

# **Questionnaire for the report of ROMANIA on the implementation of the Protocol on Strategic Environmental Assessment in the period 2016–2018**

## **Information on the focal point for the Protocol**

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# Part one

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

In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not experience in the application of the Protocol.

### Article 3 General provisions

I.1. Please provide the main legislative, regulatory and other measures you have adopted in your country to implement the Protocol (art. 3, para. 1) (more than one option may apply):

(a) Law on SEA (please indicate number/year/name):

Law no. 349/2009 on the ratification of the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context (Kyiv, 2003), signed by Romania on May 21, 2003

(b) SEA provisions are transposed into another law(s) (please specify):

Romania transposed the Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment through Governmental Decision no. 1076/2004 for setting up the environmental assessment procedure of certain plans and programmes.

This GD is a procedural piece of legislation that implements also the SEA Protocol.

(c) Regulation (please indicate number/year/name): -

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

(e) Other (please specify):

Order of the Minister of Environment and Water Management no. 117/2006 for approving the Handbook on implementation of the procedure for environmental assessment of certain plans and programmes (SEA Handbook)

Your comments: -

### Article 4 Field of application concerning plans and programmes

I.2. List the types of plans and programmes that require SEA in your legislation:

Article 4, para 2 of the SEA Protocol and Annex I and II are included in Law no. 349/2009. Also, the scope of Directive 2001/42/EC is entirely transposed in GD 1076/2004.

I.3. Explain how you define whether a plan or programme "set the framework for future development consent" (art. 4, para. 2):

A plan or programme "sets the framework for future development consent" if the plan or programme sets the framework for future projects listed in Annexes I and II of Law 292/2018 (former GD 445/2009) on the impact assessment of certain public and private projects on the environment, which transposed the EIA Directive.

According to OM 117/2006, “setting the framework” means that the plan or programme contains criteria or conditions which guide the competent authority for issuing environmental agreement. The plan or programme might include the type of activity allowed in a given area, the characteristics of the area to be preserved, the conditions for obtaining a permit. This expression might refer as well to sectoral plans and programmes, which can set the location for future development and so, they might condition future projects.

Also, setting the framework for future development consent may refer to plans or programmes which contain references to future projects in the action plan/ measures/ priorities.

I.4. Explain how the terms “plans and programmes ... which determine the use of small areas at local level” (art. 4, para. 4) are interpreted in your legislation:

According to OM 117/2006, the meaning of 'small' is not strictly defined and it is interpreted on a case-by-case basis. An example of such plan is the detailed land use plan (building plan) which sets the details to be followed in a particular area by any building.

These plans and programmes go through the screening stage of the SEA procedure, to see if they are likely to have significant environmental effects, even if they determine only the use of a small area at local level.

A useful tool for local authorities is the Guidelines on environmental assessment for plans and programs development for land use planning and urban planning, that was elaborated in the PHARE 2004/016 project “Strengthening Institutional Capacity for Implementing and Enforcing SEA and Reporting Directives”.

I.5. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4):

According to OM 117/2006, minor modifications to the plans and programmes means modified plans or programmes, with the likelihood of having significant environmental effects. If a modification might have such effects, an assessment should be carried out regardless of the size.

Any modification is notified to the competent environmental authority. Its effects are determined through a case-by-case examination, by applying the screening criteria during the screening stage of the SEA procedure.

## Article 5 Screening

I.6. How do you determine which other plans and programmes should be subject to a SEA as set out in article 4, paragraphs 3 and 4, in accordance with article 5, paragraph 1? Please specify:

- (a) On a case-by-case basis
- (b) By specifying types of plans and programmes
- (c) By using a combination of (a) and (b)
- (d) Other (please specify):

Your comments:

According to article 5, para 4, of GD 1076/2004, the decision regarding the application of the SEA procedure is made on a case-by-case basis. This examination is mandatory during the screening stage, after the environmental competent authority received the notification of the plan of programme.

I.7. Do you provide opportunities for the public concerned to participate in screening and/or scoping of plans and programmes in your legislation (art. 5, para. 3, and art. 6, para. 3)?

