

# **Questionnaire for the report of ROMANIA on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period 2016–2018**

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# Part one

## Current legal and administrative framework for the implementation of the Convention

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the Convention text (e.g., EIA Law of the Republic of ..., art. 5, para. 3, of Government Resolution No. ..., para. ... item...)

### Article 1 Definitions

I.1. Is the definition of impact for the purpose of the Convention the same in your legislation as in article 1?:

- (a) Yes
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of impact in the legislation

Your comments:

The definition was transposed through Law no. 22/2001 regarding the ratification of the Espoo Convention on Environmental Impact Assessment in a Transboundary Context, art. 1, (vii).

I.2. Is the definition of transboundary impact for the purpose of the Convention the same in your legislation as in article 1? Please specify each below.

- (a) Yes
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of transboundary impact in the legislation

Your comments:

The definition was transposed through Law no. 22/2001 regarding the ratification of the Espoo Convention on Environmental Impact Assessment in a Transboundary Context, art. 1, (viii).

I.3. Please specify how major change is defined in your national legislation:

In our national legislation, major change is not specifically defined, still in GD 445/2009 (at present Law no. 292/2018), according to Annex 1, point 24, EIA is carried out

for any change to or extension of projects listed, where such a change or extension in itself meets the thresholds, if any, set out in this Annex. Also, according to Annex 2, point 13 a), EIA is carried out for any change or extension of projects [] which may have significant adverse effects on the environment.

I.4. How do you identify the public concerned? Please specify (more than one option may apply):

- (a) Based on the geographical location of the proposed project
- (b) By making the information available to all members of the public and letting them identify themselves as the public concerned
- (c) By other means (please specify):

Your comments:

The public is informed by making the information available through public announcements and by web announcements, according to article 15 from GD 445/2009 (at present, Law 292/2018 on the impact assessment of certain public and private projects on the environment). Also, according to article 16, the announcement is also posted on a specific geographical location, announcements are made in the local or national press. Sometimes, when needed, exhibition of plans, maps, tables, drawings, models are put in place.

When Romania is Party of origin, we let the environmental public authority of the affected Party identify its own public.

## Article 2 General provisions

I.5. Provide legislative, regulatory, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2):

- (a) Law on EIA:

Governmental Decision no. 445/2009 on the impact assessment of certain public and private projects on the environment (at present, Law 292/2018);  
Law 22/2001 regarding the ratification of the Espoo Convention, as further amended by Law 293/2006 and Law 289/2015.

Your comments:

In order to fully transpose the EIA Directive, Romania issued the GD no. 445/2009 (at present Law 292/2018) on the impact assessment of certain public and private projects on the environment, which establishes the framework procedure for the environmental impact assessment and sets the list of private or public projects to which the procedure must be applied. This Law contains transboundary provisions at article 17.

- (b) EIA provisions are transposed into another law(s) (please specify): -
- (c) Regulation (please indicate number/year/name):

The procedure for environmental impact assessment of projects in a transboundary context and for public participation to the decision-making process was approved by Order of minister of environment, water and forests no. 864/2002. This order fully covers the steps of the Convention.

- (d) Administrative (please indicate number/year/name):

(e) Other (please specify):

Your comments:

The general legal framework is given by the provisions of the Emergency Governance Ordinance (EGO) no.195/2005 on environmental protection, approved and amended by Law no.265/2006.

The national legislation on EIA is additionally ensured by the following normative acts:

- Order of the minister of environment and forests, of the minister of internal administration, of the minister of regional development and tourism, of the minister of agriculture and rural development no.135/76/84/1284/2010, on the approval of the methodology for the environmental impact assessment for public and private projects, further amended (at present, Annex 5 to Law 292/2018);

- Order of the minister of waters and environmental protection no. 863/2002 on the approval of the methodological guidelines applicable for the environmental impact assessment procedure;

- Order of the minister of environment and forests no. 405/2010 on setting-up the technical review committee (TRC) at central level, further amended. This order contributed to the capacity - building for transboundary EIA procedure. The TRC is responsible for carrying out the screening, scoping and review stages for large projects (the responsible authorities for these projects are the central ones);

- Order of the minister of waters and environmental protection no. 864/2002 on the approval of the EIA procedure in a transboundary context and for public participation to environmental decision making in case of projects with transboundary impact;

- Order of the minister of environment and forests no. 19/2010 on the approval of the methodological guidelines on appropriate assessment of the effects of the plans and projects on Natura 2000 sites.

I.6. Please describe any differences between the list of activities in your national legislation and appendix I to the Convention, if any:

(a) There is no difference, all activities are transposed in the national legislation as is

(b) It differs slightly  (please specify):

Your comments:

Annex 1 to Law 22/2001 is identical to appendix I to the Convention.

I.7. Identify the competent authority/authorities responsible for carrying out the EIA procedure in your country (please specify):

(a) There are different authorities at national, regional, local levels

(b) They are different for domestic and transboundary procedures

(c) Please name the responsible authority/authorities:

According to article 17 of GD 445/2009 (at present, Law 292/2018), the transboundary procedure is implemented by the national environmental authority, which is the Ministry of Environment.

