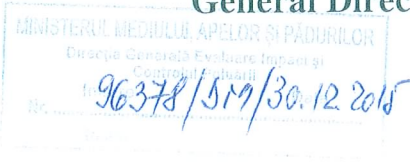




GOVERNMENT OF ROMANIA
MINISTRY OF ENVIRONMENT, WATERS AND FORESTS

General Directorate for Impact Assessment and Pollution Control



INFORMATION

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

- 31 December 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 2015, detailed information on Romania's further progress in implementing the recommendations set out in the Decision.

INTRODUCTION

Ministry of Environment, Waters and Forests is the central public authority responsible for implementing the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, signed in Aarhus on 25 June 1998 (the Aarhus Convention), ratified by Romania Law no. 86/2000.

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 maintains its standpoint from the first Report that there is no need for modifications in legislation.

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 Romanian Ministry of Environment, Waters and Forests will organize a national roundtable with representatives of other Romanian central authorities in order to present the views of the Committee concerning the grounds for refusing 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

It has been assessed the practice of public authorities in Romania on the strategic documents draft. Ministry of Environment and holders of strategic documents offered the public the opportunity to participate in drafting these documents and the observations / comments of the public are properly taken into account in decision making.



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Examples: for all operational programs 2014-2020: Regional Operational Program, Operational Program for Big Infrastructure, Regional Developing National Program, Operational Program for Fishing and Maritime Affairs POPAM, holder ministries have displayed on their websites the draft of the strategic document and the environmental report and appropriate assessment studies. Ministry of Environment, as the responsible authority for the timetable environmental assessment, created on the website for each operational program a special section for unrolling the environmental assessment for these documents, the comments of concerned public and how these comments have been taken into consideration in the strategic document, RM and EA as appropriate. The strategic documents have been dismissed to the concerned public 45 days before the public debate so as to have complete information and be able to submit comments.

All submissions and comments of the concerned public received by the holder of the strategic document and / or environmental authority throughout the course of the procedure of environmental assessment, including during the public debate, have been analyzed by the environmental authority, the program holder and group members and those considered justified have been integrated in the strategic document.

For the comments that have not been taken into consideration it is necessary to justify why they were not taken up in the strategic document. Example: on the Ministry of Environment site in the section for Operational Program for Fishing and Maritime Affairs 2014 - 2020 is a document justifying the concerned public comments considered or not, link: <http://www.mmediu.ro/articol/programul-operational-pentru-pescuit-si-afaceri-maritime-2014-2020/477>.

The Ministry of Environment, Waters and Forests followed the principle of public informing and giving freedom to the public in decision-making, for other strategic documents as well: Operational Program Big Infrastructure 2014 - 2020, Regional Operational Program 2014 - 2020, the National Rural Development Program 2014-2020, Master Plan of Transport Operational Program for Fishing and Maritime Affairs 2014 - 2020, National Strategy on Climate Change 2016 - 2020, etc.

We mention that for the strategic documents with potential transboundary impact the information has been dismissed for the affected: General Transport Master Plan, link: <http://www.mmediu.ro/categorie/evaluare-de-mediu-pentru-strategii-planuri-programe/60>.

In the same manner, The Environment Ministry dismissed environmental information for programs of cross-border cooperation which have covered environmental assessment: the Joint Operational Program Romania - Ukraine 2014 - 2020, JOP Romania - Moldova 2014 - 2020, ENI CBC Program Hungary-Slovakia-Romania-Ukraine 2014-2020, Interregional VA Romania - Hungary, ENI CBC Black Sea Basin Program 2014 - 2020, IPA CBC Romania - Serbia 2014-2020, transnational cooperation program DANUBE 2014 - 2020, Romania to Bulgarian Border Cooperation Program 2014-2020.

All programs / plans / strategies for which The Ministry of Environment, Waters and Forests conducted SEA procedure are displayed at the following link: <http://www.mmediu.ro/categorie/evaluare-de-mediu-pentru-strategii-planuri-programe/60>.

RECOMMENDATION B)

To meet this requirement the Ministry of Environment has considered additional training of subordinate environmental authorities on environmental information, public participation in decision making and access to justice in proceedings regulatory EIA and SEA directives.



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The Ministry of Environment carried out the-project "Training of staff of competent environmental authorities on environmental impact assessment and environmental assessment for the programming period 2014-2020". In the period July to October 2015, were conducted training sessions for 400 participants from environmental authorities. In presentations and case studies have been presented the environmental information and how to include it in documents from regulatory proceedings. The project continues with stage II during the period January to December 2016.

In order to provide more substantial information on public participation in decision-making, The Ministry of Environment has initiated consultations with Joint Assistance to Support Projects in European Regions (JASPERS) for an initial training session lasting one day. In the second half of January 2016, the Environment Ministry will determine details of the information to be presented: examples from European practice, arrangements for refusal of public information. In this Project- Stage II the presentations elaborated by JASPERS will be further disseminated in 13 training sessions to be developed under this project. The target group is staff of the Environment authorities (MMA, NEPA; LEPA; DDBRA), the staff of the managing authorities of structural funds and the three focal points on the Aarhus Convention: Access to Information and Public Participation in Decision –making and Access to Justice in Environmental Matters – Ms. Camelia Hintea, PRTR – Ms. Juliana Chidu and Ms. Ana Maria Tudose.

Yours sincerely,

General Director
Dorina MOCANU

Camelia HINTEA

Romanian National Focal Point for Access to Information and Public Participation in Decision – making and Access to Justice in Environmental Matters

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