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**THE LEGAL REGIME OF PROTECTED AREAS AT THE LEVEL OF THE EUROPEAN
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CONCEPTUAL MARKINGS OF THE RESEARCH

The topicality of the research theme and the importance of the problem addressed. At the current stage of society's development, ensuring its optimal interaction with the natural environment has become one of the most pressing global problems facing humanity. A balance is increasingly sought between the economic interests of society and the preservation of the environment, including for future generations. Therefore, a study of the legal regime of protected areas means understanding the process of influence of environmental relations on the content of acts and constitutional and legal norms as a whole, and, on the other hand, revealing the possibilities of these norms regarding environmental relations, specifically them, can significantly contribute to the sustainable development of society.

Description of the situation in the research field and identification of research problems.

The purpose and objectives of the thesis. *The purpose of the research* is presented in the form of an analysis of specialized literature, international reports on protected areas and cases examined by the CJEU regarding the application of EU directives on networks of protected areas.

Research objectives : synthesis of literature in the field of the legal regime of protected areas; analysis of the establishment of the legal regime of protected areas in the case of some EU states; investigating the administration and management of protected areas; analysis of the institutional infrastructure of networks of protected areas at the EU level; the role of jurisprudence and increasing efficiency in the implementation of the Birds and Habitats Directives; investigation and comparative legal analysis of the regulation of protected areas by the CJEU; the importance of CJEU Decisions, for the implementation of directives on birds and habitats; drawing up conclusions, proposals, recommendations for improving the administration of protected areas in the case of the Republic of Moldova.

The methodological basis of scientific research. The paper investigates the legal regime of protected areas at the EU level and the role of European jurisprudence in the regulation of protected areas. This chapter demonstrates the need to regulate protected areas, as the protection of biodiversity and natural heritage creates conflicts in terms of their use and conservation, especially in cross-border segments. The importance of protected areas transcends national territories and regulations. The solutions of these conflicts must be justified for the interest groups involved and affected, to guarantee

their legitimacy and effectiveness from the perspective of the common global interest, to insist on the maintenance of biodiversity and ecosystems.

The research supports the legitimacy of governance solutions that are based on both distributive and procedural justice in relation to protected areas. On the one hand, the distribution of beneficial and adverse consequences of protected area governance must be justified. On the other hand, decision-making regarding protected areas must meet the expectations of the procedural justice of the ECJ.

These arguments are exemplified by analyzing the European Union Habitats Directive and the states' experiences in its implementation. Likewise, the thesis demonstrates how the lack of attention to distributive and procedural justice led to conflicts that delayed the implementation of the directive and undermined its effectiveness.

Recognizing the urgent need to drive the transition to truly sustainable development, we believe that groups that still distinguish the economic, social and environmental dimensions of human activities can hinder the creation of the conditions for sustainable development. Our paper examines benchmarks for integrating such economic, social and environmental perspectives of sustainable development, proposing a systemic approach. We consider protected areas as models of sustainable development through a case study, discussing (1) the need to integrate the economic, social and environmental dimensions of human activity and (2) the opportunities offered by protected areas as reference models for promoting sustainable development on the surrounding territory. The conclusions highlight the cultural value of protected areas as models of sustainable development, supporting territorial governance based on a systemic approach.

The novelty and scientific originality of the results obtained. consists in carrying out a thorough and in-depth analysis of the legal peculiarities of the establishment and administration of protected areas at the EU level, both from a scientific point of view and from a practical point of view (elaboration of CJEU recommendations). The result obtained can contribute to a better legal and institutional approach to protected areas in the Republic of Moldova, useful material for environmental legislators from the Republic of Moldova and environmental institutions.

Important scientific problem solved. consist in the development of some distinctive characteristics of the administration of protected areas, with the subsequent establishment of their legal regulation in accordance with the jurisprudence of the CJEU, in order to apply them appropriately in various legal situations in the Republic of Moldova.

The theoretical significance. It foresees the necessity and importance of analyzing the experience of the CJEU and the EU states regarding the characteristics of the administration of protected areas from a legal and scientific point of view (environmental law, species conservation, habitat conservation, etc.). The results obtained during the scientific research will serve as a study for the following research: interdisciplinarity between international environmental law and habitat management, biological conservation of endangered species, economic management of habitats in protected areas, from the perspective of new international guidelines.

