

**Format for the Aarhus Convention implementation
report in accordance with Decision IV/4
(ECE/MP.PP/2011/2/Add.1)**

**The following report is submitted on behalf of ROMANIA in
accordance with decisions I/8, II/10 and IV/4.**

Name of officer responsible for submitting the national report:	Dorina Mocanu General Director General Directorate for Impact Assessment, Pollution Control and Climate Change
Signature:	
Date:	

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Implementation report

Please provide the following details on the origin of this report

Party: Romania

National Focal Point:

Full name of the institution:

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ROMANIA

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I. Process by which the report has been prepared

Provide a brief summary of the process by which this report has been prepared, including information on the type of public authorities that were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account, as well as on the material that was used as a basis for preparing the report.

The implementation report was completed by the Ministry of Environment, Waters and Forests

The elaboration and consultation process undertaken for the NIR is provided below:

~~July-September 2024~~ – first draft ready

~~September-November 2024~~ consultation on the first draft with the public and the public authorities.

~~December 2024 - January 2025~~ – final report preparation based on the above-mentioned consultation.

~~31 January 2025~~ – submission of the NIR for ~~2021-2024~~.

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II. Particular circumstances relevant for understanding the report

Report any particular circumstances that are relevant for understanding the report, e.g., whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

Romania is a unitary state. The public administration of the administrative - territorial units is based on decentralised local autonomy. Romania signed the Aarhus Convention on 25 June 1998 and ratified it under Law No.86/2000, enacted on 11 July 2000.

According to article 11, paragraph (2) of the Romanian Constitution, the ratified treaties are part of the national law. Therefore, the Convention provisions have direct effect upon its coming into force. It needs to be underlined that transposition of the EU legislation in this field (Directive of the European Parliament and Council no.2003/4/EC of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC and European Parliament and Council Directive No 2003/35/EC providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 2011/92/UE and 96/61/EC) also facilitated, inter alia, the implementation of this Convention.

According to article 20 of the Romanian Constitution, as amended, the Constitutional provisions on the rights and liberties of Romanian citizens are in accordance with the Universal Declaration on Human Rights and with all the other treaties to which Romania is a Party. The ratified treaties on fundamental human rights prevail when there is disagreement between them and the national legislation, except in cases when the Romanian Constitution and laws contain more favourable provisions.

Emergency Government Ordinance No.195/2005 on environmental protection, approved by Law 265/2006, as amended - the framework environmental law on environmental protection - provides principles like: access to environmental information, public participation to environmental decision-making process and access to justice in environmental issues.

Based on the provisions of this law, the central and local public authorities provide the public information and public participation to the decision-making process, in accordance with the Aarhus Convention.

Access to justice is also ensured by Law No.554/2004 on administrative litigation, as subsequently

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amended.

Government Decision (GD) No.878/2005 on public access to environmental information, as amended, has an important role in establishing the institutional framework for the implementation of the Convention into national legislation. Every local and central public authority has set up an office that provides and disseminates environmental information.

Law no 292/2018 on environmental impact assessment for certain public or private projects provides for public participation in the EIA procedure for public and private projects likely to have significant effects on the environment and also for access to justice in accordance with the Directive 2011/92/UE, as amended. In this way, the 3rd Pillar of the Aarhus Convention is implemented in Romanian legislation related to the EIA decision making process.

III. Legislative, regulatory and other measures implementing the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8

List legislative, regulatory and other measures that implement the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8, of the Convention.

Explain how these paragraphs have been implemented. In particular, describe:

(a) With respect to **paragraph 2**, measures taken to ensure that officials and authorities assist and provide the required guidance;

The basic principles, provided by GEO no.195/2005, approved by Law no.265/2006, as amended, are implemented by the subsequent legislation.

The subsequent legislation (e.g., strategic environmental assessment (SEA), environmental impact assessment (EIA), permitting, etc.) provides methodologies of ensuring public access to environmental information, public participation in the decision-making and access to justice in environmental issues.

GD No.878/2005 on public access to environmental information, and Ministerial Order (OM) no.2715/2024 on approving the Methodology for collecting, managing and providing environmental information held by the public authorities which are subordinated, in coordination or under the central public authority for environmental protection, provide the framework for the implementation of the above responsibilities. Public authorities must support the public seeking access to environmental information by providing lists and registers with environmental information.

All the environmental public authorities have websites where environmental information is made available to the public and regularly updated. These websites make available the texts of international acts to which Romania is a Party, as well as the relevant national legislation and contact data for the public to be able to submit petitions and question request by the public.

Public Participation during the elaboration process of regulations is provided in compliance with Law No.52/2003, republished, on decisional transparency in public administration, as amended. Website publications include draft regulations, decisions, ordinances, giving the public an opportunity to actively participate in developing them. The environmental protection agencies organise monthly or on specific cases, public conferences with wide mass-media access, in order to inform on the latest information in the environmental protection field.

In 2019, in order to raise awareness regarding public access to information, MEFW elaborated a Guide for public authorities regarding access to environmental information. The Guide was made available to the public authorities and it was published on the webpage of the MEFW and of other public institutions (ministries of the Romanian Government, prefectures of several counties, national authorities responsible for water management, natural protected areas, Danube Delta Biosphere Reserve Administration, the national and local agencies for environmental protection, the environmental guard, the public health authority, several national research and development institutes). Also, paper copies of the guide were made available to the public and were also distributed to other ministries and to LEPA's.

In 2024, Governmental Decision no. 304/2024 regarding the amendment of GD no. 878/2005 was

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adopted, which created the legal framework for the adoption of the guide by ministerial order. Subsequently, the guide was adopted by Order of the Minister of Environment, Waters and Forests no. 1608/2024.

According to article 40² of GD 878/2005, as amended, this guide must be applied by public authorities when managing requests for environmental information. Therefore, the guide is applicable to all public authorities holding environmental information.

The guide is a tool for public authorities, for guiding the persons involved in the process of answering to requests for environmental information. The purpose of the guide is to ensure a consistent and efficient appliance of the Aarhus Convention provisions, a right understanding and an easy access to basic concepts of the Aarhus Convention in case of requests for environmental information.

The guide adopted in 2024 is a reviewed version of the one from 2019, the current version contains some additions, in order to clarify some aspects regarding environmental information, grounds for refusal of a request for information. These clarifications derived from different decision of the Court of Justice of the European Union.

(b) With respect to **paragraph 3**, measures taken to promote education and environmental awareness;

GEO No. 195/2005, approved by Law No. 265/2006 as amended contains several provisions in this regard:

- Article 4, letter p) contains provisions regarding environmental public education and awareness of environmental protection and public participation in decision making on environmental issues;
- Article 75, letter n) provides that central public authorities ensure the implementation and elaboration of programs and the preparation of educational publications on environmental protection;
- Article 85 provides the following for the central public authority for education and research to ensure the following:
 - >To adapt the educational plans and programmes at all levels, for assimilating the notions and principles of environmental protection (letter a).
 - >To promote studies and research programmes according to the priorities set by the central environmental public authority (letter b)
 - >To develop educational programmes aimed at developing environmentally responsible behaviours (letter c)

The public information and education system consists in:

- Publication of guidelines;
- ecological education at all levels;
- collaboration between the Local Environmental Protection Agencies, NGOs and the local public administration in developing environmental projects;
- set up of an information office in every LEPA;
- publication periodical reports on the state of the environment (EPA);
- environment/ecology education plan for the middle and high school, to be subsequently developed by some universities where environmental protection is part of the curricula
- special ecological education programmes in certain so-called "eco-schools";

-the "Green Week" national program, launched in 2022, for all levels of pre-university

Based on Law No. 52/2003 republished, as amended, the public has the right to express opinions and comments on the draft regulations and consequently, it is better informed and more aware of the legislation and regulations.

The Ministry of Education, in collaboration with MEWF, developed the National Strategy on Education for the Environment and Climate Change 2023-2030 (NSEECC), approved by Government Decision no. 59/18.01.2023.

The report of the Presidential Administration "Education on climate change and the environment in sustainable schools" underlies NSEECC. It was validated by public consultation and represents a follow-up of the "Educated Romania" project initiated by the President of Romania.

The "Educated Romania" project, approved by the Government of Romania by Memorandum, promotes respect for the environment among the values that are the basis of the education system and provides for the correlation of learning objectives with public policies and with the major

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In 2018, MEWF organised a round table with other central public authorities in order to disseminate the findings of the Decision VI/8h of the Meeting of the Parties on compliance by Romania with its obligations under the Convention.

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objectives of the education system, which include environmental education, sustainability and combating climate change.

The new legislative package regarding education (Law on pre-university education no. 198/2023 and Law on university education no. 199/2023) includes environmental competences among the key competences, which are grounds for the development of school and university curriculum.

The National Strategy for Lifelong Education 2024 – 2030, approved by Government Decision no. 484/2024, represented, for Romania, one of the criteria related to the Favourable Condition for accessing European funds in the field of education. Through this strategy, the Ministry of Education follows six priority areas, including the Green Transition and the Digital Transition. In December 2023, the National Strategy for Adult Education 2023-2027 was approved by GD No. 1341/2023.

The Methodology for organizing the "Green Week" Program was approved by MO no. 3.629/02.02.2023. The Ministry of Education introduced this program, starting with the 2022-2023 school year, for climate and environmental education, which plays an important role in achieving the SDGs. Also at the beginning of 2023, the "Green Week" resource platform was launched (<https://www.saptamanaverde.edu.ro/ro>).

The National Strategy for the Sustainable Development of Romania 2030 (NSSDR 2030) transposes all 17 SDGs and guides the implementation of the 2030 Agenda in all sectoral policies. It is based on the premise that sustainable development requires a mindset that, once adopted by the citizen, will help create a more equitable society. NSSDR 2030 aims to ensure that every student acquires relevant skills to promote sustainable development, under SDG 4.

In the Action Plan for the implementation of the NSSDR 2030, Priority Direction 2 proposes to adapt school and university programs in the sense of promoting and implementing the principles of sustainable development, including training for the "sustainable development expert" occupation and other complementary occupations, through Actions 8-11. Action 11 aims to develop tools for educational programs for sustainable development in higher education, as well as in adult education. This action included support offered by the Department for Sustainable Development to higher education institutions and vocational training centers to develop sustainable development educational programs (university courses, masters, doctorates, post-doctoral programs, etc.) and adult education and training.

Regarding SDG12 (Responsible Consumption and Production - Promotion of responsible consumption and education for the environment), according to the National Strategy on the Circular Economy, the Ministry of Education will implement educational programs for environmental protection in schools, emphasizing the principles of sustainable development, especially in regarding the benefits and importance of selective collection, waste prevention and reuse. Consumer behaviour must change from overconsumption to a more sustainable approach through campaigns, education and greater availability of information. Promoting education, raising awareness and informing citizens about the benefits and importance of selective collection, waste prevention and reuse, as well as promoting responsible consumption and environmental education, are among the key objectives of this Strategy. In order to facilitate the achievement of these objectives, the Action Plan for Circular Economy proposes a series of transversal actions, related to education and professional training, research, development and innovation, green procurement and the promotion of digitization, all of which are essential for facilitating the circular transformation in the Romanian economy.

According to the National Strategy for Green Jobs 2018-2025, the Ministry of Education and the Ministry of Labour and Social Solidarity ensure the alignment of initial and continuing training with the labour market, with an emphasis on developing programs that offer relevant skills for green jobs. ME implements measures to provide students with information and skills related to climate change and related fields (eg renewable energy, waste management, biofuel production).

Another strategy for which the development of green skills represents a specific objective is the National Strategy on Adult Training 2024-2027 elaborated by the Ministry of Labour. It proposes aligning labour market, education, training, research and development policies in a coherent and convergent manner in order to provide access to advice, qualification, specialization/upskilling needed for today's transitions and challenges, to all adults, in a fair and inclusive way, making

sure no one is left out.

Other examples of national initiatives:

- The Framework Convention on the Protection and Sustainable Development of the Carpathians is a subregional treaty aimed at promoting the sustainable development and protection of the Carpathian region. The Carpathian Day and the Clean Mountains Day are celebrated together with schools; respect for nature and the importance of protecting the environment are thus strengthened;
- Romania's country initiative in the field of Education for Sustainable Development. In 2024, Romania joined the UNESCO initiative and a country profile was created, under the coordination of the Ministry of Education: <https://unesdoc.unesco.org/ark:/48223/pf0000390364>

✓(c) With respect to **paragraph 4**, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection;

The Romanian Constitution guarantees the following:

- freedom of expression under Article 30;
- the right to information under Article 31;
- right of association under Article 40;

✓GEO no.195/2005 approved by Law No.256/2006, as amended, provides the following:

- the right of any person to associate in environmental protection organisations (Article 5 letter (b));
- the right of any person to address, directly or through environmental protection organisations, to the administrative and/or judicial authorities regarding environmental matters whether a damage was caused or not (Article 5 letter (d));
- The access to justice in environmental matters for the nongovernmental organisations (Article 20 (6));
- The consultation of non-governmental organisations at least once a year, by the central environmental authority in order to establish the environmental protection strategy (Article 75 letter (t)).

The Government Ordinance No.26/2000 on associations and foundations, as amended, sets the legal national framework for NGO recognition. At the same time, it includes provisions regarding the need for structures for the relation with non-governmental organizations, as well as the obligation of institutions to take these organizations into account when requested.

The Catalogue of Non-Governmental Organizations for Inventory, Consultation and Transparency (CONNECT) is an online government platform created with the aim of strengthening both the collaboration between the public administration and the non-governmental sector, as well as the development of the relation with NGOs. CONNECT represents a transparent framework through which the General Secretariat of the Government wishes to ensure access to information, with the aim to process the best ideas and projects from NGOs.