No

Yes  (please specify (more than one option may apply)):

(a) By sending written comments to the competent authority

(b) By sending written comments to the local municipality

(c) By providing answers to a questionnaire

(d) By taking part in a public hearing

(e) By sending written comments to the consultants/SEA experts or persons preparing the plans and programmes

(f) Other (please specify): -

Your comments:

According to GD 1076/2004, article 9, para 1, during screening, the beneficiary shall inform the public about the first draft of the plan or programme, by repeatedly announcing it in mass-media and by publishing it on his web page.

The public can send written comments and proposals to the competent environmental authority within 15 days from the last announcement.

According to GD 1076/2004, article 29, para 3, the screening decision is also made available to the public for 10 days and the comments and opinions expressed by the public are taken into account for reconsidering the screening decision.

During scoping, the beneficiary shall inform the public about the plan or programme and the environmental report, by repeatedly announcing it in mass-media and by publishing it on his webpage. A public hearing is also organized for discussing the plan or programme and environmental report. According to GD 1076/2004, article 30, para 2, the public can express justified opinions by sending comments to the beneficiary or the environmental authority within 45 days from the last announcement and also, during the public hearing. These comments are taken into account and can lead to the amendment of the plan or programme and environmental report.

## Article 6 Scoping

I.8. How do you determine what is the relevant information to be included in the environmental report, in accordance with article 7, paragraph 2 (art. 6, para. 1)?

According to article 14 of GD 1076/2004, the decision on what is relevant information to be included in the environmental report and the adequate level of detail is taken within a working group. This working group is formed of representatives of the beneficiary, the competent environmental authorities, health authorities, and other authorities interested in the effects of

the plans and programs and the expert certified to elaborate environmental reports. The report is structured according to the provisions of annex 2 which contains the framework for the environmental report. The information should focus on the significant environmental effects of the plan or programme, rather than elaborating all the issues regarding the plan or programme. Too much information regarding insignificant environmental effects or irrelevant issues might produce difficulties in understanding the environmental report and might lead to omissions of important aspects.

## Article 7

### Environmental report

I.9. How do you determine “reasonable alternatives” in the context of the environmental report (art. 7, para. 2)? Please specify:

- (a) On a case-by-case basis
- (b) As defined in the national legislation (please specify): -
- (c) By using a combination of (a) and (b)
- (d) Other (please specify): -

Your comments:

According to Articles 16 – 20 of GD 1076/2004, the beneficiary of the plan or programme drafts the reasonable alternatives, keeping account of the environmental objectives and the geographical location of the plan or programme, and also of the significant environmental issues, including the current state of the environment and its evolution in the absence of the plan or programme implementation (zero alternative).

The working group assesses whether the alternatives meet the environmental objectives that are relevant for the plan or programme. The beneficiary elaborates in detail the selected alternatives, according with the working group’s recommendations.

The expert who elaborates the environmental report analyses the significant environmental effects of the alternatives and decides upon the measures for prevention, mitigation, compensation and monitoring of the effects for each alternative. These measures and recommendations are presented and discussed within the working group. The purpose for analysing the alternatives is to find ways of mitigating the adverse significant environmental effects of the plan or programme. The final plan or programme must be the one that achieves best the SEA objectives. According to Annex 2 of GD 1076/2004, the choice of an alternative over another must be justified and explained.

Also, recommendation regarding the “reasonable alternatives” can be found in OM 117/2006 on the SEA Handbook. Alternatives can mean alternative plans or programmes or different alternatives within a plan or programme. In practice alternatives within a plan or programme are usually discussed, like different ways of achieving the objectives.

Another important aspect is that the alternatives must be realistic and must fall within the legal and geographical competence of the beneficiary of the plan or programme.

I.10. How do you ensure sufficient quality of the reports? Please specify:

- (a) The competent authority checks the information provided and ensures it includes all information required under annex IV as a minimum before making it available for comments
- (b) By using quality checklists
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify):

Your comments:

According to article 24 of GD 1076/2004, the environmental authority takes into consideration the points of view of the other authorities and of the public and can also hire a consultant. Thus, the health authority and other competent authorities analyse the report and send detailed and justified points of view to the environmental authority. Also, in case of transboundary effects, the competent authorities from the Affected Party are invited to express an opinion. Moreover, the public can also make comments on the report.