Also, according to article 3, the domestic procedures are implemented by different authorities, considering the national, regional or local level (Ministry of Environment / National Environmental Protection Agency / Local Environmental Protection Agencies LEPA and Danube Delta Biosphere Reserve Administration).

(d) There is no single authority responsible for the entire EIA procedure:

Your comments: -

I.8. Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it:

(a) No

(b) Yes  (please specify): Ministry of Environment

Your comments: -

I.9. How does your country, As a Party of origin and as an affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to the Party of origin's public, as required in article 2, paragraph 6 (please explain):

According to article 17 of GD 445/2009, the affected Party is notified as soon as possible and no later than the moment our own public is informed. Based on the technical memoir, the screening stage takes place. For our own public, this documentation and then, the EIA documentation, are available on the web site of the environmental authority for the whole period of the procedure. The documentation is also sent together with the notification to the affected Party and is published on the web site of the affected Party, in order to ensure an appropriate dissemination to the public. The EIA documentation is also sent to the potentially affected Parties in written format (on paper), so that the possibly affected public would be able to consult it.

When we are in the situation of an affected Party, the notification and the following documentation is published on the Ministry of Environment web site as soon as the notification is received. Also, it is disseminated to the national or local authorities and local public, where applicable.

### **Article 3 Notification**

I.10. As a Party of origin, when do you notify the affected Party (art. 3, para. 1)? Please specify:

(a) During scoping

(b) When the EIA report has been prepared and the domestic procedure started

(c) After finishing the domestic procedure

(d) At other times (please specify):

Your comments:

Law no 22/2001 ensures the existence of such provision in national legislation.

GD 445/2009, art.17 para 1 requires the notification of the affected Party to take place as early as possible. For the implementation of this provision, article 9 of MO 864/2002 stipulates that the notification of the affected Party is done no later than the moment our own public is informed about the project. Therefore, the notification to the potentially affected Party is sent early in the EIA procedure, after the developer submits to the competent environmental authority the application for an environmental agreement and the technical memoir of the project.

I.11. Please define the format of notification:

(a) It is the format as decided by the first meeting of the Parties in its decision I/4 (ECE/MP.EIA/2, annex IV, appendix)

(b) The country has its own format  (please attach a copy)

(c) No official format used

Your comments: -

I.12. As a Party of origin, what information do you include in the notification (art. 3, para. 2)? Please specify (more than one options may apply):

(a) The information required by article 3, paragraph 2

(b) The information required by article 3, paragraph 5

(c) Additional information (please specify):

Your comments: -

I.13. As a Party of origin, does your national legislation contain any provision on receiving a response to the notification from the affected Party in a reasonable time frame (art. 3, para. 3, "within the time specified in the notification")? Please specify:

(a) National legislation does not cover the time frame

(b) Yes, it is indicated in the national legislation  (please indicate the time frame):

According to MO 864/2002, art.10, para.1, letter g, the notification specifies a deadline of 4 weeks for responding to it.

(c) It is determined and agreed with each affected Party case by case in the beginning of the transboundary consultations  (please indicate the average length in weeks):

Your comments:

Please specify the consequence if a notified affected Party does not comply with the time frame, and the possibility of extending a deadline:

If a Party needs more time to respond to a notification, Romania usually agrees the possibility of extending the deadline.

If an affected Party does not comply with the specified time frame, the Romanian focal point for the Convention contacts the focal point of the affected Party in order to clarify the situation.

I.14. How do you inform the public and authorities of the affected Party (art. 3, para. 8)? Please specify:

(a) By informing the point of contact to the Convention listed on the Convention website<sup>1</sup>

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<sup>1</sup> List available from [http://www.unece.org/env/eia/points\\_of\\_contact.htm](http://www.unece.org/env/eia/points_of_contact.htm).

(b) Other (please specify):

Your comments:

According to article 12, para. 2 of MO 864/2002, the environmental authority from the Party of origin informs the environmental authority from the affected Party (usually, the notification is sent to the point of contact for the Convention, and also a letter is sent to the national environmental authority from the affected Party, through diplomatic channels). The environmental authority from the affected Party, within 2 weeks from the notification, informs its own public from the potentially affected areas and its concerned authorities. The affected Party identifies its own potentially affected public. The public can send its comments to the national authorities or to the authorities from the Party of origin, unless the bilateral agreements stipulate differently. In 6 weeks from receiving the notification, the affected Party sends a summary of the public's and competent authorities' comments, in English, to the Party of origin.

