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14 October 2010

Ms. Daniela Eugenia Pineta
Director
Horizontal Legislation and Regulations Directorate
Ministry of Environment and Forests
12th Libertății Blvd., sector 5
Bucharest Romania

Mr. Constantin Pulbere
Legal Adviser
Unit for Environmental Assessment
Directorate for Pollution Control and Impact Assessment
Ministry of Environment and Forests
12th Libertății Blvd., sector 5
Bucharest Romania

Dear Ms. Pineta,
Dear Mr. Pulbere,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Romania with provisions of the Convention in connection with the proposed construction of a nuclear power plant and the approval of the Energy Strategy (Ref. ACCC/C/2010/51)

On 2 September 2010, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received the above communication addressed to the Compliance Committee of the Convention. The communication concerns compliance by Romania with provisions of the Convention in connection with the proposed construction of a nuclear power plant and the approval of the Energy Strategy. The communication was submitted in accordance with the provisions of chapter VI of the annex to decision I/7 of the Meeting of the Parties.

Please find enclosed a copy of the communication, which is being forwarded to you at the request of the Committee in accordance with the provisions of paragraph 22 of the annex to decision I/7.

The communication has been registered under the symbol ACCC/C/2010/51, which you are invited to cite in future correspondence on the matter. The main documentation relating to the communication will be shortly available on the Committee's web site at: <http://www.unece.org/env/pp/pubcom.htm>.

The Compliance Committee, having considered the admissibility of the communication at its twenty-ninth meeting (21-24 September 2010), has on a preliminary basis determined it to be admissible in accordance with paragraph 20 of the annex to decision I/7. A copy of the preliminary determination on admissibility is attached. Please note, however, that the Committee has not reached any conclusions with respect to the compliance issues referred to in the communication.

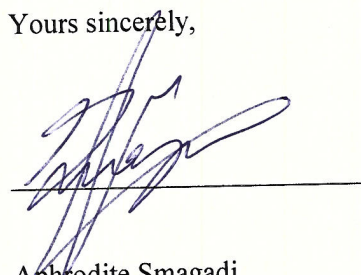
Having regard to paragraph 23 of the annex to decision I/7, you are kindly invited to submit to the Committee, as soon as possible but at the latest within five months of the date of this letter, any written explanations or statements clarifying the matter referred to in the communication and describing any response that may have been made in the mean time.

Additionally, in order to facilitate further consideration of the communication, the Committee has requested the secretariat to invite you to address a number of questions that are annexed to this letter. Please provide any supplementary documentation which is necessary to substantiate your response to the questions. At the same time, you are encouraged to avoid submitting to the Committee excessive documentation which is not strictly relevant to the allegation of non-compliance. In providing your response, please note that you should explicitly comment on the communication itself and the allegations contained therein, as well as addressing the questions raised by the Committee.

In a letter to the communicant, a copy of which you will receive for your information, the Committee has invited the communicant to address other questions. You are welcome to respond to those question, if you so wish.

Please do not hesitate to contact the secretariat if you have any questions.

Yours sincerely,



Aphrodite Smagadi
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of Romania to the United Nations Office and specialized institutions in Switzerland
Ms. Crisanta Lungu, Executive Director, Greenpeace CEE Romania, Romania
Ms. Catalina Radulescu, Strategic litigation manager, Center for Legal Resources, Romania

Encs. Communication ACCC/C/2010/51 (including annexes)
Preliminary determination on admissibility
Datasheet on the communication

ANNEX - Questions to the Party concerned

1. What is the legislation in Romania on access to environmental information and what are the reasons that according to the legislation public authorities may refuse a request for environmental information? Please provide the Committee with details of the relevant provisions.
2. Please provide the Committee with a copy of the text of Article 12 of the Law No 544/2001 on free access to information of public interest (if possible in English).
3. In the context of the facts described in the present communication, how did the Ministry address the request submitted by the communicant in February and March 2009 concerning the possible locations of the proposed nuclear plant? In particular, what were the reasons to refuse the requests? Please provide the relevant excerpts of the relevant legislation that justified the refusal.
4. What is the regulatory framework in Romania with respect to development control and public participation?
5. Please provide information to the Committee about the decision-making process for the construction of the proposed nuclear power plant. What steps have already been taken and what are the steps envisaged to be taken? Is the public involved in the decision-making and how?
6. Please provide information to the Committee about any public consultations that may have taken place before the adoption of the Romanian Energy Strategy 2007-2020.
7. Could you please specify whether the "Romanian Energy Strategy Project for 2007-2020", was available at the Ministry of Economy (or at any other public agency in Romania) in the English language on 14 April 2007, i.e. the date of the communicant's request to access the document?

