

Law allowing construction of small hydropower plants in protected areas ruled unconstitutional

The Constitutional Court of Romania (CCR) upheld on Wednesday the challenge filed by the Save Romania Union (USR) to the law that allows the construction of small hydropower plants in protected areas, CCR officials stated for AGERPRES.

USR's challenge invokes 11 reasons of unconstitutionality, one of which is the violation of the principle of bicameralism, given that there are major differences of legal content between the form adopted by the Senate, as the first notified chamber, and the form adopted by the Chamber of Deputies.

Also, USR invoked the violation of the right to a healthy environment and the violation of Romania's obligations and responsibilities towards the European Union, by non-compliance with the provisions of Art. 11, 191, 194 and 288 of the Treaty on the Functioning of the European Union, as well as with the provisions of Directives 2000/60/EC establishing a framework for Community action in the field of water policy, 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, 2007/60/EC on the assessment and management of flood risks, 2009/147/EC on the conservation of wild birds, and 52/2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment.

The Chamber of Deputies' plenum adopted on March 23 the bill which stipulates that investment projects for the construction of hydropower facilities in progress with a completion degree of more than 60 percent are considered projects of major public interest and national safety and security and shall be commissioned by December 31, 2025.