

**REPORT OF ROMANIA FOR 2003-2005  
ON THE IMPLEMENTATION OF THE ESPOO  
CONVENTION ON ENVIRONMENTAL IMPACT  
ASSESSMENT IN A TRANSBOUNDARY CONTEXT**

for the period mid-2003 to end of 2005

**Information on the Focal Point for the Convention**

Name and contact information:

Ms. Daniela Eugenia PINETA

Counsellor

Ministry of Environment and Water Management

Directorate for Impact Assessment, Pollution Control and Risk Management

12, Blvd. Libertatii, Sector 5, Bucharest

Telephone: +40(21)316 77 35

Fax: +40(21) 316 04 21

E-mail: daniela.pineta@mmediu.ro

**Information on the Point of Contact for the Convention**

Name and contact information (if different from above):

Ms. Angela FILIPAS

Director

Directorate for Impact Assessment, Pollution Control  
and Risk Management

Ministry for Environment and Water Management

12 Libertatii Blvd. Sector 5

Bucharest

Telephone: +40 21 316 77 35

Fax: +40 21 316 04 21

E-mail:angela.filipas@mmediu.ro

**Information on the person preparing the report**

- |      |                |                                                 |
|------|----------------|-------------------------------------------------|
| i.   | Country        | Romania                                         |
| ii.  | Surname        | PINETA                                          |
| iii. | Forename       | EUGENIA DANIELA                                 |
| iv.  | Institution    | MINISTRY OF ENVIRONMENT AND WATER<br>MANAGEMENT |
| v.   | Postal address | 12 Libertatii Blvd. Sector 5, BUCHAREST         |

- vi. E-mail address      daniela.pineta@mmediu.ro
- vii. Telephone number    +40 21 316 77 35
- viii. Fax number          +40 21 316 04 21

Date on which report was completed: January 2006

# **PART I – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION**

*Please provide the information requested below in Part I, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should not be used to describe your experience of applying the Convention, i.e. just the framework for its implementation.*

## **Article 2**

### ***General Provisions***

#### **DOMESTIC IMPLEMENTATION OF THE CONVENTION**

- 1. List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (Art. 2.2).*

The Convention became part of the Romanian environmental legislation by ratification according to the Law nr.22/2001.

This general legal framework is strengthened by the provisions of the EGO no.195/2005 on environmental protection.

In order to fully transpose the EIA Directives, the Romanian environmental authorities have issued the GD no.918/2002 establishing the framework procedure for the environmental impact assessment and approving the list of private or public projects to which the procedure must be applied, as amended by GD 1705/2004, which contains transboundary provisions that transpose art.7 of the EIA Directives. The transboundary provisions are within art.13 of the GD 918/2002, as amended.

For ensuring full implementation of the Convention, the Ministry of Environment and Water Management has issued the MO no.864/2002 for the approval of the impact assessment procedure and public participation to the decision making process for the projects with transboundary impact which fully observes the steps of the Convention.

The national legislation on EIA is additionally ensured by the following normative acts:

- Order of the Minister of Waters and Environmental Protection no. 860/2002 (Of. J. no. 52/30.01.2003) on the approval of the procedure for the environmental impact assessment and the issuance of the environmental agreement, as amended by MO 210/2004 and MO 1037/2005;
- Order of the Minister of Waters and Environmental Protection no.863/2002 for the approval of the methodology guidelines to be applied to the procedure for environmental impact assessment (Of. J.no 52/30.01.2003);
- Order of the Minister of Environment and Water Management no. 171/2005 on setting-up the technical review committee (TRC) at central level (Of. J. no 236/22.03.2005) - this order contributed to the capacity - building for transboundary EIA procedure. The TRC is responsible for carrying out the screening, scoping and review stages for big projects (the responsible authorities for these projects are the central ones).

#### **TRANSBOUNDARY EIA PROCEDURE**

- 2. Describe your national and transboundary EIA procedures and authorities (Art. 2.2):*

a. *Describe your EIA procedure and indicate which steps of the EIA procedure include public participation.*

The competent authorities in charge with the national EIA procedure are:

- 42 Environmental Protection Agencies (EPAs), one in each local county which is called "judet" (the counties are administrative territorial units of Romania, there are 42 such units);
- 8 Regional Environmental Protection Agencies (REPAs);
- National Environmental Protection Agency (NEPA);
- Ministry of Environment and Water Management (MEWM).

These authorities issue the "environmental agreement"- the regulatory act entitles a developer to start a project from the environmental point of view. This means that the developer has to obtain first the environmental agreement, then the construction authorization and only after that he/she is "free" to start the project.

The above mentioned competencies for issuing the environmental agreement are provided for in the MO 860/2002, as amended by MO 210/2004 and by MO 1037/2005. The MO 860/2002, as amended, is the piece of legislation which describes the EIA procedure that is finalized with the issuing/rejection of the environmental agreement.

The national EIA procedure is developed in 3 stages: the screening stage, the scoping stage and the quality review stage.

The public is involved in the screening and quality review stages of the national EIA procedure. The public information and participation in the EIA procedure is ensured by:

- a) public announcement of the developer's application submitted to the environmental competent authority, for a private/public project;
- b) public announcement of the screening decision (made both by the environmental competent authority and the developer);
- c) public debate of the project and of the EIA documentation;
- d) public announcement of the EIA documentation quality review decision;

All these announcements are accompanied by information on place and daily programme in which the public can obtain any information regarding the stage of the procedure, the project, the EIA documentation, as appropriate, and on the place and deadline until the comments are received. The MO 860/2002, as amended, provides in Annex II.4 a format for such public announcements.