I.15. On what basis is the decision made to participate (or not) in the transboundary EIA procedure as an affected Party (art. 3, para. 3)? Please specify:

(a) Notified ministry/authority of the affected Party responsible for EIA decides on its own based on the documentation provided by the Party of origin

(b) Based on the opinions of the competent authorities of the affected Party

(c) Based on the opinions of the competent authorities and that of the public of the affected Party

(d) Other (please specify):

Your comments:

According to article 17, para (4) of GD 445/2009, when a notification is received, the Ministry of Environment analyses it and consults the other competent authorities (usually LEPA, Water management authorities, Health authorities at central and/or local level and other concerned authorities). Also, the public is informed by publishing the notification on the environmental authority's website, and it is given the possibility to forward comments about the project. In practice, based on the comments of the public and of the competent authorities, the Ministry of Environment decides whether to participate in the EIA transboundary procedure or not.

I.16. If the affected Party has indicated that it intends to participate in the EIA procedure, how are the details for such participation agreed, including the time frame for consultations and the deadline for commenting (art. 5)? Please specify:

(a) Following the rules and procedures of the Party of origin

(b) Following the rules and procedures of the affected Party

(c) Other (please specify):

Your comments:

MO 864/2002 indicates the time frame for consultations and the deadlines for commenting. However, according to article 11, para. (3), if the affected Party indicates the intention to participate in the EIA procedure, the national environmental authority invites the affected Party to agree upon the involvement in the procedure, before the beginning of the assessment. Therefore, the two Parties enter into dialogue and agree upon the details of the participation in the EIA procedure.

## Articles 3.8 and 4.2

### Public participation

I.17. How can the public express its opinion on the EIA documentation of the proposed project (art. 5)? Please specify (more than one option may apply):

*As a Party of origin*

- (a) By sending comments to the competent authority/focal point
- (b) By taking part in a public hearing
- (c) Other (please specify):

The public is invited to send its comments regarding the projects. Also, a public hearing is organized in the area of the project. If the affected Party finds it necessary, a public hearing is held on its territory, as well.

*As an affected Party*

- (d) By sending comments to the competent authority/focal point
- (e) By taking part in a public hearing
- (f) Other (please specify):

Your comments:

As an affected Party, Romania asks its own public to send its comments regarding the projects. These comments are sent to the Party of origin by the national environmental authority. Also, the competent authorities may participate at the public hearing organized on the territory of the Party of origin. If the Ministry of Environment finds it necessary, we ask for a public hearing to be held on our territory, as well, so that our public has a chance to be informed about the project and to express its opinion.

I.18. Please indicate whether your national EIA legislation requires the organization of a public hearing on the territory of the affected Party in cases where your country is the country of origin:

- (a) Yes
- (b) No

Your comments:

As stated in article 16, para. 2 of MO 864/2002, when Romania is the Party of origin, a public hearing is held on the territory of the affected Party, according to the provision of the bilateral agreements or when it is so decided, following the dialogue between the 2 Parties.

I.19. Please indicate whether your national EIA legislation requires the organization of public hearings in cases where your country is the affected Party:

- (a) Yes
- (b) No

Your comments:



According to article 17, para (6) of GD 445/2009 (at present, article 17, para (7) of Law 292/2018), the Ministry of Environment, together with the competent authority from the Party of origin, decides upon the measures that would allow the effective participation of the interested public in the EIA procedure.

#### Article 4

#### Preparation of the environmental impact assessment documentation

I.20. How do you ensure sufficient quality of the EIA documentation As a Party of origin? Please specify:

(a) The competent authority checks the information provided and ensures it includes all information required under appendix II as a minimum before making it available for comments

According to Section 3, article 15, para (3) of MO 864/2002, the Party of origin sends to the affected Party all information required under appendix II of the Espoo Convention, as a minimum.

(b) By using quality checklists

We would like to mention the MO 863/2002 as well, which contains guidelines for the EIA documentation. This normative act can be consulted by developers seeking advice on the EIA documentation. It also contains the 3 checklists for the 3 stages of the EIA procedure as provided by the European Commission guidelines and it explains the methodology to be followed within the EIA procedure.

(c) There are no specific procedures or mechanisms

(d) Other (please specify):

By using sectoral and general guidelines

Your comments:

I.21. How do you determine the relevant information to be included in the EIA documentation in accordance with article 4, paragraph 1? Please specify (more than one option may apply):

(a) By using appendix II

(b) By using the comments received from the authorities concerned during the scoping phase, if applicable

(c) By using the comments from members of the public during the scoping phase, if applicable

(d) As determined by the proponent based on its own expertise

(e) By using other means (please specify):

Your comments:

According to articles 11-14 of GD 445/2009, the EIA documentation must contain as a minimum all the information described in Annex 4 which corresponds to the information required by appendix II to the Convention. Also, the documentation is elaborated according

to the guidelines made by the environmental authority. When establishing these guidelines, the environmental authority takes into account the comments and opinions of the public and of the concerned authorities.

Also, MO 863/2002 requests that the competent environmental authorities, together with the Technical Review Commission (TRC), must fill in the check list for the scoping stage, must request opinions from other concerned authorities represented within the TRC and must elaborate the guidelines, which are then forwarded to the developer. So, during the scoping stage are identified or emphasised certain/specific requirements that have to be included in the EIA documentation.