The platform includes only NGOs voluntarily registered on the platform to collaborate with public institutions. The complete list of NGOs can be found in the Register managed by the Ministry of Justice.

The platform is also opened for environmental NGOs and includes their contact details (name, phone number, email address). On the MEWF website, the public may access the link to CONNECT platform. <https://connect.gov.ro/1/>

✓(d) With respect to **paragraph 7**, measures taken to promote the principles of the Convention internationally; including:

- (i) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines, indicating whether the coordination measures are ongoing;

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In 2019, MEWF elaborated a flyer for the public regarding access to environmental information, that was published on the webpage of the MEWF¶
(<http://www.mmediu.ro/app/webroot/uploads/files/Pliant%20pentru%20public%20-acces%20la%20informatia%20de%20mediu.pdf>).¶

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Website: <http://www.mmediu.ro/beta/transparenta/ong-uri/>¶

(ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided;

(iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g., inviting non-governmental organization (NGO) members to participate in the Party's delegation in international environmental negotiations, or involving NGOs in forming the Party's official position for such negotiations), including the stages at which access to information was provided;

(iv) Measures taken to promote the principles of the Convention in the procedures of other international forums;

(v) Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums;

*(e) With respect to **paragraph 8**, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed*

Article 30 (paragraphs 1-6) of the Romanian Constitution, revised and republished, guarantee the freedom of expression, freedom to express opinions in the public communication media. Censorship of any kind is forbidden. A person exercising their rights under the Aarhus Convention cannot be penalised, persecuted or harassed.

The Romanian Constitution, as revised and republished, guarantees, under Article 31 that "the right of a person to have access to any kind of public interest information cannot be limited" (para.1) and the "public authorities, according to their relevant competencies, shall ensure correct information to the citizens on public affairs and on problems of personal interest" (para. 2).

In applying the provisions of Article 12 letter (f) of Government Decision no. 878/2005, as amended, (which refer to the fact that a public authorities may refuse a request for information regarding the environment if the disclosure of the information would affect the confidentiality of personal data and/or files relating to a natural person where that person has not consented to the disclosure of the information to the public, where such confidentiality is provided by the national or Community legislation in force), the public authorities take into consideration the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

Romania is also a Party to the European Convention on Human Rights, and therefore recognising the jurisdiction of the European Court of Human Rights.

In Romania, the environmental NGO sector is becoming more active and proves to be more aware of its rights to have access to environmental information, to participate in decision-making and to have access to justice in environmental matters. Some of the active NGOs are: Greenpeace, Bankwatch, WWF Romania Association, Agent Green, Coaliția 2000 etc. A list of contacts of the environmental NGOs can be found on MEWF webpage at the following link: <http://www.mmediu.ro/articol/date-de-contact-ong/1293>

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IV. Obstacles encountered in the implementation of article 3

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 3 listed above.

Obstacles:

- insufficient personnel responsible with administrating the web pages;
- insufficient personnel with legal training within the environmental authorities;

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- lack of financial resources for Article 3, paragraph 3.

V. Further information on the practical application of the general provisions of article 3

Provide further information on the *practical application of the general provisions of article 3*.

The practical implementation of the general provisions is ensured by the application of the following regulations:

- Emergency Government Ordinance no.195/2005 on environmental protection, approved and amended by Law No.265/2006, *as amended*;
- Law No.544/2001 on free access to public information, *as amended*;
- Government Decision no.878/2005 on access to environmental information, *as amended*;
- Law no. 292/2018 on environmental impact assessment for certain public or private projects.
- Government Decision no.1076/2004 on environmental assessment for plans and programmes, *as amended*;
- GD no.564/2006 on the framework of public participation in elaborating certain plans and programmes related to the environment, *as amended*;
- Law No.554/2001 on administrative litigation, *as amended*;
- Subsequent legislation.

Government Decision no.878/2005, *as amended*, was adopted under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, signed at Aarhus on 25 June 1998, and ratified by Law No. 86/2000. According with article 1 and 2, the GD No.878/2005 guarantees the right to access to environmental information held by the public authorities and sets out the conditions, basic terms, and practical arrangements in exercising it. The environmental information is progressively made available and disseminated gradually, so as to reach systematic accessibility and as broad dissemination as possible. L 292/2018 implements all three pillars of the Aarhus Convention in relation to the environmental impact assessment. The law includes the procedural details, like terms for public participation and authorities input in environmental impact assessment.

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VI. Website addresses relevant to the implementation of article 3

Give relevant website addresses, if available:

Ministry of Environment, Waters and Forests (MEWF):
<https://www.mmediu.ro/>

National Environmental Protection Agency (NEPA): <https://www.anpm.ro/>

The Government of Romania: <https://www.gov.ro/>

The internet addresses of the environmental protection agencies:

1. EPA Alba <http://apmab.anpm.ro/>
2. EPA Arad <http://apmar.anpm.ro/>
3. EPA Arges <http://apmag.anpm.ro/>
4. EPA Bacau <http://apmbc.anpm.ro/>
5. EPA Bihor <http://apmbh.anpm.ro/>
6. EPA Bistrita - Nasaud <http://apmbn.anpm.ro/>
7. EPA Botosani <http://apmbt.anpm.ro/>
8. EPA Brasov <http://apmbv.anpm.ro/>

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EPA Bistrita - Nasaud <http://apmbn.anpm.ro/>

9. EPA Braila <http://apmbr.anpm.ro/>
10. EPA Bucuresti <http://apmbuc.anpm.ro/>
11. EPA Buzau <http://apmbz.anpm.ro/>
12. EPA Caras - Severin <http://apmcs.anpm.ro/>
13. EPA Calarasi <http://apmcl.anpm.ro/>
14. EPA Cluj <http://apmcj.anpm.ro/>
15. EPA Constanta <http://apmct.anpm.ro/>
16. EPA Covasna <http://apmcv.anpm.ro/>
17. EPA Dambovita <http://apmdb.anpm.ro/>
18. EPA Dolj <http://apmdj.anpm.ro/>
19. EPA Galati <http://apmgl.anpm.ro/>
20. EPA Giurgiu <http://apmgr.anpm.ro/>
21. EPA Gorj <http://apmgi.anpm.ro/>
22. EPA Harghita <http://apmhr.anpm.ro/>
23. EPA Hunedoara <http://apmhd.anpm.ro/>
24. EPA Ialomita <http://apmil.anpm.ro/>
25. EPA Iasi <http://apmis.anpm.ro/>
26. EPA Ilfov <http://apmif.anpm.ro/>
27. EPA Maramures <http://apmmm.anpm.ro/>
28. EPA Mehedinti <http://apmmh.anpm.ro/>
29. EPA Mures <http://apmms.anpm.ro/>
30. EPA Neamt <http://apmnt.anpm.ro/>
31. EPA Olt <http://apmot.anpm.ro/>
32. EPA Prahova <http://apmph.anpm.ro/>
33. EPA Satu - Mare <http://apnsm.anpm.ro/>
34. EPA Salaj <http://apmsj.anpm.ro/>
35. EPA Sibiu <http://apmsb.anpm.ro/>
36. EPA Suceava <http://apmsv.anpm.ro/>
37. EPA Teleorman <http://apmtr.anpm.ro/>
38. EPA Timis <http://apmtm.anpm.ro/>
39. EPA Tulcea <http://apmtl.anpm.ro/>
40. EPA Vaslui <http://apmvs.anpm.ro/>
41. EPA Valcea <http://apmvl.anpm.ro/>
42. EPA Vrancea <http://apmvn.anpm.ro/>

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VII. Legislative, regulatory and other measures implementing the provisions on access to environmental information in article 4

List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.

Explain how each paragraph of article 4 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

GD no.878/2005, as amended, Article 1 (1) on public access to environmental information “ensure the right of access to environmental information held by or for the public authorities and sets the conditions, basic terminology and ways of exercising this right”.

MO No.2715/2024 establishes the methodology for managing and providing environmental information held by the environmental public authorities.

GD no.878/2005, as amended, is the special normative act that regulates access to environmental information and is complementary with the provisions of Law No.544/2001, as amended, which, mentions in Article 15, that the access of mass media to public interest information is guaranteed and that the collection and dissemination of information by the mass media is a concrete way of guaranteeing the right of the citizens to access to any such public information. The public authorities have the obligation to organise regular press conferences periodically and to disseminate public interest information, usually once per month.

As mentioned above, the Aarhus Convention has become part of the national legislation based on results of its ratification. Thus, Articles 2 and 3, paragraph (9) apply accordingly.

GEO no.195/2005, approved by Law No.265/2006 as subsequently amended, stipulates that the environmental protection authorities guarantee the access to information, public participation in decision-making and access to justice in environmental matters according to the Aarhus Convention, ratified by Law 86/2000.

Article 2 of GD No.878/2005 provides definitions to “environmental information”, “public authorities”, “information held by a public authority”, “information held for a public authority”, “the applicant” and “public”.

The non-discrimination requirement was included in the definition of “the applicant” in Article 2 of GD 878/2005.

Also, the Guide for public authorities regarding access to environmental information approved by MO no.1608/2024 clarifies the interpretation of the basic concepts of the Aarhus Convention, including what constitutes a public authority within the meaning of the Convention, what environmental information means or who can submit a request for environmental information.

Also, and in particular, describe:

- (a) With respect to paragraph 1, measures taken to ensure that:
 - (i) Any person may have access to information without having to state an interest;

Article3 (3) of GD No.878/2005 stipulates that “The public authorities are required to make available the environmental information held by or for them to any applicant, at his request and without him having to state an interest”.

Also, the Guide approved by OM no.1608/2024, in the section “Who can request environmental information?” explains that environmental information can be requested by any natural or legal person, any organization, association or their groups, including entities without legal personality, without having to justify or demonstrate a specific interest.

According to article 6 (3) c) of Law No.544/2001, as amended, an applicant has to mention his/her name, in order to receive an answer a request has to include: the applicant’s name, surname, signature and the address where the answer will be sent to. The application/request can be sent also electronically, according to Article 7 (3).

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(ii) Copies of the actual documentation containing or comprising the requested information are supplied;

(iii) The information is supplied in the form requested;

Article 6 (1) of GD No.878/2005, as amended, states that "if the applicant requests the public authority to make the environmental information available in a specific form or format, including copies, the public authority shall make the information available in the requested form or format, except if:

- it has already been made available to the public, under Articles 20 - 25, in a different/another form or format that is easily accessible to the applicant, or;
- it is reasonable for the public authority to make it available to the public in a different form or format, in which case reasons it shall be given for making it available in that form or format."

(b) Measures taken to ensure that the time limits provided for in **paragraph 2** are respected;

Article 4 of GD No.878/2005, as amended, stipulates that "the environmental information is made available to the applicant, considering the term specified by the latter, as soon as possible or at the latest within one month after the receipt of request." The same Article states that the public authority has to respond to a request for information within one month of receiving the application, except in cases where the volume or complexity of the information require up to two months. In such cases, the applicant shall be informed as soon as possible and before the one-month deadline is out, on the extension of the answering time and the reasons justifying the delay. Also, in the Guide approved by MO no.1608/2024, in the section "In what time must the environmental information be made available by public authorities?" it is stated that the rule is for the requested environmental information to be made available by the public authority in the shortest possible time and no later than one month after the request was submitted.

(c) With respect to **paragraphs 3 and 4**, measures taken to:

(i) Provide for exemptions from requests;

The legal framework for such exceptions from the obligation to provide public interest information is set under Law No.544/2001, as amended, and GD No. 878/2005, as amended; Article 12 of Law No.544/2001 provides that the following information shall be exempted from the free access of the citizens:

- a) The information in the field on national defence, public safety and public order, if listed as classified information, according to the law;
- b) The information on the deliberations of the authorities, as well as those that concern the information regarding the economic and political interests of Romania, if they belong to the category of classified information, according to the law;
- c) The information on commercial or financial activities, if their publicity may affect the right to intellectual or industrial property, or the principle of loyal competition, according to the law;
- d) information on personal data, according to the law;
- e) information on procedure during a criminal or disciplinary investigation, if the result of the investigation, discloses confidential sources or threatens the life, the bodily integrity, or the health of a person following the investigation that has been completed or is in progress;
- f) information on legal procedures, if publicity could affect the conduct of a fair trial of the legitimate interest of any of the parties involved in the trial;
- g) information the publication of which might endanger the juvenile protection measures.

Information that favours or dissimulates infringement of the law by a public authority or institution may not be listed in the category of classified information and shall be considered public interest information.

Article 11 (1) of GD No.878/2005, as amended, states the following:

"Public authorities may refuse an environmental information request application if:

- a) the requested information is not held by or for the public authority receiving the application. In this case, if the public authority to which the request was addressed knows that the information is held by or for another public authority, it shall forward the application to that public authority as soon as possible, but no later than 15 days of

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- receiving it, and shall inform the applicant accordingly;
- b) the request is manifestly unreasonable;
- c) the request is formulated in too general a manner, in consideration of Article 5;
- d) the request concerns materials in the course of preparation/completion or data still being processed;
- e) the request concerns the internal communication system, in consideration of satisfying the public interest in the provision of information."

Also, Article 12 of GD No.878/2005, as amended, establishes the special situations where an environmental information request application may be rejected. They coincide with those listed under Article 4 para (4) letters a) - h) of the Aarhus Convention.

In each individual case, the public interest served by disclosure is analysed in relation to the interest satisfied by keeping it confidential (Article 12 (3) of GD 878/2005, as amended).

The reasons for rejection are restrictively interpreted, taking into account, for each individual case, the satisfaction of public interest served by disclosure of the information (Article 12 of GD 878/2005, as amended).

The Guide approved by MO no.1608/2024 presents extensively the subject of exemptions from the obligation to respond to requests.

