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**Sent:** Friday, December 9, 2022 5:10 PM

**To:** [dorina.mocanu](mailto:dorina.mocanu@romania.un.org); Anca Apreutesei; 'Sorina Bara'

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**Subject:** RE: Decision VII/8o (Romania) - invitation to open session at Committee's 77th meeting (13-16 December 2022)

**Importance:** High

Dear Ms. Mocanu, Ms. Apreutesei and Ms. Bara,

Thank you very much for confirming that Romania will participate in the open session to discuss its plan of action on decision VII/8o to be held next Wednesday, 14 December, at the Compliance Committee's seventy-seventh meeting.

In my email of 3 December, I had indicated that the Committee would in advance of the meeting provide a brief summary outlining some concerns regarding the plan of action to assist the Party concerned to prepare for the open session. Please see the Committee's brief summary below:

Regarding paragraph 2 (a) (i) and (ii) of decision VII/8o, the plan of action does not explain what "new actions" the Party concerned proposes to take to further disseminate the "Guide to public authorities for public access to environmental information". In addition, while the proposal to carry out a targeted survey/questionnaire to better understand the challenges faced by public authorities dealing with access to environmental information requests would appear to be appropriate, there is no timeframe in the plan of action as to when the questionnaire will be prepared and carried out. The Committee points out that, in order for the Party concerned to have enough time to take measures to address the outcomes of the questionnaire, it will be important that the questionnaire is carried out as soon as possible.

With respect to paragraph 2 (a) (iii) of decision VII/8o, subject to the actual text of the amendments, the proposal to amend Government Decision no. 878/2005 and Order no. 1182 of 18 December 2002 to require a public authority, when refusing an environmental information request, to expressly specify the way in which it has taken into account the public interest would appear to be appropriate. However, the plan of action does not specify a date for commencing the preparation of the legislative amendments or a timeline for the various steps leading up to the amendments' adoption, which is forecast to occur in September 2024.

Regarding paragraph 2 (b) of decision VII/8o, the plan of action does not mention any proposed trainings for public authorities handling access to environmental requests. In this regard, the Committee refers the Party concerned to page 4 of the Committee's Information Note, [https://unece.org/sites/default/files/2022-02/Information\\_note\\_for\\_Parties\\_on\\_preparing\\_their\\_plan\\_of\\_action.pdf](https://unece.org/sites/default/files/2022-02/Information_note_for_Parties_on_preparing_their_plan_of_action.pdf), which sets out a list of information to be provided in the plan of action regarding any proposed trainings. This includes, among other things, the "target number", "geographical distribution of trainees (e.g., nationwide or a specific region)" and "subjects the training will cover, and how attendance at the training be promoted or encouraged."

Regarding 2 (c) of decision VII/8o, the plan of action refers to a review, initiated by the Ministry of Environment, Water and Forests, to identify cases where permitting decisions within the scope of article 6 are conducted without effective public participation. However, the plan of action does not indicate a timeframe for completing the review or for undertaking any legislative or regulatory measures to ensure that the cases identified in the review are adequately remedied.

Regarding 2 (d) of decision VII/8o, the plan of action does not identify any specific measures that the Party concerned proposes to take to ensure that the court procedures for access to environmental information are timely and provide adequate and effective remedies, nor does it indicate a timeline for the various steps required to implement the measures proposed.

Regarding 2 (e) of decision VII/8o, the proposed actions described in the plan of action appear to relate more to awareness-raising than actions that will ensure that the activities listed in paragraphs 2 (a)-(d) of the plan are carried out with broad participation of the public authorities and the public concerned.

We hope the above summary may be of assistance. Please do not hesitate to let me know if you have any questions. The link to join the open session will be sent to all registered participants during the weekend, following the expiry of the deadline for registration later tonight.

We look forward to Romania's participation in the open session on 14 December.

With my kind regards,  
Fiona



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