In case of transboundary procedure, according to article 13 of MO 864/2002, the guidelines for the content of the EIA documentation must include as well the opinions received from the affected Party.

I.22. How do you determine “reasonable alternatives” in accordance with appendix II, paragraph (b)?

- (a) On a case-by-case basis
- (b) As defined in the national legislation (please specify):

Determining “reasonable alternatives” is provided by Law no 22/2001, and also by Annex 4 of the GD no. 445/2009 (replaced by Law 292/2018, Annex 4). More detailed provisions are provided by the MO 863/2002.

- (c) Other (please specify):

Your comments:

The "reasonable alternatives" are determined by the certified expert who elaborates the EIA documentation, based on the provisions stipulated in Annex 2, Part I of the Methodological guidelines for the scoping stage approved by MO 863/2002.

One reasonable alternative is also the zero alternative.

The reasonable alternative must take into consideration the requirements of the Habitats Directive, in case the project might have an effect on a Natura 2000 site.

The reasonable alternatives shall take into consideration the technical alternatives, the starting moment, the location, the use of resources, the measures taken for mitigating adverse effects, considering major concerns like climate change, Fukushima accident, etc.

The reasonable alternatives shall also consider the proportion of the impact, the duration, the reversibility, the viability and efficiency of the mitigation methods. According to the type of the project, there are different methods for analysing and comparing the alternatives (check lists, matrixes, maps, mathematical models, statistics, etc.).

## **Article 5**

### **Consultations on the basis of the environmental impact assessment documentation**

I.23. Does your national EIA legislation have any provision on the organization of transboundary consultations between the authorities of the concerned Parties? Please specify:

- (a) Yes, it is obligatory
- (b) No, it does not have any provision on that

(c) It is optional  (please specify):

Your comments:

The consultations between Parties are agreed at national level, through letters and e-mails between the focal points of both Parties. Thus, according to article 17, para. (5), GD 445/2009 (replaced by article 17, paragraph (6) of Law 292/2018), the national environmental authority initiates consultations with the national environmental authority from other Parties, regarding, inter alia, the potentially transboundary effects of the project, the mitigation measures and decides together with the other Party upon the reasonable time frame of consultations. Also, according to article 11, para. 3 of MO 864/2002, this dialogue starts before the environmental impact assessment, in order to agree upon the way in which the affected Party wishes to be involved in the procedure.

Usually, a 1-day meeting is held for consultations, the minutes of the meeting include all procedural matters, the affected Party's requests, the answers to them. At the end of the meeting, the Parties decide whether the consultations can be considered closed or not, and if not, they agree upon the following steps.

## Article 6 Final decision

I.24. Please indicate all points below that are covered in a final decision related to the implementation of the planned activity (art. 6, para. 1):

- (a) Conclusions of the EIA documentation
- (b) Comments received in accordance with article 3, paragraph 8, and article 4, paragraph 2
- (c) Outcome of the consultations as referred to in article 5
- (d) Outcomes of the transboundary consultations
- (e) Comments received from the affected Party
- (f) Mitigation measures
- (g) Other (please specify):

The results of the consultations and the information obtained during the EIA procedure are taken into consideration for the final decision.

The final decision contains all the elements mentioned above. According to articles 18, 19 of GD 445/2009 (at present, section 5, article 18 para (3) of Law 292/2018), the final decision has to include, inter alia, the conclusions of the EIA documentation, information regarding public participation, public's recommendations, outcomes of the transboundary consultations, mitigation measures.

Also, according to the article 18 of MO 864/2002, the comments of the affected Party and the outcome of the consultation are taken into consideration in the decision-making process. Moreover, all comments are taken into consideration starting with the scoping stage and are analysed and answered within the EIA documentation. Certain requirements of the affected Party are included in the EIA final decision, in case they were not addressed during the scoping stage, after the evaluation of all the received comments.

I.25. Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6, para. 1)?:

(a) Yes

(b) No

Your comments:

The final EIA decision takes into consideration the comments received from the affected Party the same way as those of the national public and authorities (the comments on the notification, and later, on the environmental impact assessment documentation made by the public and authorities of the affected Party, the comments from the public debates, the consultations with the competent authorities from the affected Party).

I.26. Is there any regulation in the national legislation of your country that ensures the implementation of the provisions of article 6, paragraph 3?:

(a) No

(b) Yes  (please specify):

Your comments:

According to article 20 of GD 864/2002, before work on that activity starts, one Party shall immediately inform the other Party about any new available additional information on the significant transboundary impact, which was unavailable at the time of the decision, but could have materially affected the decision. After that, The Party of origin shall decide upon holding consultations with the affected Party as to whether the decision needs to be revised or not.

I.27. Do all activities listed in appendix I (items 1-22) require a final decision to authorize or undertake such an activity?:

(a) Yes

(b) No  (please specify those that do not):

Your comments:

All the activities listed in appendix I to the Convention are written in Annex 1 to Law 22/2001 for the ratification of the Espoo Convention.

