Romania as Member of European Union is implementing the EU legislation. In addition to the document sent by EU and its MS which cover regional legislation and measures,some national measure are mentioned in the table and specifications bellow.

As regards to the right of access to information, each Directive or Regulation has a special sector providing it.

Chemicals and waste legislation is published on European Journal/ <http://eur-lex.europa.eu/homepage.html>; on European Commission webb pages and specialized Agencies, such as European Chemicals Agency(ECHA), [www.echa.eu](http://www.echa.eu) .

Each Member State nominates competent authorities and has national legislation implementing EU legislation published on National Oficiall Jurnals and on CA web pages.

## Main source for information assuring the right to know is European Commission - <http://ec.europa.eu/environment/chemicals/reach/right_en.htm>

## Consumer right to know

Under REACH, consumers have the right to know whether the articles they buy contain any chemicals known as "substances of very high concern". These are chemicals with serious and often irreversible effects on health or the environment. Those substances may occur in many everyday products. Consumers can ask their supplier, who is obliged to answer within 45 days.

Many consumer articles may contain chemicals that are harmful to health or to the environment. These articles include clothing, furniture, sports articles, shoes, bags, garden decorations, office supplies, cleaning articles, or personal care products (the list is not exhaustive).

REACH established the setting up of a [candidate list](http://echa.europa.eu/web/guest/candidate-list-table) of "substances of very high concern", to which substances are being added regularly. A substance of very high concern can be carcinogenic, mutagenic, toxic for reproduction, persistent, bioaccumulative and toxic in the environment). The candidate list signals to industry that these substances will eventually be phased out of the market, and intends to encourage companies to look for safer alternatives.

Consumers can play an active role in the process by taking an interest in the safety of the products they buy. Therefore REACH introduced in article 33 the "consumer right to know". Companies are obliged to answer a consumer inquiry about the presence of a substance of very high concern in an article, within 45 days.

The Commission aims to place all currently known and relevant substances of very high concern on the candidate list by 2020.

Another source for information for consumers access is ECHA data base - <http://www.echa.europa.eu/ro/web/guest/information-on-chemicals>.

This is unique source of information on the chemicals manufactured and imported in Europe. It covers their hazardous properties, classification and labelling, and information on how to use them safely. This information is a valuable resource for advancing the safe use of chemicals and for the replacement of the most hazardous ones by safer alternatives.

**Q1. Related to POPs**

• REGULATION (EC) No 850/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC – Government Decision No 561/2008 establishing the measures for the application of Regulation (EC) no 850/2004

Article 10 Information exchange

1. The Commission and the Member States shall facilitate and undertake the exchange within the Community and with third countries of information relevant to the reduction, minimisation or elimination, where feasible, of the production, use and release of persistent organic pollutants and to alternatives to those substances, specifying the risks and the economic and social costs related to such alternatives.

2. The Commission and Member States, as appropriate, shall promote and facilitate with regard to persistent organic pollutants:

(a) awareness programmes, including relating to their health and environmental effects and their alternatives and on the reduction or elimination of their production, use and release, especially for:

(i) policy and decision makers,

(ii) particularly vulnerable groups;

(b) the provision of public information;

(c) training, including workers, scientists, educators and technical and managerial personnel.

3. Without prejudice to Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information ( 1 ), information on health and safety of humans and the environment shall not be regarded as confidential. The Commission and the Member States that exchange other information with a third country shall protect any confidential information as mutually agreed.

• Law no 261/2004 for the ratification of the Convention on persistent organic pollutants (POPs), adopted at Stockholm at 22 May 2001

ARTICLE 10 Public information, awareness and education

1. Each Party shall, within its capabilities, promote and facilitate:

(a) Awareness among its policy and decision makers with regard to persistent organic pollutants;

(b) Provision to the public of all available information on persistent organic pollutants, taking into account paragraph 5 of Article 9;

(c) Development and implementation, especially for women, children and the least educated, of educational and public awareness programmes on persistent organic pollutants, as well as on their health and environmental effects and on their alternatives;

(d) Public participation in addressing persistent organic pollutants and their health and environmental effects and in developing adequate responses, including opportunities for providing input at the national level regarding implementation of this Convention;

(e) Training of workers, scientists, educators and technical and managerial personnel;

(f) Development and exchange of educational and public awareness materials at the national and international levels; and

(g) Development and implementation of education and training programmes at the national and international levels.

