

## **Economic Commission for Europe**

### **Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters**

#### **Seventh session**

Geneva, 18–20 October 2021

### **Excerpt from the addendum to the report of the seventh session of the Meeting of the Parties (ECE/MP.PP/2021/2/Add.1)\***

### **Decision VII/8o concerning compliance by Romania with its obligations under the Convention\***

#### **Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its seventh session**

*The Meeting of the Parties,*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,<sup>1</sup>

*Mindful* of the conclusions and recommendations set out in its decision VI/8h with regard to compliance by Romania,<sup>2</sup>

*Taking note* of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision VI/8h concerning compliance by Romania with its obligations under the Convention,<sup>3</sup>

*Encouraged* by the willingness of Romania to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee that:

(a) The Party concerned has fully met the requirements of paragraph 2 (c) of decision VI/8h 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 its comments;

(b) While welcoming the progress made, the Party concerned has not yet fully met the requirements of paragraphs 2 (a) and (b), 3, 4 and 7 (a)–(d) of decision VI/8h;

2. *Reaffirms* its decision VI/8h and requests that the Party concerned:

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\* The full text of addendum to the report of the seventh session of the Meeting of the Parties (ECE/MP.PP/2021/2/Add.1) will, in due course, be available in English, French and Russian from [https://unece.org/environmental-policy/events/Aarhus\\_Convention\\_MoP7](https://unece.org/environmental-policy/events/Aarhus_Convention_MoP7).

\* This document was submitted late owing to additional time required for its finalization.

<sup>1</sup> ECE/MP.PP/2/Add.8.

<sup>2</sup> ECE/MP.PP/2017/2/Add.1.

<sup>3</sup> ECE/MP.PP/2021/55.

(a) Provide the Committee with evidence that it has, as a matter of urgency, taken the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that public officials:

(i) 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, state the reasons for the refusal;

(ii) Correctly implement the Convention with respect to:

a. Article 2 (3) – the definition of “environmental information”;

b. Article 4 (6) – the requirement to separate confidential from non-confidential information whenever possible and to make available the latter;

(iii) 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, specify how the public interest served by disclosure was taken into account;

(b) Provide the Committee with evidence that it has provided training to public authorities about the above duties;

(c) Review its legal framework in order to identify cases where decisions to permit activities within the scope of article 6 of the Convention are conducted without effective participation of the public (art. 6 (3) and (7)), and to take the necessary legislative and regulatory measures to ensure that such situations are adequately remedied;

(d) Review its legal framework and undertake the necessary legislative, regulatory and administrative measures to ensure that the court procedures for access to environmental information are timely and provide adequate and effective remedies;

(e) Provide adequate practical arrangements or measures to ensure that the activities listed in subparagraphs (a)–(d) above are carried out with broad participation of the public authorities and the public concerned;

3. *Requests* the Party concerned to:

(a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the above recommendations;

(b) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the above recommendations;

(c) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the above recommendations;

(d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;

4. *Undertakes* to review the situation at its eighth session.

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