However, appendix I to the Convention differs from Annex 1 to GD 445/2009 (at present Law no.292/2018) containing the projects subject to an environmental impact assessment, which certainly require a final decision. The difference consists in the absence of 2 activities which are not listed in Annex 1 to GD 445/2009, that are: Deforestation of large areas and Major installations for the harnessing of wind power for energy production (wind farms). Still, these 2 activities (deforestation and wind power facilities) are mentioned in Annex 2 to GD 445/2009, which includes the activities that might require a final decision, if the environmental authority decides so, based on a case by case assessment, taking into consideration the information provided by the holder. One of the criteria for deciding whether EIA should be carried or not is the size of the project, and that is why these 2 above-mentioned activities most likely need a final decision, as well.

I.28. For each type of activity listed in appendix I that does require a final decision, please indicate the legal requirements in your country that identify what is regarded as the “final decision” to authorize or undertake such an activity (art. 6 in conjunction with art. 2, para.

3), and the term used in the national legislation to indicate the final decision in the original language:

Your comments:

All these activities require a development consent. The term '**development consent**' (*ro.: aprobare de dezvoltare*) is defined in GD 445/2009, at article 2, letter b). (at present, article 2, letter b) from Law 292/2018). The development consent differs from one type of activity to another. Thus, the development consent is represented by:

- construction authorization (*ro.: autorizație de construcție*) for all activities in appendix I to the Convention, except point 17 (deforestation of large areas)
- agreement regarding the use of the land for intensive farming (*ro.: acord privind utilizarea terenului în scop agricol intensiv*)
- agreement of the special territorial units of the central public authority in charge of forestry for projects concerning the afforestation of lands where there were no previous forests (*ro.: acord al conducătorilor subunităților teritoriale de specialitate ale autorității publice centrale care răspunde de silvicultură pentru proiectele privind împădurirea terenurilor pe care nu a existat anterior vegetație forestieră*)
- decision of the chief inspector of the territorial inspectorate for forestry and hunting, order of the central public authority in charge of forestry for activity 17 from appendix I to the Convention (deforestation of large areas) (*ro.: decizie a inspectorului șef al inspectoratului teritorial de regim silvic și vânătoare, ordin al conducătorului autorității publice centrale care răspunde de silvicultură privind aprobarea ocupării temporare sau scoaterii definitive a unui teren din fondul forestier național*)
- water rights permit (*ro.: autorizație de gospodărire a apelor*), for projects regarding the recovery of land from the sea (at present, according to Law 292/2018, a construction authorization is given for this activity).

The procedure for obtaining the construction authorization is provided by Law 50/1991 as further amended, authorizing the execution of construction works. For item 15 from appendix I to the Convention, a construction authorization for underwater works is also necessary.

All these activities need an **environmental agreement** (*ro.: acord de mediu*), which is the administrative act issued by the competent environmental authority. According to article 19, para. (2) of GD 445/2009, the environmental agreement is part of the development consent. The environmental agreement is granted after the EIA procedure is carried out.

## Article 7

### Post-project analysis

I.29. Is there any provision regarding post-project analysis in your national EIA legislation (art. 7, para. 1)?:

(a) No

(b) Yes  (please specify the main steps to be taken and how the results of it are communicated):

Your comments:

Chapter 3, articles 21 and 22 of the MO 864/2002 represent the legal requirements for the implementation of art.7 para 1 of the Espoo Convention.

When an affected Party requests for a post-project analysis, the national environmental authority monitors the significant adverse transboundary impact of the activity for which EIA was undertaken. The monitoring shall respond to the objectives from appendix V of the Convention.

The national environmental authority sends the results of the monitoring, in writing, to the competent authority of the affected Party.

When the post-project analysis reveals a significant transboundary adverse impact, the authorities mentioned-above shall inform one another and consult upon the needed measures for reducing or eliminating the impact.

At present, Annex 4 of Law 292/2018, regarding the information requested from the beneficiary about the project for which the EIA procedure is carried, provides that information about post-project analysis must be submitted by the beneficiary. This information is included in the environmental agreement, issued by the environmental authority.

## Article 8 Bilateral and multilateral cooperation

### (a) Agreements

I.30. Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)?:

(a) No

(b) Yes  Please specify with which countries:

Romania is the depositary of the Multilateral Agreement among the Countries of South-Eastern Europe for Implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (between Romania, Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Montenegro, Serbia, The Former Yugoslav Republic of Macedonia). Romania ratified this agreement by Law no.242/2011.

Also, Romania and Ukraine are still in consultations regarding the drawing up of a bilateral agreement between the two countries on the implementation of the provisions of the Convention, according to decision VI/2 of the Meeting of the Parties to the Convention.

If publicly available, please also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.

