțu, Jurj Remus, Vasile Drăghici, Ernest Lupan (*Romania*), among others – reveals a substantial scientific contribution to the legal framework surrounding the reparation of environmental damage and its biotic and abiotic components.

The scholarly works of the aforementioned authors have formed the theoretical foundation of this research. Their contributions to the development of the legal field in relation to the subject matter under investigation are duly acknowledged and valorized within this doctoral thesis. While recognizing the theoretical and practical significance of these studies, the present work aims to update the theoretical approach to the phenomenon under review and to formulate innovative practical solutions and legislative improvement proposals. This research complements the existing literature by introducing new perspectives relevant to the current socio-legal context and by highlighting emerging directions and specific issues that characterize the contemporary stage of legal development. Although the subject has previously been addressed by both national and international scholars, there remain significant areas that are underexplored and require a deeper analysis from the perspective advanced in this thesis.

The present study seeks to investigate, in a systematic and rigorous manner, the specialized legal literature published in the Republic of Moldova and other relevant jurisdictions concerning the issue of reparation for damages caused to the animal kingdom. The objective is to identify the current state of scientific development in this domain, to delineate

and analyze the legal nature of specific categories of damage to the animal kingdom, to examine the recognition and application of the fault principle in liability relationships, and to assess the criteria and procedures currently in place for awarding compensation for such environmental harm.

The aim of the thesis consists in conducting, based on theoretical research and empirical materials, as well as existing experience, comprehensive investigations into the issues presented by environmental law regulations concerning the reparation of damages caused to the animal kingdom, and in formulating practical and de lege ferenda recommendations that, in our view, will significantly enhance the effectiveness of these regulations.

In the pursuit of achieving the proposed aim, the following **objectives** have been set:

– to analyze scientific materials from domestic and international legal scholarship pertaining to the subject under investigation;

– to study the normative framework concerning the protection and use of animal kingdom resources and the assessment of damages caused thereto;

– to define the concepts of "animal kingdom" and "reparation of damages" within the context of harm to the animal kingdom;

– to identify the criteria for classifying damages caused to the animal kingdom;

– to distinguish between tortious civil liability and environmental liability for damages caused to the animal kingdom;

– to establish the specific features of the procedure for repairing damages caused as a result of violating legislation on the protection and use of the animal kingdom;

– to determine relevant international and European standards in the field of protection and reparation of damages caused to the animal kingdom;

– to propose recommendations for improving the legal framework in this area *de lege ferenda*.

Research Hypothesis: the study of the problematic aspects of the procedure for repairing damages caused to the animal kingdom has been based primarily on the following hypotheses:

– the thorough clarification and elucidation of the concepts used in specialized literature will lead to greater clarity in their application and interpretation by researchers and practitioners;

– the determination of categories of damages caused to the animal kingdom and their specific characteristics will clarify the distinct approaches to addressing them;

– the establishment of a clear and unequivocal procedural mechanism for compensating damages caused to the animal kingdom will simplify the process of recovering losses;

– the proper appreciation of the importance of applying strict liability in the area of reparation for damages caused to the animal kingdom will establish legality and transparency in the application of the specific normative framework;

– the enshrinement of the principle of fault for environmental damages will prevent the application of erroneous solutions by the courts.

This study also aims to justify prospective proposals for the enactment of clear norms concerning the protection of the animal kingdom, the determination of categories of damages caused to the animal kingdom, the fair and viable assessment of effective means of compensating for animal kingdom resources, as well as the elaboration of scientific and practical recommendations for the improvement of the targeted field.

Research methodology and justification of research methods: the methodological and theoretical-scientific basis of this research is circumscribed by a complex of general and practical methods, grounded in legal-applied knowledge, which ensured the coherence of the epistemological analysis of the legal regime applicable to the reparation of damages caused to the animal kingdom. The scientific nature of the work presupposes the utilization of a complex system of interdisciplinary theoretical-practical and empirical methods, approaches that confer theoretical value and significance to the study. Among the methods applied, we highlight:

– the *systemic method* (through the systemic analysis of the provisions of the national normative framework);

– the *comparative method* (environmental legislation of the European Union, Romania, the Russian Federation, Armenia, Belarus, etc., was analyzed in a comparative aspect with that of the Republic of Moldova);

– the *historical method* (a retrospective analysis of environmental legislation regarding the legal regime applicable to the reparation of damages caused to the animal kingdom, and the evolution of animal protection as a whole, was conducted);

– the *logical-rational method* (through the use of logical reasoning in the analysis of doctrinal opinions and in the formulation of *de lege ferenda* proposals).

Within the study, we utilized a series of logical procedures, such as *analysis* and *synthesis*, *abstraction* and *generalization*, *induction* and *deduction*, as well as the *comparative method*. We also applied general philosophical principles, such as *objectivity*, *historicism*, and *the connection between theory and practice*.

The novelty and scientific originality of this study are manifested through the multi-faceted approach to a domain that is currently under-researched in the Republic of Moldova. It offers an in-depth analysis of the norms that should underpin the consolidation of a distinct environmental liability regime concerning the reparation of damages caused

to the animal kingdom and proposes novel solutions, including *de lege ferenda* recommendations, aimed at improving the legal framework in this area.

Among the novel elements that reflect the new scientific results submitted for defense, the following can be highlighted:

1. the concepts of "animal kingdom" *versus* "wild animal," "fauna," and "game stock" have been terminologically delimited.

2.criteria have been identified, and damages caused to the animal kingdom have been classified based on these criteria.

3.the distinction between tortious civil liability and environmental liability for damages caused to the animal kingdom has been scientifically substantiated.

4.the procedures for repairing civil damages resulting from the violation of legislation concerning the animal kingdom have been assessed.

5.the specific features of the procedures for repairing environmental damages resulting from the violation of legislation concerning the animal kingdom have been identified and articulated.

6. the distinct liability regimes applicable to environmental liability and tortious civil liability have been justified.

7. the necessary scientific foundation has been established for the elaboration of the Draft Law on Animal Protection, adopted in the first reading by the Parliament of the Republic of Moldova[20].

The **significant scientific problem solved** is expressed in the substantiation of the distinct legal nature of environmental liability for damages caused to the animal kingdom. This has contributed to confirming the necessity of establishing the specific features and applying strict liability for environmental damages caused to the animal kingdom, a fact that will considerably enhance the efficiency and correctness of compensation practices in this matter.

The **theoretical importance and applicative value** of the work are outlined through the studies conducted within this paper. Furthermore, some of the most current issues concerning the complexity of the subject matter have been identified, existing shortcomings in the current legislation in this context have been highlighted, and specific proposals for amending the normative framework regarding the reparation of damages caused to the animal kingdom have been identified.

The work is primarily focused on revealing and comparatively analyzing the provisions of relevant national and international normative acts in the field, namely, regarding environmental liability with reference to the aspect concerning harm to the animal kingdom and the corresponding damage compensation mechanisms. The comparative analysis of the most representative treaties highlights a series of differences and nuances regarding the scope of application, the definition and legal characteristics of damages, and the causal link between permitted activ-

ities and the damages caused.