- (ii) Ensure that the public interest test at the end of paragraph 4 is applied;

To satisfy public interest, the Romanian legislation stipulates that the reason for refusal or to reject of a request should be restrictively interpreted, taking into account, for each individual case, the satisfaction of public interest by disclosure of the information (Article 12 (2) of GD 878/2005, as amended).

Public authorities may not reject an information request application regarding environmental emissions, invoking the reasons under Article 12, para. 1, letters (a), (d), (f), (g) and (h) of GD. No.878/2005, as amended. This refers to:

- a) confidentiality of the public authority procedures, when provided by the legislation in force;
- b) confidentiality of commercial or industrial information where such confidentiality is provided by the national or community legislation in force on protecting legitimate economic interests, including the public interest in maintaining statistical confidentiality and tax secrecy;
- c) confidentiality of personal data and/or files relating to a natural person if that person has not consented to the disclosure of the information to the public, where such confidentiality is provided by the national or community legislation in force.
- d) the interests or the protection of any person providing the requested information on a voluntary basis, when that party is not legally obliged to, cannot legally be made to provide the information, except where that person consented to disclose that information;
- e) the protection of the environment referred to in such information, such as the location of rare species.

✓ According to Article 29, para. (2) and (3) from Law no.292/2018, when a request for information might affect the intellectual property rights or the confidentiality of commercial and industrial information, the competent authority shall interpret the reason to refuse in a restrictive manner, giving priority to satisfying the public interest by sharing the part of the information that can be made public. Also, the authorities have to explain the way in which the public interest was taken into consideration.

In 2024, GD no.304/2024 for the amendment and completion of GD no.878/2005 on public access to environmental information was adopted, which established the obligation for the rejection of a request for environmental information to contain not only the reasons for the refusal and information on the review procedure, but also explanations on how the public authority took into account the public's interest in being provided the information.

Also, the guide approved by MO no.1608/2024, emphasizes that the reasons for refusal must be interpreted restrictively, taking into account the satisfaction of the interest of the public through the disclosure of information, and the possibility that the requested information is related to environmental emissions. The fact that information falls under one of the aforementioned

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categories of exceptions is not sufficient to justify invoking the exception.

(d) With respect to **paragraph 5**, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;

If the public authority applied to knows that the information is held by or for another public authority, it shall forward the application to that public authority as soon as possible, but no later than 15 days of receiving it, and shall inform the applicant thereof, as established under Article 11 (1), letter (a), of GD No.878/2005. This is also explained in the guide approved by MO no. 1608/2024, in the section "When can a request for environmental information be refused by a public authority?". Also, according to Article 7 of GD 878/2005 provides for all public authorities to keep public registers containing the type of environmental information held by them.

(e) With respect to **paragraph 6**, measures taken to ensure that the requirement to separate out and make available information is implemented;

Article 15 (1) GD No.878/2005, as amended, states that: "the environmental information held by or for the public authorities, which has been requested by an applicant, shall be made available in part where it is possible to separate out from any information covered by Article 11 para. (1) letter d, and e) or Article 12, para. (1), from the rest of the information requested".

The guide approved by MO no.1608/2024 explains in the section "How should the public authorities proceed in the event of a request for confidential information?" the obligation for the public authority to separate confidential from non-confidential information when responding to such request, without prejudice to the confidentiality of the exempted information. More precisely, public authorities must make available to the requesting public that part of the environmental information that can be disclosed and that is not confidential, when this is possible.

(f) With respect to **paragraph 7**, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;

According to the provision of paras. 2 and 3 of Article 15 of GD 878/2005, as amended, partial or total rejection of an environmental information request application shall be communicated to the applicant within a month of receiving the application, except for the cases when the complexity of information requires a longer period - 2 months.

The guide approved by MO no.1608/2024 provides more details in the section "How must the public authority respond to the applicant in case of refusal?".

(g) With respect to **paragraph 8**, measures taken to ensure that the requirements on charging are met.

In accordance with Article 29 of GD No.878/2005, as amended, access to any public lists or registers prepared and made available to the public, and viewing or consulting the requested information on site shall be free of charge.

Also, any provision regarding charging fees for the processing/copying of environmental information has been removed from the new Methodology for the collection, management and public provision of environmental information for public authorities under, in coordination or under the authority of the central public authority for environmental protection, approved by MO 2715/2024.

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VIII. Obstacles encountered in the implementation of article 4

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 4.*

Whenever it is a matter of the confidentiality of commercial and financial data, it is difficult to decide and to balance, in each case, and trade off public and private interest on a case-by-case basis. Regarding the EIA procedure, when a request for information might affect the

intellectual property rights or the confidentiality of commercial and industrial information, the competent authority shall interpret the reason to refuse in a restrictive manner, giving priority to satisfying the public interest by sharing the part of the information that can be made public. Also, the authorities have to explain the way in which the public interest was taken into consideration.

The public declared that there have been situations when some authorities have not provided the requested environmental information.

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IX. Further information on the practical application of the provisions of article 4

*Provide further information on the **practical application of the provisions on access to information in article 4**, e.g., are there any statistics available on the number of requests made, the number of refusals and the reasons for such refusals?*

Every environmental protection agency has a public relations department and registers for recording the applications received and the deadline for their resolution.

The National Environmental Protection Agency prepares a monthly national report on the environmental information request applications received, based on the reports received from the local agencies.

This report is available on the NEPA website, <http://www.anpm.ro/informatii-privind-mediul>.

Each local environmental protection agency has its own statistics regarding the number of applications received, the number of refusals and reasons thereof. Every local environmental protection agency also has a on its website a link to the NEPA website.

The areas referred to in the requests for information included:

- environmental factor status: air, water, soil, biodiversity;
- activities with potential impact on the environmental factors: waste generation/management, energy production, raised level of noise activities, the management of chemicals substances;
- the health effects of environmental pollution;
- legislative measures, plans, projects;
- regulatory acts issued by environmental authorities.

X. Website addresses relevant to the implementation of article 4

Give relevant website addresses, if available:

- www.mmediu.ro
- www.anpm.ro
- The web addresses of the local environmental protection agencies were listed under VI.

XI. Legislative, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information in article 5

List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.

Explain how each paragraph of article 5 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

GD No.878/2005, as amended, ensures, in Chapters 5 and 6, the methods for gathering and

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disseminating environmental information. The relevant definitions are provided in Article 2. The non-discrimination requirement was included in the definition of “the applicant” in Article 2 of GD 878/2005).

(a) With respect to **paragraph 1**, measures taken to ensure that:

(i) Public authorities possess and update environmental information;

Article 28 (1) of GD No.878/2005, as amended, provides for the public authorities to ensure “as far as is within their power to the extent possible, that any environmental information that is compiled by them or on their behalf should be updated, accurate and comparable. ”

(ii) There is an adequate flow of information to public authorities;

Section 2 of MO 2715/2024 - Active Flow of environmental information - sets out the requirements to ensure an effective flow of information at every level of environmental authority. In regard to this aspect, the environmental authorities have to perform the following tasks:

- To compile, in an accurate and timely manner, environmental information consisting of reports, registers, etc, to submit this information in electronic format to the central public environmental protection authority and to make it available on the Internet;
- To submit the forms to be filled in by other public authorities that hold environmental information and gather and compile their responses;
- To disseminate the regulations and procedures regarding the information management to other authorities with environmental responsibilities.

(iii) In emergencies, appropriate information is disseminated immediately and without delay;

Article 24 of GD no.878/2005 contains provisions on emergencies situations:

“In the event of an imminent threat to human health or the environment, whether caused by human activities or due to natural causes, the public authorities shall disseminate the information held by or for them which could enable the public likely to be affected to undertake measures to prevent or mitigate harm arising from the threat, immediately and without delay.”

(b) With respect to **paragraph 2**, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible;

According to Article 7 (1) of GD no.878/2005, as amended, “in order to facilitate the access of any person to environmental information, public authorities are required to support the public in seeking access to information and to ensure public access to the list with public authorities holding environmental information. This regulation also contains provisions on the practical arrangements to ensure that the right of access to environmental information can be effectively exercised.”

- designating persons in charge with disseminating information, on the specialised compartments for information and public relations;
- establishing and maintaining the spaces and other facilities for the viewing of the requested information;
- making available to the public the registers or lists of environmental information they hold, or creating information points with precise indications on where the environmental information held by the public authorities can be found.

According to Article 8 of GD No.878/2005 as amended, public authorities shall inform the public on their rights provided from this regulation, provide guidance and support the public, as follows:

- by posting the rights of the public on the internet;
- by making available brochures on the rights of the public.

(c) With respect to **paragraph 3**, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks;

Article 20 (1) of GD No.878/2005, as amended, stipulates that “public authorities shall organise

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These arrangements include:

the dissemination of environmental information and the information regarding their activities especially by using computerised telecommunication and/or electronic technology.”

Paragraph 2 of the same article provides that environmental information becomes accessible to the public in electronic databases that can be easily accessed through public telecommunication networks”.

Based on the above provisions, a national environmental information database has been established.

The structure of this database includes:

- the national environmental or environment-related legislation;
- the community environmental or environment-related legislation;
- the international treaties, conventions and agreements;
- the environmental or environment-related strategies and policies;
- the environmental or environment-related plans and programmes;
- the reports;
- the monitoring data or summary data for activities that do or may affect the environment;
- the permits, agreements and approval for activities with a significant impact on the environment;
- the environmental impact studies and risk assessments for environmental elements.

Examples of communication tools used by public environmental protection authorities to inform the interested public:

- the webpages of the authorities,
- air quality parameters in almost real time (hourly) publicly available on the portal of the National Air Quality Monitoring Network www.calitateair.ro and also on the public information boards,
- Air Quality application, available for mobile platforms.

The list of public authorities that hold environmental information and the list of environmental information held by the public authorities can be found on the NEPA's website (<http://www.anpm.ro/informatii-privind-mediul>). These lists are updated on an annual basis.

On the websites of the environmental authorities which act as regulatory bodies, information on the ongoing or completed regulatory procedures is published.

(d) With respect to **paragraph 4**, measures taken to publish and disseminate national reports on the state of the environment;

According to Article 23 of GD No.878/2005, as amended, the environmental public authorities have the obligation to publish the state of the environment reports for the local, and national levels.

MEWF prepares annual reports on the state of the environment through NEPA. NEPA ensures the preparation of the Annual Report on the State of the Environment in Romania according to the requirements of the State of the Environment European Report (SOER). The report contains 12 thematic areas: Air quality and pollution; Water; Soil; Land use; Nature protection and biodiversity; Forests; Material resources and waste; Climate change; Urban environment, health and quality of life; Environmental radioactivity; Consumption and environment; Trends and changes in Romania compared to the European Union performed by using 37 basic indicators (Core Set Indicators – CSI) established by the European Environment Agency (EEA) and other 34 specific indicators, according to the report preparation guide approved by MEWF Order no. 618/30.03.2015. The report provides information to the public, the scientific environment, business, politics and civil society, regarding the evolution of the quality of environmental factors, aiming to describe the trends in this field and forecast the impact as closely as possible to the European model. The latest published report can be found on <http://www.anpm.ro/raport-de-mediul>.

Moreover, the NEPA website displays:

- The indicators report - which provides evaluations of the state of the environment, evolution scenarios, information about the actions taken and what must be done or can be done to improve it, for the most accurate characterization of the 12 thematic areas of the report on the state the environment in the year preceding the reporting year.
- Report on air quality in Romania: <http://www.anpm.ro/raportare-anuala>
- Report on the national inventory for emissions of atmospheric pollutants: <http://www.anpm.ro/rapoarte-si-informari-la-nivel-national>

▼ National Air Quality Monitoring Network (RNMCA) includes 181 stations for continuous

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The latest national Report on the state of the environment was finalised by the NEPA in 2019, and is available on their website

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monitoring of air quality, which have equipment for automatic measurement of the following air pollutants: sulphur dioxide (SO₂), nitrogen oxides (NO/NO₂/NO_x), carbon monoxide (CO), ozone (O₃), particle matter (PM₁₀ and PM_{2.5}), benzene (C₆H₆), heavy metals (lead, cadmium, nickel, arsenic, mercury), polycyclic aromatic hydrocarbons.

Air quality data are collected and transmitted to public information panels, and after primary validation in county centers they are submitted for evaluation and certification to the Air Quality Evaluation Center.

www.calitateer.ro

<http://www.anpm.ro/reteaua-nationala-de-monitorizare-a-calitatii-aerului>

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(c) Measures taken to disseminate the information referred to in **paragraph 5;**

According to Article 22 of GD No.878/2005, as amended, "Environmental information made available to the public and actively disseminated must always be updated and include at least:

- the texts of international treaties, conventions and agreements to which Romania is a Party, as well as the local, regional, national or community environmental or environment-related legislation;
- the environment-related policies, plans, and programmes;
- the progress reports on the implementation of documents and instruments provided under letters a) and b), when developed and held in electronic format by the public authorities;
- the state of the environment reports;
- the monitoring data or summary data for activities that do or may affect the environment;
- the environmental permits, agreements and authorizations for activities with significant effects on the environmental;
- the environmental impact studies and risk assessments concerning environmental elements, or indication of where such information may be requested or found."

See also the answer to the question on paragraph 3.

