

ROMANIA

MINISTRY OF ENVIRONMENT

Second Progress Report of Romania on the Implementation of Decision VI/8h

Submitted to the ACCC until October 1st, 2019

General remarks

This report presents the activities undertaken by the Ministry of Environment since the submission of the first progress report, on 1 October 2018, and until 1 October 2019, which marks the deadline set in paragraph 8 (a) of Decision VI/8h. In its efforts to reach compliance with the provisions of the Aarhus Convention, the Ministry of Environment relied on the Advice received from the Compliance Committee on 12 July 2018, following Romania's request.

The second progress report addresses 3 important steps which were undertaken within the above-mentioned 1-year period:

- Step 1: Informative documents for the public authorities and the general public, in order to raise awareness about their rights and obligations under the Aarhus Convention (paragraph 2 (a) of Decision VI/8h)
- Step 2: Organization of training sessions for magistrates, with experience in the field of administrative contentious, in collaboration with the National Institute of Magistracy (paragraph 3 of Decision VI/8h)
- Step 3: The Draft Strategy for the implementation of the Decision VI/8h, regarding the compliance of Romania with the requirements of the Aarhus Convention (paragraph 8 (a) of Decision VI/8h)

1. Informative documents for the public authorities and the general public, in order to raise awareness about their rights and obligations under the Aarhus Convention (paragraph 2 (a) of Decision VI/8h)

As provided by the Compliance Committee in its advice related to Decision VI/8h, an informative brochure for the general public, as well as a guide addressed to public authorities were developed with the aim of raising awareness regarding rights and obligations in matters related to the pillar on access to environmental information of the Aarhus Convention.

The *Guide to public authorities for public access to environmental information* aims to ensure that public institutions and authorities are properly informed of the rights and obligations established by the Aarhus Convention, focusing on providing guidance to civil servants involved in the process of addressing requests for environmental information, in accordance with the provisions of art. 4 of the Aarhus Convention. The Guide is elaborated in the format of a FAQ brochure, intended to facilitate access to the basic concepts of the Aarhus Convention, providing, at the same time, guidance and steps to be followed by civil servants responsible in this regard. It aims to provide relevant examples in order to help public authorities with a correct interpretation of the provisions of the Aarhus Convention regarding access to justice, as well as to instruct officials on how to comply with such provisions, focusing mainly on the exceptions from providing the information requested from the public and the way public authorities shall interpret them. A distinction had been made regarding the notions of general

information of public interest, environmental information, as well as how to deal with requests for classified or confidential information.

The Guide contains jurisprudential examples at all levels, such as cases of national courts of justice, as well as jurisprudence of the Court of Justice of the European Union and The European Court of Human Rights, with the aim to analyse and to provide a relevant interpretation of the Aarhus Convention and of other provisions related to access to environmental information at European Union level or at national level. It aims to tackle not only the procedure of addressing environmental requests of the public by authorities, but also the right to access to justice of any member of the public who requested environmental information and who considers that his or her request has been wrongfully refused, whether in part or in full, ignored or inadequately answered by a public authority. In this regard, we analysed provisions from national legislation, as well as cases of the European Court of Justice, indicating the procedure to be followed, as well as the applicable legal framework and the court of justice which is competent in such cases.

An informative brochure for the general public regarding public access to environmental information was developed, as well, in the form of a FAQ flyer. The flyer is intended to inform the members of the public about their rights in accessing environmental information held by public authorities, as well as about the basic procedures in obtaining such information, explaining, at the same time, the meaning of the notion “environmental information”.

The brochure is written in a colloquial language in order to facilitate a better understanding of the provisions of the Aarhus Convention by the members of the public regarding both access to environmental information, as well as access to justice in matters related to access to environmental information.

The Guide to public authorities for public access to environmental information, as well as The informative brochure for the general public regarding public access to environmental information are made available on the Ministry of Environment website - <http://www.mmediu.ro/categorie/accesul-la-informatia-de-mediu/242> , and at the headquarters of the Ministry of Environment, on paper.

We attach to the present report the above mentioned documents translated in English, hard copies.

2. Organization of training sessions for magistrates, with experience in the field of administrative contentious, in collaboration with the National Institute of Magistracy (paragraph 3 of Decision VI/8h)

As recommended by Decision VI/8h in paragraph 3, Romania must provide adequate information and training to its public authorities about their duties, in accordance with the provisions of the Aarhus Convention.

In this regard, the Ministry of Environment reached the National Institute of Magistracy (NIM) in order to raise awareness about the importance of environmental law, and specifically the provisions of the Aarhus Convention within the Romanian judicial system, and to organize training sessions for magistrates with experience in the field of administrative contentious about how the Aarhus Convention should be interpreted and applied into practice, in order to prevent or to address any breach of the Convention.