At the applicative level, the interdisciplinarity and theoretical-pragmatic nature of the comparative analysis of the studied materials and the evaluation of explanations provide content and form to the answers to numerous questions generated by the treated issues. The work also contains a series of proposals for improving the normative framework, such as: establishing general criteria for assessing damages caused to the animal kingdom, including in the general liability regime in the field a mandatory system of financial protection in case of an imminent threat to animal kingdom resources, etc.

Concurrently, this study, having significant theoretical and, especially, practical relevance, can constitute a valuable contribution to the enrichment of specialized doctrine and can provide real support for those concerned with environmental protection, particularly the reparation of damages caused to the animal kingdom.

Approval of Results. The research results were presented and discussed during the meeting of the Department of "Public Law, Border Security, Migration and Asylum" of the "Ștefan cel Mare" Academy of the MIA.

The consolidation of the investigations carried out regarding the subject under research, the body of ideas, arguments, and recommendations are also found in the materials of both national and international scientific-practical conferences (International Conference: "*Law, Public Administration, Sustainable Development and Heritage in the context of artificial intelligence processes*" – 2022; International Conference "*Ethical and social dimensions in public administration and law – 8th Edition* – 2023; International Conference "*The efficiency of legal norms*", *13th Edition* – 2024, etc.), as well as in periodical publications such as: Scientific Annals of the "Ștefan cel Mare" Academy, the journal "*Legea şi Viaţa*" (Law and Life), the Romanian journal "*Fiat Iustitia*," and the Romanian journal "*Annales Universitas Apulensis. Series Jurisprudentia*."

Publications on the Thesis Topic. The obtained results are published in 20 scientific works.

Volume and Structure of the Thesis. Based on the established standards, the doctoral thesis has the following structure: abstract in Romanian, Russian, and English; list of abbreviations; introduction; three chapters divided into 9 paragraphs; general conclusions and recommendations; bibliography of 310 titles; declaration of authorship responsibility and the author's CV, with the volume of the main text being 165 pages. At the end of the thesis, general conclusions and recommendations are formulated.

Keywords: animal kingdom, animal kingdom resources, environmental damage, tortious civil liability, environmental liability, quantification of environmental damage, animal protection, reparation of damages, procedure for repairing damages caused to the animal kingdom.

CONTENTS OF THE THESIS

The basic content of the work comprises the introduction, three chapters divided into 9 paragraphs, general conclusions, and recommendations.

The **Introduction** includes reasoning regarding the topicality, scientific novelty, theoretical importance, and applicative value of the research results. It also presents the objectives, aim, and methodology of the research, as well as the major scientific problem solved. Furthermore, the research hypothesis is formulated, the aim and objectives of the thesis are established, and the methodology of the scientific research used is presented. The elements of scientific novelty of the main results obtained and presented for defense are also highlighted. The current and major scientific problem that has been solved is argued, underscoring the theoretical importance and applicative value of the work.

Chapter 1, "Legal-Doctrinal Analysis Regarding the Reparation of Damages Caused to the Animal Kingdom," incorporates the approaches taken regarding the conceptualization of the notions of "animal kingdom," "environmental damage," "game stock," and "natural resources" in the context of repairing damages caused to the animal kingdom, both in doctrine and within the national and international frameworks.

"When it is heard said that freedom in general is to be able to act as one wants, such a representation can only be taken as the total lack of a culture of thought, in which no trace is yet found of what free will is in and for itself, law, morality, etc."[18, p.43].

In reality, freedom (of knowledge, of decision, of action) represents a fundamental condition of responsibility, being one of the basic principles of law in general. It expresses an act of individual involvement in the process of social integration and the assumption of responsibility for the results of one's own actions (conduct being the direct framework for the manifestation of responsibility).

Responsibility, as an essential "component" of any form of social organization, represents precisely the post-factum reaction of society to conduct that does not conform to the provisions of legal norms, conduct that infringes the rule of law, disrupting the normal course of social relations and social equilibrium [21, p.257].

The ordinary meaning of the notion of responsibility, regardless of its form, consists in the obligation to bear the consequences of non-compliance with unanimously recognized rules of conduct. This obligation rests with the author of the sanctioned action (deed), which is always negatively assessed by society.

In the same vein, in the context of environmental problems caused by the irrational exploitation of animal kingdom resources and under the influence of the technical-scientific "revolution," legal liability in the

field of environmental protection has become an extremely dynamic area, characterized by continuous changes in the norms concerning environmental protection [28, p.126-127].

In general, the institution of repairing environmental damages forms a specific area of regulation involving a set of particular mechanisms, instruments, and procedures.

Consequently, the subject concerning the field of legal accountability, especially that of reparation, has been and in fact is a delicate subject.

Having conducted a meticulous study of the works, monographs, and textbooks of renowned national and international researchers, such as *Andrei Smochină*, *Gheorghe Costache*, *Ion Guceac*, *Nicolae Osmochescu*, *Igor Trofimov*, *Pavel Zamfir*, *Natalia Zamfir*, *Iordanca-Rodica Iordanov [2, p. 10-11]*, *Avornic Gheorghe [1, p. 6-13]*, *Ștefan Belecciu*, *Ingrid-Ileana Nicolau*, *Grigore Ardelean*, *Andrian Crețu*, *M. Prieur*, *M. Despax*, *G. Martin*, *P. Girod*, *F. Trebulle*, *R. Drago and M. Boutonnet*, *D. Marinescu*, *Gh. Durac*, *M. Uliescu*, *as well as S.M. Teodoroiu*, *D. Anghel*, *A. Corhan*, *V.S. Bădescu*, *M. Gorunescu*, and others, we note that a considerable scientific contribution has been made regarding the specific area of repairing damages caused to the environment and its biotic and abiotic components.

Among the first domestic researchers in environmental law who navigated this far from easy path were Pavel Zamfir and Igor Trofimov. They overturned classic, so to speak, traditional understandings in the field of repairing ecological or environmental damage. Moreover, through the elaboration and publication of scientific articles that preceded valuable volumes of studies, we find opinions that at first glance may seem provocative, but are consolidated by scientific foundations.

Professor Igor Trofimov, the author of numerous publications, in his works such as: *Environmental Law. Special Part* (2000), *Environmental Law* (2002), the doctoral thesis *Civil Liability in Environmental Law Relations* (2006), *Environmental Law* (2015), clearly and with maximum precision outlines conceptual approaches regarding "environmental harm," "environmental damage," and "environmental loss," stating that they have the same meaning, are synonymous, and can be used interchangeably in the context of repairing damages caused to the animal kingdom. The necessity of fully repairing the damages caused to animal kingdom resources also presupposes the allocation of specifically designated funds for the effective restoration of the animal population and their habitat. Correspondingly, the need to establish criteria for quantifying damages caused to animal kingdom resources and assessing the mechanism for calculating the damages produced was emphasized [30, p.159].