2. Each Party shall, within its capabilities, ensure that the public has access to the public information referred to in paragraph 1 and that the information is kept up-to-date.

3. Each Party shall, within its capabilities, encourage industry and professional users to promote and facilitate the provision of the information referred to in paragraph 1 at the national level and, as appropriate, subregional, regional and global levels.

4. In providing information on persistent organic pollutants and their alternatives, Parties may use safety data sheets, reports, mass media and other means of communication, and may establish information centres at national and regional levels.

5. Each Party shall give sympathetic consideration to developing mechanisms, such as pollutant release and transfer registers, for the collection and dissemination of information on estimates of the annual quantities of the chemicals listed in Annex A, B or C that are released or disposed of.

**Q2.**The following information is produced in the field of POPs:

• REGULATION (EC) No 850/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC – Government Decision No 561/2008 establishing the measures for the application of Regulation (EC) no 850/2004

a) any draft proposal for amending the Regulation – every time the EU Commission makes amendments

http://ec.europa.eu/environment/chemicals/index\_en.htm

b)statistical data on the actual or estimated total production and placing on the market of any substance listed in Annex I or II – produced every year by the National Environment Protection Agency;

c) summary information compiled from the notifications, concerning stockpiles – produced every three years by the National Environment Protection Agency;

d) summary information compiled from the release inventories – produced every three years by the National Environment Protection Agency;

e) summary information on the presence of dioxins, furans and PCBs as identified in Annex III in the environment – produced every three years by the National Environment Protection Agency.

The information from c)–e) are public available at the following link: http://cdr.eionet.europa.eu/ro/eu/colscvkya/

• Law no 261/2004 for the ratification of the Convention on persistent organic pollutants (POPs), adopted at Stockholm at 22 May 2001

a) National Implementation Plan – updated every two years after the entering into force of the Conventions amendments by the Ministry of Environment, Water and Forests, through external contract

http://chm.pops.int/Implementation/NIPs/NIPSubmissions/tabid/253/Default.aspx

b) any draft proposal for amending the Law no 261/2004 or any other subsequent act for implementation of the Law

http://www.mmediu.ro/

c) any research study contracted by the Ministry of Environment, Water and Forests in the field of POPs- http://www.mmediu.ro/

d) National report on the measures it has taken to implement the provisions of this Convention and on the effectiveness of such measures in meeting the objectives of the Convention – every four years

http://chm.pops.int/Countries/Reporting/NationalReports/tabid/3668/Default.aspx

e) Notifications for specific exemption/acceptable purposes – in case the Party needs such specific exemptions/acceptable purposes

http://chm.pops.int/Implementation/Exemptions/Overview/tabid/789/Default.aspx

**Q3.** In the field of POPs the information is made available to the public using the following channels:

a) Ministry of Environment, Water and Forests website http://www.mmediu.ro/

b) National Environment Protection Agency website http://www.anpm.ro/

c) awareness raising campaigns

d) workshops and conferences organized by the Ministry of Environment, Water and Forests, National Environment Protection Agency or other research institutes and NGOs

Through each of these channels the information was tailored in such a way to meet the target audience.

**Q4.**The information on hazardous substances and waste had been used to:

• Monitor the human rights affected by hazardous substances and wastes – during the compliance checking with the legal provisions for example in case of POPs; so based on such information the inspection authorities could decide if the human rights are protected;

• Protect the human rights of individuals and groups from the adverse impacts of hazardous substances and wastes – when the National Implementation Plan of the Convention on persistent organic pollutants have set its priority actions and measures to be taken in order the reduce/eliminate the POPs;

• Promote other human rights – during the awareness raising campaigns on POPs matters all the stakeholders, including general public, have been informed about the potential negative effects of POPs and also on their citizen duties regarding maintaining a healthy environment;

• Prevent potential human rights violations caused by the improper management of hazardous substances and wastes – establishment of effective, proportionate and dissuasive penalties and their application, for the stakeholders breaking the law, through the inspections;

• Hold perpetrators accountable and seek remedy for the victims – transposition into the national law of the EU Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (ELD), as amended, which establishes a framework based on the polluter pays principle to prevent and remedy environmental damage.