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http://www.anpm.ro/reteaua-nationala-de-monitorizare-a-calitatii-aerului/-/asset_publisher/MCtW0ySppoYG/content/re%C5%A3eaua_na%C5%A3ional%C4%83_de_monitorizare_automat%C4%83_a_calit%C4%83%C5%A3ii_aerului_%28mmca%29_?_I01_INSTANCE_MCtW0ySppoYG_redirect=http%3A%2F%2Fwww.anpm.ro%2Fretseaua-nationala-de-monitorizare-a-calitatii-aerului%3Fp_p_id%3D101_INSTANCE_MCtW0ySppoYG%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-2%26p_p_col_count%3D1&redirect=http%3A%2F%2Fwww.anpm.ro%2Fretseaua-nationala-de-monitorizare-a-calitatii-aerului%3Fp_p_id%3D101_INSTANCE_MCtW0ySppoYG%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-2%26p_p_col_count%3D1

(f) With respect to **paragraph 6**, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products;

GEO no.195/2005, approved and amended by Law no.265/2006, as amended,
established that:

- the operators have the obligation to ensure the records of the result and shall inform the competent environmental authorities on the self-monitoring results of pollutant emissions and the threats or the accidents that occurred. The operators shall also inform the competent authorities and the public in case of accidental polluting discharges or major accidents. Also, the operators who manage dangerous substances and chemicals have the obligation to announce the imminence of unforeseen discharges or accidents to the environmental protection and civil defence authorities.
- the operators whose activities have significant impact on the soil or subsoil shall inform the competent environmental authorities and the other authorities on any accident situation which put in danger the environment and to operate for the reconstruction of it.

Operators that fall under Law no.59/2016 on the control of major-accident hazards involving dangerous substances, have the obligation to publish on their website the information according to art.14 and Annex 6. At the same time, the competent authorities have the obligation according to Art.15 to inform and consult the public in the decision-making process.

In the event of a major accident, the competent local authorities responsible for the implementation of SEVESO Law have the obligation to inform the public about the occurrence of the accident.

Under Art. 26 of GD no.878/2005, as amended, the operators whose activities have a significant environmental impact shall inform the public, on a quarterly basis, on the environmental consequences of their activities/products, by posting the information on their website and other means of communication.

(g) Measures taken to publish and provide information as required in **paragraph 7**;

The State of the Environment Report is published annually on the NEPA website and is available to the public and to other authorities that need to take into consideration this information in developing policies and identifying areas for future improvement.

Annually, the National Statistics Institute publishes the Statistical Yearbook of Romania which has a special chapter on the geography, meteorology and environment, including information on: natural resources (protected areas, biosphere reservations, national and natural parks, secured water resources), the quality of environmental factors (ground water quality, trees defoliation), protection measures (environmental protection investment, current internal expenses on environmental protection). The Yearbook is a public document and may form the basis of policy development for the ministries. It is accessible on insse.ro, section Statistical data/Publications/Statistical publications, Statistical theme: Synthesis publications.

Also, the National Institute of Statistics disseminates statistical indicators in the field of Environment and Sustainable Development in the TEMPO online statistical database (section E-Environment and section H-Sustainable Development (Targets 2030): <http://statistici.insse.ro:8077/tempo-online/#/pages/tables/insse-table>.

(h) With respect to **paragraph 8**, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;

In 2009 Regulation (EC) No.1221/2009 of the European Parliament and Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No. 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC, known as Regulation EMAS III, was published in the Official Journal of the European Union L342 of 22.12.2009.

In the period 2017-2018, following the publication of the third edition of the EN ISO14001

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standard (ISO14001: 2015), the EMAS III Regulation was amended by Annexes I-IV by the adoption of the Regulation (EU)2017/1505 and Regulation (EU)2018/2026, of 19 December 2018 amending Annex IV to Regulation (EC) No 1221/2009.

EMAS - allows the voluntary participation of organisations in all the business sectors, whether public or private, wishing to continuously improve their environmental performance and promote the provision of information to the public and other stakeholders on the environmental performance of the activities, services and products that obtained EMAS registration, by publishing the environmental declaration.

The national legal framework for EMAS includes:

- Government Decision No. 57/2011 on setting up measures to ensure the implementation of the provisions of Regulation (EC) No. 1221/2009;
- Order No. 1541/2011 approving the Rules of Organisation and Operation of the EMAS Committee and EMAS Office;
- Order No. 2086/2011 approving the Registration Procedure for the community eco-management and audit system - EMAS.

NEPA manages the National EMAS Register, which includes the list of organizations registered in EMAS at national level:

<http://www.anpm.ro/documents/12220/2030047/Registrul+National+EMAS+actualizat+mai+2024.pdf/658ace32-9bfl-4f53-b09f-3e2072f94ce2>

The European Ecolabel is a voluntary scheme, established in 1992 to encourage businesses to market products and services that are kinder to the environment. Products and services awarded the Ecolabel carry the flower logo, allowing consumers, including public and private purchasers, to identify them easily.

Today the EU Ecolabel covers a wide range of products and services, with further groups being continuously added. Product groups include cleaning products, appliances, paper products, textile and home and garden products, lubricants and services such as tourist accommodation.

The EU Ecolabel is a graphic symbol and/or descriptive text on the product or packaging, a brochure or other document accompanying the product information and provides necessary information to the criteria of the products offered on the market (Fig. 1). It consists of two sections: section 1 contains the symbol Ecolabel flower; section 2 contains a short descriptive text – information on the reasons of the environmental label.



Fig. 1. The European Ecolabel

Consumers are increasingly becoming receptive to the environmental impacts of products and eco labelling is an effective way to assist them in choosing products compatible with environmental objectives. The primary benefit of environmental labelling, viewed from the perspective of manufacturers is an increase in consumer confidence and loyalty. Benefits of eco-label: contributes to strengthening the position of the company, improves company image, promotes economic efficiency, stimulates market development, encourages continuous improvement, promotes certification.

Introduction of eco-labels represents an important measure that promotes the products with a low impact on the environment. In this regard, it is supported the endowment with specific equipment of the institutions designated to test and inspect various groups of products which candidate for eco-labels. Also, the producers and importers will be encouraged to use eco-labels, as defined by the Regulation no. 66/2010, through: promotion of eco-labels for different groups of products (promotion campaigns in stores and schools), preparation of booklets for presentation of eco-label, advertising of the eco-label through specific media (visual advertising, press, TV advertising).

The national legal framework for Eco-labelling includes:

- GD No.661/2011 on establishing measures to ensure the national implementation of the

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The EU Eco-Label Commission consists of 3 representatives of the MEWP, two representatives (one for economy and one for tourism) of the Ministry of Economy, Energy and Business Environment, one representative of the National Environmental Protection Agency, one representative of the National Authority for Consumer Protection, one representative of the National Environmental Guard, three representatives of the environmental research institutes, tree representatives of environmental non-governmental organisations.¶

During 2013 - 2014 the Ministry of Environment and Climate Change organised a campaign to promote the European eco-label under the project "Research services to prepare a study on ways to promote the EMAS system and the European Union (EU) eco-management and audit system (EMAS) nationally and to encourage voluntary participation in EMAS of the organisations under the EMAS-related European legislation and the community eco-labelling scheme, assumed in the implementation of Regulation of the European Parliament and Council (EC) No 66/2010 of 25 November 2009 on the eco-label".¶

Such seminars were organised in all the 8 development regions of Romania.¶

The purpose of the seminar was to facilitate access to information through the use of functional media, to inform the public on the objectives and main components of such European instruments, to inform and train public or private organisations on how to apply and register, the long-term benefits of obtaining the eco-label and registering with EMAS.¶

In 2020, the draft Government decision amending and supplementing Government Decision no. 616/2015 on the approval of the financing from the budget of the Environment Fund of the multiannual actions necessary for the program "Collection, processing and creation of mechanisms and tools to promote data and information necessary for reporting to the European Commission, European Environment Agency and Secretariats of international environment conventions" carried out in the period 2015-2020, which is being adopted by the Romanian Government, extending the financing period until 2025 of the subprogramme in the field of EMAS and the EU eco-label, which aims to carry out starting with 2021 the "Study on the national dissemination of the method of elaboration of the dossier on the granting of the EU eco-label on different products / services, respectively Environment and Audit (EMAS).", to provide the necessary technical support to the Ministry of Environment, Waters and Forests on the implementation of effective ways to promote the EMAS system and EU Ecolabel scheme.¶

The national legal framework for **Eco-labelling** includes:¶

GD No. 661/2011 on establishing measures to ensure the national implementation of the provisions of the Regulation of the European Parliament and Council (EC) No. 66/2010 of 25 November 2009 on the EU eco-label.¶

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provisions of the Regulation of the European Parliament and Council (EC) No.66/2010 of 25 November 2009 on the EU eco-label.

- MO no.735/2024 for amending the annex to MO no.293/2018 on the approval of the members of the Commission for the EU Ecological Label;
The Commission consists of 3 representatives of the MEWP, two representatives of the Ministry of Economy, Energy and Business Environment (one for economy and one for tourism), one representative of NEPA, one representative of the National Authority for Consumer Protection, one representative of the National Environmental Guard, three representatives of the environmental research institutes, three representatives of environmental non-governmental organisations.
- Order No.2468/12.10.2011 on approving the Rules of Organisation and Operation of the EU Eco-Label Commission.

In Romania, up to now, 87 licenses have been granted for a total of 143 products/services. Most products that have obtained the EU eco-label are tissue paper products, detergents, paints and school furniture.

During 2023-2024, MEWF carried out a campaign to promote the EMAS system and the EU eco-label, as part of the "Study on the dissemination at national level of the way of drawing up the dossier for granting the EU eco-label for various products/services, respectively the environmental statement according to the requirements of the Eco-management and audit scheme (EMAS)".

The main objective of the study was to facilitate access to information through the use of effective promotion tools, in order:

- to inform the public about the objectives and main components of the EMAS system;
- to provide public and private organizations (companies, corporations, firms, enterprises, authorities or institutions) with detailed information about the provisions of the EMAS III Regulation.

The activities carried out within the study included:

- developing of a Guide on how to prepare the environmental statement, according to EMAS requirements;
- organizing six seminars focused on information, training and awareness;
- creating a video spot that provides an overview of the EMAS system, distributed on the dedicated YouTube channel and Facebook page.

(i) With respect to **paragraph 9**, measures taken to establish a nationwide system of pollution inventories or registers.

Romania became a Party to the Kiev Protocol on **Pollutant Release and Transfer Registers**, ratifying this protocol by Law No.112/2009 ratifying the Kiev Protocol on Pollutant Release and Transfer, adopted in Kiev on 21 May 2003 and signed by Romania in Kiev on 21 May 2003, at the Convention on access to environmental information, public participation in environmental decision -making and access to justice in environmental matters, signed at Aarhus on 25 June 1998, published in the Official Journal of Romania No. 339 of 21 May 2009.

Romania, as an EU Member State, implements at national level the **Pollutant Release and Transfer Register in accordance with** the provisions of Regulation (EC) No.166/2006 of the European Parliament and Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC.

Romania annually prepare and submits to the European Environment Agency (EEA), the Pollutant Release and Transfer Register.

Information from the registers is made available to the public both by the EU, on the EEA website (<https://industry.eea.europa.eu>), and nationally, on the NEPA website (<http://prtr.anpm.ro>).

In implementing the provisions of the EPRTR Regulation, and hence of the EPRTR Protocol, Government Decision No.140/2008 was promoted, on establishing measures to implement the provisions of Regulation (EC) of the European Parliament and Council No.166/2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC.

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XII. Obstacles encountered in the implementation of article 5

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 5.*

- The economic operators do not pay sufficient attention to the reporting requirements.
- The public reported having problems sometimes when searching for environmental information, because of the organization and structure of the environmental authorities' websites.

XIII. Further information on the practical application of the provisions of article 5

*Provide further information on the **practical application of the provisions on the collection and dissemination of environmental information in article 5**, e.g., are there any statistics available on the information published?*

The list of public authorities holding environmental information and the list with environmental information held by public authorities are available on the NEPA's web site (www.anpm.ro). The lists are annually updated.

Every local environmental protection agency has a list of the environmental information they hold, posted on their website. The list of environmental information is annually updated.

An example of dissemination of environmental information by other authorities is that of the information regarding Romania's Strategic Plan PAC 2023-2027 elaborated by the Ministry of Agriculture and Rural Development. This plan regarding the management of funds from the European Agricultural Guarantee Fund and European Agricultural Fund for Rural Development, approved by Decision C(2022)8783, sets environmental objectives such as contribution to mitigation and adaptation to climate change, the promotion of sustainable development and the efficient management of natural resources as well as the contribution to the protection of biodiversity, improving ecosystem services and conserving habitats and landscapes. Information about the achievement of environmental objectives can be found in the environmental and climate interventions of the plan and can be consulted on the MARD website (https://www.madr.ro/docs/dezvoltare-rurala/plan-national-strategic/2024/PS_-2023-2027_versiunea-6.0---Approved.pdf).

XIV. Website addresses relevant to the implementation of article 5

Give relevant website addresses, if available:

- www.mmediu.ro
- www.anpm.ro

The web addresses of the local environmental protection agencies were listed under VI.

- <https://ddbra.ro/> (Danube Delta Biosphere Reserve Authority)
- <https://www.meteoromania.ro/> (National Meteorological Administration)
- <https://rowater.ro/> (National Administration "Romanian Waters")
- <https://www.gnm.ro/> (National Environmental Guard)
- <https://www.rosilva.ro/> (National Forest Administration – Romsilva)
- <https://gfn.gov.ro/> (National Forest Guard),.

- <https://www.afm.ro/> (Environment Fund Administration)

- <https://ananp.gov.ro/> (National Agency for Natural Protected Areas)

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XV. Legislative, regulatory and other measures implementing the provisions on public participation in decisions on specific activities in article 6

List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.

Explain how each paragraph of article 6 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;
 - (ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;

Article 6 of the Convention refers to environmental decisions/permit for proposed activities listed in Annex I of the Convention. Romanian legislation ensures public participation in decision making since transposition in 2002, under Government Decision no.918 on establishing the framework procedure for environmental impact assessment of certain public and private, of Directive EIA.