When reviewing a report, the environmental authority keeps in mind the following elements:

- a) The way the report responds to the information specified in annex IV of the SEA Protocol (annex 2 of the GD 1076/2004);
- b) The encountered difficulties and the presentation of the hypotheses or uncertainties;
- c) The presentation of the studied alternatives and the reasons for choosing one of them; the presentation of the manner in which the environmental considerations were integrated in the draft plan and programme and of the way the information risen from the environmental assessment was included in the report;
- d) The reasoning for excluding some aspects from the assessment;
- e) The way the comments received from the public and other authorities were taken into account;
- f) The presentation of information through maps, schemes, diagrams;
- g) The existence of an adequate monitoring program of the environmental effects

If the report is found incomplete or of poor quality, then the competent authority asks for its revision.

Regarding quality checklists, there are checklists available in the General guidelines for the environmental assessment for plans and programmes, resulted from the PHARE Project 2004/016 – 772.03.03, 'Straightening institutional capacity for the implementation and application of the SEA Directive'.

## Article 8 Public participation

I.11. How do you ensure the “timely public availability” of draft plans and programmes and the environmental report (art. 8, para. 2)? Please specify (more than one option may apply):

- (a) Through public notices
- (b) Through electronic media
- (c) Through other means (please specify):

Your comments:

The responsibility of involving the public is shared between the beneficiary and the environmental authority.

According to article 29 of GD 1076/2004, during the screening phase, the beneficiary makes announcements in mass media and posts on its webpage about the availability of the draft plan or programme (2 public announcements three days apart) and gives the public the opportunity to send comments within 15 days. The first announcement for the public is made simultaneously with the notification of the environmental authority.

The environmental authority makes available on its web page the screening decision and the public can make comments within 10 days. The decision becomes final only after the 10 days period. The announcement about the screening decision is also published in mass media by the beneficiary.

According to articles 30, 31 of GD 1076/2004, the beneficiary of the plan or programme makes public announcements in mass media and posts on its web page about the availability of the plan or programme and environmental report (2 public announcements three days apart). These announcements are made 45 days before the public hearing or 60 days before if the plan or programme has transboundary effects.

The final decision is also announced in mass media by the beneficiary and on the environmental authority's web page.

All this information is also made available to the public of the affected Party.

I.12. How do you identify the public concerned (art. 8, para. 3)? Please specify (more than one option may apply):

- (a) Based on the geographical location of the plans and programmes
- (b) Based on the environmental effects (significance, extent, accumulation, etc.) of the plans and programmes
- (c) By making the information available to all members of the public and letting them identify themselves as the public concerned
- (d) By other means (please specify):

Your comments:

According to art 28, para (1), letter a) of GD 1076/2004, the environmental competent authority identifies the public, including the public affected or likely to be affected by, or having an interest in, the decision-making subject to this GD, including relevant non-governmental organisations, such as those promoting environmental protection and other organisations concerned.

OM 117/2006 on the SEA Handbook states that the identification is limited due to a number of criteria. For each plan or programme, the public may be different. When identifying the NGOs, the environmental authorities may have in mind the nature of plan or programme and the field of activity of the NGO.

For example, NGOs active locally need to be identified even for plans or programmes made for distant localities, if their interests may be affected.

I.13. How can the public concerned express its opinion on the draft plans and programmes and the environmental report (art. 8, para. 4)? Please specify (more than one option may apply):

- (a) By sending comments to the relevant authority/focal point
- (b) By providing answers to a questionnaire
- (c) Orally
- (d) By taking part in a public hearing
- (e) Other (please specify):

Your comments:

According to articles 30, 31 of GD 1076/2004, the public can express justified opinions by sending comments to the beneficiary or the environmental authority and also, during the public hearing.

I.14. Do you have a definition in your legislation of the term “within a reasonable time frame” (art. 8, para. 4)? Please specify:

(a) No, the time frame is determined by the number of days fixed for each commenting period

(b) No, it is defined case by case

(c) Yes (please provide the definition):

(d) Other (please specify):

Your comments:

The public has the opportunity to send comments regarding the first draft plan or programme within 15 days from the announcement made by the beneficiary.