The applicative value of the work. resides in the practical applicability of the scientific-practical study, as well as in the proposals and recommendations for the modernization of the administration of protected areas in the Republic of Moldova. The main objectives of this study are to identify the nature of threats to protected areas and to assess the effectiveness of protected area systems and management in the EU, as well as to assess the use of biological concepts in the conservation and management of protected areas. There is evidence that protected areas, planned as part of larger conservation networks, once connected, offer tangible practical solutions to the problem of species extinction and adaptation to climate change.

The main scientific results submitted for support. The main impediments to environmental protection are the problems associated with [1]:

- lack of implementation of good practice, associated with uncertainty (eg implications of failure to identify a coherent SPA and SAC network and its implications for marine industries);
- poor or inconsistent implementation;
- lack of guidance or information needed to implement legislation (for example, lack of clear conservation objectives for Natura 2000 sites [2]);
- lack of resources and expertise from government and regulatory authorities to support effective implementation.

The cases mentioned in the paper show, most often, a difference in interpretation between the Member States, on the one hand, and the Commission and the ECJ, on the other. The Commission and the ECJ usually interpret environmental directives according to their objective, which is to protect the environment. On the other hand, Member States often try to find a balance between environmental and economic interests. Preliminary cases such as First Corporate Shipping and Standley show that if Member States limit themselves to a strict interpretation, representatives of the private sector have objections against their decision.

Directives often leave room for interpretation. This is inherent in any kind of legislation, and even more so in European legislation, because of the difficult procedures to reach an agreement. Texts are always compromises between various interests (of the Commission, the Member States, but also of the people affected by a directive) and the interpretations that are most favorable to one's own interests are preferred, depending on who is doing the interpretation. Member States are likely to use open-ended texts in directives to allow the expansion of economic activities. On the other hand, the Commission wants to protect the environment and chooses to adopt a stricter interpretation.

The directives studied in this paper each contain their own procedures for designating protected areas. According to the Wild Birds Directive, Member States must designate the respective areas. In the Habitats Directive, the role of the Commission in the designation procedure was emphasized. The Nitrates Directive leaves the choice to Member States to identify vulnerable areas or to apply the directive throughout their national territory. The Bathing Water Directive has a different system: the Directive must apply to all areas that fall within the definition of bathing water given in the Directive.

Implementation of scientific results. the results of this work will be presented and supported at conferences, published in specific scientific articles (the experience of disputes resolved by the CJEU regarding protected areas, legal recommendations for specialists from various fields involved in the conservation of species and habitats). They can also be submitted in the form of recommendations for improving the legislation regarding economic (non-destructive) activities in protected areas of the Republic of Moldova and will serve as basic support for some disciplines directly or indirectly related to protected areas; justice; participation; Habitats Directive.

The materials of the study can be applied in the implementation of the "Environmental Law" course, in legal disciplines related to the field of industry, special courses, in scientific works and in the preparation of textbooks. The theoretical intention of the research is to expand the understanding of the establishment and development of the constitutional foundations of environmental protection not only in the Republic of Moldova, but also in the EU. Also, the work will allow to combine the advantages of the modern methodology with the potential of the theoretical and practical traditions of environmental law in the Republic of Moldova.

Approval of scientific results. The main results were presented and approved at 2 national and international conferences.

Publications regarding the topic of the thesis. The research results were reflected in the reports presented at national and international scientific meetings (colloquiums, conferences, congresses), as well as in a series of scientific publications, of which we list the most important:

- *Regulations aimed at protecting the ozone layer and combating the greenhouse effect* . In: "Vector European" magazine no. 2 of 2019, pages 20-24. ISSN 2345-1106 E-ISSN 2587-358XM;
- *Legal regulations on air protection from the perspective of global climate change.* In: Theory and practice of public administration: Materials of the scientific-practical conference with international participation May 17, 2019. pp. 419-424.
- *Legal reflections on the European community strategy in the field of environment.* Perspectives and Problems of Integration in the European Research and Education Area Vol.6, Part 1, 2019 Conference "Perspectives and Problems of Integration in the European Research and Education Area" 6, Cahul, Moldova, June 6, 2019. Available in IBN: December 24, 2019 .
- *Protected Areas in the 21st Century: Their Value and Benefits for the Global Ecosystem.* (Protected areas in the 21st century: their value and benefits to the global ecosystem). Postmodern Openings - Covered in: Web of Science (WOS); EBSCO; ERICH+; Google Scholar; Index Copernicus; Ideas RePeC; Econpapers; Socionet; CEEOL; Ulrich ProQuest; Cabell, Journalseek; Scipio; Philpapers; SHERPA/RoMEO repositories; KVK; WorldCat; CrossRef; CrossCheck. 2021, Volume 12, Issue 2, pages: 410-432; ISSN: 2068-0236 e-ISSN: 2069-9387. DOI: <https://doi.org/10.18662/po/12.2/315>.
- *The purpose of judicial ballistics and the need to study it.* Published in: JOURNAL OF ROMANIAN LITERARY STUDIES number 34/ 2023 (appearance: October 15, 2023), Publisher: Institutul de Studii Multiculturale ALPHA; Arhipelag XXI Publishing House, ISSN: 2248-3004, Web site: <http://asociatia-alpha.ro/jrls.php>. Indexing International databases: CEEOL, Global Impact Factor, Google Academic, Research Gate, Academic.edu, WorldCat, SSRN, BDD, OCLC, SJIFactor, Electronic Journals Library (EZB), Scilit.