In the same time, the Ministry of Environment also contacted the board of the Ecological University of Bucharest, respectively Mr. Univ. Prof. Dr. Mircea Duțu, President of the university, in order to assist the organization of the training sessions for public institutions.

In a very recent meeting with Prof. Dutu (September 17th, 2019), a proposal for the curricula, as foreseen below was discussed and Prof. Dutu promised to analyse and improve/modify it, based on the available documentation.

The Ministry of Environment drafted a curriculum proposal, which was attached to the letter to the National Institute of Magistracy, highlighting the main issues that had arisen in the two compliance cases against Romania, specifically ACCC/C/2010/51 and ACCC/C/2012/69, as follows:

1. Environmental information, in the general context of information of public interest and classified information, in accordance with Law 182/2002

- Definition of the environmental information;
- Assessing the fulfilling of the public interest in the provision of the environmental information against the confidentiality provided by legal provisions;
- Separation of confidential information from non-confidential information and the provision of the latter.

2. Addressing the requests to provide environmental information, which are refused by authorities

- Total refusal;
- Information provided in part;
- Refused on confidential terms;
- Preliminary administrative procedure;
- Actions in court as a result of refusal.

3. Access to justice under art. 9 of the Aarhus Convention

- Prioritized and swift settlement of environmental cases in national courts;
- Settlement procedure - Law no. 544/2004 of administrative litigation;
- Recent statistics on environmental cases settled in national courts.

Furthermore, on 31 July 2019 a meeting took place between representatives of the Ministry of Environment and the National Institute of Magistracy, at the institute's premises, on Regina Elisabeta nr. 53 boulevard, in Bucharest.

The participants of the meeting were, as follows:

- Mr. Iulian Octavian Stana – State Secretary, Ministry of Environment
- Ms. Dorina Mocanu – General Director, Ministry of Environment
- Ms. Daniela Pineta – Head of EIA Office, Ministry of Environment
- Ms. Cristina Rotaru-Radu – Director, National Institute of Magistracy
- Ms. Irina Cambrea – Deputy Director responsible with initial training, National Institute of Magistracy
- Mr. Viorel Badea, Deputy Director responsible with continuous training, National Institute of Magistracy

During this meeting, the Ministry of Environment informed the National Institute of Magistracy about the necessity of organizing trainings for magistrates, in order to ensure a unitary understanding and implementation of the provisions of the Aarhus Convention, regarding the third pillar – Access to Justice in environmental matters. Thus, it has been shown that the implementation of the Aarhus Convention regarding access to justice in environmental matters and providing effective and timely remedies have been considered to be deficient by the bodies of the Convention and respectively, in a broader context, ensuring the access to environmental information by Romania has been considered to be in non-compliance in relation to the provisions of certain paragraphs of the Aarhus Convention.

In this context, Decision VI/8h was adopted at the 6th Meeting of Parties to the Aarhus Convention in Budva, 2017, and the Compliance Committee has advised Romania to organize training sessions for the public authorities that apply the provisions of the Aarhus Convention.

The Ministry of Environment raised the following issues during the meeting:

- If the National Institute of Magistracy could organize training sessions for magistrate trainees or magistrates with experience in the field of administrative contentious.
- How will the training sessions be funded and what is the support requested from the Ministry of Environment in organizing them.
- If the training sessions are envisaged to be financed by future projects under European or Norwegian funds (or any other financial source).

In order for the National Institute of Magistracy (NIM) take a decision about the training sessions, they requested the Ministry of Environment the following:

- To provide all the documentation which led to Decision VI/8h, submitted by the Compliance Committee and adopted by the Meeting of the Parties to the Aarhus Convention in Budva, Montenegro, in 2017.
- A formal request addressed to NIM by an official letter regarding the training courses organized by the National Institute of Magistracy on access to justice and public information.

The National Institute of Magistracy will study the documentation provided by the Ministry of Environment and will determine the topics of future training sessions in order to raise the interest of magistrates.

Currently the National Institute of Magistracy is responsible with training courses for magistrates financed by the Operational Program for Administrative Capacity, and ways and means will be explored in order to include new training sessions.

During this meeting, the Ministry of Environment also provided a copy of the draft “Strategy for the implementation of the Decision VI/8h regarding the compliance of Romania with the requirements of the Aarhus Convention” to the National Institute of Magistracy which comprises the curriculum proposal for the training sessions with the magistrates.

The Ministry of Environment stayed in contact with the National Institute of Magistracy and requested further information about the organization of training courses regarding the access to public information, and more specifically, environmental information, through an official address, as requested.

In response, the National Institute of Magistracy forwarded to the Ministry of Environment a letter about the training courses/workshops and info about curricula of these sessions (**annex 4 –translation and Romanian** – this is the last information received, so the numbering of the annex reflects this situation).