For the screening decision, the public can send comments during the next 10 days after the decision is published on the web page of the authority.

The environmental authority makes available on its webpage the screening decision and the public can make comments within 10 days. The decision becomes final only after the 10 days period. The announcement about the screening decision is also published in mass media by the beneficiary.

Regarding the plan or programme and the environmental report, the public has 45 days to express its opinion by submitting written comments to the beneficiary or to the environmental competent authority or at the public hearing. When a transboundary procedure is carried, the public of the Affected Party is given 60 days.

## Article 9

### Consultation with environmental and health authorities

I.15. How are the environmental and health authorities identified (art. 9, para. 1):

(a) On a case-by-case basis:

(b) As defined in the national legislation:

(c) Other (please specify)

Your comments:

According to Article 7, para. (1), (2) of GD 1076/2004, the SEA procedure is applied by the beneficiary of the plan or programme in collaboration with the environmental competent authority and with the consultation of the national or local health authorities and other authorities concerned by the effects of implementing the plans or programmes, as well as of the public.

The competent environmental authority for SEA is either the local environmental agencies for local plans or programmes, or the central environmental authority for regional or national plans or programmes.

According to Article 10, para. (1)-(3), the health authorities and other authorities concerned by the effects of implementing the plans or programmes are identified by the environmental competent authority.

I.16. How are the arrangements for informing and consulting the environmental and health authorities determined (art. 9, para. 4):

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

Your comments:

According to GD 1076/2004, the beneficiary of the plan or programme notifies the environmental competent authority about drafting the plan or programme. After the environmental competent authority identifies the health authorities and other authorities concerned by the effects of implementing the plans or programmes, the screening stage is carried out, with the consultation of the beneficiary and the above-mentioned authorities within a special organised committee. The beneficiary provides the committee with the draft plan or programme. The screening decision is taken by the environmental authority, taking into consideration the consultations within the committee and the public's comments.

During scoping, the working group is organised, and includes the health authorities and other authorities concerned by the effects of implementing the plans or programmes, along with the beneficiary and other experts. The scoping, the decision about the field and the level of detail for the information to be included in the environmental report and the analysis of the significant environmental effects of the plan or programme are done within the working group. The beneficiary presents the specific objectives of the plan or programme to the working group. Also, the experts present to the working group the significant environmental issues, the state of the environment for the zero alternative, the environmental objectives. Also, the beneficiary presents to the working group the alternatives to the plan or programme and the working group analyses the way these alternatives address the environmental objectives. The beneficiary elaborates the detailed alternatives taking into consideration the findings of the working group. All the findings of the experts regarding the significant environment effects for the alternatives and the prevention, mitigation, compensation and monitoring measures are also presented to the working group.

When the environmental report is finished, the beneficiary sends it to the environmental authority and the other authorities from the working group. All these other authorities send their point of view to the environmental authority, which takes account of them when making the final decision. The beneficiary can adopt the final plan or programme only in the version approved by the environmental authority.

I.17 Does your national legislation call for consultations with environmental and health authorities?

- (a) Yes
- (b) No

I.18. How can the environmental and health authorities express their opinion (art. 5, para. 2, art. 6, para. 2, and art. 9, para. 3):

- (a) By sending comments
- (b) By providing answers to a questionnaire
- (c) In a meeting
- (d) By other means (please specify)

Your comments:

As we mentioned at question 16, according to GD 1076/2004, consultations within the special organised committee take place. The committee meets and discusses upon the notification and the plan or programme.

The scoping, the decision about the field and the level of detail for the information to be included in the environmental report and the analyzation of the significant environmental effects of the plan or programme are done within the working group, which meets whenever is needed and can also send comments to the environmental authority.

When the environmental report is finished, all the authorities from the working group send their point of view to the environmental authority, which takes account of them when making the final decision. The beneficiary can adopt the final plan or programme only in the version approved by the environmental authority.