The volume and structure of the thesis . The thesis consists of an introduction, three chapters, a list of legislative acts and other regulatory legal acts used, a bibliography of specialized

literature and reports of international organizations on protected areas of 315 titles, annotations (in three languages), list of abbreviations , introduction, 3 chapters, general conclusions and recommendations, 2 appendices, 142 pages of basic text .

Keywords: conservation strategies; environmental conflicts; protected areas; territory; habitat; community-based natural resource management; conservation of biodiversity; ecosystem services; social-ecological systems; Sustainable Development; biodiversity; management of protected areas.

THESIS CONTENT

The introduction justifies the relevance of the chosen research subject, indicates the state of its scientific development, determines the subject, purpose and objectives of the study, its theoretical and methodological basis, substantiates the scientific novelty of the thesis and its practical significance, and provides information about the approval of the research results.

Chapter I, entitled "Protected areas in the 21st century: their value and benefits for the global ecosystem", presents the new global challenges, international and European issues in the sphere of environmental protection and the establishment of protected areas. In subsection 1.2. the interaction between economic actors, the state and civil society regarding protected areas is demonstrated. This subchapter shows that the modern world has entered a new stage of its development - globalization, therefore it is important that the process of globalization serves sustainable development, and for this it is necessary that economic expenditures depend on balanced solutions to socio- economic conservation of the environment.

Protected areas encompass a wide variety of natural and semi-natural environments. Historically, they have taken many forms: from the sacred sites of indigenous communities and hunting reserves of medieval times, to more modern national parks and nature reserves [4]. After the Second World War, the growing appreciation of the intrinsic value of nature substantiated the idea that the main role of a protected area was to preserve biological diversity. However, since the 1970s, a different perspective has emerged, in which protected areas are seen as a critical component of a life support system, a repository of biodiversity and, at the same time, a potential source of economic wealth , provided that the wealth is exploited sustainably. Increasingly, the social and economic value of protected areas is being recognized by society as people become more aware of the ecosystem services that protected areas provide beyond biodiversity conservation. These services include clean water, temperature regulation, food provision and aesthetic value [5].

Integrated landscape management involves all stakeholders, who collaborate to integrate policies and practices into their various land use objectives, in order to ensure the sustainability of landscapes [6]. Integrated landscape management is an approach designed to respond to major global problems such as poverty, food insecurity, climate change and biodiversity loss [7]. A coordinated approach is necessary to respond to all these problems, as they are interconnected and to benefit from the heterogeneity of the elements that make up these landscapes [8].

In addition to ecosystem heritage management, the complex concept of natural heritage governance was developed during the 20th century [9]. This led to the creation of the IUCN Governance Matrix, where protected area categories are cross-checked with four types of governance, namely government-exercised governance, shared governance, private governance and governance by indigenous peoples and local communities. Although this development was quite an achievement, it also received some critics, who claim that the "matrix" has a narrow and restrictive view of governance and ignores spiritual governance [10].

The governance concept specifies who makes the decisions, as well as the context and procedures for decision-making in protected areas. A notable innovation in IUCN's conceptualization of environmental governance is that it includes quality and vitality. The quality of environmental governance includes, among other aspects, legitimacy and equity in relation to all actors involved in the conservation of ecological heritage, including indigenous peoples and local community conserved areas [11].

Thus, the conceptualization of protected areas has moved from scientific evaluation by experts, to evaluation by indigenous peoples and local communities, as well as other knowledge holders in the field. Expert evaluation, based on science, gradually developed and gave place to the evaluation by the keepers of the traditional, religious, cultural and spiritual values of the natural heritage, such as indigenous peoples, spiritual leaders (religious communities, for example, Mount Athos, etc.) and local communities [12]. This has led to the recognition of values derived from traditional sciences, social norms, religious and spiritual teachings and traditional practices [13], resulting in increased interest in shared values between Western scientific approaches and traditional environmental and human habitat sciences in the interpretation, management and natural heritage governance [14].

