



# Ministry of Environment



## **Eighth meeting of the Task Force on Public Participation in Decision-making under the Aarhus Convention**

### **Effective public participation in EIA and SEA procedures Practical experience in Romania**

*Palais des Nations, Geneva, 8 - 9 October 2018*

# Effective public participation in environmental decision making regarding plans and programmes

According to article 7 of the Aarhus Convention the public participation with respect to plans and programmes prepared by public authorities is compulsory.

The legal basis to take environmental considerations into account in plans and programmes is ensured by the environmental assessment procedure provided by Governmental Decision 1076/2004 (transposition of the SEA Directive 2001/42/EC) and by Law no 349/2009 that ratifies the SEA Protocol.

Even though art 7 of the Aarhus Convention is referring to a wide range of plans and programmes, including those which are only “relating to the environment” regardless of whether it sets the framework for a development consent for any project or not, we will present below some examples of plans that were subject to the SEA procedure, including to public participation procedure.

This presentation is focused on “effective public participation” and in this context we would like to show you how the public’s comments have been taken into account in the final decisions issued for plans or programmes.

# Public information during the SEA procedure according to the GD no.1076/2004

- Public announcement about the beginning of the SEA procedure and the availability of the plan for consultation, made by the developer on website and in newspaper (developer -2 announcements).
- The screening decision is published on Ministry of Environment website and published by the developer in newspaper.
- Public announcement about the availability of the plan and of the environmental report with 45/60 days deadline for public comments, and about the public hearing, including place, date and time of the public hearing, made by the developer on website and in newspaper (developer -2 announcements).
- The final decision of the SEA procedure is published on Ministry of Environment website and the announcement about the final decision is published in the newspaper by the developer.

# The General Transport Master Plan (GTMP) of Romania for short, medium and long term 2014-2030

- The final decision issued by the competent environmental authority, at the end of the SEA procedure is called “Environmental Approval”.
- For the GTMP, the Ministry of Environment issued the *Environmental Approval no.33/11.12.2015*.
- This document comprises *Chapter V. Likely significant effects on the environment, including health, in a transboundary context* and *Chapter VI The issuing of the Environmental Approval was made taking into account the following (this chapter refers to public participation)*.

Both these chapters provide information on public comments received and incorporated in the relevant documents which were available to the public throughout the SEA procedure.

# THE GENERAL TRANSPORT MASTER PLAN

Comments from the public (EUCONCEPT RetD, the Strategy and Management Directorate from MT, the Romanian Danube Carpathian Program, the Romanian General Association of Engineers)

## Environmental Approval no.33/2011

### 1. Environmental Impact Report

Proposals / observations on the content of the Environmental Report that have been taken up in the chapters:

- a) cap.4 - Revealed aspects of the current state of the environment and its evolution in case of non-implementation of MPGT;
- b) Chapter 6 - Existing Environmental Matters Relevant to MPGT;
- c) Chapter 11. - Measures proposed to prevent, reduce and offset as fully as possible any adverse environmental effects resulting from the MPGT implementation;
- d) chapter 12 - measures taken to monitor the significant effects of MPGT implementation - monitoring indicators,
- e) Chapter 13 - General Conclusions.

### 2. Appropriate Assessment

Reformulation of Natura 2000 monitoring indicators.

### 3. Environmental Impact Report

Completions required by Bulgaria relevant for cap.8:

Potential significant transboundary environmental, including health effects (determined by the proposed projects on river Danube like a second bridge over Danube at Giurgiu, extension of 6 ports on Danube and improving navigation conditions on the Iron Gates II-Calarasi sector of the Danube).

### 4. Environmental Impact Report

Other requirements concerning inserting some paragraphs into the text, as appropriate.

