

A request for environmental information can represent any communication from a member of the public to a national public authority for such information.

5. What form shall the request for environmental information have?

A request for environmental information does not need to have a specific form, any request being considered valid. However, it is recommended that a request shall be as clear as possible in order to help in avoiding delays from public authorities in providing an answer, especially when the relevance for the environment of the requested information cannot be easily established.

A request for environmental information can be refused if it is manifestly unreasonable or formulated in too general a manner.

A request which is **“manifestly unreasonable”** cannot refer to the volume and complexity of the information, because such cases may only justify an extension of the timeframe the public authority shall provide the requested environmental information.

A request which is **“formulated in too general a manner”** could mean, for example, a request from a member of the public for all documents regarding a specific animal species.

6. When shall public authorities provide an answer?

The environmental information shall be made available by the public authority as soon as possible and at the latest within one month after the request has been registered.

By exception, when the volume and complexity or the requested information justify an extension of the

abovementioned timeframes, it can be made available by the public authority at the latest within two months after the request. In this situation, the applicant shall be informed about any extension of the timeframe, as well as of the reasons justifying it.

7. What form shall the environmental information provided by the public authority have?

As a rule, public authorities shall provide environmental information in the form requested by the member of the public (paper, electronic media, videotape, recording etc.)

By exception, the public authority can provide the environmental information in any other form than the one requested by the member of the public, in the following cases:

- *It is reasonable for the public authority to make it available in another form, in which case reasons shall be given for making it available in that form;*

For example, if the public authority already holds the requested environmental information in electronic form, but the applicant requests for a written form, on paper, the public authority could easily make the information available in the form already held by it.

- *The information is already publicly available in another form.*

8. What happens if the public authority to which the request is addressed does not hold the environmental information requested?

If the public authority does not hold the environmental information, it has two possibilities:

- *It shall inform the applicant, as soon as possible, regarding the public authority which may hold the environmental information;*
- *It can transfer the request, as soon as possible, directly to the correct public authority and notify the applicant that it has done so.*

The public authority shall apply the above national legal provisions within 15 days after the submission of the request, if it does not hold the environmental information.

It is important to note that the public authority to which the request is addressed and which does not hold the requested environmental information, does not have the obligation to guarantee that the public authority which holds it will make it available to the applicant.

9. Are there any charges for providing environmental information by the public authority?

Access to environmental information and on the spot analysis of the requested information is free of charge.

However, public authorities have the right to levy charges for making copies or for processing the information, which will be covered by the applicant.

Public authorities which intend to establish such a system shall make a publicly available list containing all charges and the circumstances in which they might be levied.

10. In which cases can a request for environmental information be refused?

A request for environmental information may be refused if:

- The public authority to which the request is addressed does not hold the environmental information requested;
- The request is manifestly unreasonable or formulated in too general a manner;
- The request concerns material in the course of completion or concerns internal communications of public authorities;

Moreover, a request for environmental information may be refused if the disclosure would adversely affect:

- The confidentiality of the proceedings of public authorities;
- International relations, national defence or public security;
- The course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an enquiry of a criminal or disciplinary nature;
- The confidentiality of commercial and industrial information, where such confidentiality is protected by law in order to protect a legitimate economic interest;
- Intellectual property rights;
- 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;
- The interests of a third party which has supplied the information requested without that party being under or capable of being put under a legal obligation to do so, and where that party does not consent to the release of the material;
- The environment to which the information relates, such as the breeding sites of rare species.

Information on emissions which is relevant for the protection of the environment shall be disclosed.

11. Which is the deadline for the public authority to respond to the applicant in the event of a refusal?

The refusal shall be made as soon as possible and at the latest within one month after the request.

By exception, when the complexity of the information justifies an extension of the abovementioned timeframes, the refusal shall be made by the public authority at the latest within two months after the request.

The applicant shall be informed of any extension of the timeframe, as well as of the reasons justifying it.

12. What form does the refusal of a request for environmental information shall have?

The refusal of a request will be made in writing if the information request was made in writing or if the applicant so requests.

The refusal shall, in all cases, state the reasons on which it was based, offering, at the same time, information on the appeals procedures that the public has access to.

13. How can the public appeal a response of a public authority regarding a request for environmental information?

Any member of the public who addressed a request for environmental information to a public authority and who considers that his or her request has been wrongfully refused, whether in part or in full, ignored or inadequately answered can file a preliminary complaint to the head of the public authority, requesting the revision of the acts and omissions.

Moreover, the public has access to a review procedure before a court of law or another independent and impartial body established by law.

According to national legislation, *the Administrative Litigations Court* has competence in settling such cases, in accordance with the procedure provided in Law no. 554/2004 on Administrative Litigations.



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The three pillars of the Aarhus Convention

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Useful links:

Aarhus Convention

<https://www.unece.org/env/pp/introduction.html>

*The Aarhus Convention: An implementation guide
(second edition)*

<http://www.unece.org/index.php?id=35869>

*Protecting your environment: The power is in your
hands - Quick guide to the Aarhus Convention*

http://www.unece.org/env/pp/publications/the_power_is_in_your_hands.html