The EIA procedure is carried out by environmental authorities with the consultation of other authorities within the TRC (includes representatives of the following authorities: Ministry of Economy and Trade, Ministry of European Integration - Department of Development and Prognosis, Ministry of Health, Ministry of Agriculture, Forests and Rural Development, Ministry of Construction, Transport and Tourism, Ministry of Public Administration and Interior, Inspectorate for Emergency Situations).

The EIA procedure is triggered by the submittance of the application for environmental agreement for all projects listed in Annex I.1 and Annex I.2 of MO 860/2002, as amended.

During the screening stage it is decided which projects listed on Annex I.2 are subject to the EIA, on a case-by-case examination, using the criteria listed in Annex 3 of GD 918/2002, as amended (the mentioned criteria include the criteria listed in Annex III to the Espoo Convention).

The projects listed in Annex I.1 are mandatory subject to the national EIA procedure (the projects listed in Annex I of the Espoo Convention are included in Annex I.1 of

the MO 860/2002, as amended), but these projects are not mandatory subject to the transboundary EIA procedure.

The project presentation report is made available for public information - if the project is likely to have transboundary impact, this information is made available to the authorities and the public of the affected States.

The screening stage decision is made available to the public for comments. The environmental authorities have the possibility to re-examine the screening stage decision based on the public comments.

During the scoping stage the environmental authorities together with the authorities within the TRC draw up the check list for the scoping stage using the guidelines provided for by MO 863/2002.

The EIA documentation is based on the check list for the scoping stage, taking into consideration the framework content of the EIA documentation as provided for by Annex 4 of GD 918/2002. The EIA documentation is drawn up by certified persons who are independent of the developer.

After the submission of the EIA documentation by the developer to the environmental authorities, a public debate is organized. The EIA documentation is made available for public consultation for 30 working days before the public debate meeting.

The public debate is led by the competent environmental authority. All comments made during the public debate are recorded. The evaluation of these comments is the responsibility of the competent environmental authority. After that, the developer is asked to answer to the public comments in a table format which is attached to the EIA documentation.

The review stage decision (issuing/rejecting the environmental agreement) is taken by the competent environmental authority, based on the opinion expressed by the authorities within TRC after analyzing the EIA documentation, and on the public opinions/comments and the answers to them offered by the developer. The decision is made public for information.

The decision can be challenged before the competent court of law.

*b. Describe how the different steps of the transboundary EIA procedure mentioned in the Convention fit into your national EIA procedure.*

The competent authority in charge with the transboundary EIA procedure is the MEWM; if a developer has submitted an application to a local EPA for a project likely to have a significant transboundary environmental impact, that EPA is obliged to inform the MEWM in 10 working days from the submission of the application. The MEWM accomplishes the notification step, according to the procedure provided for by the Espoo Convention. In doing that, the MEWM uses the notification format approved by Decision I/4 of the first MoP which can be found on the web page of the Espoo Convention. The notification format is sent by diplomatic means (Ministry of Foreign Affairs) to the potentially affected Party, accompanied by the Technical Memorandum (project presentation report) in electronic format. Usually, a deadline of 4 weeks is given for response. If the potentially affected Party confirms its participation in the procedure and indicates its intention to participate in the scoping stage, Romania waits for the special input of that state to the ToR/checklist for the scoping stage based on which the EIA documentation is drawn up.

Meanwhile, according to the national EIA procedure, the Technical Memorandum (project presentation report) is made available for the public information and the competent environmental authority calls for the members of the Technical Review Committee (TRC) to meet in order to draw up the checklist/guidance for the scoping stage. The checklist/guidance is agreed within the TRC. The proposals received

from the potentially affected Parties are included, as such, within the checklist for the scoping stage. After the input of the potentially affected Parties, the scoping document (checklist/guidance) is transmitted to the developer in order to make him know what is expected from him when drawing up the EIA documentation. From this point, the national EIA procedure goes on, and after the EIA documentation is submitted to the environmental competent authority, the public announcement is made within national/local newspapers and on the developer's and environmental authority's web page. The public announcement makes known the fact that the EIA documentation and the project will be subject of a public debate, the date and place of this debate. The public debate is held 30 working days after the announcement is published in the newspaper. Within this deadline the public may inform itself on the proposed project and may consult the EIA documentation; the public comments and opinions are received in writing during the 30 working days and during the public debate. The national EIA procedure provides for the evaluation of the public comments undertaken by the competent environmental authority, including those of the public of the affected Parties.

After the submission of the EIA documentation by the developer, MEWM sends the EIA documentation to the potentially affected Parties that already expressed their wish to be involved in the transboundary EIA procedure.

After the public debate, the environmental competent authority accomplishes the quality review stage of the EIA documentation. The comments/opinions of the public and of the authorities of the potentially affected Parties are taken into account in issuing the final decision which is called "environmental agreement". When a potentially affected Party expresses its wish to enter into consultations on different issues provided for in art.5 of the Espoo Convention, the issuing of the final decision is delayed until these consultation are finalized.

The final decision is translated in English by the central environmental authority and is transmitted to the potentially affected Parties along with the main reasons and considerations on which it was based. Art.7 of the Espoo Convention on post-project analysis is applied at the written request of a potentially affected Party with the approval of the national competent authorities.