More steps will be undertaken towards successfully accomplishing the training of magistrates in the field of environmental law, following the NIM's reply.

3. The Draft Strategy for the implementation of the Decision VI/8h, regarding the compliance of Romania with the requirements of the Aarhus Convention [in accordance with paragraph 8 (a) of Decision VI/8h]

In accordance with paragraph 8 (a) of Decision VI/8h, Romania “should submit a report to the Committee on a draft strategy to implement the recommendations in decision VI/8h”.

In this context, the Ministry of Environment drawn up the “Draft Strategy for the implementation of the Decision VI/8h, regarding the compliance of Romania with the requirements of the Aarhus Convention”, which is divided into 3 chapters and comprises the following aspects:

- I. Chapter I
 - a. Current context
 - b. Legislative framework
 - c. Purpose of the strategy
 - d. Summary of the findings of the Compliance Committee of the Aarhus Convention
 - e. Recommendations submitted by the Compliance Committee of the Aarhus Convention

In the first chapter, the Ministry of Environment highlights what is the current context of Romania, in view of the ratification of the Aarhus Convention, together with the existing legislative framework in Romania, which directly or indirectly implements the provisions of the Aarhus Convention. Furthermore, a special attention is given within the strategy to the compliance cases which led to the adoption of Decision VI/8h, specifically ACCC/C/2010/51 and ACCC/C/2012/69.

The recommendations received by Romania from the Compliance Committee through its advice on 12 July 2018 have been thoroughly presented and addressed within the strategy.

- II. Chapter II
 - a. Objectives and measures
 - b. Objective I: Normative dimension: determination of measures to modify the legislation in force
 - c. Objective II: Strategic dimension: understanding by the civil servants of central and local administration of the importance of complying with the provisions of the Aarhus Convention
 - d. Objective III: Organisational dimension: tool for the collecting and monitoring of requests received which refer to public access to information

This chapter presents the objectives and measures envisaged to address the irregularities identified by the Compliance Committee in the two previously-mentioned compliance cases against Romania, by following and using the advice received from the Committee.

III. Reporting

The final chapter of the strategy will follow-up on the state of the implementation of the measures and the efforts of Romania to reach compliance with the provisions of the Aarhus Convention.

Furthermore, given the overlap in several of the recommendations in paragraph 2 and 7 of the Decision VI/8h, the draft strategy addressed all the recommendations in the decision, not just those in paragraphs 7 (a), (b) and (c), in accordance with the advice received from the Compliance Committee.

Subsequently, on 29.03.2019, the draft strategy was submitted to all the public authorities whose activity interferes with the implementation of the Aarhus Convention, for an interinstitutional consultation. **(annex 1, fig. 1)**

The draft strategy was sent to the following public authorities:

- Ministry of Regional Development and Public Administration
- Ministry of Internal Affairs
- Ministry of Foreign Affairs
- Ministry of Public Finance
- Ministry of Justice
- Ministry of Waters and Forests
- Ministry of Economy
- Ministry of Energy
- Minister for the Business Environment, Commerce and Entrepreneurship
- Ministry of Health
- Ministry of Culture and National Identity
- Ministry of Communications and Information Society
- Ministry of Tourism
- Nuclear Agency for Radioactive Waste
- National Agency for Mineral Resources
- National Commission for Nuclear Activities Control
- National Institute of Magistracy
- Superior Council of Magistracy

Also, the draft strategy was sent to the Romanian Environmental Association 1998 and the Ecological University in Bucharest, in order to receive provisional feedback from environmental NGOs and academia as well about the structure and the provisions of the strategy. **(annex 1, fig. 2)**

Through this letter, the Ministry of Environment presented to the above-mentioned authorities, NGOs and academia about the importance of the implementation of the Aarhus Convention, the consequences of the Decision VI/8h and why their respective institution is considered an implementing partner within the Convention. The Ministry of Environment set the deadline of

17.04.2019 for the submission of the approval or comments/proposal, and all the replies were taken into account for the amendment of the draft strategy, even though some of them exceeded the deadline.

The authorities and the environmental NGO and the university which were notified granted their support in the implementation of the draft strategy, in order for Romania to reach compliance with the provisions of the Aarhus Convention.

Taking into account all of this information, Romania respected the recommendation of the Compliance Committee regarding paragraph 8 (a) of Decision VI/8h, which provides that the draft strategy should also be sent to:

- (i) the ministries and public authorities dealing with requests for access to environmental information,
- (ii) the ministries and public authorities responsible for developing strategic documents relating to the environment,
- (iii) the courts and other bodies involved with reviews of access to information requests, and
- (iv) the ministries and other public authorities that will be involved in implementing the recommendation in paragraph 7(b) of decision VI/8h.

