

From: Anca Mihaescu <email address redacted>  
To: Aarhus compliance, Fiona Marshall, Felix Zaharia, Liviu nicolae, namr <email addresses redacted>,  
Cc: Dorina Mocanu, Sanda Petrisor, Gabriela Osiceanu <email addresses redacted>  
Date: 13/05/2015 15:40  
Subject: RE: ACCC/C/2012/69 (Romania) - decision of Bucharest Court of Appeal dated 13 February 2014

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Dear Ms Marshall,

Following our telephone conversation concerning the Romanian Government's comments on the draft findings of the Compliance Committee in ACCC/C/2012/69, I have contacted my colleagues from the National Agency for Mineral Resources and the Ministry of Foreign Affairs of Romania. With their help, I will try to provide the Committee, within the shortest delay, an English translation of the Court of Appeal decision of 13 February 2014. I would also like to confirm the Government's interpretation of article 4(1) of the Convention. The Government believes that the Committee's interpretation of article 4(1) would make an applicant's request to examine the original documentation groundless, since, based on this interpretation, the authority would only have to provide the information (in a letter for example, summarizing the main points) or copies of the original documentation. The Government agrees that, when requested, public authorities would, in most instances, provide copies of the documentation. In this specific case, however, the Government kindly requests the Committee to take into consideration the special circumstances, where the applicant did not ask for one or several pages, but for the whole documentation. While the Government is committed to digitizing all information pertaining to the work of public authorities, it respectfully submits that there is no obligation under the Convention to provide very large documentation, which can include large maps that are difficult to digitize, in a digital or paper form. Such documentation would be available for examination.

On a final note, we would like the Committee to see the matter from an implementation perspective as well. Allowing the applicants to examine the original documentation is cumbersome (in terms of space and time available), and thus the Government prefers to send, when requested, copies of such documentation. The case the Committee has been dealing with is an exception that fits into the framework of the Convention. The public had access to the information.

Kind regards,

Anca MIHAESCU,  
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