- c. *List the different authorities that are named responsible for different steps of the transboundary EIA procedure. Also list the authorities responsible for the domestic EIA procedure, if they are different.*

The Ministry of Environment and Water Management is in charge with the notification of the potentially affected Parties. Also, MEWM coordinates and applies the transboundary EIA procedure.

The notification, project presentation report and the EIA documentation are sent by the MEWM to the potentially affected Parties.

The comments and opinions expressed by the potentially affected Parties are analyzed by the central and local environmental authorities including by the TRC at local/central level and are subject of the consultation between states, as appropriate, that are conducted by the MEWM; in any case answers are elaborated and they are transmitted to the potentially affected states by the MEWM.

The MEWM is in charge with the transmittal of the final decision.

Any request for post-project analysis is transmitted to the developer by the MEWM. Any decision on post project analysis is transmitted to the potentially affected Parties by the MEWM.

The Ministry of Foreign Affaires is also involved in the transmittal of the notification and the EIA documentation.

The authorities responsible for domestic EIA procedure are:

At the local level - the Environmental Protection Agency- there are 42 LEPA's at country level.

At the regional level - the Regional Environmental Protection Agency (REPA) - there are 8 REPAs according to our 8 development regions covering Romania's territory;

At the central level, the general competence belongs to the National Environmental Protection Agency (NEPA) with the exception of the projects for which the competence belongs to the MEWM. (e.g. nuclear power plant, quarries and opencast mining where the surface of the site exceeds 25 ha - for these two kind of projects the "environmental agreement is approved by Governmental Decision).

All these authorities apply the same national EIA procedure (Romania has a unitary procedure) for projects according to the competencies provided for by MO 860/2002, as amended, (the competence is specified for every proposed activity listed in Annex I.1 and Annex I.2)

- d. *Is there one authority in your country that collects information on all the transboundary EIA cases under the Convention? If so, name it. If not, do you intend to establish such an authority?*

NEPA is in charge with the development of a transboundary EIA cases data base. The transboundary EIA data base is in course of being designed and then updated yearly.

3. *Do you have special provisions for joint cross-border projects (e.g. roads, pipelines)?*

The Romanian legislation does not contain special provisions for joint cross-border projects. Even so, Romania has developed a joint EIA procedure with Bulgaria for the bridge over Danube at Calafat-Vidin. This joint procedure was based on the national and transboundary EIA legislation in force in Romania.

#### IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING EIA UNDER THE CONVENTION

4. *Is your country's list of activities subject to the transboundary EIA procedure equivalent to that in Appendix I to the Convention?*

The implementation legislation, respectively the MO 860/2002, as amended, provides for 2 lists of activities (according to the EIA Directives). Annex I.1. lists the activities that are mandatory subject to the national EIA procedure and it also includes the activities listed in Appendix I of the Espoo Convention. More, these activities are distinguished by an asterisk (\*) and are accompanied by an explanation regarding their identification as "Espoo activities".

5. *Please describe:*

- a. *The procedures and, where appropriate, the legislation you would apply to determine that an "activity", or a change to an activity, falls within the scope of Appendix I (Art. 2.3), or that an activity not listed should be treated as if it were (Art. 2.5);*

All activities listed in Appendix I of the Espoo Convention are present in subsequent legislation, that is MO 860/2002, as amended, and for such an activity the notification is compulsory if a significant transboundary effect is likely to be caused by that proposed activity. A special provision of the same ministerial order entitles the competent environmental authority to treat as such, any other project that may have transboundary environmental impact and consequently, to notify the potentially affected Parties. The significance criteria provided for by Annex 3 of GD 918/2002,

as amended, (which transposes the Annex III of the EIA Directive and it also includes the criteria listed in Appendix III of the convention) are applied in conjunction with the location of the project (close to the frontier or to the international waters) to the "Espoo activities" indicated by an asterisk in the MO 860/2002, as amended; these criteria help the environmental authorities to decide on the likelihood of a transboundary effect. The same procedure applies for a change to an activity.

*b. How a change to an activity is considered as a "major" change;*

A change to an activity is considered " a major change" if, by applying the criteria provided for in Annex 3 of GD 918/2002, as amended, it is possible that this change may have significant transboundary environmental impact.

*c. How such an activity, or such a change to an activity, is considered likely to have a "significant" adverse transboundary impact (Art. 2.5, Guidelines in Appendix III); and*

See answer at letter a)

*d. How you would decide whether it is "likely" to have such an impact. (Art. 2.3)*

The screening stage is carried out by the competent environmental authority together with the TRC based on the criteria mentioned in Annex 3 of GD 918/2002, as amended, using the checklist for the screening stage provided for by MO 863/2002. The decision is taken by the competent environmental authority with the consultation of the TRC.

#### PUBLIC PARTICIPATION

*6. Do you have your own definition of "the public" in your national legislation, compared to Article 1(x)? How do you, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your own public as required in Article 2, paragraph 6?*

The term "public", as defined in the Aarhus Convention, has been transposed in the Romanian legislation in the Environmental Protection Law nr.137/1995, republished, as amended by EGO no.91/2002, approved by Law no.294/2003 and recently in the Emergency Environmental Ordinance no.195/2005 on the environmental protection (EGO no.195/2005). The EGO no.195/2005 is in force since 29 January 2005 and repeals the precedent legislation mentioned.