On 24 July 2019, the Ministry of Environment also published the draft strategy on its website for the general public, in order to receive comments, observations and proposals, with the deadline of 24 October 2019, in order for the public to have a reasonable time-frame (3 months) to get acquainted with such a complex document and to submit their feedback. **(annex 2)**

When the 3 months period will end, the Ministry of Environment will take all of the comments into account and amend the draft strategy accordingly, so that the public interest will be fulfilled.

This approach aims to address the recommendation of the Compliance Committee on paragraph 8 (a) of Decision VI/8h about the draft strategy which should be published for public comment in accordance with the normal practice of the Party concerned for consultation on strategic documents.

Additionally, on 22 August 2019, the Ministry of Environment individually notified the communicants of communications ACCC/C/2010/51 and ACCC/C/2012/69 about the publication of the draft strategy on the ministry's website and of their opportunity to provide comments. **(annex 3)**

The "Draft Strategy for the implementation of the Decision VI/8h, regarding the compliance of Romania with the requirements of the Aarhus Convention" was translated into English by the EIA Office of the General Directorate for Environmental Assessment and Pollution Control from the Ministry of Environment and will be attached, along with this progress report, for the Compliance Committee to further examine and assess the efforts of Romania to respect all the recommendations.

Annex 1 – fig. 1

	MINISTERUL MEDIULUI	
CABINET VICEPRIM – MINISTRU, MINISTRUL MEDIULUI		
Nr. <u>1575</u> /G.L.G./ <u>29.03.2019</u>		
Către:		
Ministerul Dezvoltării Regionale și Administrației Publice Domnului Daniel SUCIU, viceprim-ministru, ministru		Ministerul pentru Mediul de Afaceri, Comerț și Antreprenariat Domnului Ștefan-Radu OPREA, ministru
Ministerul Afacerilor Interne Doamnei Carmen Daniela DAN, ministru		Ministerul Sănătății Doamnei Sorina PINTEA, ministru
Ministerul Afacerilor Externe Domnului Teodor-Viorel MELEȘCANU, ministru		Ministerul Culturii și Identității Naționale Domnului Valer-Daniel BREAZ, ministru
Ministerul Finanțelor Publice Domnului Eugen Orlando TEODOROVICI, ministru		Ministerul Comunicațiilor și Societății Informaționale Domnului Alexandru PETRESCU, ministru
Ministerul Justiției Domnului Tudorel TOADER, ministru		Ministerul Turismului Domnului Bogdan Gheorghe TRIF, ministru
Ministerul Apelor și Pădurilor Domnului Ioan DENEȘ, ministru		Agentia Nationala pentru Resurse Minerale Domnului Gigi DRAGOMIR, președinte
Ministerul Agriculturii și Dezvoltării Rurale Domnului Petre DAEA, ministru		Agentia Nucleară pentru Deșeurii Radioactive Domnului Horia GRAMA, președinte
Ministerul Economiei Domnului Nicolae BĂDĂLĂU, ministru		Comisia Națională pentru Controlul Activităților Nucleare Domnului Rodin TRAIU, președinte
Ministerul Energiei Domnului Anton ANTON, ministru		Institutul Național al Magistraturii Doamnei Cristina ROTARU-RADU, director
Ministerul Transporturilor Domnului Răzan CUC, ministru		Consiliul Superior al Magistraturii Doamnei Lia SAVONEA, președinte
Referitor la: Strategia pentru implementarea prevederilor Deciziei VI/8h privind conformarea României cu cerințele Convenției Aarhus		
Stimată doamnă/ Stimate domnule Ministru/Președinte/Director,		
Pe data de 10 mai 2000, România a ratificat, prin Legea Nr. 86/2000, Convenția privind accesul la informație, participarea publicului la luarea deciziei și accesul la justiție în probleme de mediu, ce a fost semnată la Aarhus, în anul 1998.		

Această Convenție conține obligații pe care Părțile la Convenție le au față de public, obligații care se aduc la îndeplinire de către autoritățile publice ale fiecărei țări care a ratificat/acceptat/aderat la Convenție.

Prin ratificarea acestei Convenții, României îi revine obligația de a asigura accesul oricărei persoane și ONG la informația de mediu, de a garanta dreptul de participare a publicului la luarea deciziilor, precum și accesul la justiție în probleme de mediu.

Comitetul de Conformare al Convenției Aarhus este organismul care verifică respectarea prevederilor acesteia de către țările care sunt Parte la Convenție. În perioada 2010-2014, acest comitet a verificat, ca urmare a unor plângeri primite din partea unor ONG-uri, modalitatea în care România a respectat prevederile Convenției cu privire la accesul publicului la informația de mediu, participarea acestuia la luarea deciziilor și accesul la justiție în probleme de mediu (art.4 alin(1), (2), (4), (6), (7); art.6 alin(3) și (7); art.7; art.9 alin(4) din Convenție).

