



Workshop on exchange of good practice on PPA

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A) The legal framework

- Law 22/2001- Romania became party to the Espoo Convention by ratifying the convention
- GD no.918/2002, as amended by GD no.1705/2004 – the framework for EIA procedure
- MO no.864/2002 - environmental impact assessment procedure in transboundary context and public participation to the decision-making for the projects likely to have a transboundary impact:
 - details the provision of the EIA procedure;
 - art.21 and 22 contain provisions on PPA.



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- “Art. 21. – (1) At the request of the competent authority of an Affected Party, the central public authority for environmental protection must monitor the transboundary effects of the project which was subject to an environmental impact assessment.
- (2) Any post-project monitoring undertaken shall include, in particular, the surveillance of the activity for which the EIA was carried out and the determination of any significant adverse transboundary impact. Such surveillance and determination shall be undertaken with a view to achieving the objectives listed in Annex V of the Convention on transboundary impact assessment, ratified by Law no. 22/2001.
- (3) The central public authority for environmental protection shall transmit, in writing, the results of the post-project monitoring to the competent authority of the Affected Party.”



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“Art. 22. – Where, as result of the post-project monitoring, the central public authority for environmental protection or the competent authority of the Affected Party have reasonable grounds for concluding that there is a significant adverse transboundary impact or factors have been discovered that may result in such an impact, it shall immediately inform the other Party. The Parties shall then consult on the necessary measures to reduce or eliminate the impact.”



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B) Implementation

- The general purpose of PPA - to monitor compliance with the conditions provided for by the environmental agreement (EIA decision) on: construction and operation phases.
- EIA decision:
 - contains the measures envisaged for the protection of the environmental factors;
 - is binding for the developer.



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- Enforcement of the EIA decision:
 - the competence of the National Environmental Guard (NEG);
 - visiting the location of the project in order to verify the compliance of the works carried out with the conditions stipulated in the EIA decision;
 - NEG:
 - can apply sanctions provided for by law;
 - may order, as well, the ceasing of an activity and/or the suspension of an activity for a determined period of time, when human health is endangered or when the admissible limits of the pollutants are exceeded;
 - draws up, periodically, reports on the undertaken activity and submits them to the minister of environment and water management.

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- the EIA decision can be suspended by the issuing authority (the competent environmental authority) when the provisions of that act have not been fulfilled.
- the suspension lasts until the infringed obligations are observed, but no more than 6 months (EGO 195/2005 - LPM);
- if the conditions mentioned in the suspension decision are not complied with, the competent environmental authority orders the annulment of the regulatory act (EIA decision), after the deadline of the suspension runs out (expired).

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C) Case studies

1. Unit 2 of NPP Cernavoda

I. Current status and future measures

EIA Decision issued by the Ministry of Environment and Water Management for Unit 2 of the Cernavoda NPP (GD 964/2004) - contains requirements on post project analysis (point 31 in the EIA decision).

Current status of the project:

- a) The developer (Nuclearelectrica SA) informed on the fact that :
- the project is 86,4% realized ;
 - the envisaged date for starting to operate is April 2007



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b) Taking into consideration the current status of Unit 2 NPP Cernavoda, Romania envisages to:

- control the conditions stipulated in the EIA final decision, as required by law;
- start consultations, at decision level, with other Romanian relevant authorities in order to establish measures, such as drawing up an inspection plan, including civil protection exercises;
- initiate bilateral consultation in order to verify the past EIA predictions with the results of the radiological monitoring carried out on the Cernavoda site;



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- propose to the Bulgarian Party the measures to be carried out together with the Bulgarian authorities (e.g., common civil protection exercises with the Bulgarian Party).

Conclusion:

- all these proposals will be compiled in a document, as further development of the requirements of condition 31 in the final EIA decision (Romanian Environmental Agreement) on post project analysis;
- this document will be forwarded to the Bulgarian authorities.

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II. Measures already taken – to be extended also for Unit 2

MEWM - PHARE Programme “Radioactivity monitoring – Setting up an emergency alarm system for Cernavoda and Bechet areas”

- The programme:
 - aiming at surveillance of radioactive emissions in the air and emergency notification of the national decision-making factors in case of radiological emergencies.
 - the outcome: the establishment of the automatic monitoring network of the environmental radioactivity within Cernavoda and Kozlodui NPPs; This network allows the transmittal of data in real time, continuous monitoring of the flow of the gamma dose in the air.



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- The network is composed of:
 - 49 automatic stations located in the Kozlodui and Cernavoda NPP areas,
 - 8 local laboratories (1 in Bechet, Cernavoda, Slobozia, Constanta and 2 in Calarasi and in Craiova)
 - one coordinating centre for the whole monitoring system located within NEPA – National Reference Laboratory.
- The network:
 - also ensures the rapid notification of the proper authorities in case of an emergency/accident;
 - started to operate on May 2004 and the current data show that the environmental radioactivity is within the legal limits.

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- The main responsibility of the Reference Laboratory - to determine whether the registered values are within the normal limits and if not, to determine whether there is a real cause of radioactive contamination or a malfunction of the automatic monitoring system.
- When Cernavoda Unit 2 will be operational its activity will also be surveyed by the automatic monitoring system, being a step forward in accomplishing the proposed measures for PPA mentioned in the environmental agreement.



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2. NPP Belene

The Romanian and Bulgarian environmental authorities:

- have concluded their transboundary EIA procedures both for Cernavoda NPP and for Belene NPP;
- have ppa requirements within their EIA final decisions;
- good cooperation not only for these projects.



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Regarding NPP Belene, the Bulgarian authorities took into consideration our requests which are to be found at items 49 and 50 in the final decision.

Referring point 49:

we are very confident that the Bulgarian authorities will inform us, as soon as the tender is over, about the initiation of the consultations with Romania on the conditions of the execution of Belene project, as this is mentioned in the final decision.

Referring point 50:

we think that the implementation of this requirement (i.e., preparation of the actions to be taken in emergency situations for each reactor commissioned at Belene site) should start during the construction phase taking into consideration that this requirement envisages the involvement of several authorities and requires a lot of preparatory work.