**Q5.**

• REGULATION (EC) No 850/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC – Government Decision No 561/2008 establishing the measures for the application of Regulation (EC) no 850/2004

The information required should come from the producers, but also from holders of a stockpile, which consists of or contains any substance listed in Annex I or Annex II, for which no use is permitted, in accordance with Art. 5 and 7 of the Regulation. If these provisions are not complied with then the penalties mentioned in Art. 8 of the Government Decision No 561/2008 establishing the measures for the application of Regulation (EC) no 850/2004 should apply.

Article 5 Stockpiles

1. The holder of a stockpile, which consists of or contains any substance listed in Annex I or Annex II, for which no use is permitted, shall manage that stockpile as waste and in accordance with Article 7.

2. The holder of a stockpile greater than 50 kg, consisting of or containing any substance listed in Annex I or Annex II, and the use of which is permitted shall provide the competent authority of the Member State in which the stockpile is established with information concerning the nature and size of that stockpile. Such information shall be provided within 12 months of the entry into force of this Regulation and of amendments to Annexes I or II and annually thereafter until the deadline specified in Annex I or II for restricted use. The holder shall manage the stockpile in a safe, efficient and environmentally sound manner.

3. Member States shall monitor the use and management of notified stockpiles.

Article 7 Waste management

1. Producers and holders of waste shall undertake all reasonable efforts to avoid, where feasible, contamination of this waste with substances listed in Annex IV.

2. Notwithstanding Directive 96/59/EC, waste consisting of, containing or contaminated by any substance listed in Annex IV shall be disposed of or recovered, without undue delay and in accordance with Annex V, part 1 in such a way as to ensure that the persistent organic pollutant content is destroyed or irreversibly transformed so that the remaining waste and releases do not exhibit the characteristics of persistent organic pollutants. In carrying out such a disposal or recovery, any substance listed in Annex IV may be isolated from the waste, provided that this substance is subsequently disposed of in accordance with the first subparagraph.

3. Disposal or recovery operations that may lead to recovery, recycling, reclamation or re-use of the substances listed in Annex IV shall be prohibited.

4. By way of derogation from paragraph 2:

(a) waste containing or contaminated by any substance listed in Annex IV may be otherwise disposed of or recovered in accordance with the relevant Community legislation, provided that the content of the listed substances in the waste is below the concentration limits to be specified in Annex IV. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 17(3). Until such time as concentration limits are established in accordance with such procedure, the competent authority of a Member State may adopt or apply concentration limits or specific technical requirements in respect of the disposal or recovery of waste under this point.

(b) a Member State or the competent authority designated by that Member State may, in exceptional cases, allow wastes listed in Annex V, part 2 containing or contaminated by any substance listed in Annex IV up to concentration limits to be specified in Annex V, part 2, to be otherwise dealt with in accordance with a method listed in Annex V, part 2 provided that:

(i) the holder concerned has demonstrated to the satisfaction of the competent authority of the Member State concerned that decontamination of the waste in relation to substances listed in Annex IV was not feasible, and that destruction or irreversible transformation of the persistent organic pollutant content, performed in accordance with best environmental practice or best available techniques, does not represent the environmentally preferable option and the competent authority has subsequently authorised the alternative operation;

(ii) this operation is in accordance with the relevant Community legislation and the conditions laid down in relevant additional measures referred to in paragraph 6; and

(iii) the Member State concerned has informed the other Member States and the Commission of its authorisation and the justification for it.

5. Concentration limits in Annex V, part 2 shall be established by the Commission for the purposes of paragraph 4(b) of this Article. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 17(3). Until such time as these concentration limits are established:

(a) the competent authority may adopt or apply concentration limits or specific technical requirements in respect of waste being dealt with under paragraph 4(b);

(b) where waste is being dealt with under paragraph 4(b), the holders concerned shall provide information on the persistent organic pollutant content of the waste to the competent authority.