În consecință, în anul 2014, Reuniunea Părților de la Maastricht a aprobat Decizia V/9j de neconformare a României la Convenția Aarhus.

În perioada care a urmat, prin eforturile depuse și documentele transmise de România care au fost evaluate de Comitetul de Conformare, nu s-a reușit aducerea la starea de conformare cu prevederile Convenției.

În anul 2017, la Budva, în cadrul celei de-a 6-a Reuniuni a Părților la Convenția Aarhus, s-a aprobat Decizia VI/8h privind neconformarea României la prevederile Convenției, decizie care o conține și pe precedentă.

Toate informațiile privind această situație pot fi accesate la link-ul:

<http://www.unece.org/environmental-policy/conventions/public-participation/aarhus-convention/tfwg/envppcc/envppccimplementation/sixth-meeting-of-the-parties-2017/romania-decision-vi8h.html>.

Ca urmare a deciziei emise în anul 2017, Ministerul Mediului și-a asumat responsabilitatea difuzării Deciziei VI/8h și a conștientizării autorităților publice cu privire la conținutul acesteia, precum și la obligațiile care revin României.

De aceea, Ministerul Mediului a organizat pe data de 10 mai 2018 o masă rotundă, ce a avut scopul de a atrage atenția asupra definiției informației de mediu, precum și asupra constatărilor Comitetului de Conformare raportate la Decizia VI/8h. Participanții la masa rotundă au fost reprezentanți ai autorităților administrației publice centrale, printre care se numără Ministerul Culturii, Ministerul Sănătății, Ministerul Economiei, Ministerul Apelor și Pădurilor, Agenția Națională de Resurse Minerale, Ministerul Energiei, Ministerul Transporturilor, Comisia Națională pentru Controlul Activităților Nucleare, Ministerul Dezvoltării Regionale și Administrației Publice, Agenția Nucleară pentru Deșeurii Radioactive.

La data de 1 octombrie 2018, România a transmis un prim raport de progres către Comitetul de Conformare al Convenției Aarhus, în urma căreia a fost absolvită doar de una dintre neconformitățile constatate în cadrul Deciziei VI/8h. Până în anul 2021, când va avea loc următoarea Reuniune a Părților, România este obligată să implementeze toate recomandările Comitetului de Conformare.

Având în vedere faptul că recomandările fac trimitere la obligațiile tuturor autorităților publice din România care dețin informație de mediu, elaborează și implementează proiecte, planuri și strategii care au legatură cu mediul și pot avea efecte semnificative asupra mediului, emit acte administrative/avize/autorizații/licențe care sunt legate în mod direct sau indirect

de protecția mediului, vă supunem spre atenție documentul anexat prezentei adrese, respectiv un proiect de strategie elaborat de Ministerul Mediului.

Strategia reprezintă un angajament asumat de România, respectiv de Ministerul Mediului în colaborare cu celelalte instituții din administrația publică care, în mod sigur dețin și gestionează și informații de mediu¹ și ale căror activități pot genera efecte semnificative asupra mediului.

Strategia propune măsuri care trebuie asumate de autoritățile publice, indiferent de atribuțiile principale ale acestora.

În acest context, vă solicităm colaborarea prin transmiterea acceptului instituției dumneavoastră sau orice alte contribuții, îmbunătățiri pe care le puteți propune referitor la proiectul „Strategia pentru implementarea prevederilor Deciziei VI/8h privind conformarea României cu cerințele Convenției Aarhus”.

Vă rugăm să transmiteți acceptul și/sau contribuțiile până la data de 17.04.2019, pe adresa de e-mail: alexandru.borops@mmediu.ro.

Cu deosebită considerație,

VICEPRIM - MINISTRU
MINISTRUL MEDIULUI
GRAȚIELA LEUCADIA GAVRILESCU



¹ Art. 2, alin. (3) al Legii Nr. 82/2000 prevede că „informație de mediu înseamnă orice informație scrisă, vizuală, audio, electronică sau sub orice formă materială, privind:

a) starea elementelor de mediu, cum ar fi aerul și atmosfera, apa, solul, pământul, peisajul și zonele naturale, diversitatea biologică și componentele sale, inclusiv organismele modificate genetic și interacțiunea dintre aceste elemente;

b) factori, cum ar fi: substanțele, energia, zgomotul și radiația și activitățile ori măsurile, inclusiv măsurile administrative, acordurile de mediu, politicile, legislația, planurile și programele care afectează sau pot afecta elementele de mediu amintite la subpunctul a), analizele cost - beneficiu sau alte analize și prognoze economice folosite în luarea deciziei de mediu;

c) starea sănătății și siguranței umane, condițiile de viață umană, zonele culturale și construcțiile și modul în care acestea sunt sau pot fi afectate de starea elementelor de mediu ori de factorii, activitățile sau măsurile cuprinse în subpunctul b).”