The definition of "the public" is also present in the GD 878/2005 on public access to environmental information (which transposes Directive 2003/4/EC).

Both the Technical Memorandum (project presentation report) and the EIA documentation are displayed on the website of the MEWM and are transmitted to the potentially affected Parties in electronic format with the request to be displayed on the website of the competent environmental authority in order to ensure an appropriate dissemination to the public. The EIA documentation is also sent to the potentially affected Parties in written format (on paper) so that the their public be able to consult it.

In addition, at the request of the potentially affected Parties, the developer together with the Romanian environmental authorities participate to public debate on the territory of that state.



## Article 3

### Notification

#### QUESTIONS TO PARTY OF ORIGIN

7. *Describe how you determine when to send the notification to the affected Party, which is to occur “as early as possible and no later than when informing its own public”? At what stage in the EIA procedure do you usually notify the affected Party? (Art. 3.1)*

The notification to the potentially affected Party is sent early in the EIA procedure, after the developer has submitted to the competent environmental authority the application for the environmental agreement and the technical memorandum (project presentation report) of the project. Based on the project presentation report, the notification form is filled in with the required information and then is sent by diplomatic channels. Meantime, the national public is informed by public announcement in the national/local newspapers about the submittance of the application for the environmental agreement for the project. That means that the notification form is sent in the same period with the information of our own public by public announcement.

8. *Describe how you determine the content of the notification? (Art. 3.2)*

The notification contains all the information required in the notification form approved by Decision I/4 of the the first MoP which can be found on the web page of the Espoo Convention. As said above, the competent environmental authority has the information on the project from the project presentation report (technical memorandum) submitted by the developer. The developer submits the technical memorandum out of which is taken the information for the notification form.

9. *Describe the criteria you use to determine the time frame for the response to the notification from the affected Party (Art 3.3, “within the time specified in the notification”)? What is the consequence if an affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how do you react?*

Based on the international experience in the field of transboundary EIA and as it is recommended in the international guidelines issued, the deadline indicate by Romania is 4 weeks from the receiving date of the notification form. If the affected Party does not comply with the indicated time frame, the Romanian authorities extend the period of response on its own initiative with at least 2 weeks. If an extension of a deadline is asked for, it is usually agreed by the Romanian authorities.

10. *Describe when you provide relevant information regarding the EIA procedure and proposed activity and its possible significant adverse transboundary impact as referred to in Article 3, paragraph 5. Already with the notification or later in the procedure?*

We provide this information in the notification form, which is usually accompanied by the electronic format of the project presentation report.

11. *How do you determine whether you should request information from the affected Party (Art. 3.6)? When do you normally request information from the affected Party? What kind of information do you normally request? How do you determine the time frame for a response from the affected Party to a request for information, which should be “prompt” (Art. 3.6)?*

The information needed is usually used in drawing up the EIA documentation. It is used and determined by the certified person employed by the developer for the EIA documentation.

The request of information is made by the Romanian MEWM, at the request of the developer, if needed, during the scoping stage. Until now there has not been such a case of request.

12. *How do you consult with the authorities of the affected Party on public participation (Art. 3.8)? How do you identify, in cooperation with the affected Party, the “public” in the affected area? How is the public in the affected Party notified (what kinds of media, etc are usually used)? What is normally the content of the public notification? Does the notification to the public of the affected Party have the same content as the notification to your own public? If not, describe why not. At what stage in the EIA procedure do you normally notify the public of the affected Party?*

The consultation with the authorities of the affected Party is realized through letters. The affected Party identifies its own public potentially affected. The affected Party may indicate, by letters, that a public debate is needed for its own potentially affected public, so the Party of origin is expected to participate at such debate, to present the project, the EIA documentation, the measures envisaged to be taken in order to mitigate or offset the impact and to answer the public questions.

Usually, the announcements on the procedural steps are displayed on the MEWM website both in Romanian and in English.

The authorities of the affected Party are requested to inform its own public about the EIA documentation. In this respect, Romania usually sends the EIA documentation both in electronic and written format.

The public of the affected party is notified at the end of the screening stage and later is informed of and it is provided with the opportunities for making comments or objections on the project and on the EIA documentation with the help of the competent environmental authority of the affected Party.

13. *Do you make use of contact points for the purposes of notification as decided at the first meeting of Parties (ECE/MP.EIA/2, decision I/3), and listed on the Convention website at [http://www.unece.org/env/eia/points\\_of\\_contact.htm](http://www.unece.org/env/eia/points_of_contact.htm)?*

Until now the notifications, as they have been sent by diplomatic channels, have been signed by the environmental minister/state secretary, but the contact point was mentioned in the cc.

14. *Do you provide any information to supplement that required by Article 3, paragraph 2? Do you, furthermore, follow the proposed guidelines in the report of the first meeting of the Parties (ECE /MP/2, decision I/4)? If not, in what format do you normally present the notification?*

Up to now, Romania used the notification form provided for by Decision I/4 and, as mentioned above, the notification is accompanied by the electronic format of the project presentation report.

#### QUESTIONS TO AFFECTED PARTY

15. *Describe the process of how you decide whether or not you want to participate in the EIA procedure (Art. 3.3)? Who participates in the decision-making, for example: central authorities, local competent authorities, the public and environmental authorities? Describe the criteria or reasons you use to decide?*

The decision belongs to the central environmental authority. In the decision-making process there are involved the local competent authorities, such as LEPA, and authorities with specific responsibilities in certain fields, depending on the type of the proposed activity. The decision-making process is based on the certain criteria, such as: location of the project in respect to the Romanian border, the vicinity to an international water, the type of the proposed activity, if the respective activity is listed in Appendix I to the Espoo Convention, the potential significant impacts on protected areas, species and habitats and on human health.

