



INFORMATION

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

This Information is provided by the Government of Romania, respectively by the Ministry of Environment, Waters and Forests on Romania's further progress in implementing the recommendations set out in Decision V/9j.

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:

- 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;

The Governmental Decision no 878/2005 regarding the public access to environmental information states in article 4, point 1 and 2

- (1) "Environmental information shall be made available to the applicant, in compliance with the specified deadline, as soon as possible or no later than one month from the reception by the public authority."
- (2) "Should the requested information volume or complexity be so large that the one month deadline cannot be observed, the environmental information shall be made available to the applicant within two months from the application reception at the public authority. In such cases, the applicant shall be informed as soon as possible or at least before the one month deadline expiry, regarding the extension of the deadline for response and the extension reasons."
- 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;

According to GD no. 878/2005 (article 12) the grounds for refusal shall be interpreted in a restrictive manner, taking into account, for each case, satisfying public interest served by information disclosure.

For each case, public interest satisfied by disclosure is examined in comparison to the interest served by observing confidentiality.

- 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.

It has been assessed the practice of public authorities in Romania on the strategic documents draft. Ministry of Environment, Waters and Forests 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.

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, Environmental Report and Appropriate Assessment as appropriate.

Documents drawn up under the SEA procedure have been periodically completed with the results of working groups' conclusions. Final alternatives of the operational program and RM / EA, 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.

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.

Romania believes that the current legislation, as well as the regulatory and administrative framework, covers this recommendation satisfactorily.

B Provide adequate information and training to public authorities about the above duties.

The MEWF carried out, in 2015, a project for providing information and training to Romanian public authorities on access to environmental information ("Training staff of competent environmental authorities on environmental impact assessment and environmental assessment for the programming period 2014-2020"). Thereby, were conducted 15 training sessions for 400 participants from environmental authorities.

Please find attached to this statement the lists of participants and the agenda of the training sessions carried out in 2015 for all the 15 sessions.

This project will continue with the second stage during the period April to December 2016. Will be organized 13 training sessions for the staff of the environment authorities (MEWF, National Environmental Protection Agency; Local Environmental Protection Agencies), the staff of the managing authorities of structural funds and for the focal points on the Aarhus Convention (about 400 participants).

MINISTRY OF ENVIRONMENT,
WATERS AND FORESTS

The assistance provided by JASPERS within this project aims to improve the professional performance of the personnel from the environmental authorities regarding the implementation of Directive 2011/92/UE on the assessment of the effects of certain public and private projects on the environment, and its uniform application by all the Romanian environmental authorities. In this respect, within the project mentioned above, will be carried out, by JASPERS and MEWF, presentations on public access to environmental information.

All aspects contained in the Recommendations of the Committee in doc. ACCC 51 were examined with the participants.

Additional to the Romanian statement presented on 11 of March:

Related to the roundtable, the Romanian Ministry of Environment, Waters and Forests will organize a national roundtable, during this year, with representatives of other Romanian central authorities in order to present their views of the Committee concerning the grounds for refusing access to environmental information.

General Director
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