Translation from Romanian

The official address was sent to:

- Ministry of Regional Development and Public Administration

- Ministry of Internal Affairs
- Ministry of Foreign Affairs
- Ministry of Public Finance
- Ministry of Justice
- Ministry of Waters and Forests
- Ministry of Economy
- Ministry of Energy
- Minister for the Business Environment, Commerce and Entrepreneurship
- Ministry of Health
- Ministry of Culture and National Identity
- Ministry of Communications and Information Society
- Ministry of Tourism
- Nuclear Agency for Radioactive Waste
- National Agency for Mineral Resources
- National Commission for Nuclear Activities Control
- National Institute of Magistracy
- Superior Council of Magistracy

Referring to: The Draft Strategy for the implementation of the Decision VI/8h, regarding the compliance of Romania with the requirements of the Aarhus Convention

Dear Minister/President/Director,

On May 10, 2000, Romania ratified, by Law no. 86/2000, the Convention on access to information, public participation in decision-making and access to justice in environmental matters, signed at Aarhus, in 1998.

This Convention contains obligations that the Parties to the Convention have towards the public, obligations that are fulfilled by the public authorities of each country that has ratified / accepted/acceded to the Convention.

By ratifying this Convention, Romania has the obligation to ensure the access of any person and NGO to environmental information, to guarantee the right of public participation in decision-making, as well as access to justice in environmental matters.

The Compliance Committee of the Aarhus Convention is the Convention body that verifies compliance with its provisions by the countries that are Parties to the Convention. During 2010-2014, this Committee verified, as a result of complaints received from NGOs, how Romania complied with the provisions of the Convention on public access to environmental information, its participation in decision-making and access to justice in environmental matters (art.4 paragraph (1), (2), (4), (6), (7); article 6 paragraph (3) and (7); article 7; article 9 paragraph (4) of the Convention).

Accordingly, in 2014, the Meeting of the Parties from the Maastricht approved the Decision V / 9j of non-compliance of Romania with the Aarhus Convention.

In the period that followed, through the efforts made and the documents transmitted by Romania, which were evaluated by the Compliance Committee, it was not possible to bring the country into conformity with the provisions of the Convention.

In 2017, at the Budva, at the 6th Meeting of the Parties to the Aarhus Convention, Decision VI/8h was approved on the non-compliance of Romania with the provisions of the Convention, a decision which also contains the precedent decision.

All the information on this situation can be accessed at the link:

<http://www.unece.org/environmental-policy/conventions/public-participation/aarhus-convention/tfwg/envppcc/envppccimplementation/sixth-meeting-of-the-parties-2017/romania-decision-vi8h.html>.

As a result of the decision issued in 2017, the Ministry of the Environment has assumed the responsibility of disseminating the Decision VI/8h and raising awareness of the public authorities regarding its content, as well as the obligations of Romania.

Therefore, the Ministry of the Environment organized a roundtable on May 10, 2018, which aimed to draw attention to the definition of environmental information, as well as to the findings of the Compliance Committee reported in Decision VI/8h. The participants at the round table were representatives of the central public administration authorities, including the Ministry of Culture, the Ministry of Health, the Ministry of Economy, the Ministry of Water and Forestry, the National Agency for Mineral Resources, the Ministry of Energy, the Ministry of Transport, the National Commission for the Control of Nuclear Activities, Ministry of Regional Development and Public Administration, Nuclear Agency for Radioactive Waste.

On October 1, 2018, Romania submitted a first progress report to the Compliance Committee of the Aarhus Convention, after which it was acquitted only of one of the non-conformities found in Decision VI 8h. Until 2021, when the next Meeting of the Parties will take place, Romania is obliged to implement all the recommendations of the Compliance Committee.

Given the fact that the recommendations refer to the obligations of all public authorities in Romania that hold environmental information, that develops and implements projects, plans and strategies that are related to the environment and can have significant effects on the environment, that issue administrative documents/notices/authorizations/licenses that are directly or indirectly related to environmental protection, please note the document attached to the present address, respectively a draft strategy developed by the Ministry of the Environment.

The strategy represents a commitment undertaken by Romania, respectively by the Ministry of the Environment in collaboration with the other institutions of the public administration, which surely hold and manage environmental information and whose activities can generate significant effects on the environment.

The strategy proposes measures meant to be taken by the public authorities, regardless of their main attributions.

In this context, we ask for your collaboration by transmitting your institution's acceptance or any other contributions, improvements that you can propose regarding the "Draft Strategy for implementing the provisions of Decision VI/8h regarding Romania's compliance with the requirements of the Aarhus Convention".

Please send your acceptance and/or contributions by 17.04.2019, to the e-mail address: alexandru.boros@mmediu.ro.