Thus, the protected area experienced a transition from a subject of tangential interest to intangible heritage, which also reflects religious and spiritual values. There has been a move beyond tangible cultural attributes to the recognition of the significance of intangible cultural and spiritual heritage. The spiritual meaning of nature includes animistic and religious values and has been among the most influential factors for nature conservation throughout history [15].

Over 85% of humanity adheres to some faith, and religious institutions are among the oldest and most influential organizations in the world. Conservation organizations gradually realized the need to increase social support for natural heritage conservation in collaboration with religious organizations. This achievement has generated an interest in the analysis of the contribution to the

conservation of nature from some religions and organizations with a religious orientation, with specific views on the world in the application of bio-cultural initiatives [16] .

Chapter II, with the title "Analysis of legislation and legal practices regarding protected areas in some EU countries" is dedicated to a comparative legal analysis of the essential characteristics of the concepts of "protected areas", "institutional infrastructure", as well as to the analysis of the functions and objectives of the state in the field of environmental protection and biodiversity conservation at the level of protected areas. This chapter analyzes the administrative-legal and economic-legal mechanism of protected areas at the EU level, as well as the individual instruments for improving the organizational-legal mechanism of protecting protected areas. This analysis led to the conclusion that effective administrative-legal and economic-legal mechanisms are of particular importance in the conditions of the global economic crisis, as well as from the perspective of continuous transformations of the state environmental management system, the fight against administrative barriers and the redistribution of powers between government bodies regarding the protection and conservation of the natural habitat.

Environmental protection is currently one of the EU's priority areas of activity, together with other areas of European integration. Also, the EU has broad competence in the field of environmental protection, given that a significant number of pan-European regulations are issued in this field. The Union has significant competences for international cooperation in the field of environmental protection and environmental safety.

A significant moment in this regard is the inclusion of environmental policy and environmental protection in the draft EU Constitution and in the Treaty of Lisbon. It is significant that, since the signing of the Maastricht Treaty, the European Union has also gradually transformed into an "ecological union". EU member states integrate environmental protection duties into national legislation. The European Union has adopted numerous environmental directives, which member states must include in their national legislation.

In the field of nature protection, many multilateral environmental agreements or conventions have been concluded. The European Community is actively involved in the development, ratification and implementation of these multilateral agreements. The EU Treaties provide in detail the opportunity for the European Community to participate in international environmental agreements, together with the Member States. They are listed below in chronological order:

1. multilateral environmental agreements;

2. Convention on Wetlands of International Importance, Mainly as Waterfowl Habitat [17];
3. Convention on the Protection of Migratory Species of Wild Animals [18];
4. Convention on the Protection of Wild Fauna and Flora of Natural Habitats in Europe [19];
5. Convention on Biological Diversity [20].

In addition to international directives and agreements, there are a number of EU strategies and documents focusing on nature conservation that may be of interest to neighboring European countries.

- Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds[21];
- Directive 2011/92/EU of the European Parliament and of the Council of December 13, 2011 regarding the assessment of the effects of certain public and private projects on the environment[22];
- Directive 2004/35/EC of the European Parliament and of the Council of April 21, 2004 on environmental liability in connection with the prevention and repair of damage to the environment[23];
- Council Directive 84/631/EEC of December 6, 1984 on the supervision and control within the European Community of the transboundary transport of hazardous waste[24];
- Council Directive 92/43/EEC of May 21, 1992 on the conservation of natural habitats and species of wild fauna and flora[25];
- Council Directive 91/676/EEC of December 12, 1991 regarding water protection against nitrate pollution from agricultural sources[26].

Chapter III, entitled " CJEU case studies: the relevance of judicial practice for the socio-economic environment ", shows how the European Community has implemented its own environmental policy over the last 50 years. During this period, the Community, and later the European Union, took significant environmental measures, created a legal framework for monitoring, regulating and coordinating the environmental activities of EU member states and developed and implemented new approaches to protect and improve the quality of the environment . The European Union is one of the leaders in environmental cooperation, both on the European continent and in the world. Furthermore, the Union's environmental policy and activities are inextricably linked to global activities in the field of environmental protection, including those carried out under the auspices of the UN [2 7]. The Birds and Habitats Directives set out the results that Member States must achieve without necessarily dictating the means of achieving these results, leaving some latitude to Member

State governments as to the exact rules to be adopted. CJEU judgments do not qualify or restrict this freedom.