Law no.292/2018 was adopted in 2018. This regulation strengthens all the requirements regarding public participation in decision making on specific activities as required under Directive 2003/35/EC incorporating Pillar II of the Aarhus Convention into the community legislation. The national EIA legislation provides the public participation principle that needs to be implemented whenever the public authority applies the procedure for proposed activities subject to the EIA procedure (Annex I and II of the EIA Directive, as amended).

Under Article 5(1) of Law 292/2018, this regulation does not apply to projects of national defence, if the MEWF decides, together with the Ministry of National Defence, on a case-by-case analysis, that such application of the procedure would negatively impact the purpose. Transposition of the relevant definitions of Article 2 of the Convention was provided in Article 2 of Law 292/2018.

Under the national legislation in force, public participation is an integral part of the regulatory procedure of all projects/activities that might have a significant environmental impact.

- (b) Measures taken to ensure that the public concerned is informed early in any environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in **paragraph 2**;

In regard to paragraph 2 of Article 6 of the Convention:

Article 16 par. (1) of Law 292/2018 provides that the public concerned shall have the possibility to participate timely and effectively in the environmental impact assessment procedure, to prepare and submit comments and opinions to the competent environmental authority when all the options are open and before taking the decision to issue/ reject the development approval.

Thus, according to Article 15 (2) of Law 292/2018, in the environmental impact assessment procedure, the competent environmental authorities shall inform the public from the beginning of the procedure, and by the time the information can be reasonably provided at the latest, by public announcements and by posting on their own website, the following:

- any request for environmental agreement;
- the fact that the project is subject to the environmental impact assessment procedure, indicating, as applicable, whether the project is covered by the provisions regarding assessment in a cross-border context;
- the contact data of the competent authorities in issuing/rejecting the environmental agreement, of the authorities where relevant information can be obtained, of the authorities where comments or questions can be submitted, and the deadline for such submissions;
- the nature of potential decisions or, if applicable, the draft decision;
- The fact that the information obtained in the scoping step of the assessment and the

preparation of the environmental impact assessment report are made available to the public;

- The place, timeline and the means by which relevant information is made available to the public;
- the way the public can participate in the procedure.

(c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of **paragraph 3**;

The public can participate in the public debate (public hearing) and can submit comments. Before the public hearing, the project and the EIA report are made available to the public for a period of 30 working days. During this time, the public may submit comments and opinions to the competent environmental authority and to the developer. The project and the EIA report are subject to public hearing. The public may submit comments during the public hearing. The competent environmental authority is obliged to take into account all public comments received during the procedure, or submitted in writing before the public hearing, as well as those expressed during the public hearing.

The provisions of Annex 5 of Law 292/2018 setting the environmental impact assessment methodology for public and private projects comply with the requirements regarding public participation and the time periods.

The legislation in force provides for determined time frames for the different public opportunities to participate in the decision-making process.

(d) With respect to **paragraph 4**, measures taken to ensure that there is early public participation;

According to the national legislation in force, the public is informed early in the environmental decision-making process when all the options are open, with the first step being the announcement of application submission.

For projects requiring environmental impact assessment (EIA), the application must also include a non-technical summary. This ensures that the public has an adequate basis for effective consultations. At this point in time, no decision will have been taken by the competent authority on the project's eligibility for approval.

Following the public announcement of an environmental agreement application submission, the public has the opportunity to send comments or opinions regarding the application and the supporting documents.

Under Article 9 (9) of GD Law 292/2018, the public is informed on the decision of the screening stage and has the possibility to consult the decision.

The public concerned is consulted during the scoping stage. They can express comments and opinions regarding the developer's request and these are taken into consideration in the development of the scoping report. The report is made available to the public under Article 10 (3) of Law no. 292/2018.

The public concerned has also the possibility to consult and send comments on the EIA report (Article 14 (2) of Law 292/2018: "The EIA Report is subject to interested public comments, and the proposals/ recommendations shall be taken into account in the review stage. "

The report is subject to public hearing. The competent authorities publish the decision to issue/reject the environmental agreement and makes available to the public the content of the environmental agreement (including all the conditions it contains), the main reasons and considerations on which the decision to issue/reject it is based, where necessary, of the main measures to prevent, avoid, reduce and, where is possible, compensate/offset the significant adverse effects.

We consider that timely public participation assumes providing the interested public an opportunity to contribute when they can influence the environmental assessment of the project.

Following the public announcement of an environmental agreement application submittal, the public has the opportunity to send comments or opinions regarding the request and the supporting documents. The public involvement in the scoping stage (in order to draw up the scoping report) helps the competent environmental authority in focusing on the most important aspects that need to be assessed from the environmental protection.

The consultation of the public concerned during the review stage contributes to an effective impact assessment of the proposed project. As a result, the final decision (the decision to issue or reject the environmental agreement) will be better documented and the chance of being

challenged are reduced.

(e) With respect to **paragraph 5**, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit;

The Ministerial Order No.269/2020 approving the EIA guidelines recommends that the developers must promote their projects among the public concerned and encourages them to provide project presentations before the application for a final decision/permit.

(f) With respect to **paragraph 6**, measures taken to ensure that:

(i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;

(ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;

As mentioned above, the competent public authorities make available to the public concerned all the relevant information for the decision-making process. The documentation available to the interested public contains information about the proposed location, the non-technical summary, the potentially significant environmental effects of the proposed activity, the investigated alternatives, etc.

Under Law no.292/2018, the developers have the obligation to provide the EIA report, which is a public document and it is available to the public for comments. The environmental report includes information, inter alia, about:

- a description of the project, including site data, proposed technical solutions and the size of the project including an estimate of the expected residues and emissions;
- a description of the current state of the environment and of its evolution in case the project is not implemented;
- a description of the environmental factors which might be affected;
- a description of the measures envisaged in order to avoid, reduce and, if possible, remediate significant adverse environmental impacts, including a description of the monitoring measures, if applicable;
- the necessary data to identify and assess the main effects which the project is likely to have on the environment; and the prognose methods used;
- a general presentation of the main alternatives studied by the developer and an indication of the main reasons for his choice, taking into account the environmental effects;
- a non-technical summary.

Under Law 292/2018, in the environmental impact assessment procedure, the competent environmental authorities must inform the public on time, and by the time the information can be reasonably provided at the latest, the EIA Report for comments from the public, which shall be considered in the review stage. The competent environmental public authority shall make a public announcement and shall post on its website the information gathered during the scoping and the review stages.

(g) With respect to **paragraph 7**, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity;

The procedure for public participation allows the public to submit comments, information and analyses related to the proposed activity. The public may participate in the public hearing and express opinions as they consider relevant to the proposed activity.

The public may submit written opinions in every step of the EIA procedure and especially comments on the EIA report may be submitted in order to be discussed during the public hearing. Such provisions are present in the methodology of the applying for EIA procedure, adopted by subsequent legislation.

(h) With respect to **paragraph 8**, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;

The legislation in force establishes that the competent authority must take into account the outcome of the public participation in the decision-making process. EGO No.195/2005, approved and amended by Law no.265/2006, as amended, establishes the principle of public participation in the decision-making process. It also states that the specific procedures must be provided in special regulations.

For example, the Romanian legislation (Law 292/2018), requires that the EIA decision takes into account the outcomes of the consultations and all the information obtained in accordance with this procedure.

(i) With respect to **paragraph 9**, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;

The public is informed about the decision taken by announcements posted on the website of the public authority and of the owner of the project. The announcements must contain the text of the decision, including the main reasons and considerations it was based on.

The owner of the project must make the announcement regarding the decision taken in national/local newspapers (Annex 5 of Law 292/2018), while the environmental authorities must publish the decision on their website, including the content and reasons thereof.

Article 19(1) of Law 292/2018 provides the implementation of the requirement of paragraph 9 of the Convention. Moreover, this article provides the transposition of article 9(1) of EIA Directive as well.

(j) With respect to **paragraph 10**, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied, making the necessary changes, and where appropriate;

Annex 5 of Law 292/2018 provides that, when the public authority revises a decision taken, public participation must be included. Thus, Article 41 provides that the competent authority sends to the developer the public announcement drafted according to the template provided in Annex No. 5.T. the developer informs the public through mass-media, by publishing an announcement on its internet page and at the location of the local administration authority. Also, the environmental competent authority publishes on its web page an announcement and the draft screening decision. The public can send comments/opinions/observations on the draft decision within 10 days from the date the announcement was published on the web page of the environmental authority. If the public's comments/opinions/observations lead to the review of the decision, then the revised decision is made available to the public by the developer and by the environmental competent authority on their web pages. If the comments/ opinions/ observations don't lead to the review of the decision, then the decision becomes final.

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(k) With respect to **paragraph 11**, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

Emergency Government Ordinance No.43/2007 regarding deliberately introduction on the environment and on the market of genetically modified organisms, approved with amendments by Law no.247/2009, as amended, contains provisions on public participation and information, in its Article 6 para. (4) and Article 17.

Emergency Government Ordinance No.44/2007 regarding use in isolating conditions of the genetically modified microorganisms approved by Law No.3/2008, guarantees public information and consultation in the permitting procedure for activities using genetically modified microorganisms under isolation conditions, in Article 20.

Romania has accepted the GMO amendment of the Aarhus Convention by the adoption of Law No.24/2008.

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XVI. Obstacles encountered in the implementation of article 6

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6.*

Sometimes, lack of financial resources may be an obstacle.

The public reported sometimes encountering difficulties in identifying the information published in EIA and SEA procedures because of the structure of the environmental authorities' websites.

The public commented that a wider dialogue between the authorities and NGOs in decision-making for certain activities is needed.

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XVII. Further information on the practical application of the provisions of article 6

*Provide further information on the **practical application of the provisions on public participation in decisions on specific activities in article 6**, e.g., are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defence purposes.*

The public hearing is mandatory within the EIA procedures undertaken for projects and takes place in the area of the project (there are 42 counties in Romania). Such hearings are organised by developers, guided by the local environmental protection agencies (LEPA) with financial support from the developer.

In order to promote public participation in decision making processes, the provisions of the environmental legislation in force on regulatory document issuing procedures are applied: public announcements in the mass-media, institution website, developer website, posting at the mayor's office, titleholder's office public hearings.

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XVIII. Website addresses relevant to the implementation of article 6

Give relevant website addresses, if available:

See answer to question VI

XIX. Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to article 7

List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment, pursuant to article 7. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

The participation of the public during the preparation of plans and programmes relating to the environment was established by the transposition into national legislation of European Directives 2001/42/EC and 2003/35/EC. GD No.1076/2004, as amended, transposes the provisions of Directive 2001/42/EC. Public information and participation to the environmental assessment procedure is reflected in Section 4 of GD No.1076/2004.

GD No.564/2006, as amended, transposes Directive 2003/35/EC. This Government Decision was issued in the application of Article 7 of the Aarhus Convention and, together with GD No. 1076/2004, implements the provisions of Article 7 of the Aarhus Convention. GD No. 564/2006 transposes the definition of the term public under the Aarhus Convention.

Article 4(1) of GD No.564/2006, as amended, stipulates that “the public shall participate effectively and in a timely manner, having the opportunity to consult the documentation and submit comments, questions, or opinions before a decision is taken, and when all options for the development of a plan or program or for the modification or review of a plan or program are still open.”

According to Article 5 of GD No.564/2006, as amended, the public is informed, inter alia, regarding the initiation of the planning process of a plan or programme and on their right to participate in the decision-making. Public participation includes a mandatory public hearing for the plan/program, subjected to this regulatory act.

Article 9 (1) and (3) of GD No.564/2006, as amended, stipulates that the public authority shall take into account the outcome of the public participation and shall inform the public accordingly. Article 2(2) provides for the transposition of the non-discrimination requirement as follows: any natural person, without discrimination as to citizenship, nationality or residence and, in the case of the legal persons, without discrimination in regard to the place of office registration or actual place of business.

GD No.1076/2004, as amended, provides the definition for the term public as contained in the Aarhus Convention. It also provides that, in the consultation process, together with the submission of the plan/program to the environmental authority, in order to decide if it will undertake the strategic environmental assessment, the public is informed by public announcements and shall have access to the plan/program draft. This is done in a timely manner, as required by GD No.1076/2004, early, from the beginning of the plan/ programme. Article 2, letter b) defines the environmental assessment as the preparation of the environmental report, the consultations of public and of the public authorities interested by the environmental effects of implementing the plans or programmes, taking into account the environmental report and the results of the consultations in the decision-making process and providing the information on the decision.

However, usually the public is more interested in the EIA procedure, where the level of detail is higher and it is easier to understand what are the possible immediate changes within the environment, instead of the SEA procedure which is established for a strategic level, and where one has to look into perspectives.

According to GD no.1076/2004, as amended, the responsibility of involving the public is shared between the beneficiary and the environmental authority.

During the screening phase of the SEA procedure, the beneficiary shall inform the public about the first draft of the plan or programme, by repeatedly announcing it in mass-media (2 public announcements three days apart) and by publishing it on his web page. The first announcement for the public is made simultaneously with the notification of the environmental authority. The public can send written comments and proposals to the competent environmental authority within 15 days from the last announcement. After the environmental authorities take the screening decision, they make it available to the public for 10 days and the comments and opinions expressed by the public are taken into account for reconsidering the screening decision. The announcement about the screening decision is also published in mass media by the beneficiary.

Moreover, the draft plan or programme and environmental report are subject to public hearing. After the elaboration of the environmental report, the beneficiary of the plan or programme makes public announcements in mass media and posts on its web page about the availability of the plan or programme and environmental

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report (2 public announcements three days apart). These announcements are made 45 days before the public hearing or 60 days before if the plan or programme has transboundary effects. A public hearing is also organized for discussing the plan or programme and environmental report. The public can express its opinion by submitting written comments to the beneficiary or to the environmental competent authority before the public hearing and also, at the public hearing. These comments are taken into account and can lead to the amendment of the plan or programme and environmental report.