## Article 10 Transboundary consultations

I.19. As a Party of origin, when do you notify the affected Party (art. 10, para. 1)? Please specify:

- (a) During scoping
- (b) When the draft plan or programme and the environmental report have been prepared
- (c) At other times (please specify):

Your comments:

According to article 22, para 2 of GD 1076/2004, when a plan or programme is likely to have significant transboundary environmental effects, the national public authority that promotes the plan or programme notifies the national environmental authority from the Affected Party about the draft plan or programme and the environmental report, within 20 days after these documents are ready.

I.20. As a Party of origin, what information do you include in the notification (art. 10, para. 2)? Please specify:

- (a) The information required by article 10, paragraph 2
- (b) The information required by article 10, paragraph 2, plus additional information (please specify):

Your comments:

When notifying an Affected Party, we use the format for notification under the Protocol, according to Decision II/7. We also send the draft plan or programme and the environmental report. After the notification, arrangements are made for the consultation regarding the transboundary effects and the measures for reducing and compensating the effects, the terms and timeframe for public and authorities' consultations, the involvement of the environmental authority from the Affected Party.

I.21. As a Party of origin, does your legislation indicate a reasonable time frame for the transmission of comments from the affected Party (art. 10, para. 2)? Please specify:

- (a) No

(b) Yes (please indicate how long):

Your comments:

Based on the experience gained by application of the Espoo Convention, we usually agree with the Affected Party upon a time-frame of around 4-5 weeks.

Also, in GD 1076/2004, there is a provision regarding the organization of a public hearing, 60 days after the announcements in mass-media about the drafting of the plan or programme and the environmental report, in case of transboundary effects.

I.22. If the affected Party has indicated that it wishes to enter into consultations, how do the Parties agree on detailed arrangements to ensure that the public concerned and the authorities in the affected Party are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame (art. 10, paras. 3 and 4)?

(a) Following those of the Party of origin

(b) Following those of the affected Party

(c) Other (please specify):

Your comments:

When an affected Party wishes to enter into consultations, the parties mutually decide upon a time-frame for consultations, as stated in article 34, para. 2, letter c) of GD 1076/2004. Usually, the Party of origin makes a proposal for the consultation arrangements, in order to assure a good manner of informing the authorities and the public from the affected Party, the participation of the central environmental authority from the Party of origin, and the time frame for consultations. The proposal is negotiated with the affected Party and is mutually agreed between the focal points. The time-frame is usually of around 4-5 weeks.

## **Article 11 Decision**

I.23. When a plan or programme is adopted, explain how your country ensures, in accordance with article 11, paragraph 1, that due account is taken of:

(a) The conclusions of the environmental report

(b) Mitigation measures

(c) Comments received in accordance with articles 8 to 10

Your comments:

The conclusions of the environmental report, the mitigation measures and the justified comments of the public, including those received in a transboundary context, are integrated within the environmental approval issued by the competent environmental authority. Moreover, following article 25 of GD 1076/2004, the environmental approval is based on the environmental report and it must include the significant environmental effects mitigation and compensation measures. Also, according to article 21, para (2), the plan or programme is modified in order to integrate the justified comments made by the public.

According to article 26, the beneficiary must approve/adopt the plan or programme only in the form for which an environmental approval was issued.

I.24. How and when do you inform your own public and authorities (art. 11, para. 2)?

According to article 25 of GD 1076/2004, the environmental authority publishes the decision on its website, within 3 days after it was issued.

According to article 32, the beneficiary published the decision in mass-media within 5 days after the decision was published by the environmental authority on its website.

I.25. How do you inform the public and authorities of the affected Party (art. 11, para.

(a) By informing the point of contact

(b) By informing the contact person of the ministry responsible for SEA, who then follows the national procedure and informs his/her own authorities and public

(c) By informing all the authorities involved in the assessment and letting them inform their own public

(d) Other (please specify):

Your comments:

When a plan or programme might have transboundary effects, the national public authority that promotes the plan or programme notifies the national environmental authority from the affected Party. In practice, our national environmental authority (or the national public authority that promotes the plan or programme at the recommendation of the environmental national authority) sends the notification to the national environmental authority from the affected Party by diplomatic channels (sometimes with the contribution of the authority for foreign affairs) and also, by sending it to the point of contact for the SEA Protocol.

