



**ROMANIAN GOVERNMENT**  
**MINISTRY OF ENVIRONMENT AND CLIMATE CHANGE**

---

Minister's Cabinet

No.: 868 /RP/ 24.02.2013

Ref.: Draft Findings on communication ACCC/C/2010/51

To: Ms. Aphrodite Smagadi

Secretary to Aarhus Convention Compliance Committee

February 25<sup>th</sup>, 2013

Dear Ms. Smagadi,

Following your letter of 29 January 2013, I have the honour to inform you that the Government of Romania generally agrees with the draft findings you sent, of the Aarhus Convention Compliance Committee. However, with regard to the conclusions of non-compliance, the Government of Romania would like to state that it maintains the position and the arguments upheld during the proceedings before the Committee.

The Government is especially concerned about paragraph 87 of the draft findings. The Committee finds that the exemption provided by article 4, paragraph 4(b) "...is to be interpreted narrowly, taking into account the public interest served by the disclosure". It also concludes that the Government of Romania "has not convinced the Committee that, in refusing access to the requested information on the ground that disclosure could adversely affect international relations, national defence or public security, [the Government of Romania] interpreted the grounds for refusal in a restrictive way, so as to take account of the public interest served by disclosure ...". While the Government agrees that the exemption provided by article 4, paragraph 4(b) should be interpreted narrowly, it is of the view that in the case of nuclear projects, exploratory studies clearly fall within the narrow interpretation of the exemption, because of the very nature of such projects. The reason for classifying these studies has mainly to do with the fact that they are highly relevant for national defence purposes, because of the information they present and the way they put it together. The Government is convinced that it has submitted to the Committee all possible arguments in support of the fact that the public interest was served by the non-disclosure of the above-mentioned studies.

The Government of Romania would also like to inform the Committee that the current Romanian legislative framework already responds to the issues raised by the Committee. Thus, for example, articles 31 to 34 of the Government Decision 123/2002, regulate the

responsibility of the official who does not fulfill the obligations of providing the information requested by the public in accordance with the provisions of Law 544/2001.

At the same time, the Government of Romania is aware that the special nature of nuclear projects can raise problems in the application of treaties, not only in the field of access to information, but also concerning transboundary environmental impact assessment, as underlined during the last Meeting of the Parties to the Espoo Convention. It also believes that these problems should be addressed by the Meeting of the Parties, in order to achieve a balanced solution that would satisfy both the interests of the public, and those of states parties, concerning their international relations, national defense, or public security.

The Romanian authorities will therefore consider the recommendations of the Committee in the interest of achieving a more balanced approach between the public interest and the national interest.

Sincerely,

**MINISTER**  
  
**Rovana PLUMB**  