After the receipt of the notification, MEWM informs other authorities involved in the decision-making process. Based on the opinions received and using the mentioned criteria, the MEWM takes the decision on the participation to the transboundary EIA procedure and sends it to the Party of origin.

16. *When the Party of origin requests you to provide information relating potentially affected environment: (a) how do you determine what is “reasonably obtainable” information to include in your response; and (b) describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of “promptly” in the context of responding to a request for information? (Art. 3.6)*

(a) The reasonably obtainable information is the environmental information which is in the possession of the environmental authorities. Usually this information is contained in the State of the Environment report which is publicly accessible and the type of information that is general disseminated by the environmental authorities, as required by Aarhus Convention.

(b) When the required information is not held by the MEWM, the received request is sent to other environmental authorities and institutions which may have the required information.

After compiling the information, the answer is sent to the Party of origin.

In implementation of Aarhus Convention Romania considers to be "promptly" any answer that is sent within a time-frame of 1 month from the the receiving date of the request.

## **Article 4**

### ***Preparation of the EIA documentation***

#### **QUESTIONS TO PARTY OF ORIGIN**

17. *What is the legal requirement for the content of the EIA documentation (Art. 4.1)?*

Law no.22/2001 has ratified the Espoo Convention in Romania. From that date the text of the Convention has become part of the national legislation and consequently, its requirements are compulsory. In order to smooth the implementation of these requirements, the MEWM has issued the MO 864/2002 for the approval of the impact assessment procedure and public participation to the decision making process for the projects with transboundary impact.

This order is meant to implement also the transboundary requirements of the EIA Directives which have been transposed by GD 918/2002, as amended, which is currently under amendment due to the transposition of the Directive 2003/35/EC (deadline for transposition - June 2006).

The content of the EIA documentation is compulsory for the developer and it is specified within national implementation legislation, namely Law 22/2001, Annex 4 of GD 918/2002, as amended, and MO 863/2002.

18. *Describe your country's procedures for determining the content of the EIA documentation (Art. 4.1).*

Besides the above mentioned provisions on the content of the EIA documentation, during the scoping stage are identified or emphasised certain/specific requirements that have to be included in the EIA documentation.

In this respect, the competent environmental authority together with the TRC fills in the checklist for the scoping stage. This checklist together with the proposals of the affected Party is sent to the developer. The developer is required to draw up the EIA documentation according to the provisions of Law 22/2001, Annex 4 of GD 918/2002, as amended, MO 863/2002, the checklist for the scoping stage to which the proposals/questions of the affected Party are attached.

19. *How do you identify “reasonable alternatives” in accordance with Appendix II, alinea (b)?*

The identification of the "reasonable alternatives" is realized by the certified person who draws up the EIA documentation, based on the provisions stipulated in Part I of Annex 2- Metodological guideline for the scoping stage of MO 863/2002.

20. *How do you identify “the environment that is likely to be affected by the proposed activity and its alternatives” in accordance to Appendix II, alinea (c), and the definition of “impact” in Article 1(vii)?*

The identification of "the environment that is likely to be affected by the proposed activity and its alternatives" and of the definition of the "impact" are realized using the checklist for the scoping stage and are developed within the EIA documentation.

21. *Do you give the affected Party all of the EIA documentation (Art. 4.2)? If not, which parts of the documentation do you provide?*

The EIA documentation is entirely available; when the EIA documentation contains confidential information (e.g. certain information on commercial and industrial aspects or intellectual property rights) according to the Aarhus Convention, the confidential parts are not available.

22. *How is the transfer and reception of the comments from the affected Party organized? How does the competent authority in your country (as the Party of origin) deal with the comments? (Art. 4.2)*

The comments of the affected Party are compiled by the environmental authority of the affected party and sent to the party of origin in table format in which there are also mentioned the names and addresses of the persons; this table is completed with the answers for every question/comment indicated in the table. This table is sent to the affected Party by the MEWM.

The answers are provided by the developer, environmental authority and other authorities (TRC) involved in the EIA procedure.

23. *Describe the procedures and, where appropriate the legislation you would apply to determine the time frame for comments provided for in the words “within a reasonable time before the final decision” (Art. 4.2)? What is the consequence if the affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how do you react?*

MO 864/2002, as amended, provides for a deadline for receiving the public comments. Usually, Romania requests that the comments of the affected party to be sent within two months from the receiving date of the EIA documentation. If the affected Party does not comply with the time frame without asking for an extension, it is considered that there are no comments. When the affected Party asks for an extension of the deadline, Romania extends that period, requiring that the proposed date for authorization not to be exceeded.

24. *What material do you provide, together with the affected Party, to the public of the affected Party?*

Prior to the EIA documentation, the Technical Memorandum ( Project Presentation Report) is sent, in electronic format, to the affected Party. The EIA documentation is also sent on paper and in electronic format to the affected Party.

25. *Do you initiate a public hearing for the affected public, and at what stage, whether in the affected Party, in your country or as a joint hearing? If a public hearing is held in your country, as Party of origin, can the public of the affected Party, public authorities, organizations or other individuals come to your country to participate?*

The national EIA procedure provides for a compulsory public debate on the project and the EIA documentation in the review stage. The public debate is open to anybody and is announced by public announcement in national/local newspapers and on the competent environmental authority's web page with 30 working days before the date of the debate. The national legislation does not prohibit the participation of the public or of the authorities of the affected Party.

