

The following abbreviations are used in the marginal notes:

‘Law’ – Draft Law

‘Regs’ – draft Regulations on a procedure for organizing and conducting public discussions....draft Council of Ministers’ Resolution

IV. Conclusions and recommendations

(a) Recommends the Party concerned to take the take the necessary legislative, regulatory, and administrative measures and practical arrangements to ensure that:

i. The general law on access to information refers to the 1992 Law on Environmental Protection that specifically regulates access to environmental information, in which case the general requirement of stating an interest does not apply;¹

Comment [E1]: See provision in the Law – Article.3

ii. There is a clear requirement for the public to be informed of decision-making processes that are subject to article 6 in an adequate, timely and effective manner;²

Comment [E2]: Regs – points 1.2, 1.3, 7.1., 8.2, 9.1, 9.2-9.4, paragraphs 12-13, 23,26,27

iii. There are clear requirements regarding the form and content of the public notice, as required under article 6, paragraph 2, of the Convention;³

Comment [E3]: Regs – paragraphs 12, 26

iv. There are reasonable minimum time frames for submitting the comments during the public participation procedure for all decisions under article 6 of the Convention, including those that may not be subject to an EIA decision procedure, taking into account the stage of decision-making as well as the nature, size and complexity of proposed activities;⁴

Comment [E4]: Regs – paragraphs 13b 28,33,34

1 ¹ Decision IV/9b, paragraph 4(a)

2 ¹ Decision IV/9b, paragraph 4(b)

3 ¹ Decision IV/9b, paragraph 4(c)

4 ¹ Decision IV/9b, paragraph 4(d)

v. There is a clear possibility for the public to submit comments directly to the relevant authorities (i.e., the authorities competent to take the decisions subject to article 6 of the Convention);⁵

Comment [E5]: Concept of “public discussion”, paragraphs 6,7,9, 14,27,29

vi. There is a clear responsibility of the relevant public authorities to ensure such opportunities for public participation, as are required under the Convention, including for making available the relevant information and for collecting the comments through written submission and/or at the public hearings;⁶

Comment [E6]: Regs – 6.2, 6.3, 9,10,14, 27,29,35

vii. There is a clear responsibility of the relevant public authorities to take due account of the outcome of public participation, and to provide evidence of this in the publicly available statement of reasons and considerations on which the decisions is based;⁷

Comment [E7]: Regs – 9.1,10.3, 27, 29.2,

viii. There is a clear responsibility of the relevant public authorities to:

1. Inform promptly the public of the decisions taken by them and their accessibility;⁸

Comment [E8]: Regs – 9-10

2. Maintain and make accessible to the public: copies of such decisions along with the other information relevant to the decision-making, including the evidence of fulfilling the obligations regarding informing the public and providing it with possibilities to submit comments;⁹

Comment [E9]: Law – Article 15-2
Regs – paragraph 10

3. Establish relevant publicly accessible lists or registers of all decisions subject to article 6 held by them;¹⁰

Comment [E10]: Law – Article 15-2,
Regs – paragraph 10

ix. Statutory provisions regarding situations where provisions on public participation do not apply cannot be interpreted to allow for much broader exemptions than allowed under article 6, paragraph 1 (c), of the Convention;¹¹

Comment [E11]: Regs – paragraph 1,

5 ¹ Decision IV/9b, paragraph 4(e).

6 ¹ Decision IV/9b, paragraph 4(f).

7 ¹ Decision IV/9b, paragraph 4(g).

8 ¹ Decision IV/9b, paragraph 4(h)(i).

9 ¹ Decision IV/9b, paragraph 4(h)(ii).

10 ¹ Decision IV/9b, paragraph 4(h)(iii).

11 ¹ Decision IV/9b, paragraph 4(i).

x. Ensure that the amended legal framework clearly designates which decision is considered to be the final decision permitting the activity and that this decision is made public, as required under article 6, paragraph 9, of the Convention;¹²

Comment [E12]: Regs – paragraph 8, point 10.3

xi. Ensure that the full content of all the comments made by the public (whether claimed to be accommodated by the developer or those which are not accepted) is submitted to the responsible authorities for taking the decision (including those responsible for the expertiza conclusion);¹³

Comment [E13]: Law – Article 15-2, Regs – point 9.10.

xii. Make appropriate practical and other provisions for the public to participate during the preparation of plans and programmes relating to the environment;¹⁴

Comment [E14]: Article 15-2, Regs – paragraph 1, Chapter 2,3,5
With regard to plans and programmes – see actual text of Regs – point 2.2

- (b) Requests the Party concerned to provide detailed progress reports to the Committee by 31 December 2014, 31 October 2015 and 31 October 2016 on the measures taken and the results achieved in the implementation of the above recommendations.

12

¹ Findings on ACCC/C/2009/44, paragraph 90(b).

13

¹ Findings on ACCC/C/2009/44, paragraph 90(c).

14

¹ Findings on ACCC/C/2009/44, paragraph 90(d).