### 5. Comments that focused on punctual issues

(e.g. Appropriate Assessment conclusions)

The National Strategy on Climate Change and growth based on low-carbon economy for the period 2016 – 2020 and the National Action Plan on Climate Change 2016-2020 (the NSCC Strategy and the NAPCC)

- For the NSCC and NAPCC, the Ministry of Environment issued the *Environmental Approval no.35/22.12.2015*.
- *The Environmental Approval no 35/2015* comprises information on public information and participation throughout the SEA procedure (before and after the public hearing session).
- *The Environmental Approval no 35/2015 makes reference to the following organizations whose interventions were taken into account into the environmental assessment procedure: CIROM (the Cement Producers' Association), Natura 2000 Coalition ( NGO), and Carbon Expert (Consulting group).*

**The National Strategy on Climate Change and growth based on low-carbon economy for the period 2016 – 2020 and the National Action Plan on Climate Change 2016-2020 (the NSCC Strategy and the NAPCC)**

**Comments from the public (CIROM – Organisation of the Cement Industry, Natura 2000 Coalition – NGO, Carbon Expert – Counselling Group)**



**Environmental Approval no. 35/2015**



**CIROM's requests:**

- 1) To introduce 1 new strategic objectives in the "Waste" chapter of NSCC Strategy: co-processing of waste in cement factories;
- 2) To introduce 1 new strategic objective in the "Transport" chapter: to use the concrete cloth for road infrastructure.

Both these proposals were not accepted because:

The first proposal is not accepted because the NSCC Strategy is not specifically focused on waste management.

Neither the second proposal was accepted because this measure specifically focuses on the transport sector. However, this proposal was included not as a specific objective but as a best practice measure in the NSCC Strategy.

**CIROM** requested that some terms within the "Waste" chapter should be revised, proposal accepted, those terms were modified in the NSCC Strategy and in the NAPCC.

**Natura 2000 Coalition (NGO) requests:**

Within NAPCC, at the "Silviculture" section, objective no. 3 "Reducing the risk of the climate changes for forests and through forests" must be fulfilled only by investments on non-structural measures; this proposal was integrated in NAPCC.

**Carbon Expert (Counselling group) requests:**

Inclusion of a new paragraph in the NSCC strategy: GHG emissions reductions or savings achieved through waste recycling projects can be equivalent to carbon credits, certified and issued by standard organizations recognized worldwide, including the UNFCCC and Romania. The developer considered this measure as a very significant one, but considered that further studies are needed to substantiate this proposal.