In another work, the authors address legislative and doctrinal interpretations applicable to the animal kingdom and conclude with certainty that: "...(t)*he animal kingdom constitutes an object of environmental relations, because the totality of animal species naturally live on land, in*

water, in the atmosphere, or in the soil. The criterion for identifying the animal kingdom is the fact that wild animals are in conditions of freedom. Although the animal kingdom is the most valuable component of the environment, it is affected in a manner that makes it non-regenerative (in the case of species included in the Red Book and endangered) or the restoration of species is of a lasting nature" [31, p. 81-91].

The contribution of researchers who have scientifically argued for the necessity of consolidating a distinct, specific, and exclusively dedicated legal mechanism for the reparation of damages caused to the animal kingdom stimulates the desire of those who aspire to achieve new research advancements, a process that is ongoing. The contribution of some Romanian authors, such as Professors Ernest Lupan and Mircea Duțu, who were among the first to address the issue of delimiting the regime of environmental liability from that of tortious civil liability, deserves mention. These authors also contributed to the recognition of the objective character of environmental liability and to the consolidation of specific methods for assessing and repairing environmental damage.

In particular, the section concerning environmental liability with reference to the prevention and reparation of environmental damage is of increased interest for our research.

The "polluter pays" principle constitutes the cornerstone for the prevention and reparation of environmental damage in accordance with the regulations enshrined in environmental law. This principle has a specific regulation transposed through Directive 2004/35/CE on environmental liability with regard to the prevention and remedying of environmental damage [8].

An aspect that raises particular interest, in relation to the topic of the doctoral thesis, concerns the quantification of damages caused to the animal kingdom. In calculating damage to the environment, the loss or impairment thereof is often measured by reference to the costs of restoration or remediation measures, since, with regard to these categories of damage, the emphasis is on cleaning and remediation costs [29, p.160-161].

Regarding the legislation on the method of assessing damages caused to the animal kingdom, in the Republic of Moldova, the calculation methodologies predating the acquisition of independence of the Republic of Moldova were taken over, approved, and validated by Government Decision No. 363 of June 25, 1996 [19], Among the basic acts in the field of assessing and quantifying environmental damage is the *Law on Payment for Environmental Pollution [23]*, which establishes the method of calculating payments and fees for environmental pollution. The

Law on the Animal Kingdom, having a specific character for assessing damages caused to animal kingdom resources, enunciates the categories of fees to be collected from natural and legal persons responsible for repairing the damages caused.

The adopted environmental policies and environmental action plans primarily possess a connotation focused on the preventive character of damages that may be caused to animal kingdom resources. In the event of damage occurrence, the patrimonial quantification thereof is governed by a system of fixed repair scales or tariffs, without taking into account multiple aspects related to the duration of habitat and affected species restoration, the human resource component, and even more specific cases that would refer to rare or endangered species.

In the context of conducting a thorough study of the normative and doctrinal framework regarding the reparation of damages caused to the animal kingdom, we can consolidate a set of proposals in this context.

Furthermore, different opinions have been expressed regarding the legal status of the reparation of damages caused to the animal kingdom, where it has been argued that there are confusions regarding the conceptualization of the notions of "damage" and "prejudice," with some authors using them interchangeably and others differentiating their place and applicability. Within our work, in order to exclude any confusion, we will use these terms as synonyms.

It is natural that in no state will we find a perfect normative framework that clearly and concisely regulates the mechanism for repairing damages caused to the animal kingdom. Therefore, we will invariably resort to the application of adjacent legal norms that are applicable in order to clarify the appropriate mechanism for repairing damages caused to animal kingdom resources. In this vein, we have made references to civil, environmental, civil procedural, criminal, and contraventional legislation.

According to some doctrinal opinions, the current regulations regarding the potential quantification and reparation of environmental damage do not correspond to the new "*forms*" of infringement on the integrity and normal functioning of environmental factors.

Moreover, the adopted environmental policies and environmental action plans primarily possess a connotation focused on the preventive character of damages that may be caused to animal kingdom resources. In the event of damage occurrence, the patrimonial quantification thereof is governed by a system of fixed repair scales or tariffs, without taking into account multiple aspects related to the duration of habitat and affected species restoration, the human resource component, and even more specific cases that would refer to rare or endangered species.

In this vein, we hope that the study proposed for approach and debate will significantly contribute to a "*revitalization*" of the specific normative framework, with a legislative initiative in this regard already registered (Draft Law on Animal Protection).

The adoption of this Draft Law will generate the need to improve a set of normative acts, laws, regulations, and instructions, which will imminently fundamentally improve the mechanisms and methodologies for

repairing damages caused to animal kingdom resources.

In the context of the aforementioned, we have determined the immediate aim of the present research, which resides in conducting a complex investigation regarding the clarification and substantiation of the legal framework applicable to the reparation of damages caused to the animal kingdom. Correspondingly, the mediate, long-term aim of the work is to identify effective mechanisms and procedures for compensating the damages caused to the animal kingdom.

Chapter 2, "Damage Caused to the Animal Kingdom as an Element of Reparation", conceptually reveals, in a general aspect, the damages caused to the animal kingdom, the "reparation of damages" in the context of harm to the animal kingdom, enunciates aspects concerning the protection of the animal kingdom – a preventive mechanism in the matter of causing damage, and reflects the categories of elements that constitute the damage caused to the animal kingdom.

According to doctrinal opinion – "*responsibility accompanies freedom*" *[4, p.233]*. We agree with the presented statement because responsibility always represents an individual's commitment to the process of social integration. Human freedom can be expressed through: autonomy in relation to the environment, the relationship with society and with one's own beliefs and values.

By assuming responsibility, the individual is no longer in a position of automatic and unfounded submission to the legal norms imposed in society, but has the capacity to consciously analyze its norms and values. This guarantees respect for the basic principle of law – the principle of responsibility.

Responsibility takes on several "forms": social, moral, religious, political, cultural, and especially legal. It is natural that each branch of law has a specific form of responsibility also called "legal liability." In turn, legal liability can be civil, criminal, administrative, disciplinary, etc. [3, p.290].

As a traditional instrument for the implementation of legal norms, liability has a more limited influence with regard to environmental protection and presents some distinct characteristics. This is due to the fact that the damages caused are often definitive, as a rule, the deterioration is irreversible, and then the cost of repair, even if approximate, becomes exorbitant. This a posteriori intervention in the realm of "evil committed" often remains uncertain, and its effects do not confer complete and effective reparation [10, p.464].

Uncertainties regarding the amount of compensation for victims are perceived as a sanction and do not allow for the achievement of a deterrent effect on polluters and the related preventive role. Consequently, the institution of prevention relies more on the formation of specific regulations in the field in order to establish preventive control procedures for activities that could pose a danger to the environment.

However, despite these disadvantages, liability in its traditional forms – administrative, civil, or criminal – together with the specific sanctions in the field of environmental law, remains to play an essential role in the implementation of legal regulations regarding the reparation of damages caused to the animal kingdom.