Attempting to draw up and impose hard and fast rules from such CJEU judgments and incorporate them into an EU directive, effectively defining the "correct" approach to their implementation, could violate the principle of subsidiarity. Annex II to this thesis provides an overview of how the CJEU works and the importance of the Court's jurisprudence for the implementation of EU directives. CJEU judgments do not and are not intended to prescribe the precise approach that all Member States must take to implement EU directives. CJEU jurisprudence provides clarity on the interpretation of directives and confirms whether member states have acted legally in transposing/implementing their requirements.

The Wild Birds Directive was adopted in 1979, as a first European directive in the field of nature protection [28]. Its aim is to protect all birds living naturally in the Member States, and its scope is not limited to threatened species. Member States' freedom to designate SPAs under the Wild Birds Directive is very limited. Only ornithological criteria can be decisive for the designation of special protection areas [29]. Many Member States have designated too few or too few areas [29].

The Commission and the ECJ interpreted the Member States' freedom in a limited way, while the Member States [30] argued that a balance between ornithological and economic requirements was possible. Article 4 of the Wild Birds Directive does not open up this possibility of interpretation and there is no compelling reason why the economic and recreational requirements of Article 2 could be applied to the designation of SPAs. This is all the more obvious as Article 2 refers to the protection of all birds and Article 4 is limited to endangered species, and the restrictive interpretation is justified because the requirements for the protection of endangered species are more stringent.

The Habitats Directive was adopted in 1992 as a complement to the Wild Birds Directive. Its purpose is to protect animals (other than birds) and plants [30]. According to the Habitats Directive, habitats are protected not only to benefit the wildlife living in those areas, but also for their own intrinsic characteristics.

Unlike the Wild Birds Directive, there is no strict list, such as the IBA list, that clarifies which areas should be designated. This has two consequences. First, it is more difficult for the Commission to demonstrate, in an infringement proceeding before the ECJ against a State, that a particular area should have been designated. Second, no direct effect can be attributed to Article 6, in areas that have not been officially designated or are not at least included in the list of sites of Community interest.

There are insufficient criteria in the Directive to establish with certainty whether or not a site should have been designated.

As regards the Birds Directive [30], the discussion on the margin of appreciation for Member States in the designation of areas was possible, until the adoption of the Habitats Directive, and Member States were quite aware of the lack of discretionary powers in proposing and designating sites. Instead, however, questions were raised about the application of the protection regime. Economic reasons were no longer presented as a justification for not designating a Special Protection Area, but are provided for in the procedure in Article 6(3-4) of the Directive on the granting of authorization for development projects in a SAC.

The aim of the Nitrates Directive [21] is to reduce and prevent water pollution caused by nitrates from agricultural sources. The directive contains the obligation to identify waters that are or may be affected by nitrate pollution. The land areas where these waters flow must be designated as vulnerable areas. In the member states that chose not to apply the directive throughout their territory, several problems have arisen [28]. Member States preferred to keep the designation of vulnerable areas to a limited area, but the Commission and the ECJ called for a broader approach.

Directives are never entirely clear because they are the result of negotiations between states. However, it is important that the discretion and scope of the directive is clear. In order to avoid or limit problems regarding the designation of protected areas, the directives should be as clear as possible regarding the designation criteria and the margin of appreciation for the Member States. The Bathing Water Directive contains a definition of what is meant by bathing water. The directive applies by law to all water sheens that meet the conditions of this definition. The application of the definition to specific areas can still be debated, but at least the criteria are clear. Unfortunately, not all directives are the same. In terms of nature protection, a selection must be made of the areas that are most important to be protected. Such a selection cannot be made by a directive, but only by the Member States or the Commission in individual cases.

In the conclusion of the thesis ("**Conclusions and recommendations**") the main results of the study are summarized and the main conclusions are formulated. In particular, it is noted that contemporary policy issues regarding the management and development of protected areas are included in the theoretical and methodological structures of legal sciences.

GENERAL CONCLUSIONS AND RECOMMENDATIONS

Protected areas remain a cornerstone of environmental conservation efforts worldwide. The twin impacts of climate change and biodiversity loss pose major threats to the achievement of the Millennium Development Goals, particularly those related to environmental sustainability, poverty reduction and food and water security. Growing awareness of the planet's vulnerability to human-induced change also provides an opportunity to highlight the multiple values of natural ecosystems and the services they provide.