When the affected Party wishes to enter into consultations, then the authorities and public from the affected Party are informed, with the help of the environmental authority from the affected Party.

I.26. How do you ensure that, when a plan or programme is adopted, the public, the authorities and the Parties consulted are informed and that the information mentioned in article 11, paragraph 2, is made available to them?

(a) Pursuant to national legislation (please refer to specific provisions and provide citations in order to clarify the procedure followed):

(b) Other (please specify):

Your comments:

According to article 33 of GD 1076/2004, after the plan or programme is adopted, the beneficiary informs the authorities from the working group and the public (including those from the affected Party, in case of transboundary SEA) about the plan or programme, by making available the following: the adopted plan or programme, a declaration about the way the environmental, including health, considerations were integrated in the plan or programme, the way the environmental report was prepared, the way the public's and other authorities' comments and the transboundary consultations were taken into account into the environmental approval, the reasons for choosing an alternative to the plan or programme, the monitoring measures.

The national public authority that promotes the plan or programme makes available to the national environmental authority from the affected Party the above-mentioned documents.

## **Article 12**

### **Monitoring**

I.27. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes adopted under article 11 (art. 12, paras. 1 and 2):

According to article 27 of the GD no. 1076/2004, the monitoring of the plan or programme implementation, based on the proposal made by the beneficiary, takes into account, from the beginning, the identification of the significant environmental, including health, effects, so that mitigation measures can be taken, if needed. The monitoring programme is part of the documentation based on which the environmental approval is issued.

The beneficiary of the plan or programme has the responsibility to carry out the monitoring programme of the environmental effects. Annually, the monitoring results are submitted to the environmental authority, which analyses the results and makes them available to the public on its web page.

## Part two

### Practical application during the period 2016–2018

In this part, please report on your country's practical experiences in applying the Protocol (and not your country's procedures, which were described in part one). The focus of this section should be on identifying good practices as well as difficulties encountered in applying the Protocol in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Protocol in your country and innovative approaches to improve its application.

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

(a) Yes

(b) No

Your comments:

#### 1. Consideration of health effects

II.2. Does your SEA documentation always include specific information on health effects? Please specify:

(a) Yes

(b) No, only when potential health effects are identified

#### 2. Domestic and transboundary implementation in the period 2016–2018

II.3. Does your SEA documentation always include specific information on potential transboundary environmental, including health, effects? Please specify:

(a) Yes

(b) No, only when potential transboundary effects are identified

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

II.4. Please provide the (approximate) number of transboundary SEA procedures initiated during the period 2016–2018 and list them, grouped by the sectors listed in article 4, paragraph 2:

The transboundary SEA procedure was initiated for the following plans or programmes:

1. The Programme for the Implementation of the Strategy for the Development of the Energy Sector of the Republic of Serbia by 2025 with projections by 2030, for the period 2017-2023 (procedure during 2017-2018)
2. SEA for Stichting Voorbereiding Pallas-reactor from Schagen – Holland (2016)
3. National Programme of Hungary on the management of spent fuel and radioactive waste (2016-2017)

4. Zonal urban plan for Used Oil Recycling Plant in Oltenita Town, Calarasi County, Romania (2017)
5. Zonal urban plan for placing road bridge over the Tisa river in Teplita area, Sighetu Marmatiici, Maramures County, Romania (procedure during 2018)

#### 4. Experience with the strategic impact assessment procedure in 2016–2018

II.5. Has your country experienced substantial difficulties in interpreting particular terms (or particular articles) in the Protocol?

- (a) No
- (b) Yes  (please indicate which ones):

II.6. How does your country overcome the(se) problem(s), if any, for example by working with other Parties to find solutions? Please provide examples: -

II.7. With regard your country's experience with domestic procedures, 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. Please detail:

(a) Has your country carried out monitoring according to article 12 and, if so, for what kinds of plans or programmes (cite good practice cases or good practice elements (e.g., consultation or public participation), if available)?

