

TRIAL AT THE PRESIDENCY ON INFORMATION OF TRAIN FOR UPM

Movus, July 23 2019, Uruguay

In the Civil Court of 1st. Shift began today an action for protection by the Law of Right of Access to Public Information (Law 18.381) against the refusal of the Presidency of the Republic and the Ministry of Transportation and Public Works (MTO) to deliver the report by which It was decided that the railway in construction for UPM loads would cross densely populated areas of Montevideo.

On April 26 of the current year, the citizen Raúl Viñas, meteorologist and member of the Movement for a Sustainable Uruguay (Movus), requested the MTO: "Copy of the studies and the analysis carried out by the Ministry of the route of the track for the UPM train west of Montevideo was discarded, the route that has been proposed by the intendants of Montevideo and Canelones."

The ministry referred the request to the Presidency of the Republic, on June 18, Secretary Miguel A. Toma denied access. The refusal was based on a decree of the Executive Power of August 8, 2017 that declared as "confidential and reserved information in all that relative in the industrial and infrastructure potential" that can be installed in Uruguay by the UPM company.

The refusal suffers from "defects of form and absence of substantial grounds", affirms the lawyer Rodrigo Speranza, provided for in Law 18.381. Vices of form because the Secretariat of the Presidency has no power to take that resolution and the lack of response within the MTO period configures the "positive silence" by which the requested information must be delivered.

In addition, the refusal lacks valid grounds because the Central Railroad from which the information is requested from the MTO is not a work or a project of the UPM company, but is a project awarded, directed and paid by the Uruguayan State. The requested are the studies carried out by the State for its own work and not by any private company on a work carried out or to be carried out by UPM.

Viñas' request comes from a public meeting held at the Phoenix Club with a large number of residents from Capurro and Sayago where the Minister of Transportation, Víctor Rossi, was asked about the fundamentals to discard the layout of the Central Railroad outside those areas. Rossi declared then that there was a technical study by which alternative paths had been discarded.

The MTO's decision to build the Central Railroad on the current route has not only generated concern and rejection among the neighbours that will be affected by a completely different train, destined to transport cellulose and hazardous chemicals for the UPM plant in Durazno, but also by the technicians responsible for planning the future of the city of Montevideo.

The Railway Project on which information is requested has notorious implications on territorial planning and the environment, issues that have a special guardianship in providing the information. In these matters, citizens have the right, as part of the fundamental right of

expression, to receive information and to participate in the political decisions that directly affect us.

We will continue to report on the result of these actions.

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