The text of this Agreement is available on the Espoo Convention web page, at the following link:

[http://www.unece.org/fileadmin/DAM/env/eia/documents/bucharest/SEE\\_multilateral\\_agreement\\_final.pdf](http://www.unece.org/fileadmin/DAM/env/eia/documents/bucharest/SEE_multilateral_agreement_final.pdf)

I.31. What issues do these bilateral agreements cover (appendix VI)? (More than one option may apply):

(a) Specific conditions of the subregion concerned

(b) Institutional, administrative and other arrangements

- (c) Harmonization of the Parties' policies and measures
- (d) Developing, improving, and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis
- (e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into the EIA
- (f) Establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities
- (g) Undertaking joint EIA, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies
- (h) Other, please specify:  
Your comments: -

**(b) Procedural steps required by national legislation**

I.32. Please describe how the steps required for a transboundary EIA procedure under your national legislation correlate to domestic EIA in the lead-up to the final decision. If there are differences in the procedures for screening/scoping or for preparation of the environmental impact assessment and consultation, please specify.

Alternatively, this question can be answered or supported by providing a schematic flowchart showing these steps.

Your comments:

Steps of the domestic EIA procedure, correlated with the transboundary procedure:

- the procedure starts when the beneficiary asks for an environmental agreement;
- the environmental authority's decides whether there is a need for an environmental impact assessment and requests a technical memoire;
- the beneficiary submits the technical memoire;
- the environmental authority notifies the potentially affected Party and sends the notification form and the technical memoire;
- the affected Party answers the notification and express its will to participate in the transboundary procedure;
- the screening and scoping stages take place, and the environmental impact assessment documentation is prepared, which includes the requests expressed by the affected Parties;
- the environmental impact assessment documentation is made available to the public and to the concerned authorities from both Parties;
- public hearings are held on our own territory and on the territory of the affected Party, if so agreed;
- the environmental authority issues the environmental agreement, taking into consideration the opinions expressed by the public and by the concerned authorities from both Parties;
- the environmental agreement is made available to the public and is sent to the affected Party.

I.33. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?

- (a) No
- (b) Yes  (please specify):
- (i) Special provisions:
- (ii) Informal arrangements:

Your comments:

According to Article 6 of the Multilateral Agreement among the Countries of South-Eastern Europe, for joint proposed activity (which means a proposed activity that is envisaged to take place under the jurisdiction of more than one Party), each of the Parties, under the jurisdiction of which the proposed activity is envisaged to take place, shall be considered both Party of origin and affected. Those Parties shall establish one or more joint working groups to determine the detailed arrangements for communication and consultations.

Even if the Romanian legislation does not contain other special provisions for joint cross-border projects, informal arrangements can be made in these cases, in order to decide upon notification, consultations under article 5, public hearing (place, date, interpretation services, etc.). These are made between focal points, usually through e-mails.

For example, Romania has developed joint EIA procedures for projects like: bridges that connect 2 countries, navigation projects, gas pipeline projects.

I.34. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for nuclear power plants (NPPs)?

- (a) No
- (b) Yes  (please specify):
- (i) Special provisions:
- (ii) Informal arrangements:

Your comments:

Romania takes into consideration the recommendations from the decisions adopted by the Meetings of Parties to the Espoo Convention, like Decision VI/2 on review of compliance with the Convention, adopted at the 6th session (at present, Decision IS/2 on the applicability of the Convention to the lifetime extension of nuclear power plants, adopted at the intermediary session, 2019).



## Part two

### Practical application during the period 2016–2018

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether As a Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice. The goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

II.1. Does your country object to the information on transboundary EIA procedures that you provide in this section being compiled and made available on the website of the Convention? Please specify (indicate "yes" if you object):

(a) Yes

(b) No

Your comments:

#### 1. Experience in the transboundary environmental impact assessment procedure during the period 2016–2018

##### Cases during the period 2016–2018

II.2. If your country's national administration has a record of transboundary EIA procedures that were under way during the reporting period, in which your country was a Party of origin or affected Party, please list them in the tables II.2 (a) and II.2 (b) below (adding additional rows as needed).

Table II.2 (a)

##### Transboundary EIA procedures: As a Party of origin

	Project name	Starting date (date notification sent)	Affected Party/ Parties	Timing of the notification (screening, scoping or preparation of the EIA documentation)	Length of the main steps in months			Final decision (date of issuing, if information is available)
					Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
I.	Used Oil Recycling Plant, Oltenița	June 2017	Bulgaria		Aug 2018	Exchange of e-mails and letters between central authorities throughout the entire procedure	Public hearing at Oltenița on 31 August 2018	On-going procedure

Project name	Starting date (date notification sent)	Affected Party/ Parties	Timing of the notification (screening, scoping or preparation of the ELA documentation)	Length of the main steps in months			Final decision (date of issuing, if information is available)
				Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
2. Waste incinerator and mobile constructions placed in Arad, CET area	April 2017	Hungary			Hungary did not express its wish to participate in this procedure. Therefore, the national procedure continued without the participation of Hungary.		
3. Site extension of the Intermediate Dry Spent Fuel Storage Facility (IDSFS) and continuing to build the MACSTOR 400 type modules placed in Cernavodă NPP	Febr. 2017	Bulgaria		-	Exchange of e-mails and letters between central authorities throughout the entire procedure	-	The procedure was suspended.
4. Bridge over Tisa in Teplita area on Sighetu Marmatiei	March 2016	Ukraine	2015	-	Exchange of e-mails and letters between authorities	-	This procedure was postponed until the adoption of the zonal urban plan for this bridge. The SEA procedure for this plan was ended in November 2018, and so, the EIA procedure will most probably, restart.

