

Plan of action for decision VII/8o (Romania)

Through paragraph 3 (a) of decision VII/8o concerning the compliance of Romania, the Meeting of the Parties to the Aarhus Convention has requested the Party concerned to submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the recommendations contained in that decision.

The text of decision VII/8o is available at: <https://unece.org/env/pp/cc/decision-vii8o-concerning-romania>

In preparing its plan of action, the Party concerned was invited by the Compliance Committee to take into account the Committee's information note for Parties on preparing their plan of action. The Committee's information note, which contains step-by-step guidance for Parties on how to complete their plan of action, is available at: <https://unece.org/env/pp/cc/implementation-decisions-meeting-parties-compliance-individual-parties>

A. Description of the process by which the plan of action has been prepared

The plan was prepared by the Ministry of Environment, Waters and Forests (MoEWF), with the consultation of the public and other competent authorities. The plan was based on the "Strategy for the implementation of the Decision VI/8h regarding the compliance of Romania with the requirements of the Aarhus Convention", which was subject to public consultation from July to October 2019. The draft plan was published on the MoEWF's website on 16.05.2022. No comments were received from the public during the 4 weeks consultation period, nor in the next period of time until the finalization of the plan. The inputs from other competent authorities were taken into account in the final version of the plan.

B. General character of the measures that will be needed to implement the recommendations in the MOP decision

Measures proposed to ensure the implementation of the recommendations in decision VII/8o are focused on assuring proper understanding, dissemination and implementation of existing legal provisions on public access to environmental information, public participation and access to justice and also on amending some legal provisions in order to respond to specific recommendations.

C. Detailed plan of action

Recommendation: Para. 2 (a) (i) of decision VII/8o

In paragraph 2 (a) (i) of decision VII/8o, the Meeting of the Parties requests that the Party concerned:

- (a) Provide the Committee with evidence that it has, as a matter of urgency, taken the necessary legislative, regulatory and

| | |
|---|--|
| | <p>administrative measures and practical arrangements to ensure that public officials:</p> <p>(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;</p> |
| Proposed measures to fulfil recommendation | <p>New actions to further disseminate the “Guide to public authorities for public access to environmental information”</p> <p>Targeted survey/questionnaire applied to public authorities with the aim to better understand the challenges faced by the authorities when a request from the members of the public to access environmental information is addressed to them.</p> |
| Outline of the steps necessary to implement the proposed measures | <p>New actions to further inform the public authorities about the guidelines dedicated to public access to environmental information</p> <p>Preparation of the questionnaire by MoEFW, dissemination, and answers review. Interpretation of the results with the aim to better address the challenges faced by public authorities.</p> |
| Actors involved | <p>MoEFW</p> <p>Other public authorities that hold environmental information</p> |
| Final date by when implementation of recommendation will be completed | <p>September 2024</p> |
| Recommendation: Para. 2 (a) (ii) a. of decision VII/80 | <p>In paragraph 2 (a) (ii) a. of decision VII/80, the Meeting of the Parties requests that the Party concerned:</p> <p>(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:</p> <p>(ii) Correctly implement the Convention with respect to:</p> <p>a. Article 2 (3) – the definition of “environmental information”;</p> |
| Proposed measures to fulfil recommendation | <p>New actions to further disseminate the “Guide to public authorities for public access to environmental information”</p> <p>Targeted survey/questionnaire applied to public authorities with the aim to better understand the challenges faced by the authorities when determining whether the held information is environmental information.</p> |

| | |
|---|---|
| | <p>New actions to further inform the public authorities about the guidelines dedicated to public access to environmental information</p> <p>Preparation of the questionnaire by MoEFW, dissemination, and answers review. Interpretation of the results with the aim to better address the challenges faced by public authorities.</p> |
| <p>Outline of the steps necessary to implement the proposed measures</p> | |
| <p>Actors involved</p> | <p>MoEFW Other public authorities that hold environmental information</p> |
| <p>Final date by when implementation of recommendation will be completed</p> | <p>September 2024</p> |
| <p>Recommendation: Para. 2 (a) (ii) b. of decision VII/80</p> | <p>In paragraph 2 (a) (ii) b. of decision VII/80, the Meeting of the Parties requests that the Party concerned:</p> <p>(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:</p> <p>(ii) Correctly implement the Convention with respect to:</p> <p>b. Article 4 (6) – the requirement to separate confidential from nonconfidential information whenever possible and to make available the latter;</p> |
| <p>Proposed measures to fulfil recommendation</p> | <p>New actions to further disseminate the “Guide to public authorities for public access to environmental information”</p> <p>Targeted survey/questionnaire applied to public authorities with the aim to better understand the challenges faced by the authorities when dealing with confidential environmental information.</p> |
| <p>Outline of the steps necessary to implement the proposed measures</p> | <p>New actions to further inform the public authorities about the guidelines dedicated to public access to environmental information</p> <p>Preparation of the questionnaire by MoEFW, dissemination, and answers review. Interpretation of the results with the aim to better address the challenges faced by public authorities.</p> |