Specialized doctrinal regulations, as well as the legislation in force, use the terms "*damage*" or "*loss*" in parallel with the term "*prejudice*". At the same time, according to Romanian authors, "prejudice" or "ecological damage" is: "...(t)he cost-quantifiable effect of damage to human health, property, or the environment, caused by pollutants, harmful activities, or disasters" [21, p.298].

Although in doctrine we also encounter opinions regarding a possible distinction between "prejudice" and "damage" or "loss," we nevertheless wish to mention from the outset that we will continue to use them synonymously, as neither the vast majority of authors nor the legislator makes a distinction between these terms.

As follows, depending on the type of damage, we distinguish the character and nature of the damages caused to the animal kingdom, respectively the extent of liability and the quantification of compensation caused to the animal kingdom.

According to the definition in the *Explanatory Dictionary of the Romanian Language*, the notion of "kingdom" designates the largest systematic category in biology, which includes the three main divisions of bodies in nature: the animal kingdom, the plant kingdom, and the mineral kingdom.

Correspondingly, we consider that: "*the animal kingdom constitutes the largest systematic category in biology, the totality of animal species that naturally live on land, in water, in the atmosphere, or in the soil, including single-celled, invertebrate, and chordate animals*".

The term "*fauna*" refers to the totality of animals that live on the entire globe, in a certain geographical region, on a specific territory, or in a certain geological epoch. This animal diversity is the result of a historical process of evolution and adaptation to the environment.

The concept of fauna is used in the fields of biology and ecology to describe the ensemble of animal species that populate a certain habitat or a certain ecosystem.

The term fauna also designates different groups of animals – mammals, domestic and wild birds, bees, fish, silkworms, etc. [24, p.156]. In a broad sense, the notion of fauna designates the totality of animals (wild or domestic) on the entire planet, in a determined territory, or from a certain geological epoch, constituted as a result of a historical process of evolution. We distinguish between terrestrial fauna and aquatic fauna.

The term "*terrestrial fauna*" encompasses different groups of terrestrial animals, such as: mammals, domestic and wild birds, bees, silkworms, etc. [26, p.397].

Consequently, from the category of terrestrial fauna, we can distinguish domestic fauna, composed of domestic animals; game fauna, composed of animals of hunting interest; and wild fauna, composed of wild animals [12, p.117], each category having a particular legal regulatory regime.

The notion of "*wildlife*" signifies all forms of life that do not depend directly on humans: animal and plant life [9, p. 117].

As we have emphasized, the notion of "fauna" is a broader and more comprehensive one, which includes other categories of concepts such as the animal kingdom, the animal world, terrestrial fauna, aquatic fauna, domestic fauna, and game fauna. "Fauna" refers to the totality of animal species that exist in a certain geographical region, on a certain territory or in a certain environment, in a certain geological epoch or in a certain specific context. It is a notion used to describe the diversity and variety of the animal world in a certain habitat or ecosystem.

Consequently, the object of the relations of protection and use of the animal kingdom are wild animals that live naturally on land, in water, in the atmosphere, or in the soil, permanently or temporarily populate the territory of the country, with the exception of species attributed to the category of pests [33, p.161.].

According to doctrinal opinion [11, p.84], can correspond to classic liability mechanisms or new ones, such as the prevention or reparation of damage to the animal kingdom. Each time, the institution of reparation for environmental damage will be inserted into the obligation to repair, to be liable for the damages caused.

In the context of the aforementioned, the idea arises that an interdependent relationship is established between the institution of reparation for environmental damage and its integral parts, and the effectiveness of the system for protecting a fundamental right. Indeed, in the case of recognizing the right to a healthy and balanced environment, the possibility arises of holding liable the subjects involved in causing such damage.

Indeed, the outlining of new duties in environmental matters generates the possibility of their observance through the coercive force of the state, both nationally and internationally.

The reparation of damages caused to the animal kingdom constitutes the natural remedial actions of the institution of legal liability. Each time, the notion of legal liability suggests the idea of sanction or reparation. We consider that the reparation of damages caused both to the environment and its components, including the animal kingdom, must meet certain conditions.

From the perspective of the research carried out in this section, we can successively and coherently draw the following conclusions:

– the meaning and terminological relevance applicable to: "*animal kingdom*", "*fauna*", "*wild animals*", "*environmental damage*","*civil dam-*

age","*loss*" and "*reparation of damages*" have been clarified;

– the evolutionary origin of the doctrinal and legislative framework regarding the assessment of preventive mechanisms in the matter of causing damage has been expounded;

– the categories of elements that constitute damages caused to the animal kingdom and their particularities have been identified;

– the normative regulatory framework applicable to the categories of elements that constitute damages caused to the animal kingdom has been determined;

– legal distinctions have been made between environmental damage and civil damage.

Chapter 3, "The Procedure for Repairing Damages Caused to the Animal Kingdom," reflects a detailed study of the categories of procedures applicable to repairing damages caused to the animal kingdom, the procedure for repairing civil damages, and environmental damages resulting from the violation of legislation concerning the animal kingdom.

In legal doctrine, regarding wild animals, the issue of damage caused by animals has been a major concern. This subject has troubled the interest of both practitioners and theorists for a long period of time [25, p.218-221].

Until 1968, French farmers had the right to lie in wait on the land they cultivated, meaning they could hunt freely, with big game entering their plots, thus limiting damage to crops. This right was abolished by the finance law of December 27, 1968, which, in return, placed the responsibility on the state, which is responsible for resolving compensation issues for damage caused by the wild animal kingdom, especially that related to the management of a specific game stock [13].

From the outset, we would like to specify that the procedure for repairing damages caused to the animal kingdom differs from the procedure for repairing other categories of damages caused.

Such a difference is not reflected in the conditions under which the procedure is carried out, but rather through the prism of its characteristic particularities.

In this sense, from the very beginning, we will refer to several benchmarks to which we will align ourselves further.

In this context, we can formulate certain clarifications, as follows:

1) While for civil damages, the right to action for reparation belongs only to persons who have suffered patrimonial damage, in the case of damages caused to the animal kingdom, this right belongs to any person, regardless of whether they have personally and directly suffered damage resulting from this harmful act. Therefore, the right to action belongs to any person, regardless of whether they invoke a personal interest resulting from the infringement of their property right [25, p.237].

2) While for civil damages, the legislator assumes the perpetrator's

right to repair the damage in kind, and for the injured party, the right to demand reparation in kind, then in the case of damages caused to the animal kingdom, such an opportunity is excluded for the perpetrator. The method of repairing the damage by the perpetrator can only be through compensation.

3) While for civil damages, the legislator assumes the perpetrator's right to negotiate the amount of reparation for the damage caused, and for the injured party, the right to demand reparation in kind, then in the case of damages caused to the animal kingdom, such an opportunity is excluded for the perpetrator, because, as mentioned before, they repair the damage only through compensation.

4) While for civil damages, the legislator assumes the victim's right to exonerate the perpetrator from the obligation to compensate, then in the case of damages caused to the animal kingdom, such an opportunity is excluded for the perpetrator. They have the obligation to repair, without having the right to be exonerated from liability through the possible negotiation of such an effect.