6. The Commission may, where appropriate, and taking into consideration technical developments and relevant international guidelines and decisions and any authorisations granted by a Member State, or the

competent authority designated by that Member State in accordance with paragraph 4 and Annex V, adopt additional measures relating to the implementation of this Article. The Commission shall define a

format for the submission of the information by Member States in accordance with paragraph 4(b)(iii). Such measures shall be decided in accordance with the procedure laid down in Article 17(2).

7. The Commission shall, before 31 December 2009, review the derogations in paragraph 4 in the light of international and technical developments, in particular with regard to their environmental preferability.

**Q6.**

The EU Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC transposed in the national law by the Government Decision no. 878/2005 regulates the cases when the Government limit the right of access to environment information, including information on hazardous substances and wastes (Art. 4 of the Directive and Art. 11 and 12 of the GD 878/2005).

Article 4 Exceptions

1. Member States may provide for a request for environmental information to be refused if:

(a) the information requested is not held by or for the public authority to which the request is addressed. In such a case, where that public authority is aware that the information is held by or for another public authority, it shall, as soon as possible, transfer the request to that other authority and inform the applicant accordingly or inform the applicant of the public authority to which it believes it is possible to apply for the information requested;

(b) the request is manifestly unreasonable;

(c) the request is formulated in too general a manner, taking into account Article 3(3); (d) the request concerns material in the course of completion or unfinished documents or data; (e) the request concerns internal communications, taking into account the public interest served by disclosure.

Where a request is refused on the basis that it concerns material in the course of completion, the public authority shall state the name of the authority preparing the material and the estimated time needed for completion.

2. Member States may provide for a request for environmental information to be refused if disclosure of the information would adversely affect:

(a) the confidentiality of the proceedings of public authorities, where such confidentiality is provided for by law;

(b) international relations, public security or national defence;

(c) the course of justice, the ability of any person to receive a fair trial or the ability of a public authority to conduct an enquiry of a criminal or disciplinary nature;

(d) the confidentiality of commercial or industrial information where such confidentiality is provided for by national or Community law to protect a legitimate economic interest, including the public interest in maintaining statistical confidentiality and tax secrecy;

(e) intellectual property rights;

(f) 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 for by national or Community law;

(g) the interests or protection of any person who supplied the information requested on a voluntary basis without being under, or capable of being put under, a legal obligation to do so, unless that person has consented to the release of the information concerned;

(h) the protection of the environment to which such information relates, such as the location of rare species.

The grounds for refusal mentioned in paragraphs 1 and 2 shall be interpreted in a restrictive way, taking into account for the particular case the public interest served by disclosure. In every particular case, the public interest served by disclosure shall be weighed against the interest served by the refusal.

Member States may not, by virtue of paragraph 2(a), (d), (f), (g) and (h), provide for a request to be refused where the request relates to information on emissions into the environment. Within this framework, and for the purposes of the application of subparagraph (f), Member States shall ensure that the requirements of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data are complied with (1).

3. Where a Member State provides for exceptions, it may draw up a publicly accessible list of criteria on the basis of which the authority concerned may decide how to handle requests.

4. Environmental information held by or for public authorities which has been requested by an applicant shall be made available in part where it is possible to separate out any information falling within the scope of paragraphs 1(d) and (e) or 2 from the rest of the information requested.

5. A refusal to make available all or part of the information requested shall be notified to the applicant in writing or electronically, if the request was in writing or if the applicant so requests, within the time limits referred to in Article 3(2)(a) or, as the case may be, (b). The notification shall state the reasons for the refusal and include information on the review procedure provided for in accordance with Article 6.

**Q7.**

Proper and effective implementation of the EU Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC through the Government Decision no. 878/2005 ensures that the right of access to the environmental information is fulfilled while respecting the confidentiality of business information.

