Dear Chair of the Implementation Committee,

We have the pleasure to provide the information that you asked for in your address dated 22 March 2013, regarding clarifications on the general features of the system in place in Romania and, in particular whether it allows for a meaningful consideration of location alternatives at an early stage when all options are possible and within appropriate impact assessment procedure (EIA or SEA).

Q.1: Can a "partial location authorization" be granted to several locations and has it been granted to several locations in this particular case?

As we have already mentioned in our previous answers, the partial location authorization has been obtained by the National Agency for Nuclear Wastes (ANDR, ex ANDRAD), based on the technical documentation which was analyzed by an independent expert team of AIEA and after a selection process undertaken for 37 possible locations that had to fulfill the nuclear security criteria. By applying the selection criteria, 3 locations were considered secure and out of these 3, the Saligny location resulted to be the most suited. As a result of the nuclear security applied criteria, all steps taken to obtain the partial location authorization were done solely on Saligny location.

Based on the information available furnished until now, in this particular case there has not been issued a partial location authorization for several locations.

The law (Law no.111/1996, republished) does not prohibit issuing several partial authorizations because the purpose of this investigation is to provide additional information and more detailed characterization of the site, in order to start procedures for environmental agreement based on the environmental impact assessment.

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Convention on Environmental Impact Assessment
in a Transboundary Context
Otherwise, the partial location authorization does not guarantee the issuance of the final location authorization for the same site because the final authorization is issued only after the environmental impact assessment procedure (discussing alternatives for the project, including alternative location) is concluded and the environmental administrative act is issued.

The partial location authorization is an interim decision valid only for 2 years and may be extended only for another 2 years and it is issued to enable the developer to investigate in more detail the location.

Moreover, we have been informed by CNCAN that the High Court of Cassation and Justice has issued the irrevocable Decision no. 2937/13.06.2012 on the cancelation of the partial location authorization for this proposed nuclear repository.

Q2: “Is it practically feasible (and not only legally possible) that a developer undertakes all the required “preparatory nuclear studies” to obtain another partial location authorization, further to a request to consider an alternative site for a repository resulting from a SEA and/or EIA?”

During the environmental procedures, while analyzing the alternatives presented on the EIA Report or based on public comments, it may result the need to analyze other locations for the project. Under these circumstances, the environmental competent authority may reject the issuance of the environmental agreement (the EIA final decision) due to the fact that the proposed locations are not suited from the environmental and health point of view, or based on the very well justified concerns of the public expressed during the procedure. Art.19 para (1) of the GD no.445/2009 clearly stipulates the previously statement.

The developer will be obliged to undertake preparatory nuclear studies/research in order to substantiate the other locations.

According to the EIA Directive, Annex 4, the EIA Report must contain the summary of the alternatives studied by the developer, including the main reasons for the final choice. The environmental competent authority applies the procedural steps provided by the legislation, for example verifies the implementation of the requirements of the GD no445/2009, art.10 para(1) – description and characterization of the proposed location and of the art.11 para (1) and Annex 4, as well as art.13 para (1), letter d) – presentation of the main alternatives taking into account the effects on the environment.

Hoping that our answers provides the necessary clarifications,

Yours sincerely,

Rovana PLUMB

MINISTER