Yes, for example, the Master Plan for the Protection and Rehabilitation of the Romanian Shore Area, for which an environmental approval was issued in 2012, includes a Monitoring programme of the significant effects of the Master Plan's Implementation. The monitoring results were sent to the Bulgarian environmental authorities in 2017, as it was decided during the transboundary SEA procedure.

(b) Would your country like to present a case to be published on the website of the Convention and its Protocol as a "case study fact sheet"?

- (i) No
- (ii) Yes  (please indicate which ones):

II.8. With regard your country's experience with transboundary procedures, 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. Please detail:

(a) What difficulties has your country experienced and what solutions has it found?

- (i) Translation and interpretation
- (ii) Other issues

As a Party of origin, the documents we provide to the affected Party are in English. Also, as an affected Party, we ask for the documents to be translated in English. At public hearings we usually use interpretation services.

(b) What does your country usually translate as a Party of origin?

The following documents are translated in English: the notification, the draft plan or programme and the environmental report, all the correspondence between the parties, the answers to the public's comments, the final decision, the final plan or programme, an environmental declaration (declaration regarding the integration of the environmental aspects into the plan or programme, the way the environmental report was elaborated, the way the public consultations occurred, including the transboundary consultations, the reasons for choosing a certain alternative), the monitoring measures.

I As an affected Party, has your country ensured the participation of the public concerned and the authorities pursuant to article 10, paragraph 4?

(i) No

(ii) Yes  (please indicate how):

When a notification is sent to our focal point, or to our national environmental authority, the information is published on the national environmental authority's web site, giving the public the opportunity to be informed. Also, the national environmental authority informs the other concerned national authorities about the notified plan or programme and the local authorities that might have an interest in that matter. Also, sometimes the national environmental authority asks for a public hearing to be held on our territory, as well.

(d) What has been your country's experience of the effectiveness of public participation?

Public consultation for plans has an important role in assuring public acceptance for future projects and a smoother EIA applicability. The public gets involved especially in analysing the reasonable alternatives. There are some types of plan and program for which the public is very eager to offer his input, for example for plans and programmes dedicated to energy or nuclear sector.

(e) Does your country have examples of organizing transboundary SEA procedures for joint cross-border plans and programmes?

(i) No

(ii) Yes  (please describe):

Transboundary SEA procedures were carried out for cross-border programmes for 2014-2020, between Romania and other countries like Bulgaria, Moldova, Ukraine, Serbia, Hungary, or for interregional programmes like Interregional Cooperation Programme under the European Territorial Cooperation Objective, Ex-ante evaluation and SEA for the Cooperation Programme of the Danube Transnational Co-operation Programme, Black Sea Basin European Neighbourhood Instrument, Ex-ante Evaluation and SEA for the Joint Operational Programme for the Huskroua, or between Hungary-Slovakia-Romania-Ukraine.

(f) As an affected Party, how do you ensure that the public concerned and the authorities are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame (art. 10, para. 4)?

When the national environmental authority receives the draft plan or programme and the environmental report, in English, these documents are circulated to the concerned authorities and are posted on the website. Also, these documents may be translated in Romanian and disseminated in this version. All the opinions of the public and of the concerned authorities are centralized by the national environmental authority and sent to the Party of origin. The public and the concerned authorities are given 45 days to forward their opinion.

## 5. Experience regarding guidance in 2016–2018

II.9. Are you aware of any use in your country of the online *Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment* (ECE/MP.EIA/17)?<sup>1</sup>:

(a) No:

(b) Part of it (Please specify):

(c) Yes  (please describe your experience): We are aware of this manual, and we sometimes consulted it.

Your comments on how the Guidance might be improved or supplemented:

## 6. Awareness of the protocol

II.10. Does your country see a need to improve the application of the Protocol in your country?

(a) No:

(b) Yes  Please describe how your country intends to improve application of the Protocol:

## 7. Suggested improvements to the report

II.11. Please provide suggestions for how this report may be improved:

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<sup>1</sup> Available from [http://www.unece.org/env/eia/pubs/sea\\_manual.html](http://www.unece.org/env/eia/pubs/sea_manual.html).