5) While for civil damages, the legislator assumes that the perpetrator is liable only if they are at fault for the damage caused, then in the case of damages caused to the animal kingdom, liability arises for the perpetrator regardless of their fault, which requires the court not to address the issue of fault in the evidence administered and presented by the parties.

6) While the obligation to repair in the exercise of an ordinary civil right may be subject to prescription, then the right to action for damages caused to the animal kingdom, having a patrimonial character, is characterized by the fact that it must be imprescriptible.

Based on the aforementioned, we will refer to some fundamental issues that characterize the procedure for repairing damages caused to the animal kingdom.

As was mentioned, in the case of damages caused to the animal kingdom, while for civil damages, the right to action for reparation belongs only to persons who have suffered patrimonial damage – in which case we speak of damages caused to owners of domestic animals – then in the case of damages caused to wild fauna, this right belongs to any person, regardless of whether they have personally and directly suffered damage resulting from this harmful act.

Therefore, the right to action belongs to any person, regardless of whether they invoke a personal interest resulting from the infringement of their property right. Such a situation is generated by the right of every person to enjoy the right to a healthy and balanced ecological environment, enshrined in Article 37 of the Constitution of the Republic of Moldova [7]. Thus, although in the vast majority of cases, by virtue of the regulations of Article 166 of the Civil Procedure Code of the Re-

public of Moldova [6], which states that: "...(a)nyone who claims a right against another person or has an interest in establishing the existence or non-existence of a right must file a lawsuit with the competent court," it is required that the person bringing an action must also demonstrate their personal injured interest, a matter that, most often, is reflected by the infringement of an individual interest (right), however, in cases of causing damage to the animal kingdom, such an approach is no longer current. This is because the interest in preserving the integrity of the animal kingdom, specifically from the perspective of balance, belongs to every citizen of the Republic of Moldova. Moreover, any person who is on the territory of the country, regardless of their affiliation to our state, benefits from such a right. In fact, Article 37 of the Constitution of the Republic of Moldova does not restrict this right only to citizens, as the term used by the legislator is "every person."

Therefore, if, when filing the lawsuit, the claimant invokes a claim related to the reparation of environmental damage, then the court is not entitled to request the claimant to indicate any specific real right that they would have been infringed upon by the harmful actions of the perpetrator.

In fact, any person, regardless of where they live, where they work, where they spend their free time, as well as regardless of their citizenship, can file a lawsuit to demand the reparation of damage caused to the animal kingdom.

In the sense in which we approach the procedural issue only in this aspect, it would seem that there would be no other particularity than the fact that the right to action for the reparation of damage caused to the animal kingdom is a right to action in the public interest. However, in our opinion, the issue of applying procedural rules through the prism of the public interest in environmental protection would dictate the need to revise the legislator's position regarding the procedures for admission to the process, for the review of decisions, as well as for the supplementation of the decision.

When we talk about a person's right to an ecologically balanced environment, besides the fact that we recognize that this is a right of all, it is also necessary to realize that everyone is entitled to benefit from the possibility of defending this right.

Thus, the fact that a person, whether natural or legal, has notified the court or the competent authority regarding the reparation of damage caused to the animal kingdom, and as a result of this notification, the reparation of the damage was admitted, does not yet mean that other persons are not entitled to file a similar request. Moreover, if the satisfaction regarding the request, in relation to the damage caused, was not complete or compensatory, any other person is entitled to supplement the request or to intervene in the process.

Such intervention would be required at any stage of the process, but also in the order of reviewing an already adopted judgment.

In the same context, it is necessary to examine a particularly important aspect, such as the issue concerning the involvement in the process of all interested parties, because, through the prism of Article 37 of the Constitution of the Republic of Moldova [7], such an interest would be justified for any person.

In this sense, the application of a procedure is justified, which, by its effects, would exclude not only the failure to notify the public about the action in the public interest filed by a specific person, but also to avoid procedural abuse on the part of any person who would be interested in the opposite outcome to that related to the reparation of damages caused to the animal kingdom. In our opinion, such a procedure would be the public summons of all persons interested in the results of the case resolution. Such a public summons should be reflected in Article 108 of the Civil Procedure Code of the Republic of Moldova [6], where in paragraph (1), after the phrase: "*If the defendant's whereabouts are unknown and the claimant provides assurances that, although they have done everything possible, they have failed to ascertain the defendant's domicile*", the text will be supplemented with: "*as well as in the case where the claimant invokes a claim for reparation of damage caused to the environment*", and the term "*the defendant's*" will be excluded.

Furthermore, we consider that the text of paragraph (2) of Article 108 of the Civil Procedure Code should be supplemented after the full stop with the following content: "*If the public summons is made on the grounds that the claimant invokes a claim related to the reparation of environmental damage, the summons shall be published in the Official Gazette of the Republic of Moldova.*"

In this way, by carrying out such a procedural-legal exercise, the right of every citizen to intervene in the process within the deadline will be ensured, the correctness of the procedure for involving all interested persons in the resolution of the issue invoked in the lawsuit will be ensured, and the non-intervention of interested persons within the deadline and under the conditions established by the court will result in the forfeiture of the interested parties' right to unjustifiably request the review of the case examination procedure, and in some cases, even to file another appeal.

Regarding the issue concerning the perpetrator's right to repair the damage in kind, and for the injured party, the right to demand reparation in kind, rights enshrined as the foundation of civil liability, we note that such a rule is not applicable to the reparation of environmental damage. This is due to the fact that the person who caused the damage presumptively is not able to know the biological and other processes that dictate a certain mode of reparation. Therefore, the procedure for repairing dam-

age caused to the animal kingdom cannot be based on such a rule either.

In such a situation, the only possibility of achieving reparation is based on the rule of compensation by equivalent value – indemnification.

Thus, in the procedure for repairing damages caused to the animal kingdom, the injured party will not be able to induce their capacity to repair the damage in kind. The debtor of such an obligation will only be required to compensate with the equivalent of the costs and expenses related to indemnification.

In this way, in the procedure for repairing damages caused to the animal kingdom, the issue of offering the possibility to repair the damage through one's own actions will not arise. Reparation by monetary equivalent will be the sole means of inducing the obligation to repair.

It follows that both the authority empowered to carry out the preliminary procedure for resolving the issue related to the reparation of patrimonial damage, as well as the court, will be entitled to examine only one option – that related to the value of the expenses necessary for indemnification or the value of the sum determined by law as the amount of compensation for the damages caused.

Regarding the exoneration of the perpetrator from liability as an option for the parties in the civil liability relationship, then, as we have already mentioned, the perpetrator does not have such an option in patrimonial liability for damages caused to the animal kingdom.

Resulting from this, the perpetrator cannot claim the conclusion of a transaction through which the perpetrator could be exonerated from liability for the damages caused to the animal kingdom. Moreover, the perpetrator cannot claim through a transaction even the reduction of the amount of damage caused.

It must be understood that the conclusion of the transaction in this case can only concern the method of execution of the pecuniary obligation of compensation, without affecting the issue regarding its amount, as well as other issues of the same kind.