Annex 1 – fig. 2



Către: Universitatea Ecologică din București
În atenția: Domnului prof. univ. dr. Mircea DUȚU, președinte

Către: Asociația Română de Mediu 1998
În atenția: Domnului Ioan GHERHEȘ, președinte executiv

Referitor la: Strategia pentru implementarea prevederilor Deciziei VI/8h privind conformarea României cu cerințele Convenției Aarhus

Stimate domnule Președinte,

Pe data de 10 mai 2000, România a ratificat, prin Legea Nr. 86/2000, Convenția privind accesul la informație, participarea publicului la luarea deciziei și accesul la justiție în probleme de mediu, ce a fost semnată la Aarhus, în anul 1998.

Această Convenție conține obligații pe care Părțile la Convenție le au față de public, obligații care se aduc la îndeplinire de către autoritățile publice ale fiecărei țări care a ratificat/acceptat/aderat la Convenție.

Prin ratificarea acestei Convenții, României îi revine obligația de a asigura accesul oricărei persoane și ONG la informația de mediu, de a garanta dreptul de participare a publicului la luarea deciziilor, precum și accesul la justiție în probleme de mediu.

Comitetul de Conformare al Convenției Aarhus este organismul care verifică respectarea prevederilor acesteia de către țările care sunt Parte la Convenție. În perioada 2010-2014, acest comitet a verificat, ca urmare a unor plângeri primite din partea unor ONG-uri, modalitatea în care România a respectat prevederile Convenției cu privire la accesul publicului la informația de mediu, participarea acestuia la luarea deciziilor și accesul la justiție în probleme de mediu (art.4 alin(1),(2), (4), (6), (7); art.6 alin(3) și (7); art.7; art.9 alin(4) din Convenție).

În consecință, în anul 2014, Reuniunea Părților de la Maastricht a aprobat Decizia V/9j de neconformare a României la Convenția Aarhus.

În perioada care a urmat, prin eforturile depuse și documentele transmise de România care au fost evaluate de Comitetul de Conformare, nu s-a reușit aducerea la starea de conformare cu prevederile Convenției.

În anul 2017, la Budva, în cadrul celei de-a 6-a Reuniuni a Părților la Convenția Aarhus, s-a aprobat Decizia VI/8h privind neconformarea României la prevederile Convenției, decizie care o conține și pe precedentă.

This address comprises the same text as the previous one, whilst this one was sent to the Romanian Environmental Association 1998 and the Ecological University in Bucharest.

Annex 2

Acasa Minister Comunicare Domenii Programe de finantare Transparenta Informatii de interes public Contact



MINISTERUL MEDIULUI



Bine ati venit pe site-ul
MINISTERULUI MEDIULUI

Cautare...

Minister

Comunicare

Domenii

Instrumente ale
Performanței de Mediu

Atmosfera / Poluare

Informații spațiale

Evaluare impact

Gestionarea Deșeurilor

Acasa / Accesul la informația de mediu / Strategia pentru implementarea Deciziei VI/8h privind con...

Strategia pentru implementarea Deciziei VI/8h privind conformarea Romaniei cu cerintele Conventiei Aarhus

Data publicarii : 24 Jul 2019



Prezenta strategie reprezintă un document publicat pe site-ul Ministerului Mediului pentru care se primesc comentarii și propuneri din partea publicului în termen de 3 luni de la data afișării.

Descarcă documentul

(<http://www.mmediu.ro/articol/strategia-pentru-implementarea-deciziei-vi-8h-privind-conformarea-romaniei-cu-cerintele-conventiei-aarhus/3043> – the article from the website of the Ministry of Environment, which announces the publication of the draft strategy)

Which translates to:

The present strategy represents a document published on the website of the Ministry of Environment for which comments and proposals are received from the public within 3 months from the date of posting.



MINISTERUL MEDIULUI

**Strategia pentru implementarea prevederilor
Deciziei VI/8h privind conformarea României cu
cerințele Convenției Aarhus**

(<http://www.mmediu.ro/app/webroot/uploads/files/Strategie%20Decizia%20VI-8h%20final.pdf> – the electronic version of the draft strategy, on the website of the Ministry of Environment)

Annex 3



joi 22.08.2019 12:37

Alexandru.Boros

Consultare publică referitoare la Strategia pentru implementarea Deciziei VI/8h

To: info.romania@greenpeace.org; office@cij.ro

Cc: Daniela Pineta; Diana Andrei

Stimată Doamnă/Stimate Domnule,

Vă transmitem acest e-mail pentru a vă comunica faptul că, pe data de 24 iulie 2019, Ministerul Mediului a publicat pe website-ul său, spre consultare publică, „Strategia pentru implementarea Deciziei VI/8h privind conformarea României cu cerințele Convenției Aarhus”. Prin această strategie, Ministerul Mediului propune măsuri pentru a implementa recomandările transmise de către Comitetul de Conformare al Convenției Aarhus, ca urmare a celor două cazuri de neconformare, ACCC/C/2010/51 (referitor la Strategia Energetică 2007-2020, aprobată prin HG nr.1069/2007) și ACCC/C/2012/69 (referitor la autorizarea proiectului Roșia Montană).