The final decision is also announced in mass media by the beneficiary and on the environmental authority's web page.

The beneficiary has the obligation to inform the authorities consulted during the SEA procedure, the public and the potentially affected states and to make available to them the following documents:

- The adopted plan/programme,
- A declaration regarding the way the environmental aspects were integrated into the plan/programme, the way the environmental report was prepared, the way the public and other authorities' opinions were taken into account, the way the transboundary consultations were taken into account, the reasons for choosing a particular alternative to the plan/programme,
- the measures for monitoring the effect of the plan/programme on the environment.

The beneficiary makes an announcement in mass media, and on its webpage about the time and place for the consultation of the above-mentioned documents.

The central public authority that promotes the plan/programme sends these documents to the central environmental authority from the potentially affected states.

XX. Opportunities for public participation in the preparation of policies relating to the environment provided pursuant to article 7

Explain what opportunities are provided for public participation in the preparation of policies relating to the environment, pursuant to article 7.

The policies of the Government related to the environment are materialised in strategies, plans or programs. These documents are subject to GD No.1076/2004 or GD No.564/2006, as amended.

XXI. Obstacles encountered in the implementation of article 7

Describe any obstacles encountered in the implementation of article 7.

The fact that the public is not aware of the environmental problems, for various reasons: standards of living, means of information, age, education, occupational interest, etc.

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XXII. Further information on the practical application of the provisions of article 7

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 7.

Romania has undertaken the SEA procedures, including public participation phase, (also public hearing meetings) for local and national plans and programmes during the reporting period.

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XXIII. Website addresses relevant to the implementation of article 7

Give relevant website addresses, if available:

[see question VI](#)

XXIV. Efforts made to promote public participation during the preparation of regulations and rules that may have a significant effect on the environment pursuant to article 8

Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment, pursuant to article 8. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Public participation in developing legislation/ regulations is provided under Law No.52/2003 ~~republished~~, as amended, which stimulates the active citizen participation in the process of elaboration of normative acts or regulations and to the decision-making process. ~~It~~ establishes the obligation for public authorities to inform and submit to public debate normative acts, to ensure the access to the decision-making process and to the public debate results.

~~Thus, the public authorities must designate a person within the institution, responsible for the relationship with civil society, who receives the proposals, suggestions and opinions of the interested persons regarding the draft normative acts, which are recorded in a register, in which the authorities are obliged to justify in writing the non-acceptance of recommendations submitted in writing by citizens and their legally constituted associations. Subsequently, the draft normative act is submitted for analysis and approval to interested public authorities only after finalization, based on the observations and proposals made.~~

The public authority has the obligation to publish the announcement ~~regarding~~ the drafted normative acts on its website, to post it at its offices and, as appropriate, to send it to the local or central media.

Website publications include draft regulations, decisions, ordinances, giving the public an opportunity to actively participate in developing them.

On written request, the public authority shall send a copy of the normative act to the concerned citizen.

The announcement must be published at least 30 working days in advance of the submission of the normative act to approval, adoption, or endorsement.

The public authority has the obligation to establish a period of a minimum 10 days in which to receive public comments.

A public hearing on the proposed normative act may be organised by the public authority at the request of at least one person.

~~At the same time, GD no.831/2022 on the approval of Methodological Norms for the application of Law no.52/2003 on decision-making transparency in public administration, standardises and unifies the procedure for ensuring transparency in decision-making by public authorities, without limiting the possibilities of performing additional activities to facilitate citizens' access to the process of drafting normative acts and taking administrative decisions.~~

~~For example,~~ Order No.1325/2000 on public participation, during the preparation of plans, programmes, policies and legislation relating to the environment establishes a dialogue between the environmental public authorities and NGOs, through a working group.

~~In accordance with Article 8 of the Convention, the E-Consultare Platform is operational in~~

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Romania (<https://e-consultare.gov.ro/w/>), which is an online governmental platform that brings together draft normative acts launched for public consultation at the central administration level. Its purpose is for civil society to be able to participate effectively in the decision-making process and it was designed as a solution to increase predictability in the process of drafting normative acts at the executive level. The platform facilitates, in an interactive way, the delivery of proposals directly to the initiating institutions. Also, in line with the consolidation of the principles outlined by the Convention, a new and improved version of the platform is under development by the Government, which is designed as a one-stop shop at the governmental level, which will target areas such as decision-making transparency and access to information.

XXV. Obstacles encountered in the implementation of article 8

Describe any *obstacles encountered* in the implementation of article 8.

Insufficient legally trained personnel in the public institutions.

XXVI. Further information on the practical application of the provisions of article 8

Provide further information on the *practical application of the provisions on public participation in the field covered by article 8*.

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XXVII. Website addresses relevant to the implementation of article 8

Give relevant website addresses, if available:

www.gov.ro, www.mmediu.ro, <https://e-consultare.gov.ro/w/>

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XXVIII. Legislative, regulatory and other measures implementing the provisions on access to justice in article 9

List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.

Explain how each paragraph of article 9 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

The legislative measures that implement the provisions regarding access to justice include:

The Romanian Constitution, Law no.554/2004 on administrative litigation, ~~as amended~~, GD No.878/2005, ~~as amended~~, Law No.292/2018, the Civil Procedure Code ~~from 2010, as amended~~.

The Romanian Constitution states, in Article 21 “free access to justice”, that:

1) every person is entitled to bring cases before the courts for the defence of his legitimate rights, freedoms, and interests.

2) No law may restrict the exercise of this rights.

3) The parties have the right to a fair trial and to have cases dealt with within a reasonable time.

4) Special administrative jurisdiction shall be voluntary and free of charge.

Regarding the guarantees they enshrine, the provisions of art. 21 of the Romanian Constitution are closely related to other articles, such as: art. 1 paragraph (4) – on separation of powers, art. 24 – on the right to defence, art. 52 – regarding the right of the person injured by public authority etc.

The Civil Procedure Code states in article 30 that anyone who has a claim against another person or aims to resolve a legal situation in court has the right to make a request before the competent court.

Law no.554/2004 on administrative litigation, as amended, provides in Article 1 that “Any person which consider that one of their rights or legitimate interests is injured by a public authority, by an administrative act, or by the failure to settle a petition within the legal term, may address to the law court on administrative contentious, for the annulment of the act, the acknowledgement of the claimed right of the legitimate interest and the legal redress of the damage caused. The legitimate interest may be private or public.” GD No.878/2005, ~~as amended~~, contains provisions of access to justice related to environmental information (Pillar One), as follows:

“Article16(1) Any applicant who considers that the request for environmental information was unjustifiably rejected, totally or in part, was ignored or was given an inappropriate answer by a public authority or that the provisions of art. 3 - 8, art. 11 - 15 and art. 29 - 31 were not complied with, may submit a complaint to the head of the public authority, requesting the reconsideration of the acts or omissions.

(2) The preliminary complaint provided under paragraph (1) shall be solved as provided in art. 7 of Law No.554/2004 on administrative litigation, published in the Official Journal of Romania, Part I, No. 1154 of 7 December 2004.

(3) The preliminary administrative procedure provided under paragraph (1) is free of charge.

Article 17:

(1) The applicant who considers, as a result of the application of the provisions of art. 16 para. (1), that maintains an impairment of his/her rights provided for by the present decision, or that it did not receive an answer to his/her complaint within legal timeframe, can bring an action before the competent administrative contentious court of law, where the acts or omissions of the public authorities concerned are reviewed.

(2) The case is solved according to the provisions of Law No. 554/2004.

Article 18:

According to the Law No. 554/2004, the competent administrative court may also be addressed by a third party affected in its right or legitimate interest as a result of the provision of environmental information.

Article 19:

(1) The final and irrevocable courts’ decisions, which admit the applications formulated according to the provisions of Law no 554/2004, represent enforceable titles against public authorities holding the environmental information.

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(2) The decisions of the court of law shall be stated in writing and shall be grounded de facto and de jure.”

In 2018, when the legislation for environmental impact assessment changed, in order to transpose the amended EIA, Romania adopted Law no. 292/2018 by which occasion, provisions for access to justice were made more visible by including them into a different chapter (Chapter 3, Access to Justice).

Law 292/2018 provides in art.21 (1) that any person from the interested public and which considers that one of his/her rights or one of his/her legitimate interests is injured may challenge to the law court on administrative contentious, procedurally and substantially, the acts, decisions or omissions of the competent environmental authority which are subject to the public participation in the environmental impact assessment procedure.

Art.21 (2) stipulates that “any NGO which promotes environmental protection and is legally registered, may address to the law court on administrative contentious [...]”.

The relevant provisions on access to justice related to public participation in decisions on specific activities are provided by Law 292/2018, art.21-22, as follows:

“Art. 21 (1) Any member of the public concerned who maintains an impairment of its rights or of its legitimate interests may file a case before the competent administrative contentious court of law to challenge the substantive and procedural legality of the decisions, acts, actions or omissions subject to public participation, provided for by the present decision, including the development consent, in accordance with the Law no. 554/2004 on administrative litigation, published in the Official Journal of Romania, Part I, no. 1154 of 7 December 2004, as amended.

(2) Any non-governmental organization meeting the requirements of art. 2 letter f) may file a case before the competent administrative contentious court of law considering that they maintain an impairment of their rights or of their legitimate interests.

(3) The acts or omissions that are subject to public participation can be challenged in court at the time of the screening stage decision, the environmental agreement or, the decision to reject the request for an environmental agreement, the development consent or the decision to reject the request for a development consent.

Art. 22 (1) Prior to recourse to the competent administrative contentious court of law the persons referred to in art.21 must request to the issuing public authority or the hierarchic superior body of the issuing public authority of the decision mentioned in article 21, paragraph 3, to revoke, in whole or in part, the respective decision. The request must be made within 30 days from the date when the decision was made available to the public.

(2) The issuing public authority has the obligation to respond to the complaint referred to in paragraph (1) within 30 days from the registration date of the complaint to that authority.

(3) The preliminary administrative procedure referred to in paragraphs (1) and (2) is free of charge and must be equitable, quick and fair.”

The definitions of art.2 regarding environmental information, public authority, and public are transposed by art.2 paragraph (1), (2) and (6) of the GD 878/2005.

The definition of public concerned is transposed in Article (2), letter g), of Law No. 292/2018.

Article 2 (5) of GD No. 878/2005 provides that the applicant for environmental information may be any natural or legal person requesting environmental information, regardless of its citizenship, nationality or residence, and in case of the legal persons, regardless of the place where they are registered or where the effective center of their activities is.

Also, and in particular, describe:

(a) With respect to **paragraph 1**, measures taken to ensure that:

(i) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;

This provision is included in the [following normative acts](#):

Law on administrative [litigation](#), No. 554/2004, as amended,

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Article 1 (Subjects for referral to the court)

(1) Any person who considers himself injured in his right or in a legitimate interest, by a public authority, by an administrative act or by the non-resolution of a request within the legal term, may address the competent court for administrative litigation, for the annulment of the act, the recognition of the claimed right or legitimate interest and the reparation of the damage caused to him. The legitimate interest can be both private and public.

(2) The person injured in his right or in a legitimate interest through an administrative act of an individual nature, addressed to another subject of law, can also address the court for administrative litigation.

3) The Ombudsman, following the control carried out according to his organic law, if he considers that the illegality of the act or the refusal of the administrative authority to carry out its legal duties can only be removed through justice, he can notify the competent court for administrative litigation from the domicile of the petitioner. The petitioner automatically acquires the status of complainant, and will be summoned in this capacity. If the petitioner does not appropriate the action formulated by the Ombudsman at the first court term, the court for administrative litigation cancels the request.

(4) When the Public Ministry, following the exercise of the powers provided by its organic law, assesses that the violations of the rights, freedoms and legitimate interests of individuals are due to the existence of individual unilateral administrative acts of public authorities issued with excess of power, with their prior agreement, then the ministry notifies the court for administrative litigation from the domicile of the natural person or from the office of the injured legal person. The petitioner automatically acquires the status of complainant, and will be cited in this capacity.

(5) When the Public Ministry assesses that by issuing a normative administrative act a legitimate public interest is harmed, it notifies the competent court for administrative litigation from the area of the issuing public authority.

(6) The public authority that issued an illegal unilateral administrative act can ask the court to cancel it, if the act can no longer be revoked because it entered the civil circuit and produced legal effects. If the action is accepted, and if the court was notified through the summons, the court also decides on the validity of the legal acts signed on the basis of the illegal administrative act, as well as on the legal effects produced by them. The action can be brought within one year from the date of issuance of the act.

(7) The person injured in his rights or legitimate interests by unconstitutional ordinances or provisions of the Government's ordinances may address the court for administrative litigation, under the conditions of this law.

(8) The Prefect, the National Agency for Public Servants and any subject of public law may bring actions in administrative litigation, under the conditions of this law and special laws.

(9) When solving requests in administrative litigation, the representative of the Public Ministry can participate, in any phase of the process, whenever he deems it necessary to defend the legal order, the rights and freedoms of citizens.

GD No 878/2005, as amended:

Article 17

(1) The applicant who, as a result of applying the provisions of art. 16 para. (1), considers that his right provided by this decision was violated or who has not received a response to his preliminary complaint within the legal period of time, may submit a request to the competent court for administrative litigation, so that the acts or omissions of the public authority are examined.

(2) The settlement of the request is made in accordance with the provisions of Law no. 554/2004.

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(ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;

This provision is found in the following normative acts:

Law No. 554/2004 on administrative litigation, as amended.

