



General Directorate for Impact Assessment and Pollution Control

## INFORMATION

concerning  
the implementation of recommendations contained in  
**Decision V/9j on compliance by Romania**

- 28 January 2015 -

### NOTE

This Information is provided by the Government of Romania following the invitation of the Meeting of the Parties contained in Decision V/9j on compliance by Romania, to submit to the Compliance Committee, by 31 December 2014, detailed information on Romania's further progress in implementing the recommendations set out in the Decision. Because of unexpected changes in the structure of the Romanian Government, including the replacement of the Environment Minister, this Information is submitted later than expected. It should be also noted that the Romanian delegation to the Meeting of the Parties agreed with the 31 December 2014 deadline on the understanding that the information to be submitted would not necessarily offer a complete picture of implementation of the recommendations since the measures to be taken might be still in preparation stage. This understanding is reflected in the current Information.

### I. INTRODUCTION

During its fifth session the Meeting of the Parties took note of the report of the Compliance Committee (ECE/MP.PP/2014/9), as well as of the findings of the Committee on communication ACCC/C/2010/51 (ECE/MP.PP/C.1/2014/12 concerning Romania's energy strategy and the planned construction of a nuclear power plant.

The Meeting of the Parties recommended that Romania:

a) Take the necessary legislative, regulatory and administrative measures to ensure that public officials are under a legal and enforceable duty:

(i) To respond to requests of members of the public to access environmental information as soon as possible, and at the latest within one month after the request was submitted, and, in the case of a refusal, to state the reasons for the refusal;

(ii) To interpret the grounds for refusing access to environmental information in a restrictive way, taking into account the public interest served by disclosure, and in stating the reasons for a refusal to specify how the public interest served by disclosure was taken into account;

(iii) To provide reasonable time frames, commensurate with the nature and complexity of the document, for the public to get acquainted with draft strategic documents subject to the Convention and to submit their comments;

(b) Provide adequate information and training to public authorities about the above duties;

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The Meeting of the Parties invited Romania to submit to the Committee periodically (on 31 December 2014, 31 October 2015 and 31 October 2016) detailed information on its further progress in implementing the recommendations set out above.

## II. RECOMMENDATION A)

### **i. Responding to the requests of members of the public to access environmental information as soon as possible, and at the latest within one month after the request was submitted, and, in the case of a refusal, to state the reasons for the refusal**

Romania believes the current legislation, as well as the regulatory and administrative framework covers this recommendation satisfactorily and that the situation alleged in the communicant's complaint was an exception in the practice of Romanian authorities. Nevertheless, the Ministry of Environment, Waters and Forests has begun a process for reassessing existing legislation, regulatory and administrative framework in the field of access to information under the Aarhus Convention. This process will eventually involve all Romanian environmental authorities. It is expected that by January 2016, the Ministry will draft preliminary conclusions and consequently, act upon these conclusions.

### **ii. Interpreting the grounds for refusing access to environmental information in a restrictive way, taking into account the public interest served by disclosure, and in stating the reasons for a refusal to specify how the public interest served by disclosure was taken into account**

The departments of the Ministry of Environment, Waters and Forests are currently analyzing whether current Romanian regulatory and administrative framework responds to this recommendation. Based on the conclusions of this analysis, the Ministry will evaluate the opportunity of drafting instructions for public authorities on refusal of access to environmental information.

### **iii. Providing reasonable time frames, commensurate with the nature and complexity of the document, for the public to get acquainted with draft strategic documents subject to the Convention and to submit their comments**



The Ministry of Environment, Waters and Forests does not currently hold the information necessary to evaluate the practice of Romanian authorities in connection with this recommendation. The Ministry notes that under current strategic environmental impact assessment legislation, the public is invited to comment on draft strategic documents during the SEA procedure, right from the beginning. Moreover, under the SEA procedure, the public has 45 days in advance of the public debates session, to comment on the final alternative of the strategic document and the environmental report once these documents are publicly made available on the website of the Ministry, as well as on the website of the authority who initiated the strategic document. Nevertheless, the Ministry is going to reevaluate the practice of all Romanian public authorities and decide on the required domestic measures by the end of 2015.

### **III. RECOMMENDATION B)**

The Ministry of Environment, Waters and Forests together with the Ministry of Foreign Affairs have initiated a consultation process in order to determine the best mechanisms for providing information and training to Romanian public authorities on access to environmental information. It is expected that other Romanian authorities will be progressively involved in this process.

**Yours sincerely,**

**General Director,  
Dorina MOCANU** 

**Anca MIHAESCU**

Romanian National Focal Point for Aarhus Convention

Public Manager

Unit for Impact Assessment

General Directorate for Impact Assessment and Pollution Control

no. 12, Libertății Blvd., sector 5, Bucharest, Romania

Phone: +40 21 408 95 88

Fax: +40 21 316 04 21

E-mail: [anca.mihaescu@mmediu.ro](mailto:anca.mihaescu@mmediu.ro)

URL: [www.mmediu.ro](http://www.mmediu.ro)