Your comments: -

Table II.2 (b)

**Transboundary EIA procedures: As an Affected Party**

Project name	Starting date (date notification sent)	Party of Origin	Timing of the notification (screening, scoping or preparation of the EIA documentation)	Length of the main steps in months			Final decision (date of issuing, if information is available)
				Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
1. Construction of Wind Farm Kostolac	Sept 2018	Serbia	Beginning of national procedure Sept 2017	Sept. 2018	Exchange of e-mails and letters between authorities throughout the entire procedure	Public hearing on 3 October 2018, in Pozarevac	14 December 2018
2. The extension of the bulk and general cargo terminal at the Port of Smederevo	March 2018	Serbia			Exchange of e-mails and letters between national environmental authorities after the notification. Romania decided not to participate in the transboundary procedure, considering the low transboundary impact of the project.		Romania asked for the final decision to be sent to us, when adopted.
3. Rivne Nuclear Power Plant	Febr 2018	Ukraine		Romania is waiting for the environmental report.	Exchange of e-mails and letters between national environmental authorities after the notification	-	On-going procedure
4. Construction of a new block B3 at the site of the Kostolac B TermoPower Plant	30 June 2016	Serbia		Febr. 2017	Consultations according to art. 5, on 31 August 2017  Exchange of e-mails and letters between authorities throughout the entire procedure	Public hearing at Oravița on 31 August 2017	28 September 2017

Project name	Starting date (date notification sent)	Party of Origin	Timing of the notification (screening, scoping or preparation of the ELA documentation)	Length of the main steps in months			Final decision (date of issuing, if information is available)
				Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
5. Upgrade of the Iron Gate I Navigation Lock at HydroPower Plant Djerdap I	July 2017	Serbia		26 January 2018	Exchange of e-mails and letters between authorities throughout the entire procedure	Public hearing at Kladovo on 27 Febr. 2018	17 April 2018
6. Zoporizhzhya NPP and South Ukrainian NPP	March 2017	Ukraine	Beginning of national procedure October 2015	March 2017	Consultations according to art. 5, on 24 November 2017  Exchange of e-mails and letters between national environmental authorities during the whole procedure	Public hearing at Kiev on 24 November 2017	On-going procedure
7. Gravel and Sand Extraction from Alluvial Sediments in the Bed of the Danube river, Mishka section (462.0 km. – 459.4 km.), in the Area of Babovo village, Slivo Pole Municipality in Rousse Region	Dec 2013	Bulgaria		Aug 2014  January 2017 a new report	Exchange of e-mails and letters between authorities during the whole procedure	The public hearing took place in Rousse in January 2017.	The final decision was adopted in September 2017.
8. National Disposal Facility for Low and Intermediate Radioactive Waste in Kozloduy	2015	Bulgaria		May 2016	Exchange of e-mails and letters between authorities during the whole procedure	Public hearing at Craiova on 09 June 2016	2016

Your comments:

All transboundary EIA procedures, in which Romania is either Party of origin or affected Party, together with relevant documents and information, are published on the Ministry of Environment web site, at the following link:

<http://www.mmediu.ro/categorie/evaluare-impact-asupra-mediului-pentru-proiecte/62>

Please share with other Parties your country's experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others.

II.3. The Convention does not mention the translation of EIA documentation as an important prerequisite for the participation of potentially affected Parties in a transboundary EIA procedure. Please explain:

(a) How has your country addressed the issue of the translation of EIA documentation?

According to article 10, para (3) of MO 864/2002, the documentation sent to the affected Party is translated in English, by the developer.

(b) What difficulties has your country experienced with regard to translation and interpretation, both as a Party of origin and as an affected Party, and what solutions has it found?

Some difficulties were related to the quality of translation.

Also, another difficulty would be that the documents to which the EIA documentation makes reference (with the intention of explaining some aspects or offering further information or clarifications), are usually in the affected Party's language.

(c) Which Party covers the cost of translation of EIA documentation?

(i) As a Party of origin:

As a Party of origin, the EIA documentation is translated into English and sometimes in the affected Party's language and the costs are covered by the developer.

(ii) As an affected Party:

As an affected Party, we ask the Party of origin to send the EIA documentation in English. In some cases, the national environmental authority translates the EIA documentation in Romanian, to make it more available to our own public, on the expenses of the national environmental authority.

(iii) Other, please specify: -

(d) What parts of the EIA documentation does your country usually translate?