| | |
|---|--|
| Actors involved | MoEWF Other public authorities that hold environmental information |
| Final date by when implementation of recommendation will be completed | September 2024 |
| Recommendation: Para. 2 (a) (iii) of decision VII/80 | In paragraph 2 (a) (iii) of decision VII/80, the Meeting of the Parties requests that the Party concerned: (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: (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; |
| Proposed measures to fulfill recommendation | Article 15, para. (3) of Government Decision no. 878/2005 on public access to environmental information stipulates that " <i>The rejection of the request for environmental information shall contain the reasons for the refusal, as well as the information regarding the review procedure provided in art. 16- 19</i> ". The provision is incomplete, in relation to the provisions of Decision VII/80, para. 2 (a) (iii). Thus, according to para. 2 (a) (iii) of the Decision, it will be necessary to amend art. 15, para. (3) of the GD no. 878/2005, so that in case of refusal, the public authority will expressly specify the way in which the authority took into account the public interest. Amendment of Order no. 1182 of 18 December 2002, for the approval of the Methodology for management and provision of environmental information, held by public authorities for the environmental protection. |
| Outline of the steps necessary to implement the proposed measures | Start of the amendment process by MoEWF. Internal and external review of the amendments and public consultations. |
| Actors involved | MoEWF, other national authorities The public |
| Final date by when implementation of recommendation will be completed | September 2024 |

| | |
|--|---|
| <p>Recommendation: Para. 2 (b) of decision VII/80</p> | <p>In paragraph 2 (b) of decision VII/80, the Meeting of the Parties requests that the Party concerned:</p> <p>(b) Provide the Committee with evidence that it has provided training to public authorities about the above duties;</p> |
| <p>Proposed measures to fulfil recommendation</p> | <p>Dissemination of information regarding legislative changes</p> |
| <p>Outline of the steps necessary to implement the proposed measures</p> | <p>Dissemination of information to public authorities</p> |
| <p>Actors involved</p> | <p>MoEFW</p> |
| <p>Final date by when implementation of recommendation will be completed</p> | <p>September 2024</p> |
| <p>Recommendation: Para. 2 (c) of decision VII/80</p> | <p>In paragraph 2 (c) of decision VII/80, the Meeting of the Parties requests that the Party concerned:</p> <p>(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;</p> |
| <p>Proposed measures to fulfil recommendation</p> | <p>Review initiated by MoEFW and developed in cooperation with other public authorities that issue decisions to permit activities within the scope of article 6 of the Convention, in order to identify cases where such decisions are conducted without effective participation of the public. Open dialogue between environmental authorities and other authorities in order to find solutions to remedy such cases.</p> |
| <p>Outline of the steps necessary to implement the proposed measures</p> | <p>Review initiated by MoEFW and developed in cooperation with other public authorities. Review of the results with the aim to identify cases that need to be properly addressed and to find solutions.</p> |

| | |
|---|--|
| Actors involved | national public authorities |
| Final date by when implementation of recommendation will be completed | September 2024 |
| Recommendation: Para. 2 (d) of decision VII/80 | In paragraph 2 (d) of decision VII/80, the Meeting of the Parties requests that the Party concerned: (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; |
| Proposed measures to fulfil recommendation | Identification of solution to ensure that the court procedures for access to environmental information are timely and provide adequate and effective remedies |
| Outline of the steps necessary to implement the proposed measures | Open dialogue between the representatives of justice authorities and environmental authorities in order to find solutions to address the recommendation |
| Actors involved | MoEWF and Ministry of Justice |
| Final date by when implementation of recommendation will be completed | September 2024 |
| Recommendation: Para. 2 (e) of decision VII/80 | In paragraph 2 (e) of decision VII/80, the Meeting of the Parties requests that the Party concerned: (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; |
| Proposed measures to fulfil recommendation | Dissemination of information about actions taken in the context of this plan of action on the MoEWF's website. Targeted dissemination of information to authorities concerned by a specific action. |

| | |
|---|--|
| Outline of the steps necessary to implement the proposed measures | |
| Actors involved | MoEWF |
| Final date by when implementation of recommendation will be completed | At the time of each action taken in the context of this plan of action |