The Romanian environmental authorities are open to any request of participation to a public debate organized on the territory of the affected Party.

#### QUESTIONS TO AFFECTED PARTY

26. *Describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of the words “within a reasonable time before the final decision”, this being the time frame for comments (Art. 4.2)?*

There is no special procedure to determine the meaning of the words "within a reasonable time before the final decision". Usually, Romania tries to respect the deadline imposed by the Party of origin. In case that it is not possible, Romania requests a prolongation of the deadline.

27. *Who is responsible for the organization of the public participation in the affected Party? Is the public participation normally organized in accordance with your legislation as the affected Party, or with the legislation of the Party of origin, or with ad hoc procedures, or with bilateral or multilateral agreements?*

The public participation in the affected Party is the responsibility of the environmental authorities of the affected Party, with the cooperation of the local authorities. Normally, the public participation is organized according to the legislation of the affected Party. The date of the public debate and some arrangements regarding the presentations of the Party of origin are established by common agreement between the concerned Parties.

Any other problem that may arise in relation to the public participation in the affected Party is solved by common agreement (ad hoc procedures).

For the period 2003-2005 Romania had no bilateral or multilateral agreement for the implementation of the Espoo Convention.

## Article 5

### *Consultations*

#### QUESTIONS TO PARTY OF ORIGIN

28. *At which step of the EIA procedure does the consultation in accordance with Article 5 generally take place? Describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of “undue delay”, with regard to the timing of entry*

*into consultation? Do you normally set the duration for consultations beforehand? If there seems to be no need for consultation, how do you determine not to carry out consultations?*

The national EIA legislation (MO 864/2002) provides for consultation starting with the scoping stage. In this respect, the authorities and the public of the affected Party are entitled to send comments and opinions to be included in the terms of reference (checklist) for the scoping stage. The competent environmental authority has the obligation to include these comments and opinions in the checklist for the scoping stage that is transmitted to the developer.

In this respect, the national legislation provides for a broader consultation prior to the transmittal of the EIA documentation.

After the EIA documentation is finalized, it is sent to the affected Party in order to make comments and opinions. The EIA documentation is sent, in English, both in electronic and written format for a proper dissemination.

The consultations may concern any issue related to the EIA documentation, including those mentioned in art.5 let. a) - c).

The developer has the obligation to submit the EIA documentation both in Romanian and in English and the environmental authorities have the obligation to send the EIA documentation, to affected Party, as soon as possible.

According to MO 864/2002, the comments and opinions of the affected Party must be received in a deadline of 2 months from the receiving date of the EIA documentation.

If no comments or opinions are received during the mentioned deadline, it is considered that the affected Party is pleased by the measures envisaged in the EIA documentation.

However, Romania usually sends a last letter asking for a written answer on the final position of the affected Party.

29. *On what level do you arrange for consultation: national, regional or local? Who usually participates in the consultation? Describe the responsibilities of the authorities involved. By what means do you usually communicate in consultations, for example by meeting, exchange of written communications?*

Usually, the consultation are arranged at national level and it implies at least the participation of the environmental authorities and the developer and, on case by case basis, other authorities.

The environmental authorities have the responsibility to keep in contact with the affected Party and, as appropriate, to organize consultation (to set up the date and place, to ensure the translation).

Usually, the consultations are realized by exchange of letters.

#### QUESTIONS TO AFFECTED PARTY

30. *On what level is the consultation normally held: national, regional or local? Who normally participates in the consultation? By what means do you usually communicate in consultations, for example by meeting or by the exchange of written communications? How do you indicate if there is no need for consultations?*

Usually, the consultations are arranged at national level and it implies the participation of the environmental authorities and other concerned authorities (e.g.: local public authorities).

During consultation both means are used : written communications and meetings, as appropriate. If there is no need for consultations we indicate it by letter.

## Article 6

### *Final decision*

## QUESTIONS TO PARTY OF ORIGIN

31. *Describe what is regarded as the “final decision” to authorize or undertake a proposed activity (Art. 2.3). Do all projects listed in Appendix I require such a decision?*

In the Romanian legislation the final decision is called "environmental agreement" and this is issued for the projects which are subject to the EIA procedure according to the GD 918/2002, as amended, (which transposes EIA Directives).

All projects listed in Appendix I of the Espoo Convention require such a decision (are subject of the national EIA procedure), but pending on e.g. the location of the project and on the potentially transboundary significant impact not all projects are subject to the Espoo procedure.

More, all projects listed in Annex 1 of the EIA Directive (85/337/EEC, as amended by 97/11/EC) require such a decision (are subject of the national EIA procedure).

The environmental agreement is needed by the developer to obtain the construction authorization. After being in possession of both the environmental agreement and the construction authorization, the developer is enabled to start the project.

32. *How does the EIA procedure (including the outcome) in your country, whether or not transboundary, influence the decision-making process for a proposed activity? (Art. 6.1)*

The national legislation on construction stipulates the obligation that all projects must be analyzed by the environmental authorities in order to decide whether a particular project needs an environmental agreement.

