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Economic Commission for Europe

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

Fifth session

Maastricht, the Netherlands, 30 June and 1 July 2014

Item 5 (b) of the provisional agenda

Procedures and mechanisms facilitating the implementation of the Convention: compliance mechanism

Draft decision V/9j concerning compliance by Romania with its obligations under the Convention*

Prepared by the Bureau

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (ECE/MP.PP/2014/9), as well as the findings of the Committee on communication ACCC/C/2010/51 (ECE/MP.PP/C.1/2014/12, forthcoming) concerning Romania's nuclear energy strategy and the planned construction of a nuclear power plant,

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

1. *Endorses* the following findings of the Committee with regard to communication ACCC/C/2010/51:

* The present document has been submitted late due to the short interval between the forty-fourth meeting of the Compliance Committee and the deadline for the submission of documents to the fifth session of the Meeting of the Parties, and the need for further consultation on the document before its submission.



(a) Since the authorities did not respond at all to two of the three information requests submitted by the communicant in relation to the decision-making process regarding the proposed construction of a new nuclear power plant, the Party concerned failed to comply with article 4, paragraph 1, in conjunction with paragraphs 2 and 7, of the Convention;

(b) With respect to the communicant's third information request, by not ensuring that the requested information regarding the possible locations for the nuclear power plant was made available to the public, and by not adequately justifying its refusal to disclose the requested information under one of the grounds set out in article 4, paragraph 4, of the Convention, taking into account the public interest served by disclosure, the Party concerned failed to comply with article 4, paragraphs 1 and 4, of the Convention;

(c) By not providing sufficient time for the public to get acquainted with the draft 2007 Energy Strategy and to submit comments thereon, the Party concerned failed to comply with article 7, in conjunction with article 6, paragraph 3, of the Convention;

2. *Recommends* that the Party concerned:

(a) Take the necessary legislative, regulatory and administrative measures to ensure that public officials are under a legal and enforceable duty:

(i) To respond to requests of members of the public to access environmental information as soon as possible, and at the latest within one month after the request was submitted, and, in the case of a refusal, to state the reasons for the refusal;

(ii) To interpret the grounds for refusing access to environmental information in a restrictive way, taking into account the public interest served by disclosure, and in stating the reasons for a refusal to specify how the public interest served by disclosure was taken into account;

(iii) To provide reasonable time frames, commensurate with the nature and complexity of the document, for the public to get acquainted with draft strategic documents subject to the Convention and to submit their comments;

(b) Provide adequate information and training to public authorities about the above duties;

3. *Invites* the Party concerned to submit to the Committee periodically (on 31 December 2014, 31 October 2015 and 31 October 2016) detailed information on its further progress in implementing the recommendations set out above;

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