Regarding the issue of fault in order to be liable for damages caused to the animal kingdom, it is also necessary to note that from a procedural point of view, the absence of such a basis requires the courts that such a subject should not be addressed during the process of examining the issue related to reparation.

This is because if for civil damages, the legislator assumes that the perpetrator is liable only if they are at fault for the damage caused, and therefore the court is obliged to ascertain such a circumstance, then in the case of examining the issue regarding damages caused to the animal kingdom, since for the perpetrator liability arises regardless of their fault, therefore, the court does not even address such an issue.

The legal action constitutes the legal way through which the right to reparation can be realized and belongs both to the person injured by

damage caused to the animal kingdom and to the person injured by the infringement of the public interest.

It is important to note that this action can be initiated by individuals directly affected by the damage, as well as by authorities or organizations that protect public interests in the respective field.

Thus, legal action can be used to obtain compensation for damage caused to the environment and the animal kingdom, but also to request the remediation or cessation of activities that generated these damages. It is an important mechanism in ensuring compliance with environmental protection norms and in defending public interests related to the conservation of nature and ecosystems.

The right to reparation arises on the date when the conditions of patrimonial liability are met, which implies the existence of damage, an illegal act, and a causal link between them. This right manifests itself through the possibility of requesting the remediation of the damage and/or compensation for the suffered prejudice.

If a favorable court decision is obtained, the right to reparation is transformed into a right to compensation in monetary equivalent. This means that the injured person will receive a sum of money as reparation for the damage suffered due to the illegal act of the responsible party.

It is important to note that the right to compensation in monetary equivalent can be established by a court decision or by the agreement of the parties involved in the litigation, within an extrajudicial settlement or a mediation.

The judgment in a criminal or contraventional case not only exerts its effects on guilt and punishment but also on the right to compensation for victims. This marks the moment when the victim's right to compensation in monetary equivalent becomes a certain, liquid, and exigible claim, that is, a claim that can be recovered and enforced through the competent authorities.

The pronouncement of the judgment brings with it several important legal consequences. Among these is the fact that the right of claim becomes interest-bearing from the moment of the judgment's pronouncement. This is relevant in the calculation of damages, and the extent of the compensation is determined taking into account the situation at the time of the judgment's pronouncement.

Thus, the right to compensation materializes into a sum of money that can be increased by interest for the period of time from the pronouncement of the judgment until the payment is made.

General conclusions and recommendations incorporate, in a detailed manner, the specific scientific-applicative approaches of the study carried out, as well as the proposals that are to be transposed into the content of laws with particular applicability in the matter of repairing damages caused to the animal kingdom.

GENERAL CONCLUSIONS AND RECOMMENDATIONS

Among the novel elements that reflect the new scientific results submitted for defense, the following can be highlighted:1.) the concepts of "animal kingdom" versus "wild animal," "fauna," and "game stock" have been terminologically delimited; 2.) criteria have been identified, and damages caused to the animal kingdom have been classified based on these criteria; 3.) the distinction between tortious civil liability and environmental liability for damages caused to the animal kingdom has been scientifically substantiated; 4.) the procedures for repairing civil damages resulting from the violation of legislation concerning the animal kingdom have been assessed; 5.) the specific features of the procedures for repairing environmental damages resulting from the violation of legislation concerning the animal kingdom have been identified and articulated; 6.) the distinct liability regimes applicable to environmental liability and tortious civil liability have been justified; 7.) the necessary scientific foundation has been established for the elaboration of the Draft Law on Animal Protection, adopted in the first reading by the Parliament of the Republic of Moldova [20].

In the same context, the analysis of research dedicated to the reparation of damages caused to the animal kingdom allows for the formulation of general conclusions with theoretical and practical relevance. Thus, the following essential aspects are highlighted:

The finality of the study, conducted logically and concisely, is summarized in the formulation of constructive proposals of a doctrinal and applicative nature. Moreover, we can firmly deduce that any research is based on a set of objectives and must be consolidated by the formulation of effective and rational conclusions as follows:

1. The concepts of "animal kingdom," "wild animal," "fauna," and "game stock" must be delimited from a legal, biological, and ecological perspective, which will ensure clarity in the context of the application and interpretation of these notions by researchers and practitioners [31]. (*Chapter* 2, *Paragraph* 2.1).

2. The development of a detailed system for classifying damages caused to the animal kingdom will facilitate the determination and assessment of prejudices as well as ease the assessment of the amount of compensation in the procedure for repairing these damages (Chapter 2, Paragraph 2.1.1).

3. Depending on how the harmful action immediately or indirectly affects the animal kingdom, the damages caused to the animal kingdom should be divided into: direct damages (through hunting, fishing, or other economic activities) and indirect damages (through habitat degradation, loss of biodiversity, etc.) [15]. (*Chapter* 2, *Paragraph* 2.1.1).

4. Environmental liability in the context of damage caused to the

animal kingdom must be distinguished from tortious civil liability, highlighting the premises, conditions of engagement, evidentiary regime, and distinct finality of this form of legal liability [14]. (*Chapter* 3.2, *Paragraph* 3.2.1)

5. Environmental liability for damages caused to the animal kingdom must be based on the following benchmarks: the right to action for reparation belongs to any person; the method of repairing the damage by the perpetrator can only be through compensation; for the perpetrator, liability arises regardless of their fault [32]. (*Chapter* 3)

6. The analysis of existing procedures regarding the civil reparation of damages caused by the violation of legislation concerning the animal kingdom has highlighted problematic aspects in establishing damages, determining the amount of compensation, and ensuring effective access to justice [17]. (*Chapter* 3).

7. For the correct establishment of damages caused to the animal kingdom, both scientific and ecological, economic, and legal criteria must be taken into account, among which we would highlight: the affected species (legal status of the species, ecological value, conservation value, cultural or economic importance); the number of affected specimens; the type of damage (direct, indirect, permanent, temporary); the duration and extent of the impact; the capacity for natural regeneration; the ecological and geographical context; legal and normative criteria; the cost of repair or prevention (*Chapter* 3, *Paragraph* 3.2).

8. Both in establishing the damages caused to the animal kingdom and in determining the amount of compensation, a multidisciplinary assessment must be carried out with the involvement of experts in environment, economics, and law (*Chapter* 3).

9. In the process of assessing damages caused to the animal kingdom and establishing the corresponding compensation, the following fundamental principles must be taken into account: the precautionary principle, the principle of strict liability, the "polluter pays" principle, and the principle of full compensation for damages (*Chapter* 3, *Paragraph* 3.2.1).

10. The domestic legislator must revise the procedural position and enshrine the rule according to which the place of examination of the case by the court, regarding damages caused to the animal kingdom, should be determined to be the place where the damage occurred, as such an approach would not put the claimant in difficulty regarding their travel to the defendant's location (*Chapter* 3).

11. In our opinion, if the obligation to repair in the exercise of an ordinary civil right may be subject to prescription, then the right to action for indemnification for damages caused to the animal kingdom, even if they have a patrimonial character, should be imprescriptible (*Chapter* 3).