Table details on national implementation measures

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Nr.crt. | Provision/legislation | European Union | Romania | field |
|  |  |  |  |  |
|  |  |  |  |  |
| 1, | REACH -  EU citizens should have access to information about chemicals to  which they may be exposed, in order to allow them to make  informed decisions about their use of chemicals. A transparent  means of achieving this is to grant them free and easy access to  basic data held in the Agency's database, including brief profiles  of hazardous properties, labelling requirements and relevant  Community legislation including authorised uses and risk  management measures. The Agency and Member States should  allow access to information in accordance with Directive  2003/4/EC of the European Parliament and of the Council of  28 January 2003 on public access to environmental  information (1), Regulation (EC) No 1049/2001 of the European  Parliament and of the Council of 30 May 2001 regarding public  access to European Parliament, Council and Commission  documents (2) and with the UNECE Convention on Access to  Information, Public Participation in Decision-Making and  Access to Justice in Environmental Matters, to which the  European Community is a party. | REGULATION (EC) No 1907/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC  ECHA <http://www.echa.europa.eu/ro/web/guest/information-on-chemicals>  <http://www.echa.europa.eu/ro/web/guest/addressing-chemicals-of-concern>  *REACH Regulation*  *Article 33* **Duty to communicate information on substances in articles**  1. Any supplier of an article containing a substance meeting the criteria in Article 57 and identified in accordance with Article 59(1) in a concentration above 0,1 % weight by weight (w/w) shall provide the recipient of the article with sufficient information, available to the supplier, to allow safe use of the article including, as a minimum, the name of that substance.  2. On request by a consumer any supplier of an article containing a substance meeting the criteria in Article 57 and identified in accordance with Article 59(1) in a concentration above 0,1 % weight by weight (w/w) shall provide the consumer with sufficient information, available to the supplier, to allow safe use of the article including, as a minimum, the name of that substance.  The relevant information shall be provided, free of charge, within 45 days of receipt of the request.  *Article 35* **Access to information for workers**  Workers and their representatives shall be granted access by their employer to the information provided in accordance with Articles 31 and 32 in relation to substances or mixtures that they use or  may be exposed to in the course of their work.  *Article 54*  **Publication of information on evaluation**  By 28 February of each year, the Agency shall publish on its website a report on the progress made over the previous calendar year towards  discharging the obligations incumbent upon it in relation to evaluation.  This report shall include, in particular, recommendations to potential registrants in order to improve the quality of future registrations.  *Article 109*  **Rules on transparency**  To ensure transparency, the Management Board shall, on the basis of a proposal by the Executive Director and in agreement with the Commission, adopt rules to ensure the availability to the public of  regulatory, scientific or technical information concerning the safety of substances on their own, in mixtures or in articles which is not of a confidential nature. | Applied as such  ANPM HD [www.anpm.ro](http://www.anpm.ro) /substante periculoase  <http://reach.anpm.ro/>  GD no 477/2009 provide penalties for nonconformity with art.33 and 35 of REACH | Chemicals – registration, evaluation, restriction, authorization  SDS |
| 2 | CLP/implementing GHS in EU  Clasification  Label and SDS is the comunication to the public regarding risks  Provision for packaging also  The Regulation requires companies to classify, label and package appropriately their hazardous chemicals before placing them on the market. It aims to protect workers, consumers and the environment by means of labelling which reflects possible hazardous effects of dangerous substances. | REGULATION (EC) No 1272/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006  ECHA <http://www.echa.europa.eu/ro/web/guest/information-on-chemicals>  <http://www.echa.europa.eu/ro/web/guest/addressing-chemicals-of-concern>  <http://ec.europa.eu/environment/chemicals/labelling/index_en.htm> | Applied as such  As REACH , RO has implementing legislation and implementing authorities, special pages on NEPA/ ANPM helpdesk page <http://reach.anpm.ro/> | Chemicals - Clasification, labelling and packaging |
| 3 | Biocides  The Register for Biocidal Products to be established and maintained by ECHA will be used as the exclusive means of exchanging information regarding applications and authorisations.  It will be used by applicants to submit their applications (electronic submissions) as well as by Competent Authorities and the Commission to record decisions taken in relation to the authorisations of biocidal products.  The Register will also be used for the dissemination of documents to the wider public (see Articles 66 and 67). | X  Regulation no.528/2012 (RBP) **Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products**  ECHA pages <http://www.echa.europa.eu/ro/web/guest/information-on-chemicals>  <http://ec.europa.eu/environment/chemicals/biocides/biocidal-products> | Ministry of health pages and  National Institute for Public Health  <http://www.insp.gov.ro/> biocide  GD 617/2014 implementing the regulation, provides for penalties in case of non conformity with the Regulation provisions | Chemicals – authorization for placing on the market |