Protected areas, when integrated into land-use plans as part of larger, interconnected conservation networks, offer practical, tangible solutions to both species loss and climate change adaptation.

Natural habitats make a significant contribution to mitigating the impact of human activities on the environment, by storing carbon in vegetation and soils, and to societal adaptation to the environment, by maintaining essential ecosystem services that help societies respond to and cope with climate change and other environmental challenges. Many protected areas could be justified on socio-economic grounds alone, but their multiple goods and services are largely unrecognized in national assessments.

The paper exemplifies these arguments by analyzing the experiences in the implementation of the Habitats Directive of the European Union. The paper demonstrates how the lack of attention to distributive and procedural justice led to conflicts that delayed the implementation of the directive and undermined its effectiveness.

Our analysis has shown that there are three main reasons why the rather cautious approach of the ECJ is the right one in terms of mitigation and restoration strategies under EU nature directives. First, in light of recently published studies on the limited effectiveness of ecological restoration efforts, the ECJ had every reason to reaffirm the preventive foundations on which the obligation to assess habitats is based. Given the limited substantive scope of the EU nature directives, which only include the EU habitats and species most at risk of extinction, opening up the protection rules to more generous forms of restoration or even compensation would not, in our view, a correct response in periods of continuous biodiversity decline. A strengthening of the preventive approach, which assumes that a certain impact on biodiversity is not compensable, given the unacceptable social and ecological consequences it might entail, seems to be a better policy option for achieving the goal of

no net loss. The ECJ judgment in *Briels* could be taken as a sign for member states because instead of weakening existing protection rules for the most vulnerable habitats and species, the focus should be redirected to the protection of the wider landscape and biodiversity in general, which are still left unchecked by existing nature conservation laws in member states. Second, regarding the alleged inflexibility of interpretation that was given by the ECJ to the habitat assessment rules, Sagoff's words in relation to the US Endangered Species Act (ESA) should be recalled. In response to mounting criticism of the ESA, he stated that: "to note that the Endangered Species Act is not cost-effective is to recognize the obvious: this is the Act and much of our environmental legislation" [31]. The same can be said about EU nature directives. Environmental regulations remain vital in protecting nature and the wider environment.

However, too much flexibility predisposes to a simple continuation of biodiversity decline. Warning against unsustainable development should remain an essential target of any effective nature conservation law, especially as economic growth is now identified as one of the main causes of biodiversity loss on our planet.

Furthermore, we have to bear in mind that it is only because of the strict jurisprudence at EU level that project developers are now willing to consider the preventive approach underlying the EU nature directives. Thus, the EU's tightly regulated nature protection rules should be credited with making member states take their restoration commitments more seriously, rather than being seen as an unwieldy obstacle.

It should not be forgotten that, eventually, with restored and more resilient protected areas, less environmentally damaging human development projects could actually take place in those areas [32]. Not only is it still possible for them to rely on the beneficial effects of genuine avoidance measures in the context of an assessment, but derogation clauses can still be applied for large infrastructure projects. Furthermore, it has been suggested that in some cases a coordinated and proactive application of restoration in the context of a development project could be a more promising route to sustainable development that meets the requirements of EU nature conservation legislation. Indeed, while the many uncertainties surrounding ecological restoration are likely to further compromise the effectiveness of legislation, a more generic strategy incorporating adaptive management techniques at an early planning stage could overcome regulatory challenges in this regard.

A vigorous incorporation of adaptive management at the planning or operating permit level, supported by strict regulatory review clauses, can help remove uncertainties in achieving restoration objectives for at least some development projects.

In conclusion, our analysis indicated that the ECJ judgment in Briels stands out as a prime example of sensible environmentalism in the courtroom. However, given that the ECJ has proved willing to show its commitment to protecting the effectiveness of the EU's nature directives, it remains to be seen whether project developers and the authorities authorizing these projects are up to the challenge.

recommendation

Ensuring a more sustainable future will require a range of actions, including greater support for natural solutions and expanding the world's protected areas. The creation of protected areas is a key part of the national and local response to climate change and other environmental challenges, which can help reduce deforestation rates, protect habitats, ensure sustainable land management and increase the resilience of human communities, in especially the poor and vulnerable.

Protected areas require increased inclusion of a wide range of actors and rights holders, with an increasing focus on protected landscapes by local communities, private landowners and other actors with interests in conservation areas managed by state agencies. Greater attention must also be focused on ways to integrate protected areas into sustainable development, including by promoting "green" infrastructure as a strategic part of responses to climate change.