Menționăm faptul că se pot transmite comentarii și propuneri referitoare la acest document în termen de 3 luni de la data afișării, până pe 24 octombrie 2019, la adresa de e-mail: daniela.pineta@mmediu.ro.

De asemenea, strategia poate fi consultată pe website-ul Ministerului Mediului, la următorul link:

<http://www.mmediu.ro/articol/strategia-pentru-implementarea-deciziei-vi-8h-privind-conformarea-romaniei-cu-cerintele-conventiei-aarhus/3043>.

Cu stimă,

Alexandru Iulian BOROȘ

Counsellor for European Affairs, General Directorate for Impact Assessment and Pollution Control



Ministry of Environment

Libertății Blvd. nr. 12, Sector 5, Bucharest 040129

Telephone number: +40786 534 302

(the notification of the communicants from the two compliance cases against Romania, via e-mail)

Which translates to:

Dear Sir/Madam,

We send you this e-mail to inform you that, on July 24, 2019, the Ministry of the Environment has published on its website, for public consultation, "The Strategy for the implementation of Decision VI/8h regarding Romania's compliance with the requirements of the Aarhus Convention". Through this strategy, the Ministry of Environment proposes measures to implement the recommendations transmitted by the Compliance Committee of the Aarhus Convention, following the two cases of non-compliance, ACCC/C/2010/51 (regarding the Energy Strategy 2007-2020, approved by the GD no. 1069/2007) and ACCC/C/2012/69 (regarding the authorization of the Roșia Montană project).

We mention that comments and proposals regarding this document can be sent within 3 months from the date of posting, until October 24, 2019, to the e-mail address: daniela.pineta@mmediu.ro.

The strategy can also be consulted on the website of the Ministry of the Environment, at the following link:

<http://www.mmediu.ro/articol/strategia-for-implementarea-decisiune-vi-8h-privind-conformarea-romaniei-cu-cerintele-conventiei-aarhus/3043>.

Annex 4 - Translation of the letter No.159/20.09.2019 issued by NIM

Dear Secretary of State,

Following your address no.22330 / 2019 registered at NIM with no.1591 / 2019 by which you request information regarding the training activities organized at NIM level on the issue of access to justice in litigation having as object requests of access to public information, in particular the access to environmental information, we bring to your attention the NIM's activities regarding the implementation of the Aarhus Convention.

During 2012-2016, the following activities were organized, in collaboration with the European Association of Administrative Judges:

- the seminar "*Interim Relief in Environmental Matters*" - included in the EJTN catalog, held on 3-4 May 2012 in Bucharest (Romania), attended by 5 European magistrates, 11 judges and 3 prosecutors;
- the seminar on "*Remedies against failure to act of an administrative authority - Reopening of administrative - Alternative dispute resolutions in the administrative lawsuit - with focus on environmental matters*" - included in the EJTN catalog, held on May 26-27, 2014 in Bucharest, attended by 4 European magistrates and 13 judges;
- the seminar on "*Access to information and access to justice in environmental matters*" - included in the EJTN catalog, held on May 7-8, 2015 in Bucharest, attended by 8 European magistrates and 14 judges;
- the seminar on "*Introduction to EU environmental law*" - included in the EJTN catalog, held on April 14-15, 2016 in Bucharest, attended by 13 judges, 1 assistant magistrate from ICCJ (High Court of Cassation and Justice), 2 persons from the Superior Council of Magistracy assimilated to judges and prosecutors and 1 person from the Ministry of Justice assimilated to judges and prosecutors.

Between October 15 and 16, 2015, the *VIII Conference of EuRoQuod, the national network of coordinating judges in the field of European Union law*, was held at Alba Iulia Court of Appeal, and was attended by 18 judges, members of the EuRoQuod network. One of the presentations at the conference had the theme "Environmental protection in the MS from the perspective of the recent case law of the EUCJ".

Recently, NIM selected 2 national judges to participate in the seminar "Workshop for judges on the EU Aarhus Acquis - Focus on access to justice in environmental matters" organized by the European Law Academy (ERA), in Warsaw, during the 5- June 7, 2019.

The agendas of the above events are attached to this letter.

In order to establish a dialogue regarding the implementation of the provisions of Decision VI / 8h regarding the compliance of Romania with the provisions of the Aarhus Convention in the future training programs for judges and prosecutors, we propose to establish contact persons from the two institutions. In this regard, we nominate as a contact person on behalf of NIM, judge Cristian Daniel Oana, NIM trainer in the field of administrative law, tel .., e-mail