| 4. | Mercury  REGULATION (EC) No 1102/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  of 22 October 2008  on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the  safe storage of metallic mercury | Article 5  4. The Commission shall make the information in paragraph 3 publicly available in accordance with Regulation (EC) No 1367/ 2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the  Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (1). |  |  |
| 5 | Waste Directives | DIRECTIVE 2008/98/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 November 2008  on waste and repealing certain Directives  Art.4 (2) Member States shall ensure that the development of waste legislation and policy is a fully transparent process, observing existing national rules about the consultation and involvement of citizens and stakeholders  Member States shall take into account the general environmental protection principles of precaution and sustainability, technical feasibility and economic viability, protection of resources as well as the overall environmental, human health, economic and social impacts, in accordance with Articles 1 and 13  Art.28 (4).   The waste management plan may contain, taking into account the geographical level and coverage of the planning area, the following:  (c) | the use of awareness campaigns and information provision directed at the general public or at a specific set of consumers  Art.31 Member States shall ensure that relevant stakeholders and authorities and the general public have the opportunity to participate in the elaboration of the waste management plans and waste prevention programmes, and have access to them once elaborated, in accordance with Directive 2003/35/EC or, if relevant, Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (26). They shall place the plans and programmes on a publicly available website | Law no.211/ 2011 regarding wastes regime  ANPM/NEPA implementing agency  <http://www.anpm.ro/deseuri>  the same provisions have been transposed into Romanian Law | wastes |
|  | wastes | DIRECTIVE 2006/21/EC Of The European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC  Art. 3 (23) ‘the public concerned’ means the public affected or likely to be affected by, or having an interest in, the environmental decision-making under Articles 6 and 7 of this Directive; for the purposes of this definition, non-governmental organisations promoting environmental protection and meeting any requirement under national law shall be deemed to have such an interest  **Art 6 Major-accident prevention and information**  4. The emergency plans referred to in paragraph 3 shall have the following objectives   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | (c | c) to communicate the necessary information to the public and to the relevant services or authorities in the area;  5. Member States shall ensure that the public concerned are given early and effective opportunities to participate in the preparation or review of the external emergency plan to be drawn up in accordance with paragraph 3. To that end, the public concerned shall be informed about any such proposal and relevant information shall be made available, including, inter alia, information about the right to participate in the decision-making process and about the competent authority to which comments and questions may be submitted.  Member States shall ensure that the public concerned is entitled to express comments within reasonable time frames and that, in the decision on the external emergency plan, due account is taken of these comments.  6. Member States shall ensure that information on safety measures and on the action required in the event of an accident, containing at least the elements listed in Section 2 of Annex I, is provided, free of charge and as a matter of course, to the public concerned.  That information shall be reviewed every three years and, where necessary, updated.  **Article 8 Public participation**  1. The public shall be informed, by public notices or other appropriate means, such as electronic media where available, of the following matters early in the procedure for granting a permit or, at the latest, as soon as the information can reasonably be provided:   |  |  | | --- | --- | | (a) | the application for a permit; |  |  |  | | --- | --- | |  | where applicable, the fact that decision concerning an application for a permit is subject to consultation between the Member States in accordance with Article 16; |  |  |  | | --- | --- | |  | details of the competent authorities responsible for taking the decision, those from which relevant information can be obtained, those to which comments or questions can be submitted, and details of the time schedule for transmitting comments or questions; |  |  |  | | --- | --- | | (d) | the nature of possible decisions; |  |  |  | | --- | --- | |  | where applicable, the details relating to a proposal for the updating of a permit or of permit conditions; |  |  |  | | --- | --- | |  | an indication of the times and places where, or the means by which, the relevant information will be made available; |  |  |  | | --- | --- | |  | details of the arrangements for public participation made pursuant to paragraph 7. |   2. Member States shall ensure that, within appropriate time frames, the following are made available to the public concerned:   |  |  | | --- | --- | |  | in accordance with national legislation, the main reports and advice transmitted to the competent authority at the time when the public were informed in accordance with paragraph 1; |  |  |  | | --- | --- | |  | in accordance with the provisions of Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information [(20)](http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32006L0021&from=EN#ntr20-L_2006102EN.01001501-E0020), any information in addition to that referred to in paragraph 1 of this Article which is relevant for the decision in accordance with Article 7 of this Directive and which only becomes available after the time the public have been informed in accordance with paragraph 1 of this Article. |   3. Member States shall take appropriate measures to ensure that the public are informed, in accordance with paragraph 1 of this Article, of an update of permit conditions in accordance with Article 7(4).  