The national EIA legislation provides for 2 kinds of projects: a) projects that are subject of the EIA procedure and for which the construction authorization is based on the environmental agreement.

b) projects that are not subject to the EIA procedure, for which the construction authorization is not based on environmental agreement;

The construction authorization contains the conditions stipulated in the environmental agreement - it means that the construction authorization is conditioned by the environmental agreement's provisions. EIA procedure and its outcome are taken over into the decision-making process for the proposed activity .

33. *Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and public in your country (Art. 6.1)?*

According to the MO 864/2002, the comments of the affected Party and the outcome of the consultation are taken into consideration in the decision-making process as follows: the comments and opinions are taken into consideration starting with the scoping stage; these are detailed, analysed and answered within the EIA documentation. The final decision (environmental agreement) takes into consideration the comments and opinions of the affected Party in the same way as the comments from national public and authorities. Certain requirements of the affected Party might be included in the final decision, after the evaluation of all received comments.

34. *How is the obligation to submit the final decision to the affected Party normally fulfilled? Does the final decision contain the reasons and considerations on which the decision is based? (Art. 6.2)*

After the final decision (environmental agreement) is taken, it is transmitted to the affected Party, in English. According to the MO 864/2002, the final decision (environmental agreement) contains the reasons and considerations on which is based, including: the content

of the decision and any conditions attached to it, the description, as appropriate, of the main measures to reduce, avoid and, if possible, to eliminate the significant adverse effects.

35. *If additional information comes available according to paragraph 3 before the activity commences, how do you consult with the affected Party? If need be, can the decision be revised? (Art. 6.3)*

The affected Party will be informed by a letter accompanied by the relevant information. After that, it will be decided, as appropriate, on the possible consultation in order to establish whether the decision must be revised.

## **Article 7**

### ***Post-Project Analysis***

36. *How do you determine whether you should request a post-project analysis to be carried out (Art. 7.1)?*

The decision on requesting a post-project analysis is based on the following reasons: the type of the activity, the technology used in development of the activity, the risk of significant adverse impacts, the location to the Romanian border. These reasons are not exhaustive.

37. *Where, as a result of post-project analysis, it is concluded that there is a significant adverse transboundary impact by the activity, how do you inform the other Party and consult on necessary measures to reduce or eliminate the impact pursuant to Article 7, paragraph 2?*

The post project analysis is applied at the request of the affected Party and the result of such an analysis is always brought to the attention of the affected Party.

The affected Party is informed as soon as possible by the environmental authorities by a letter and it is consulted on the necessary measures to reduce or eliminate the impact.

## **Article 8**

### ***Bilateral and multilateral agreements***

38. *Do you have any bilateral or multilateral agreements based on the EIA Convention (Art. 8, Appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on Appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.*

Currently, Romania has no bilateral or multilateral agreement based on EIA Convention. A draft multilateral agreement among the countries of South-East Europe for implementation of the Espoo Convention is discussed.

39. *Have you established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

No.

## **Article 9**

### ***Research programmes***

40. *Are you aware of any specific research in relation to the items mentioned in Article 9 in your country? If so, describe it briefly.*

No.



## **Ratification of the amendments to the Convention and of the Protocol on SEA**

*41. If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Romania has not yet ratified the first amendment to the Espoo Convention, but it intends to start the ratification procedures in 2006.

*42. If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Romania has not yet ratified the second amendment to the Espoo Convention, but it intends to start the ratification procedures in the near future.

*43. If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

Romania has not yet ratified the Protocol on SEA, but it intends to start the ratification procedures in the near future.

## PART II – PRACTICAL APPLICATION DURING THE PERIOD 2003-2005

*Please report on your practical experiences of applying the Convention (not your procedures described in Part I), whether as Party of origin or affected Party. The focus here is on identifying the best practice as well as difficulties Parties encountered in applying the Convention in practice to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve application of the Convention.*

### CASES DURING THE PERIOD 2003-2005

44. *Do you have any practical experience of applying the Convention in this period (yes/no)? If you do not have any such experience, why not?*

Yes, we have.

45. *Does your national administration have information on the transboundary EIA procedures that were underway during the period? If so, please list these procedures, clearly identifying for each whether your country was the Party of origin or the affected Party. If you have not provided a list of transboundary EIA procedures in connection with previous reporting, also provide a list of those procedures. If possible, also indicate for each procedure why it was considered necessary to apply the Convention.*

During 2003-2005 Romania has been involved in the following transboundary EIA procedures:

A. As Party of origin:

1. Cernavoda Nuclear Power Plant (NPP)- Unit 2 - relative short distance to the Bulgarian border ~ 40 Km from Silistra;
2. Rosia Montana project - the potential risk posed by the substances proposed to be used in the operation phase of the project.

B. As affected Party:

1. Belene Nuclear Power Plant (NPP) - short distance to the Romanian border ~ 15 km from Belene.

C. Joint EIA procedure:

1. Calafat - Vidin Bridge over Danube, based on the Governmental Agreement between Republic of Bulgaria and Romania on the project's technical, financial, legal and organizational aspects. This agreement contains a specific provision which required a joint EIA for this project, based on Romanian, Bulgarian and EU legislation.

46. *Are there other projects than those mentioned above for which a transboundary EIA procedure should have been applied, but was not? Explain why.*

There is the Bastroe Channel Project. Romania considers that the transboundary EIA procedure should have been applied to this project because it is located in a protected area (Danube Delta Reservation) which is unique in Europe, has significant and complex transboundary effects, including on protected species and natural habitats, threatening the existing use of the area (at least).