# Effective public participation in environmental decision making regarding EIA Decisions

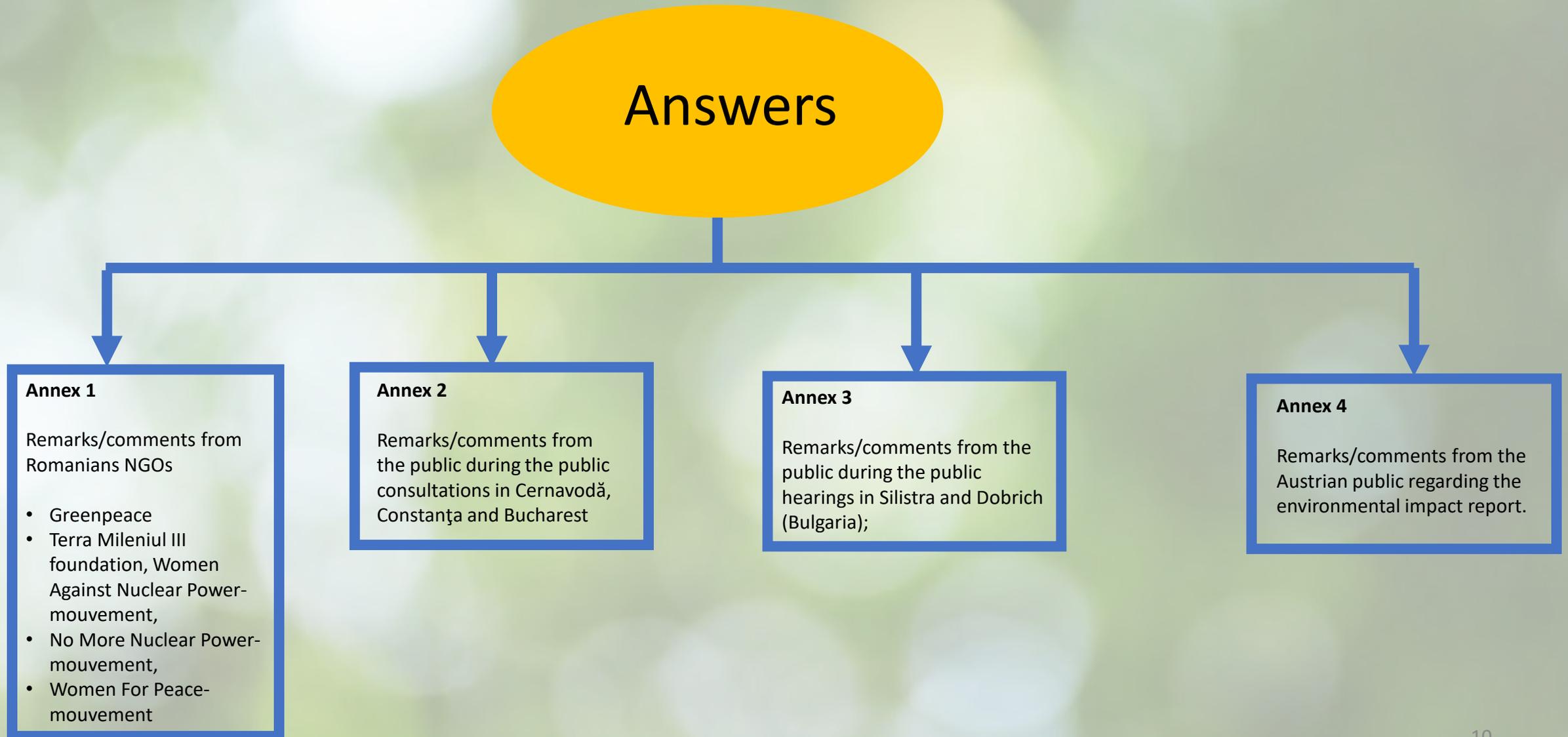
- Article 6 of the Aarhus Convention sets certain requirements for public participation during decision-making on specific activities set out in Annex I to the Convention.
- The legal basis to take environmental considerations into account in projects' development is ensured by the environmental impact assessment procedure provided by Governmental Decision 445/2009 (transposition of the EIA Directive ) and by Law no.22/2001 that ratifies the Espoo Convention.
- Even though art. 6 of the Aarhus Convention does not require a formal licensing/permitting procedure to be established, the Romanian national EIA legislation provides for a formal permitting procedure which comprises also the public participation requirements of art.6 which are implemented as part of it.
- In this context we would present below how the public comments have been taken into account in the final EIA decision issued for a nuclear project, e.g., Cernavoda Nuclear Power Plant (NPP).

# Public information during the EIA procedure according to Ministerial Order no135/2010

- Public announcement about the submission of the request for Environmental Agreement, made by the environmental authority on website.
- Public announcement about the submission of the request for Environmental Agreement, made by the developer on website and newspaper.
- Public announcement on the Screening Decision made by the environmental authority on website.
- Public announcement on the Screening Decision made by developer on website and newspaper.
- Public announcement on the date, venue of the public hearing, type of the decision to be taken, and where the EIA documentation can be accessed in view of consultation, made by the environmental authority on website.
- Public announcement on the date, venue of the public hearing and where the EIA documentation can be accessed in view of consultation, made by the developer in newspaper.
- Public announcement about the Environmental Agreement issuance made by the environmental authority on website and by the developer in newspaper.

# Cernavodă NPP (Units 3 and 4)

The answers to questions and comments were organised in 4 annexes on website



# Cernavodă NPP (Units 3 and 4)

Comments from the public and authorities (Austria, Bulgaria, Greenpeace CEE Romania, Terra Mileniul III foundation, "Gânditorul în Acțiune" Association)



Environmental Agreement approved by GD no. 737/2013)



## Austrian authorities requested:

- Consultations based on art. 5 of the Espoo Convention
- Aspects from the EIA study
- Information regarding the current state of the unit no. 3 and 4
- the active area of the reactor
- the earthquake risk
- the reactor envelope
- the nuclear security assessment

## Austrian NGOs and the public requested:

- Measures related to the risk analysis for situations of severe accidents, drought, terrorist attack, earthquake
- The proposed measures in case of a terrorist attack
- Techniques of dismantlement and measures during the dismantlement work