4. The public concerned shall be entitled to express comments and opinions to the competent authority before a decision is taken.  5. The results of the consultations held pursuant to this Article shall be duly taken into account in the taking of a decision.  6. When a decision has been taken the competent authority shall, in accordance with the appropriate procedures, inform the public concerned and shall make the following information available to the public concerned:   |  |  | | --- | --- | |  | the content of the decision, including a copy of the permit; | | () | the reasons and considerations on which the decision is based. |   7. The detailed arrangements for public participation under this Article shall be determined by the Member States so as to enable the public concerned to prepare and participate effectively.  **Article 16**  Transboundary effects  2. Within the framework of their bilateral relations, Member States shall ensure that in the cases referred to in paragraph 1 the applications are also made available for an appropriate period of time to the public concerned of the Member State likely to be affected so that they will have the right to comment on them before the competent authority reaches its decision.  **Article 18**  **Obligation to report**  2. Every year Member States shall transmit to the Commission information on events notified by the operators in accordance with Articles 11(3) and 12(6). The Commission shall make this information available to the Member States upon request. Without prejudice to Community law on public access to environmental information, Member States shall in their turn make the information available to members of the public concerned on request.  Article 20  Inventory of closed waste facilities  Member States shall ensure that an inventory of closed waste facilities, including abandoned waste facilities, located on their territory which cause serious negative environmental impacts or have the potential of becoming in the medium or short term a serious threat to human health or the environment is drawn up and periodically updated. Such an inventory, to be made available to the public, shall be carried out by 1 May 2012, taking into account the methodologies as referred to in Article 21, if available.  ANNEX I  Major-accident prevention policy and information to be communicated to the public concerned  **2.** Information to be communicated to the public concerned   |  |  | | --- | --- | | - | Name of operator and address of the waste facility. |  |  |  | | --- | --- | | - | Identification, by position held, of the person providing the information. |  |  |  | | --- | --- | | - | Confirmation that the waste facility is subject to the regulations and/or administrative provisions implementing this Directive and, when applicable, that the information relevant to the elements referred to in Article 6(2) has been submitted to the competent authority. |  |  |  | | --- | --- | | - | An explanation in clear and simple terms of the activity or activities undertaken at the site. |  |  |  | | --- | --- | | - | The common names or the generic names or the general danger classification of the substances and preparations involved at the waste facility as well as waste which could give rise to a major accident, with an indication of their principal dangerous characteristics. |  |  |  | | --- | --- | | - | General information relating to the nature of the major-accident hazards, including their potential effects on the surrounding population and environment. |  |  |  | | --- | --- | | - | Adequate information on how the surrounding population concerned are to be warned and kept informed in the event of a major accident. |  |  |  | | --- | --- | | - | Adequate information on the actions the population concerned should take, and on the behaviour they should adopt, in the event of a major accident. |  |  |  | | --- | --- | | - | Confirmation that the operator is required to make adequate arrangements on site, in particular liaison with the emergency services, to deal with major accidents and to minimise their effects. |  |  |  | | --- | --- | | - | A reference to the external emergency plan drawn up to cope with any off-site effects from an accident. This should include advice to co-operate with any instructions or requests from the emergency services at the time of an accident. |  |  |  | | --- | --- | | - | Details of where further relevant information can be obtained, subject to the requirements of confidentiality laid down in national legislation. | | | Governamental Decission no.856/ 2008 regarding management of waste from extractive industries  ANPM/NEPA implementing agency  <http://www.anpm.ro/deseuri>  the same provisions have been transposed into Romanian Law  For the major accident are responsable Environment authorities and General Inspectorate for Emergency Situations <http://www.igsu.ro/> |  |