There is evidence that long-term investment by national governments and communities in protected areas worldwide has an increased effect. Protected areas are an effective means of combating biodiversity loss, helping society cushion the effects of climate change, and maintaining critical ecosystem services on which all societies depend.

At the same time, it is crucial to examine who is empowered to act as custodians of natural and seascapes and to place conservation activities in the appropriate economic, political, social and cultural contexts. While protected areas already provide multiple benefits and could become even more important in helping societies meet development needs, achieving these multiple goals requires at least consideration of the following actions:

1. growing protected areas and buffer zones: to improve ecosystem resilience, especially in areas with high biodiversity or where ecosystem services are threatened, such as in watersheds, rainforests, peatlands, mangroves, freshwater and marshes and on great grass beds;

2. connecting landscape/seascape protected areas: to extend habitat under some form of conservation management beyond park boundaries into buffer zones, to create biological corridors, to build connectivity and resilience to climate change;
3. recognizing and implementing the full range of governance types, from protected areas managed by state agencies, to conservation areas managed by communities, indigenous peoples and the private sector;
4. increasing the level of protection in protected areas: protecting and managing specific soil characteristics with high carbon storage thresholds;
5. improving management in protected areas: maintaining carbon conservation values and reducing habitat degradation through threats such as illegal logging, agricultural fencing, overexploitation, poor fire and invasive species management;
6. restoration strategies: restoring degraded habitats within and around protected areas to improve carbon and biodiversity values;
7. better integration of protected areas into wider spatial and development planning: to identify places where natural ecosystems protect essential ecosystem services and could prevent and mitigate natural disasters; this includes determining when and where there are social and economic benefits from incorporating "green" infrastructure into development plans;
8. the development of innovative financing strategies for protected areas that recognize payments for ecosystem services, including additional support for the state budget or direct payments from communities and / or industries that benefit from the services provided.

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1. *Reglementări vizând protecția stratului de ozon și lupta contra efectului de seră.* În cadrul: Revista "Vector European" nr.2 din 2019, pag. 20-24. ISSN 2345-1106 E-ISSN 2587-358XM;
2. *Reglementări juridice privind protecția aerului din perspectiva schimbărilor climatice la nivel global.* În cadrul: Teoria și practica administrării publice: Materiale ale Conferinței științifico-practice cu participare internațională 17 mai 2019. pag. 419-424.
3. *Reflecții juridice asupra strategiei comunitare europene în domeniul mediului.* Perspectivele și Problemele Integrării în Spațiul European al Cercetării și Educației Vol.6, Partea 1, 2019 Conferința "Perspectivele și Problemele Integrării în Spațiul European al Cercetării și Educației" 6, Cahul, Moldova, 6 iunie 2019. Disponibil în IBN: 24 decembrie 2019.
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ADNOTARE

TRIBOI Mihăiță – Cristinel, "Regimul juridic al ariilor protejate la nivelul uniunii europene - jurisprudența CJUE", teza de doctor în drept, Chișinău 2023

Structura tezei constă în: adnotări (în trei limbi), listă de abrevieri, introducere, 3 capitole, concluzii generale și recomandări, bibliografie din 315 titluri și 2 anexe, 142 pagini text de bază, declarație de responsabilitate, CV-ul autorului. Rezultatele obținute au fost publicate în 5 lucrări științifice, unele indexate Web of Science.

Cuvinte cheie: strategii de conservare; conflicte de mediu; arii protejate; teritoriu; habitat; gestionarea resurselor naturale bazate pe comunitate; conservarea biodiversității; servicii ecosistemice; sisteme social-ecologice; dezvoltare durabilă; biodiversitate.

Domeniul de studiu: drept.

Scopul cercetării: este prezentat sub forma unei analize a literaturii de specialitate a rapoartelor internaționale privind ariile protejate și a cazurilor examinate de CJUE privind ariile protejate.

Noutatea și originalitatea științifică: constă în efectuarea unei analize amănunțite și aprofundate a particularităților legale de instituirea și administrare a ariilor protejate la nivelul UE, atât din punct de vedere științific, cât și din punct de vedere practic (elaborarea recomandărilor CJUE).

Probleme științifice importante rezolvate: constau în dezvoltarea unor caracteristici distincte ale administrării ariilor protejate, cu stabilirea ulterioară a reglementării lor legale în conformitate cu jurisprudența CJUE, în vederea aplicării lor practice adecvate în diverse situații juridice din Republica Moldova.

Semnificația teoretică: prevede necesitatea și importanța analizei experienței CJUE și a statelor UE privind caracteristicile administrării ariilor protejate din punct de vedere legal și științific (dreptul mediului, conservarea speciilor, conservarea habitatelor etc.)

