



**GOVERNMENT OF ROMANIA
MINISTRY OF ENVIRONMENT
Minister's Cabinet**

No: 2319 /NN/ 25.06.2009

Ref.: Information from Romania regarding the Giurgiulesti Port project, in the Republic of Moldova, as requested by the Implementation Committee in the letter dated 7th April 2009 (EIA/IC/INFO/3)

Dear Mr. Schrage,

With reference to your letter dated 7th of April 2009, regarding concise transboundary EIA procedural information applied for the Giurgiulesti Port project, including notification, I have the honor to convey to you the following:

Romania, as an Affected Party, participated in the transboundary EIA procedure which has been initiated by the Republic of Moldova, on the basis on the documentation received, including notification. However, it has also come to our attention from press releases that the passenger's terminal is operating/the project has been finalized and approved.

It is our opinion that the bilateral process for this issue has not been finalized. The Final Decision has never been communicated to Romania and it is not clear that the comments submitted by the Romanian party were taken into account. Also, the Post-Project Analysis has been requested by Romania and consequently both countries will watch over the possible effects of the activities in the port on the Romanian and Moldavian territory.

Please find attached to the present letter the requested information on the transboundary EIA procedure for Giurgiulesti port as well as the exact dates of the steps taken.

We would kindly require your assistance in submitting Romania's response to the Implementation Committee.

Please accept, dear Mr. Schrage, the assurance of our highest consideration.

MINISTER

Nicolae **NEMIRSCI**

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Secretary to the Espoo Convention

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**Romania's response to the letter (ref. EIA/IC/INFO/3) dated 7th April 2009, of the
Implementation Committee under the Convention on Environmental Impact
Assessment in a Transboundary Context**

(a) Regarding the different activities at the Giurgiulesti Port, according to the notification received by Romania we can enumerate the following:

- Receiving, sending and transshipment of white oil products, receiving crude oil in oil terminal of capacity 1000000t/year;
- Receiving, sending and transshipment of goods and cereals in goods terminal of capacity 500000 t/year;
- Passenger traffic – passenger terminal of capacity 10 000persons/year
- Processing crude oil – refinery of capacity 1000000 t/year crude oil.

(b) Regarding the state expertise, permitting or consent, Romania considers that this item can only be addressed by the party of origin for this project. Romania, as an affected party took part in the transboundary EIA procedure which is described below.

(c) Regarding the Transboundary EIA procedure, including notification, as well as the exact dates of the steps taken, please find below the information requested:

- Republic of Moldova notified Romania on 10th of November 2006 about the construction of Giurgiulesti International Port, according to the EIA procedure in a the transboundary context (letter no.5816/10.11.2006 of the Embassy of Republic of Moldova in Romania; the notification made was in Romanian and in the format adopted by Decision I/4, no EIA was included, the construction period indicated was 2006-2015 (in 3 stages) and the operational period indicated was 2015-2045, the notified countries were Romania and Ukraine.
- Romania expressed its intention to participate in the procedure and into consultations by transmitting the letter dated 12th of December 2006. The intention to participate into consultation was reiterated on 8th of February 2007 by the Romanian Ministry of Foreign Affairs.
- On 12th of October 2007 Republic of Moldova Embassy in Bucharest transmitted the EIA Report to the Ministry of Environment in Bucharest. The documentation was received in English and only in paper format. The EIA Report was elaborated by the consortium of Witteveen+Bos BV and Bureau Waardenburg (Dutch companies) in cooperation with state institutions of Republic of Moldova. The next step for Romania was to review the EIA Report together with the specialized directorates within the ministry (such as water department, nature department) and the National Administration “Romanian Waters”. In the same time the EIA Report (scanned page by page) was made available to the concerned stakeholders, including the public, on the ministry's web page. The comments and proposals received from the authorities and the public were analyzed in order to formulate an opinion on the project and the accompanying documentation.

- The Romanian Ministry of Environment transmitted comments on the EIA Report on 27th of March 2008 to Republic of Moldova. The letter was signed by Minister Attila Korodi (letter no.1011/2008) and was organized under four items. The first item was dedicated to the possible effects on biodiversity, hydro-morphology of the river and accidental pollution, the second item was a request of further information including the EIA for the oil terminal as it resulted that such an EIA was elaborated in 1996, the third item was the WWF point of view to which the Ministry of Environment requested answers and the fourth item was the Ministry of Environment request for post project analysis.
- The clarifications on the above mentioned letter were received from Republic of Moldova on 18th of August 2008; no reference was made to the post project analysis.
- On 2nd of October 2008 Romania transmitted to Republic of Moldova a letter requiring some other aspects to be taken into consideration, especially in the final decision. Consequently, the final decision on this project must include the following:
 1. Permanent monitoring of the port activities and the neighborhood biodiversity;
 2. The obligation to take immediately preventive measure in case of imminent threat of a damage on the neighborhood species and habitats, on water and land and the obligation to take remedy measures in case of damage;
 3. The obligation to announce immediately the Romanian environmental authorities and to decrease and even stop such activities;
 4. Establishment of a transboundary cooperation mechanism for biodiversity conservation within the Natural Park of Lower Prut Plain, Lakes Manta and Beleu and Danube Delta Biosphere Reserve.
 5. The post project monitoring provided by art. 7 of the Convention;
- Romania received, on 30th of December 2008, the answer to the proposals and aspects mentioned in the letter of 2nd October 2008. The answer was sent by the Embassy of Republic of Moldova in Bucharest. In this reply, the Republic of Moldova endeavored to respond to the specific comments put forward by Romania; it was mentioned, as well, that the Romanian proposals sent in December 2008 were not transmitted within the established period. In this respect, we must stress the fact that we did not agree previously upon a specific deadline. That is why we consider that this contention is groundless.
- The answer was not clear on whether the comments transmitted by Romania were taken into account by the authorities of the Republic of Moldova when issuing the final decision. Romania did not receive the final decision for this project. The operation of Giurgiulesti port represents a further subject of interest for us, in terms of an adverse impact on the Romanian territory, due to its location on one of the most important boundary rivers of Romania.