## The Bulgarian public requested:

- Techniques of dismantlement and measures during the dismantlement work

## Romanian NGOs requested:

- The assurance of cooling water during operation of Cernavodă NPP - 4 units
- The proposed measures in case of a terrorist attack
- Techniques of dismantlement and measures during the dismantlement work
- the likely environmental impact on the Danube water body as a result of warm water discharged in the Danube river and the potential impact over the flora/wildlife within the area of influence of the project

# Cernavodă NPP (Units 3 and 4)

According to the provisions of art. 6 of the Convention on Environmental Impact Assessment in a Transboundary Context, adopted at Espoo on 25 February 1991, ratified by Law no. 22/2001, in the Environmental Agreement there are included conditions/measures as a result of the transboundary consultations



Environmental Agreement (GD no. 737/2013)



Agreed with  
**Bulgaria**

1. The evacuation in the second bief of the Danube-Black Sea Canal will be realized only with the approval of the National Administration "Romanian Waters" and the approval of the Dobrogea – Litoral Water Basin Administration, with the acceptance of the National Company Administration of Navigable Canals S.H. and of the Constanta Autonomous County Water Enterprise, by notifying the Constanta County Public Health Direction and the Constanta Environmental Protection Agency, as well as with the approval of the National Commission for Nuclear Activities Control.
2. After putting into operation the Units 3 and 4 of the Cernavoda Nuclear Power Plant, the environmental central public authorities from Romania and Bulgaria will agree upon a common programme regarding information exchange based on the results on the radiological monitoring realized by the two mentioned states in their targeted regions. The developer will collaborate and will furnish the necessary data.
3. The common programme for information exchange (which will be done quarterly) between the two states will include relevant information on the continuous monitoring on air and water in the mentioned regions.
4. The Developer ( "Nuclearelectrica" National Society S.A. – the Cernavoda branch) will make available on its website of The Annual Environmental Report, both in English and Romanian, in order to facilitate the access to information of the concerned population located within border regions to the environmental protection activities (including for the Bulgarian population living in border regions).

# Cernavodă NPP (Units 3 and 4)

Comments from the public and authorities (Austria, Bulgaria, Greenpeace CEE Romania, Terra Mileniul III foundation, "Gânditorul în Acțiune" Association)



Environmental Agreement (GD no. 737/2013)



Agreed with  
**Austria**

1. The steps of the authorization by the National Commission for Nuclear Activities Control, after the issuance of the Environmental Agreement, as well as the regulatory acts issued by the mentioned authority will ensure the fulfilment of all the specific nuclear authorization conditions, including putting into practice the requirements expressed in the Austrian final opinion. The technical project contains the improvement measures resulted from the conducted assessments in the framework of the "stress tests" requested by the European Council and by the European Commission, after the Fukushima accident (measures mentioned at Chapter I.2 from the Environmental Agreement).
2. Deep drilling represents the alternative solution for water supply and cooling the active area, in case of loss of the cooling resources based on the water taken from the Danube River.
3. The developer will ensure that at the start of the construction works the state of the concrete structure of the envelope and of the reactor buildings will allow the construction, the finalization and the safely operation of the two nuclear units proposed within the project.
4. The developer will implement and manage programmes that ensure the critical components reliability for nuclear safety and production, developed according to the international requirements.
5. The project provides for the installation of passive hydrogen recombination systems needed to control hydrogen in reactor buildings (as mentioned in Chapter I.2 of this Environmental Agreement).
6. The project takes into account the newest requirements of the International Atomic Energy Agency and of the international standards, according to the National Commission for Nuclear Activities Control's requirements.
7. The project takes into account the probabilistic safety assessment level 2 (PSA level 2) which proves compliance with the 10<sup>-5</sup> event/year target for the melting frequency of the active zone and the 10<sup>-6</sup> events/year target for the release frequency of radioactive substances from the envelope.

# Thank you for your attention!

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**Minister Plenipotentiary**  
**PERMANENT MISSION OF ROMANIA**  
**to the United Nations Office in Geneva and the International Organisations in Switzerland**