Valoarea aplicativă a lucrării: rezidă în aplicabilitatea practică a studiului științifico-practic, precum și în propunerile și recomandările pentru modernizarea administrării ariilor protejate în Republica Moldova.

Implementarea rezultatelor științifice: rezultatele prezentei lucrări vor fi prezentate și susținute în cadrul conferințelor, publicate în articole științifice specifice (experiența litigiilor rezolvate de CJUE privind ariile protejate, recomandări legale pentru specialiștii din diverse domenii implicați în conservarea speciilor și a habitatelor).

ANNOTATION

TRIBOI Mihaita –Cristinel, "The legal regime of protected areas at the level of the European Union - the jurisprudence of the CJEU", Doctor of Law Thesis, Chisinau 2023

The structure of the thesis consists of : annotations (in three languages), list of abbreviations, introduction, 3 chapters, general conclusions and recommendations, bibliography of 315 titles and 2 appendices, 142 pages of basic text, statement of responsibility, author's CV . The obtained results were published in 5 scientific papers, some indexed in Web of Science.

Keywords : conservation strategies; environmental conflicts; protected areas; territory; habitat; community-based natural resource management; conservation of biodiversity; ecosystem services.

Field of study: law.

The purpose of the research : it is presented in the form of an analysis of the specialized literature of international reports on protected areas and of the cases examined by the CJEU on protected areas.

Scientific novelty and originality : it consists in carrying out a thorough and in-depth analysis of the legal peculiarities of the establishment and administration of protected areas at the EU level, both from a scientific point of view and from a practical point of view (elaboration of CJEU recommendations).

Important scientific problems solved: they consist in the development of distinct characteristics of the administration of protected areas, with the subsequent establishment of their legal regulation in accordance with the jurisprudence of the CJEU, with a view to their appropriate practical application in various legal situations in the Republic of Moldova.

Theoretical significance : it provides for the necessity and importance of analyzing the experience of the CJEU and the EU states regarding the characteristics of the administration of protected areas from a legal and scientific point of view (environmental law, species conservation, etc.)

The applicative value of the work : resides in the practical applicability of the scientific-practical study, as well as in the proposals and recommendations for the modernization of the administration of protected areas in the Republic of Moldova.

Implementation of the scientific results : the results of this work will be presented and supported in conferences, published in specific scientific articles (the experience of disputes resolved by the CJEU regarding protected areas, legal recommendations for specialists from various fields involved in the conservation of species and habitats).

АННОТАЦИЯ

ТРИБОЙ Михайцэ –Кристиinel, «Правовой режим охраняемых территорий на уровне Европейского Союза – юриспруденция CJUE», докторская диссертация, Кишинев, 2023

Структура диссертации состоит из: аннотации (на трех языках), списка сокращений, введения, 3 глав, общих выводов и рекомендаций, библиографии из 315 наименований и 2 приложений, 142 страниц основного текста, сведений об ответственности, автобиографии автора.

Ключевые слова : природоохранные стратегии; экологические конфликты; охраняемые территории; территория; естественная среда; управление природными ресурсами на уровне общин; сохранение биоразнообразия; экосистемные услуги.

Область обучения: право.

Цель исследования: оно представлено в виде анализа специализированной литературы международных отчетов об охраняемых территориях и дел, рассмотренных CJUE по охраняемым территориям.

Научная новизна и оригинальность: заключается в проведении тщательного и углубленного анализа правовых особенностей создания и управления охраняемыми территориями на уровне UE, как с научной точки зрения, так и с практической точки зрения.

Решаемые важные научные задачи: они заключаются в разработке отдельных особенностей управления охраняемыми территориями с последующим установлением их правового регулирования в соответствии с судебной практикой CJUE.

Теоретическая значимость: Результаты, полученные в ходе научных исследований, послужат основой для следующих исследований: междисциплинарность между международным экологическим правом и управлением средой обитания, биологическое сохранение исчезающих видов, etc.

Прикладная ценность работы: заключается в практической применимости научно-практического исследования, а также в предложениях и рекомендациях по модернизации управления охраняемыми территориями в Республике Молдова.

Внедрение научных результатов: результаты данной работы будут представлены и поддержаны на конференциях, опубликованы в конкретных научных статьях.

TRIBOI MIHAITA - CRISTINEL

**THE LEGAL REGIME OF PROTECTED AREAS AT THE LEVEL OF THE EUROPEAN
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