Article 7

(1) Before addressing the competent court for administrative litigation, the person who considers himself injured in a right or in a legitimate interest by an individual administrative act addressed

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to him must request the issuing public authority or the hierarchically superior authority, if it exists, within 30 days from the communication of the act, for its revocation, in whole or in part. For well-grounded reasons, the injured person, addressee of the act, can file a preliminary complaint, in the case of unilateral administrative acts, also beyond the deadline stipulated in para.(1), but no later than 6 months from the date of issuance of the act.

GD No.878/2005, as amended, provides, in Article 16(3) that the preliminary administrative procedure shall be free of charge.

Art.16(1) Any applicant who considers that his request for environmental information was unjustifiably rejected, partially or totally, ignored or resolved with an inappropriate response from a public authority or that the provisions of art.3-8, art.11-15 and art.29-31 were not met, may address a preliminary complaint to the head of that public authority, requesting the reconsideration of acts or omissions.

(3) The preliminary administrative procedure from para.(1) is exempted from taxes.

Law No.292/2018 provides, in Article 22(3) that the preliminary administrative procedure is free of charge, fair, quick and correct.

Art.22 (Chapter III Access to justice)

(1) Before addressing the competent court for administrative litigation, the persons provided for in art. 21 have the obligation to request the public authority issuing the decision provided for in art. 21 para. (3) or to the hierarchically superior authority, for the revocation, partially or totally, of that decision. The request must be registered within 30 days from the date the decision was made public.

(2) The issuing public authority has the obligation to respond to the preliminary complaint provided for in para. (1) within 30 days from the date of its registration at that authority.

(3) The procedure for settling the preliminary complaint provided for in para. (1) and (2) is free and must be fair, quick and correct.

(iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;

The national legislation containing relevant provisions referred to at this item includes:

- Law No.554/2004 on administrative litigation, as amended, Articles 22, 24, 25

Art.22(Enforceable title)

Final court decisions pronounced according to this law are enforceable titles.

Art.24(Obligation of execution)

(1) If, following the admission of the action, the public authority is obliged to conclude, replace or modify the administrative act, to issue another document or to carry out certain administrative operations, the execution of the final decision is done voluntarily within the term provided in the decision, or in the absence of such a deadline, within no more than 30 days from the date of the decision remains final.

(2) If the debtor does not fulfil his obligation willingly, it shall be fulfilled by enforced execution, following the procedure provided by this law.

(3) At the request of the creditor, within the prescription period of the right to obtain enforced execution, which runs from the expiration of the terms provided for in para. (1) and which were culpably not complied with, the enforcement court, by decision issued with summons of the parties, imposes on the legal person, authority or public institution, as the case may be, a fine of 20% of the gross minimum wage per day of delay, which is paid to the state budget, and the complainant is awarded penalties, under the terms of art. 906 of the Code of Civil Procedure, for a maximum of 3 months, counted from the date of communication of the conclusion regarding the establishment of the fine.

(4) If, within 3 months from the date of communication of the decision to apply the fine and award penalties, the debtor, in a culpable manner, does not perform his obligation from the enforcement title, the enforcement court, at the request of the creditor, will decide upon the amount to be owed to the state and the amount to be owed to him as penalties, by decision issued with the summons of the parties. At the same time, by the same decision, the court will establish, under the conditions of art. 892 of the Code of Civil Procedure, the compensation that the debtor owes to the creditor for non-performance in kind of the obligation.

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(5) In the absence of the creditor's request, after the deadline provided for in para. (4), the civil enforcement department of the enforcement court will request from the public authority relations regarding the execution of the obligation included in the enforcement title and, if the obligation was not fully executed, the enforcement court will fix the final amount that will be owed to the state through decision given with summons of the parties.

Art. 25 (Enforcement court)

(1) The enforcement court, which is, in the matter of administrative litigation, according to art. 2 para.(1) letter j), the court that judged the substance of the administrative litigation, applies, respectively, gives sanction and penalties provided for in art.24 para.(3), without the need for receiving enforceability and for the approval of the forced execution by the bailiff.

(2) The requests provided for in art. 24 para. (3) and (4) are judged in the council chamber, urgently, and are exempt from the judicial stamp duty. The procedure provided for in art. 200 and 201 of the Code of Civil Procedure is not applicable. The injunction is mandatory and is submitted to the case file at least 3 days before the court date. The complainant will learn about the content of the injunction from the case file. The court may grant a new trial term if the complainant requests the postponement in order to learn about the content of the injunction.

(3) The decisions pronounced under the conditions of art. 24 para. (3) and (4) are only subject to appeal, within 5 days from the communication.

(4) The provisions of para. (1)-(3) shall be applied, accordingly, also for the enforcement of administrative litigation decisions, given in litigations which concerned administrative contracts.

• GD No. 878/2005, as amended, Article 19

(1) The final and irrevocable court decisions by which the actions formulated according to the provisions of Law no. 554/2004 were admitted, constitute enforceable titles against the public authority that holds environmental information.

(2) The judgments of the courts are made in writing and are motivated in fact and in law.

(b) Measures taken to ensure that, within the framework of national legislation, members of the public concerned meeting the criteria set out in **paragraph 2** have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6;

This provision is found in the following normative acts:

The Law no.554/2004 on administrative litigation, as amended, provides;

Additional to art. 1, para. (1) and (2), which were presented at point XXVIII, a), i), we also mention:

Article 8 (The object of the judicial action)

(1) The person injured in a right recognized by law or in a legitimate interest by a unilateral administrative act, unsatisfied with the response received to the preliminary complaint or who did not receive any response within the term provided for in art. 2 para. (1) letter h), may notify the competent court for administrative litigation, to request the annulment of the act, partially or totally, the reparation of the damage caused and, possibly, reparations for moral damages. Also, the person who considers himself harmed in his right or his legitimate interest by the failure to resolve a request timely or by the unjustified refusal to resolve a request, as well as by the refusal to carry out a certain administrative operation necessary for exercising or protecting the right or legitimate interest, can address the court for administrative litigation. The reasons cited in the application for annulment of the act are not limited to those cited in the preliminary complaint.

(1^1) Natural and legal persons under private law may formulate claims by which they invoke the defense of a legitimate public interest only in the subsidiary, to the extent that the harm to the legitimate public interest logically follows from the violation of the subjective right or the legitimate private interest.

(1^2) By derogation from the provisions of para. (1), the actions based on the violation of a legitimate public interest can only have as their object the annulment of the act or obliging the defendant authority to issue an act or another document, respectively to carry out a certain administrative operation, under the penalty of delay penalties or fine, provided by art. 24 para. (2).

(2) The court for administrative litigation is competent to solve litigations that arise in the phases preceding the conclusion of an administrative contract, as well as any disputes related to the

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conclusion of the administrative contract, including disputes which have as object the cancellation of an administrative contract. Litigations arising from the execution of administrative contracts are within the jurisdiction of civil courts of common law.

(3) When settling the disputes provided for in para. (2) the rule according to which the principle of contractual freedom is subordinated to the principle of priority of the public interest is taken into account.

According to the Law 554/2004, as amended, the court of law are competent to judge on the legality of administrative documents, acts, actions or omissions that grounded the issuing of the administrative final decisions.

Law No.292/2018, Article 21 (1-3), provides for the right of the public concerned to address to the competent law courts according to the provision of Law No.554/2004, if, after undergoing the preliminary administrative procedure, they consider that their rights were not respected.

Article 21

(1) Any person who is part of the interested public or who considers himself injured in a right or in a legitimate interest can address the competent court for administrative litigation to challenge, from a procedural or substantive point of view, the acts, the decisions or omissions of the competent public authority that are subject to public participation, including the development approval, according to the provisions of Law no. 554/2004 on Administrative Litigation, as amended.

(2) Any non-governmental organization that meets the requirements provided for in art. 2 letter f), can address the court for administrative litigation, being considered that they are harmed in a right of theirs or in a legitimate interest.

(3) Acts or omissions of the competent public authority that are subject to public participation are challenged in court together with the screening decision, the environmental agreement or, as the case may be, the decision to reject the request for an environmental agreement, respectively with the development approval or, as the case may be, with the decision to reject the request for development approval.

GD no.878/2005, as amended:

Art.17 (Chapter IV Access to Justice)

(1) The applicant who, as a result of applying art.16 para.(1), considers to have been violated in his right provided by this decision or who has not received a response to his preliminary complaint within the legally established term, may submit a request to the competent court for administrative litigation, where the acts or omissions of the public authority in question are examined.

(2) The resolution to the request is taken in accordance with the provisions of Law no.554/2004.

Art. 18 According to Law no.554/2004, a third party injured in a right or in a legitimate interest as a result of the provision of environmental information, can also address the competent court for administrative litigation.

(c) With respect to paragraph 3, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;

This provision can be found in the following normative acts:

Article 21 (1) (Free access to justice) of the Romanian Constitution, as amended, stipulates that any person can bring a case before a court of law in order to protect his/her rights, freedoms and legitimate interests;

The Law No. 554/2004 on administrative litigation, as amended, ensures:

- the right of any person who considers himself injured in a right or in a legitimate interest, by a public authority, by an administrative act or by the failure to resolve a request within the legal term, to address to justice for the annulment of the act, recognition the right demanded or the legitimate interest and repairing the prejudice if they consider that their rights were not respected. The legitimate interest can be private or public (article 1, para (1)).

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- ensures the right to appeal (article 20).

EGO No.195/2005, approved by Law No.265/2006, as amended, stipulates the following:

- Under Article 5, letter d) “the state recognizes every person's right to a healthy and ecologically balanced environment, guaranteeing for this purpose: the right to address, directly or through environmental protection organisations, the administrative and/or judicial authorities, as applicable, in environmental matters whether a damage was caused or not;
- Under Article 20(6) “non-governmental organisations that promotes environmental protection have the right to take legal action in environmental matters, as a party in a law suit in environment-related disputes.”

Law No. 292/2018, Article 21 (see above at point XXVIII (b)).

GD no.878/2005, as amended, articles 17 (1)-(2), 18 (see above at point XXVIII (b)).

- (d) With respect to **paragraph 4**, measures taken to ensure that:
- (i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;

This provision can be found in the following normative acts:

Law No.554/2004, as amended,

Article 18 (Compensations that may be granted by the court)

(3) When settling the claim, the court also decides on the compensations for material and moral damages caused, if the claimant has requested this.

- (ii) Such procedures otherwise meet the requirements of this paragraph;

This provision can be found in the following normative acts:

Law No.554/2004, as amended, provides for specific deadlines and reasonable fees.

GD no.878/2005, as amended, article 19:

(2) All court decisions are given in writing and contain de facto and de jure reasons.

(e) With respect to **paragraph 5**, measures taken to ensure that information is provided to the public on access to administrative and judicial review.

This provision can be found in the following normative acts:

Article 15 of GD No. 878/2005, as amended:

(3) The rejection of the request for the provision of environmental information contains the reasons for refusal, explanations regarding how the public authority took into account the public's interest in providing the information, as well as the information regarding the review procedure provided for in art. 16-19

Law No.292/2018 provides that the decision regarding the EIA must include information on the preliminary administrative and legal procedure. (Art.27 of Annex 5 PROCEDURE for environmental impact assessment for certain public and private projects)

Under the Civil Procedure Code, legal procedures in Romania are public and any person may be present in the court room. Recently, the Superior Council of Magistracy has decided that all public interest decisions shall be made available on the internet, on the websites of the courts.

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XXIX. Obstacles encountered in the implementation of article 9

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 9.*

Insufficient legally trained personnel in the environmental authorities.

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XXX. Further information on the practical application of the provisions of article 9

*Provide further information on the **practical application of the provisions on access to justice pursuant to article 9**, e.g., are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?*

Article 3, item 7 of para. 5 of EIA Directive has been transposed into the national legislation under Article 22 (3) of Law No.292/2018. This article provides that: "The procedure for resolving the preliminary complaint under para. (1) and (2) shall be free of charge and it should be fair, quick and correct."

In regard to the resolution deadline, Article 22(1) provides that the interested public, including non-governmental organisations shall, before calling on the competent administrative dispute solution body, "[...] request the public authority that issued the decision [...] or the immediately higher authority, to revoke that decision, in total or in part. The request should be registered within 30 days of the decision being made public. Article 22 (2) specifies that: The issuing public authority shall answer the preliminary complaint provided under para. (1) within 30 days of its registration with the authority."

If the applicant is not content with the decision of the issuing public authority or of the higher-level authority, in response to the application, it can appeal to the competent administrative dispute body, as provided under Article 22 (1).

The Civil Procedure Code from 2010, as amended, came into force with amendments. The new civil procedure law is the expression of a sustained effort, for several years, essentially aiming to create a modern legal framework for civil action in court, that may fully meet the requirements of the workings of modern justice, adapted to social expectations, and to the need of improving the quality of this public service.

The Civil Procedure Code from 2010, as amended, which reformed the entire civil procedural process, has also brought about important changes in matters such as legal expenses, with the new regulation bringing more clarifications to the institution.

Thus, Article.451 para. (1) defines judicial expenses as follows: "Judicial expenses include **stamp duties and judicial stamp duties**, barrister, expert and specialist fees, (...), amounts payable to the witnesses for travel and loss caused by their presence in court, travel expenses and accommodation expenses, as applicable, as well as any expenses required for the good conduct of the trial".

Moreover, under Article 451 para.(2) and (3) "the court may, even ex officio, reduce, on sound grounds, the legal expenses representing the barrister, expert and specialist fees if they are blatantly disproportionate with the value or complexity of the case or the activity they provide, also considering the circumstances of the case."