The research has **contributed to solving the current and major scientific problem**, which is expressed in the substantiation of the distinct

legal nature of environmental liability for damages caused to the animal kingdom, which has contributed to confirming the necessity of establishing the particularities and applying strict liability for environmental damages caused to the animal kingdom, a fact that will considerably enhance the efficiency and correctness of compensation practices in this matter.

In the context of the aforementioned and for the implementation of the stated conclusions, we propose a set of recommendations formulated *de lege ferenda*:

1. Supplementing the text of Article 38 of the Civil Procedure Code of the Republic of Moldova with a new paragraph with the following content: "(3) The action regarding the reparation of environmental damage may be filed, at the claimant's discretion, with the court in the territorial jurisdiction of the claimant's domicile (headquarters), the defendant's domicile (headquarters), or the place where the damage occurred."

2. Amending the Civil Procedure Code of the Republic of Moldova regarding the legal regime applicable to public summons, namely: in Article 108 of the Civil Procedure Code[1], where in paragraph (1), after the phrase: "If the defendant's whereabouts are unknown and the claimant provides assurances that, although they have done everything possible, they have failed to ascertain the defendant's domicile," the text will be supplemented with: "as well as in the case where the claimant invokes a claim for reparation of damage caused to the environment," and the term "the defendant's" will be excluded.

3. We consider that the text of paragraph (2) of Article 108 of the Civil Procedure Code should be supplemented after the full stop with the following content: "If the public summons is made on the grounds that the claimant invokes a claim related to the reparation of environmental damage, the summons shall be published in the Official Gazette of the Republic of Moldova."

4. The text of Article 169, paragraph (1), letter b1), and Article 265 of the Civil Procedure Code, letter c1), "...(i)f the withdrawal has been accepted by the court," should be supplemented with the text: "The court cannot admit the withdrawal from the civil action if it concerns damage caused to the environment."

5. The content of Article 267 of the Civil Procedure Code, "The court shall strike the application off the roll if:", should be replaced with the text: "With the exception of the case of filing an application concerning environmental damage, the court shall strike the application off the roll if:".

6. The text of Article 405 of the Civil Code of the Republic of Moldova should be supplemented with letter d), which will have the following content: "d) resulting from environmental damage."

7. Article 51 of the Criminal Procedure Code of the Republic of Moldova, paragraph (2), should be supplemented with a new point with the

following content: "3) obligatorily, in cases where environmental damage is established."

8. Article 219 of the Criminal Procedure Code of the Republic of Moldova should be supplemented with a new paragraph (10), with the following content: "(10) If the existence of environmental damage caused by the committed crime is established, but regarding which the prosecution has not filed a civil action, the court shall take cognizance ex officio and rule on the reparation of the environmental damage as well."

The **advantages and value of the proposed elaborations** in the field of repairing damages caused to animal kingdom resources are significant from the perspective of ensuring a reliable, consistent, and adapted legal mechanism to the current needs in the field of environmental protection. These elaborations aim to combine and interact the norms of civil liability with those specific to the environmental field within a consolidated applicative framework.

The research has led to the formulation of a solid theoretical framework, which can serve as a scientific basis for the elaboration and improvement of the normative framework in this matter. In this regard, the obtained results have contributed to supporting the legislative initiative regarding the Law on Animal Protection, which is in the process of being enacted in the Parliament of the Republic of Moldova. The adoption of the Draft Law will generate the need to improve a set of normative acts, laws, regulations, and instructions, which will imminently fundamentally improve the mechanisms and methodologies for repairing damages caused to the animal kingdom [20].

The **impact on the development of science** is reflected in the innovative ideas that support the configuration of a new perspective on solving problems related to the reparation of damages caused to the animal kingdom, especially regarding the procedure for remedying these damages as a result of the violation of legislation on the protection and use of the animal kingdom. We can state with the utmost conviction that through the research and studies carried out, conversely, new topics for discussion also arise in order to outline even more valuable debates in this area.

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ADNOTARE
Gugulan Evghenia. Repararea daunelor cauzate regnului animal.
Teza de doctor în drept la Specialitatea: 552.04 – Drept funciar și al mediului.
Chișinău, 2025

Structura tezei: adnotare, introducere, trei capitole, concluzii generale și recomandări, bibliografia din 310 titluri, 165 pagini text de bază. Rezultatele obținute sunt publicate în 20 lucrări științifice.

Cuvinte-cheie: regn animal, resurse ale regnului animal, daună de mediu, răspundere civilă delictuală, răspundere de mediu, cuantificarea daunei de mediu, protecția animalelor, repararea daunelor, procedura de reparare a daunelor cauzate regnului animal.

Scopul lucrării constă în efectuarea, pe baza cercetărilor teoretico-aplicative a materialelor relevante, precum și a experienței existente, a unor investigații ample asupra problemelor pe care le prezintă reglementările de dreptul mediului ce prevăd repararea daunelor cauzate regnului animal și în formularea recomandărilor practice și de lege ferenda care, în viziunea noastră, vor spori considerabil eficacitatea acestor reglementări.

Obiectivele cercetării: analiza materialelor științifice din doctrina autohtonă și a altor state consacrate subiectului supus cercetării; studiul cadrului normativ în materia protecției, folosirii resurselor regnului animal și estimării daunelor cauzate acestuia; definirea conceptelor de „regn animal" și de „reparare a daunelor" în contextul prejudicierii regnului animal; identificarea criteriilor de clasificare a daunelor cauzate regnului animal; delimitarea răspunderii civile delictuale de răspunderea de mediu pentru daunele cauzate regnului animal; stabilirea particularităților procedurii de reparare a daunelor cauzate ca urmare a încălcării legislației privind protecția și folosința regnului animal; determinarea unor standarde internaționale și europene în materia protecției și reparațiunii daunelor cauzate regnului animal; înaintarea unor recomandări de perfecționare a cadrului legal în materie cu titlu de *lege ferenda.*

Noutatea și originalitatea științifică a studiului se manifestă prin abordarea multiaspectuală a domeniului deocamdată puțin studiat în Republica Moldova, oferă o analiză profundă a normelor care ar trebui să stea la baza consolidării unui regim de răspundere de mediu distinctă în ceea ce privește repararea daunelor cauzate regnului animal și vine cu soluții noi, inclusiv de *lege ferenda*, care vor perfecționa cadrul legal în materie.

Rezultatul obținut care contribuie la soluționarea unei probleme științifice importante se exprimă în *fundamentarea* naturii juridice distincte a răspunderii de mediu pentru daunele cauzate regnului animal, ceea ce *a contribuit* la confirmarea necesității stabilirii particularităților și aplicării răspunderii obiective pentru daunele de mediu cauzate regnului animal, fapt care *va spori* considerabil eficiența și corectitudinea practicilor de dezdăunare în această materie.

Semnificația teoretică este conturată prin prisma studiilor realizate în cadrul lucrării de față, de altfel fiind identificate unele dintre cele mai actuale problematici vizând complexitatea subiectului abordat, fiind evidențiate neajunsurile existente în legislația actuală în acest context și fiind identificate anumite propuneri de modificare a cadrului normativ în materia reparării daunelor cauzate regnului animal.

