

WHAT IS ENVIRONMENTAL INFORMATION?

Environmental information means any information in written, visual, aural, electronic or any other material form on:

- The state of elements of the environment.

These are: air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements.

- Factors affecting or likely to affect the environment.

These could be substances, energy, noise, radiation and waste, including radioactive waste, emissions, discharges and other evacuations into the environment.

- Measures taken.

These are: policies, legislation, plans, programmes, conventions between public authorities and natural or legal persons regarding the environmental objectives, the activities affecting or likely to affect the environment.



WHAT ARE THE PUBLIC'S RIGHTS?

To be informed on:

- the rights that derive from the legislation regarding public access to environmental information;
- any imminent threat to human health or the environment, whether caused by human activities or due to natural causes;
- operators which operate according to an environmental permit or an integrated environmental permit, on the impact of their activities and products on the environment.

To request for environmental Information, without an interest having to be stated .

WHO CAN REQUEST FOR ENVIRONMENTAL INFORMATION?

Any person that requests for environmental Information has the right to obtain them, without an interest having to be stated about these information .

WHERE CAN ONE REQUEST FOR ENVIRONMENTAL INFORMATION?

The requests for environmental information are received and the answers are sent by the specialized departments for public relations, organized within the public authorities.



WHEN IS THE ANSWER RECEIVED?

Environmental Information is made available to the applicant as soon as possible, but no later than a month from the time the request was received. If the volume and complexity of the information is so large that the time limit of 30 days can not be met, the information will be made available to the applicant within 2 months from the date when the request was received by the public authority. In this case, the applicant is informed about the extension of the period.

IN WHICH FORM SHOULD THE REQUESTED INFORMATION BE PRESENTED?

The information shall be presented in the requested form, except in the following cases:

- φ the information is already made available to the public in another form or in an easily accessible format;
- φ it is convenient to the public authority to make it available to the public in another form or format. In this case, the public authority shall justify why the information is supplied in the available form or format.

WHAT HAPPENS IF THE AUTHORITIES DON'T HOLD THE REQUESTED INFORMATION?

According to legislation, the public authority that received the request shall resend it to another authority that holds that information within 15 days from the date of the request and to inform the applicant about this or may directly guide the applicant to the public authority to which the request could be addressed.

IS IT NECESSARY TO PAY FOR RECEIVING INFORMATION?

Access to registers and public lists made available to the public and consultation of the information on the spot are free of charge. Some possible costs may cover the fare for copying and are paid by the applicant.

ACCESS TO JUSTICE

If the request is wrongfully refused, ignored or inadequately answered by the public authority, the applicant may submit a complaint to the manager of the public authority, asking for a review of the documents or of the omissions.

If the applicant doesn't receive an answer to his complaint within the legal timeframe, he can submit a request to an administrative legal court, where the documents or omissions of the authority would be examined.

This material is written according to the provisions of the Government Decision no. 878/2005 on public access to environmental information that transposes the Directive 2003/4/EC on public access to environmental information.



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PUBLIC ACCESS TO ENVIRONMENTAL INFORMATION 2009

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WHEN CAN A REQUEST BE REFUSED?

A request can be refused

- *if:*

- it is manifestly unreasonable;
- it is formulated in too general a manner;
- it concerns material in the course of completion or unfinished documents or data;
 - *if disclosure of the information would adversely affect:*
- the confidentiality of the proceedings of public authorities;
- international relations, public security or national defence;
- the course of justice, or similar actions;
- the confidentiality of commercial or industrial information, where such confidentiality is provided for the legislation in force;
- intellectual property rights;
- the confidentiality of personal data and/or files relating to a natural person where that person has not consented to the disclosure of the information to the public;
- the interests or protection of any person who supplied the information requested on a voluntary basis without being under, or capable of being put under, a legal obligation to do so.

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ACCESS TO ENVIRONMENTAL INFORMATION

YOUR RIGHT, LEGALLY GUARANTEED

MARCH 2009



WHAT ARE THE PUBLIC'S RIGHTS?

To be informed on:

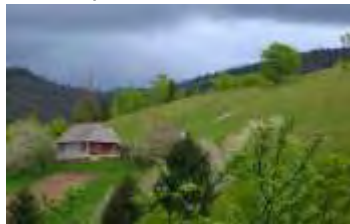
- the rights that derive from the legislation regarding public access to environmental information;
- any imminent threat to human health or the environment, whether caused by human activities or due to natural causes;
- operators which operate according to an environmental permit or an integrated environmental permit, on the impact of their activities and products on the environment.

To request for:

- environmental information, without an interest having to be stated.

WHAT IS THE LEGISLATION THAT GUARANTEES ACCESS TO ENVIRONMENTAL INFORMATION?

- Law 86/2000 that ratifies the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters;
- Emergency Ordinance no. 195/2005 on environment protection, approved through Law 265/2006;
- Government Decision no. 878/2005 on public access to environmental information;
- Law 544/2001 on free access to information of public interest.



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- Measures taken.

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WHAT IS NOT ENVIRONMENTAL INFORMATION?

It is not considered environmental information the information referring to activities with no effect on the environment.

Example: information regarding the construction of a plant, the assemblage and effects of its operation *are environmental information*. On the other hand, the organization and the management of the company *can not be considered environmental information*.

WHO CAN REQUEST FOR ENVIRONMENTAL INFORMATION?

Any person that requests environmental information has the right to receive it.



WHERE AND HOW CAN ENVIRONMENTAL INFORMATION BE REQUESTED?

Receiving requests for environmental information and supplying answers is done by the specialized departments for public relations, organized by public authorities.

Requests need to be formulated into a clear manner. The usual wording is enough. The exact name needs not to be known, but it is advisable to express as clearly as possible what the applicant wants.

HOW LONG DOES IT TAKE TO RECEIVE AN ANSWER?

Environmental information is made available to the applicant as soon as possible, but no later than a month since receiving the request.

IS IT NECESSARY TO PAY FOR RECEIVING INFORMATION?

Access to registers and public lists made available to the public and consultation of the information on the spot are free of charge. There may be some costs to cover the fare for copying and these are paid by the applicant.