Equally, the new Civil Procedure Code meets the requirements deriving from the European Convention for the Protection of Human Rights and Fundamental Freedoms and implicitly those stated in the C.E.D.O. case law.

Articles 90-91 of the Civil Procedure Code contain legal provisions on **Legal assistance**, as follows:

„Article 90 - Conditions for granting:

- (1) Those who cannot afford the expenses involved in starting and sustaining a civil process in court without affecting their own or family upkeep, may benefit from legal assistance under the special law conditions for public legal aid.
- (2) Legal aid consists of:

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- a) exemptions, reduction, rescheduling or postponement of legal duty payments under the law;
- b) free of charge defence and assistance by a lawyer appointed by the Bar;
- c) any other as provided by the law.
- (3) Legal assistance may be granted at any time during the proceedings, totally or in part.
- (4) Legal persons may benefit from facilities such as reductions, rescheduling or postponements in the payment of legal stamp duties on actions and applications submitted to the courts, under the special law. "

Article 91-Special Provisions

The provisions contained in special laws on exemptions from fees, duties, tariffs, commissions or bail for the applications, actions and any other measures taken in administering fiscal receivables shall remain applicable. "

Emergency Government Ordinance No.80/2013 on legal stamp duties, with subsequent modifications and additions, is a regulation of interest for the review of the legal framework on judicial expenses. Exemptions from the payment of legal stamp duties also apply under Article 29. ~~This article does not provide tax exemptions in environmental cases.~~

Free access to justice is also ensured for persons whose financial means prevent them from accessing the court and its proceedings, by providing the necessary support for the exercise of this fundamental right, within the concept of legal aid, provided under the condition laid down in the Government Emergency Ordinance no. 51/2008 on public legal aid in civil matters, ~~as amended~~. This Ordinance established since 2008 a public system of legal aid in civil matters to ensure real access to justice. This system complies with the requirements of council Directive 2002/8/EC of 27 January 2003 on improving access to justice in cross-border disputes by establishing common minimum rules relating to legal aid for such disputes.

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XXXI. Website addresses relevant to the implementation of article 9

Give relevant website addresses, if available:

<http://www.just.ro>

CSM reports on the State of Justice for the past years:

<https://www.csm1909.ro/PageDetails.aspx?PageId=267&FolderId=3570&FolderTitle=Rapoarte-privind-starea-justi%C5%A3iei>

www.mmediu.ro www.anpm.ro

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Articles 10-22 are not for national implementation.

XXXII. General comments on the Convention's objective

If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

Implementation of the Convention ensures better access to information and public participation in decision-making, improving the quality of public authority decisions, and also helps the public become more aware of the environmental problems and promotes ecological education for better understanding of the environmental problems.

XXXIII. Legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to article 6 bis and Annex I bis

Concerning legislative, regulatory and other measures that implement the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, describe:

NEPA is the competent authority under EU Directive 2001/18/EC regarding deliberate release into environment of genetically modified organisms (GMO).

NEPA ensures public information and participation in the decision-making process, according with the provision of the EGG No.43/2007, approved and amended by Law No. 247/2009, as amended, transposing Directive 2001/18/EC.

The national legislation includes provisions regarding public consultation and public information in the decision-making process on the deliberate release into the environment of GMOs. All the notifications are published on the internet pages of the JRC (Joint Research Centre - European Commission) and NEPA websites. Public information at the national level is performed in cooperation with the local environmental protection agencies operating under the NEPA. All the risk assessment submitted by the notifiers and the summary of all the decisions taken by the competent authorities are published on the NEPA website: www.anpm.ro. If necessary, public debates are organised during the authorization procedure for deliberate release of GMOs and placing on the market.

NEPA doesn't divulge to the third parties any information which has been accepted to be confidential and protects the intellectual property rights, related to the received data.

In no case the following information may be kept confidential:

- The general characteristics of the genetically modified organism, the name and address of the notifier, location of the site;
- Measures of containment.
- Any harmful effects on human health and on the environment;
- The emergency plans.

(a) With respect to **paragraph 1 of article 6 bis** and:

(i) **Paragraph 1** of annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis;

The Competent Authority shall consult and inform the public in the decision-making process, in accordance with legislation in force on public access to information and the one regarding confidentiality;

Thus, in the case of cultivations of genetically modified higher plants in scientific purposes, according to Article 13 (2) g), of OUG 43/2007, approved and amended by Law No.247/2009, as amended, any operator, before the deliberate introduction into the environment of GMO or a combinations of such organisms in Romania, must submit to the competent authority a notification which include among other things information to the public in electronic and written format, as set out in Annex No. 8, in order to obtain an authorization.

For commercial cultivation of genetically modified higher plants, the notification shall also contain information for the public as well as a summary of the notification.

(ii) **Paragraph 2** of annex I bis, any exceptions provided for in the Party's regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception;

(iii) **Paragraph 3** of annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification

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introduced to obtain an authorization for the deliberate release or placing on the market of such genetically modified organisms, as well as the assessment report where available;

Within 5 days from the beginning of the authorization procedure, the competent authority shall publish on the internet the summary notification and information to the public.

- (iv) **Paragraph 4** of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential;

Article 43 of GEO 43/2007 contains provisions on confidentiality;

The competent authority shall decide, after consulting with the notifier, which information will be considered confidential and shall inform the notifier, the authorities concerned and the control body, about this decision.

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- (v) **Paragraph 5** of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example:

- a. The nature of possible decisions;

In this case, the decision relates to the issuance of the authorization for deliberate release into the environment, or import agreement, the decision to renew, suspend or revocation of the authorization as appropriate.

- b. The public authority responsible for making the decision;

The competent authority for the purposes of GEO 43/2007, i.e. the National Environmental Protection Agency.

- c. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis;

GEO 43/2007, approved and amended by Law No.247/2009, as amended, provides modalities for public consultation in the authorization procedure for deliberate release into the environment of genetically modified organisms.

Within 5 days from the beginning of the authorization procedure, both for deliberate release into the environment for scientific purposes and for cultivation, the competent authority shall initiate the public consultation and public participation in decision-making process.

- d. An indication of the public authority from which relevant information can be obtained;

NEPA, the competent authority for the purposes of GEO 43/2007, approved and amended by Law No. 247/2009, as amended, shall consult and inform the public in decision-making process, in accordance with legislation on public access to information and regarding privacy.

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In the authorization procedure for deliberate introduction into environment for scientifically purposes, according to Art. 17 (3) of GEO 43/2007:

The competent authority shall publish on its internet address the summary notification according to Art. 13 para. (2). d) and information to the public as art. 13 para. (2). g). Information to the public shall be published at the local Environmental Protection Agency or local authority where the introduction into the environment is intended to be made.

In the authorization procedure for deliberate release into environment for commercial purposes, according to Art. 32 (2) of GEO 43/2007:

The competent authority shall publish on its internet address:

- a) the summary notification according to Art. 29 para. (2). d);
b) information to public according art. 29 para. (2). k)

- e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;

According to GEO 43/2007, public comments may be submitted to the competent authority. Public consultation lasts 30 days, begins on the 6th day and ends on the 36th day after the start of the authorization procedure.

- (vi) **Paragraph 6** of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;

According to Art. 17 (4) of GEO 43/2007:

The public submits its observations to the competent authority, during the consultation provided in par. (2), by e-mail or by mail with acknowledgment of receipt, and may consult the notification file, excluding confidential data, according to a letter submitted to the competent authority, in compliance with provisions of the article 43.

- (vii) **Paragraph 7** of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis;

Public comments are considered in the authorization procedure for the deliberate release into the environment for scientific purposes.

Thus, according to art. 17 (5) of GEO 43/2007, within 10 days after completion of the public consultation, the competent authority shall prepare a summary of its observations, which is submitted to the central public authority for environmental protection, authorities involved and the Biosafety Commission.

Within 90 days from the beginning of the authorization procedure, the competent authority shall take a decision based on the scientific opinion of the Biosafety Commission and of the authorities involved, also based on the synthesis of public consultation and the consultation of Member States.

- (viii) **Paragraph 8** of annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based;

Article 21 of OUG 43/2007:

(1) Without prejudice to Article 43, the competent authority shall inform the public and publishes on its website address, within 30 days after making a decision, the following information:

- a) decisions and review of the decisions taken pursuant to Articles 16-19 and Article 22;
- b) competent authority report and the control body report, as provided in Article 8.

(b) With respect to **paragraph 2 of article 6 bis**, how the requirements made in accordance with the provisions of annex I bis are complementary to and mutually supportive of the Party's national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity.

Romania accepted the amendment on GMOs to Aarhus Convention by adopting Law nr.24/2008. The provisions are part of the internal law and the rights of the public and can be directly claimed, under this legal basis.

~~GEQ no.43/2007, approved and amended~~ by Law 247/2009, ~~as amended~~, contains provisions on public participation and information in article 6 para. (4) and Article 17, Article 21. Article. 32, Article 33 (8), Article 74.

The legislation provides that NEPA shall:

- Consult and inform the public in the decision-making process, in compliance with the legislation on public access to environmental information and privacy;
- Inform the authorities concerned and the public about the revision, suspension or withdrawal of authorization and about any accidents.

The procedure for authorizing activities regarding the contained use of genetically modified microorganisms is public. Within 10 days of acceptance of the notification the competent authority shall publish it on the website. Proposals and public comments shall be submitted to the competent authority within 30 days of the date of posting of notification.

For contained use classes 3 and 4, as appropriate, the competent authority organizes public debates supported by the notifier. After the public debate, the competent authority shall prepare a report which is forwarded to the authorities concerned in the notification procedure.

Information regarding GMOs ~~is~~ environmental information and ~~is~~ available to the public according to GD no.878/2005, ~~as amended~~. (1) In cases where the information in the notification is in conflict with the provisions of Government Decision no.878/2005 on public access to environmental information, supporting evidence must be provided.

Can not be considered confidential:

- a) general characteristics of the genetically modified organism;
- b) name and address of the company;
- c) location of the facility and intended use;
- d) contained use class and biosecurity measures;
- e) risk assessment;
- f) emergency plan.

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XXXIV. Obstacles encountered in the implementation of article 6 bis and annex I bis

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6 bis and annex I bis.*

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XXXV. Further information on the practical application of the provisions of article 6 bis and annex I bis

*Provide further information on the **practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g., are there any statistics or other information available on public participation in such***

decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

Order No.1205/2009 for the establishment and functioning of the National Register of locations of the introduction of GMOs into the environment, ensures the public information in an organized manner. Thus, the register, which is in fact a database, created electronically and on paper, which provides the annual locations of the GMOs is published on the NEPA website.

XXXVI. Website addresses relevant to the implementation of article 6 bis

Give relevant website addresses, if available, including website addresses for registers of decisions and releases related to genetically modified organisms:

Ministry of Agriculture and Rural Development
<http://www.madr.ro/ro/oreanisme-modificate-genetic.html>

National Environmental Protection Agency
<http://www.anpm.ro/biosecuritate>

XXXVII. Follow-up on issues of compliance

If, upon consideration of a report and any recommendations of the Compliance Committee, the Meeting of the Parties at its last session has decided upon measures concerning compliance by your country, please indicate (a) what were the measures; and (b) what specific actions your country has undertaken to implement the measures in order to achieve compliance with the Convention.

Please include cross-references to the respective sections, as appropriate.

At the Meeting of the Parties to the Aarhus Convention from 2021, Decision VII/8o was adopted, regarding Romania's compliance with the requirements of the Aarhus Convention. (<https://unece.org/env/pp/cc/decision-vii8o-concerning-romania>). In order to ensure compliance with the provisions of the Convention, Romania developed an Action Plan through which it proposed a series of measures. The first progress report was submitted on 30.09.2023, to the Compliance Committee. Also, on 11.12.2023, Romania sent additional detailed information on the measures taken. Moreover, the final progress report was submitted in due time.

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([https://unece.org/DAM/env/pp/compliance/MoP6decisions/Compliance by Romania VI-8h.pdf](https://unece.org/DAM/env/pp/compliance/MoP6decisions/Compliance%20by%20Romania%20VI-8h.pdf)).

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First report
([https://unece.org/DAM/env/pp/compliance/MoP6decisions/VI.8h_Romania/Correspondence with the Party concerned/First progress report/First progress report.pdf](https://unece.org/DAM/env/pp/compliance/MoP6decisions/VI.8h_Romania/Correspondence%20with%20the%20Party%20concerned/First%20progress%20report/First%20progress%20report.pdf)).

In this report, Romania presented information about one session of training and raising awareness among the public authorities at central level about the existence of the decisions of non-compliance of the Aarhus Convention Compliance Committee. It also presented proof about public participation in SEA procedures. The report includes information about the draft strategic elements for a strategy for the implementation of the decision.¶

Second report
([https://unece.org/DAM/env/pp/compliance/MoP6decisions/VI.8h_Romania/Correspondence with the Party concerned/Second progress report/Second progress report.pdf](https://unece.org/DAM/env/pp/compliance/MoP6decisions/VI.8h_Romania/Correspondence%20with%20the%20Party%20concerned/Second%20progress%20report/Second%20progress%20report.pdf)).

The second progress report addressed 3 important steps which were undertaken during 2019: ¶

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). ¶ investigation of the opportunities for holding 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) and ¶ 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)¶

Third report
([https://unece.org/fileadmin/DAM/env/pp/compliance/MoP6decisions/VI.8h_Romania/Correspondence with the Party concerned/Third progress report/Third progress report.pdf](https://unece.org/fileadmin/DAM/env/pp/compliance/MoP6decisions/VI.8h_Romania/Correspondence%20with%20the%20Party%20concerned/Third%20progress%20report/Third%20progress%20report.pdf)). The report included information about the popularization of the "Guide to public authorities for public access to environmental information" among the public and the public authorities.

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