(i) As a Party of origin:

We translate the entire EIA documentation into English (starting with the notification, technical memoire, environmental impact assessment report, appropriate assessment, Seveso report, public's and concerned authorities' comments, final decision). Also, for the Parties which are members of the Multilateral Agreement among the Countries

of South-Eastern Europe, the developer translates into the language requested by the affected Party the description of the activity and its purpose, the non-technical summary, the description of the potential transboundary impact of the activity and its alternatives and an estimation of its significance, a description of the mitigation measures.

(ii) As an affected Party:

As an affected Party, we ask the Party of origin to send the entire EIA documentation in English.

(e) Please indicate whether and how the issue of translation is addressed in bilateral agreements between your country and other Parties.

The Multilateral Agreement among the Countries of South-Eastern Europe for Implementation of the Convention on Environmental Impact Assessment in a Transboundary Context addresses the translation issue as follows:

- the notification must be in English;
- comments and information on the likely affected environment are sent in English by the affected Party, if the Party of origin requests so;
- the developer is obliged to translate into the language requested by the affected Party the description of the activity and its purpose, the non-technical summary, the description of the potential transboundary impact of the activity and its alternatives and an estimation of its significance, a description of the mitigation measures.

(f) As a Party of origin, in which language do you usually provide EIA documentation to the affected Party?

- (i) English
- (ii) The affected Party's language
- (iii) Other (please, specify)

The EIA documentation is always translated in English.

Sometimes, the developer translates the EIA documentation in the affected Party's language, as well. Another practice is to translate in the affected Party's language the non-technical summary of the EIA documentation.

For example, for the Used Oil Recycling Plant, from Oltenița, the environmental impact assessment report was translated both in English and Bulgarian.

(g) As an affected Party, from which language do you usually translate?

- (i) English
- (ii) Language of the Party of origin
- (iii) Other (please, specify)

As an affected Party, we ask the Party of origin to send the EIA documentation in English. In some cases, the national environmental authority translates the EIA documentation in Romanian.

Also, there were some cases when we received the EIA documentation in Romanian, like in the case of the Upgrade of the Iron Gate 1 Navigation Lock at HydroPower Plant Djerdap I.

(h) Describe any difficulties that your country has encountered during public participation procedures and consultations under article 5, for example with regard to timing, language and the need for additional information.

(i) As a Party of origin:

Experience with public participation
At public hearings, the interpretation in national languages lengthens the duration of the event, sometimes to more than 4 hours.
Experience with consultations under article 5
Sometimes, the national EIA procedure is delayed because of the length of the consultations under article 5.

(ii) As an affected Party:

Experience with public participation
Romania participated in public hearing that were extremely vocal and stressful, especially in case of nuclear activities, for which the NGOs are very assertive.
Experience with consultations under article 5
Sometimes, the national EIA procedure is delayed because of the length of the consultations under article 5.

(i) Please describe how the costs of interpretation during the hearings are covered:

(ii) By the Party of origin:

When Romania is an affected Party, the interpretation costs are covered by the Party of origin.

(iii) By the affected Party:

(iv) Shared by both Parties concerned:

For consultation under article 5 of the Convention, the interpretation is ensured of both Parties.

(v) Developer:

When Romania is Party of origin, at the public hearings, the interpretation costs are covered by the developer.

(vi) Other, please specify

II.4. Describe any difficulties that your country has encountered during transboundary public participation (expert consultation, public hearing, etc.), including on issues of timing, language and the need for additional information:

See answer to question II.3, point h.

II.5. Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects or that of an NPP?:

(a) Yes

(b) No

II.6. If you answered yes to question II.5, please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements, special and common provisions, etc.), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.):

(a) For joint cross-border projects:

(b) For NPPs:

II.7. Please provide examples from your experience during the reporting period (either complete cases or elements such as notification, consultation and public participation) that, in your view, constitute good practice:

We would like to mention the public hearings held on the territory of Romania, as an affected Party, for the following projects: Construction of a new block B3 at the site of the Kostolac B ThermoPower Plant, Serbia and National Disposal Facility for Low and Intermediate Radioactive Waste in Kozloduy, Bulgaria. These public hearings were well organised and facilitated the progress of the procedure.

II.8. Would your country like to introduce a case in the form of a Convention "case study fact sheet"?

(a) No

(b) Yes  (please indicate which cases):

II.9. Has your country carried out post-project analyses in the period 2016–2018:

(a) No

(b) Yes  (please indicate which projects, along with the challenges in implementation and any lessons learned):

An example of monitoring programme that is well updated is the monitoring for the environment and the radioactivity in the area of Cernavodă Nuclear Power Plant.

## 2. Experience in using the guidance in 2016–2018

II.10. Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online?

(a) Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7):

No

Yes  (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:



(b) Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix):

No

Yes  (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(c) Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8):

No

Yes  (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

### 3. Clarity of the Convention

II.11. Has your country had difficulties implementing the procedures defined in the Convention, either As a Party of origin or as an affected Party, because of a lack of clarity of the provisions?

No

Yes  (please indicate which provisions and how they are unclear):

### 4. Suggested improvements to the report

II.12 Please provide further suggestions (preferably specific drafting proposals) for how this report could be improved. -