Valoarea aplicativă și implementarea rezultatelor științifice. Ideile și raționamentele științifico-practice privind eficiența aplicării normelor referitoare la repararea daunelor cauzate regnului animal au fost supuse dezbaterilor publice în cadrul a numeroase lucrări științifice, publicate în reviste naționale și internaționale. Rezultatele cercetării au fost integrate și în Proiectul Legii privind protecția animalelor, înregistrat pentru dezbateri în Parlamentul Republicii Moldova, autorul fiind, de asemenea, membru al grupului de lucru care a contribuit la elaborarea acestui proiect de act normativ.

АННОТАЦИЯ

Гугулан Евгения. Возмещение вреда, причиненного животному миру. Диссертация на соискание учёной степени доктора права по специальности: 552.04 – Земельное и экологическое право. Кишинэу, 2025

Структура диссертации: аннотация, введение, три главы, основные выводы и рекомендации, библиография, включающая 310 наименований, 165 страниц основного текста. Полученные результаты опубликованы в 20 научных работах.

Ключевые слова: животный мир, ресурсы животного мира, экологический ущерб, деликтная ответственность, экологическая ответственность, количественная оценка экологического ущерба, защита животных, возмещение ущерба, процедура возмещения ущерба животным.

Цель диссертации состоит в том, чтобы на основе теоретико-прикладного изучения соответствующих материалов и имеющегося опыта провести широкое исследование проблем, возникающих при применении норм экологического права, предусматривающих возмещение вреда, причиненного животному миру, и сформулировать практические рекомендации и *lege ferenda*, которые, на наш взгляд, позволят значительно повысить эффективность этих норм.

Задачи работы: проанализировать научные материалы отечественных и зарубежных доктрин по исследуемой теме; изучить нормативную базу в области охраны, использования ресурсов животного мира и оценки причиненного ему вреда; определить понятия «животный мир» и «возмещение вреда» в контексте причинения вреда животному миру; выявить критерии классификации вреда, причиненного животному миру; разграничение гражданско-правовой и экологической ответственности за ущерб, причиненный животному миру; установление особенностей процедуры возмещения ущерба, причиненного в результате нарушения законодательства об охране и использовании животного мира; определение международных и европейских стандартов в области охраны и возмещения ущерба, причиненного животному миру; представление рекомендаций по совершенствованию правовой базы в данной области в качестве *lege ferenda*.

Научное новшество и оригинальность результатов проявляется в многоаспектном подходе к малоизученной до сих пор в Республике Молдова области, в детальном анализе норм, которые должны лежать в основе закрепления отдельного механизма экологической ответственности в сфере возмещения вреда, причиненного животному миру, и в новых решениях, в частности, de *lege ferenda*, которые позволят усовершенствовать правовую базу в этой области.

Научная задача особой важности, нашедшая решение, выражается в обосновании отличительной правовой природы экологической ответственности за вред, причиненный животному миру, что способствовало обоснованию необходимости установления особенностей применения объективной ответственности за вред, причиненный животному миру, что позволит значительно повысить эффективность и добросовестность практики применения мер осуждения в данной сфере.

Теоретическая значимость сформулирована на основе исследований, проведенных в данной работе, в которых обозначены наиболее актуальные вопросы, связанные со спецификой темы, выделены недостатки действующего законодательства в данном контексте и обозначены отдельные предложения по дополнению нормативно-правовой базы в области возмещения вреда, причиненного животному миру.

Прикладное значение и внедрение научных результатов. Идеи и научно-практическое обоснование эффективности применения норм о возмещении вреда, причиненного животному миру, стали предметом публичных дискуссий в многочисленных научных работах, опубликованных в национальных и международных журналах. Результаты исследования были также включены в проект закона о защите животных, зарегистрированный для обсуждения в Парламенте Республики Молдова, автор является также членом рабочей группы, участвовавшей в разработке данного проекта нормативного акта.

ANNOTATION
Gugulan Evghenia. Reparation of damages caused to the animal kingdom. PhD thesis entitled to specialty: 522.04 – Land and environmental law, Chișinău, 2025

The structure of the thesis: annotation, introduction, three chapters, general conclusions, and recommendations, bibliography of 310 titles, 165 pages of basic text. The obtained results are published in 20 scientific works.

Keywords: animal kingdom, animal kingdom resources, environmental damage, tort liability, environmental liability, quantification of environmental damage, animal protection, damage compensation, animal damage compensation procedure.

The aim of the present work is to carry out, on the basis of theoretical-applicative research of relevant materials and existing experience, a comprehensive investigation of the problems related to environmental law regulations that provide for reparations of damages caused to the animal kingdom and to formulate practical and *lege ferenda* recommendations that, will, as we believe, substantially strengthen the effectiveness of these regulations.

Research objectives: to analyze scientific materials from the local and foreign doctrines on the subject under research; to study the normative framework in the field of protection, use of animal kingdom resources and estimation of damages caused to it; to define the concepts of 'animal kingdom' and 'damage reparation' in the context of damage to the animal kingdom; to identify the criteria for classifying damage caused to the animal kingdom; delimitation of the delimitation between civil liability in tort and environmental liability for damage caused to the animal kingdom; establishment of the particularities of the procedure for repairing damage caused as a result of infringements of legislation on the protection and use of the animal kingdom; determination of international and European standards in the field of protection and repair of damage caused to the animal kingdom; submission of recommendations for improving the legal framework in this area as a *lege ferenda*.

Scientific novelty and originality of the obtained results is reflected in the multi-aspectual approach of the field, which is still insufficiently studied in the Republic of Moldova, provides an in-depth analysis of the rules that should underpin the consolidation of a distinct environmental liability regime in the field of compensation for damage caused to the animal kingdom and comes up with new solutions, including de *lege ferenda*, which will improve the legal framework in this area.

The important scientific major problem which has been solved is expressed in the *substantiation* of the distinct legal nature of environmental liability for damage caused to the animal kingdom, which has *contributed* to the confirmation of the need to establish the specificities and application of objective liability for environmental damage caused to the animal kingdom, which will considerably *increase* the efficiency and fairness of the practices of *compensation* in this area.

The theoretical significance is outlined through the studies carried out in this paper, identifying some of the most actual issues related to the complexity of the subject, highlighting the shortcomings of the current legislation in this context and identifying some proposals for amending the regulatory framework on compensation for damages caused to the animal kingdom.

The applicative value and implementation of the scientific results. The ideas and scientific-practical judgements and reasoning on the effectiveness of the application of the rules on compensation for damages caused to the animal kingdom have been the subject of public debate in numerous scientific papers published in national and international journals. The results of the research were also incorporated into the draft law on animal protection, registered for debate in the Parliament of the Republic of Moldova, the author being also a member of the working group that contributed to the drafting of this draft normative act.

GUGULAN EVGHENIA

REPARATION OF DAMAGES CAUSED TO THE ANIMAL KINGDOM

552.04 – Land and Environmental Law

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