47. *Provide information on the average durations of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

The average duration of the whole transboundary EIA procedure is 1 - 1 1/2 year. The average duration of the notification and response to the notification is 4 - 6 weeks. The average duration for the scoping stage is 6 weeks and for review stage is 6 - 8 weeks. Regarding the deadlines, Romania applied the transboundary EIA procedure by consensus with the neighbouring countries. The deadlines for different stages have been agreed by letters with the affected Party. For ex., for Belene NPP (Romania was affected Party) the duration of notification and the scoping stage was approximately 4 weeks, while the review stage was 4 months. For Cernavoda Unit 2 NPP (Romania was Party of origin), the review stage was 6 months.

#### EXPERIENCE OF THE TRANSBOUNDARY EIA PROCEDURE IN 2003-2005

48. *If you have had practical experience, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

The implementation of the Espoo Convention guided the Romanian authority on prevention and control of the transboundary aspects of the proposed projects. As examples, Romania can mention Cernavoda Unit 2 NPP and Belene NPP.

49. *How have you interpreted in practice the various terms used in the Convention, and what criteria have you used to do this? Key terms include the following: "promptly" (Art. 3.6), "a reasonable time" (Art. 3.2(c), Art. 4.2), "a reasonable time-frame" (Art. 5), and "major change" (Art. 1(v)). If you are experiencing substantial difficulties interpreting particular terms, do you work together with other Parties to find solutions? If not, how do you overcome the problem?*

The terms "promptly", "a reasonable time" and "a reasonable time-frame" have been interpreted taking into consideration the specific circumstances of each case. Usually, Romania provided a deadline for response, but it was possible to be delayed at the request of the affected Party. Even without a request from the affected Party, Romanian authorities have delayed the deadlines in order to maintain a good relationship with our neighbours. Regarding the term "major change", this is interpreted using the criteria provided for in Annex 3 of GD 918/2002, as amended.

If Romania is experiencing substantial difficulties interpreting particular terms, we try to find solutions with the affected Party.

Romania's intention is to agree on "a reasonable time-frames" in future bilateral agreements on the implementation of the Espoo Convention.

50. *Share with other Parties your experience of using the Convention. In response to each of the questions below, either provide one or two practical examples or describe your general experience. You might also include examples of 'lessons learned' in order to help others.*

- a. *How in practice have you identified transboundary EIA activities for notification under the Convention, and determined the significance and likelihood of adverse transboundary impact?*

In identifying the transboundary EIA activities for notification Romania uses the Annex I.1 of MO 860/2002, as amended, and Annex 3 of GD 918/2002, as amended. Annex 3 of GD 918/2002, as amended, is used in determining the significance and likelihood of adverse transboundary impact. The decision to notify is also based on

project presentation report which contains technical data on the technology used and also a rough presentation of the potential effects on environment. As examples, we mention Rosia Montana project.

For Calafat-Vidin bridge project, the necessity of an transboundary EIA procedure was established by common agreement with Bulgaria and this requirement was included in the Agreement concluded between the 2 countries.

A "lesson learned" is that despite the differences between the national legal systems (i.e. Romanian and Bulgarian) we manage to respect each other legislation and to develop the transboundary EIA procedure in the same time.

- b. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How do you determine how much information to include in the EIA documentation?*

According to Part II : "The structure of the EIA report" of Annex 2 "Metodological guideline on scoping stage" of MO 863/2002, the EIA documentation must contain a section dealing with the potential impact on the environmental factors, including the transboundary one, and measures to reduce such an impact.

The EIA documentation must include the information necessary for answering to the issues mentioned in Annex 4 of GD 918/2002, as amended, in Annex 2 of MO 863/2002 and the information identified during the scoping stage.

In this respect, Romania can mention EIA documentation for Calfat - Vidin bridge. A "lesson learned" is to organized the public questions and answer in a table format in order to make them more accesible to the public.

- c. *What methodology do you use in impact assessment in the (transboundary) EIA procedure (for example, impact prediction methods and methods to compare alternatives)?*

Both methods are used in the (transboundary) EIA documentation. The comparative analysis between the alternatives is mandatory to be used in all EIA documentations and the chosen alternative must be motivated. Among other methods used, we mention emission dispersion models and different simulation models. For air we use EEA/EMEP/CORRINEAIR - OML (Danish Model) and US EPA/AP -42/2000.

- d. *Translation is not addressed in the Convention. How have you addressed the question of translation? What do you usually translate? What difficulties have you experienced relating to translation and interpretation, and what solutions have you applied?*

Romania ensure the translation, in English, of the project presentation report (that is sent together with the notification) and of the EIA documentation. As examples, we can mention the project presentation report for Rosia Montana project and the EIA documentations for Cernavoda Unit 2 NPP and for Calafat - Vidin bridge.

Romania ensure the translation of the above mentioned documents only in English, according to the provisions of the MO 864/2002.

Within the Multilateral Ageement Draft - for the implementation of the Espoo Convention in South-East Europe Countries it is envisaged the translation into the official language of and specified by the affected Party of the following documentation: the description of the proposed activity and its purpose, the non-technical summary, the description of the potential transboundary environmental impact of the proposed activity and its alternatives and an estimation of its significance, the description of mitigation measures to keep adverse transboundary environmental impact to a minimum.

- e. *How have you organized transboundary public participation in practice? As Party of origin, have you organized public participation in affected Parties and, if so, how? What has been your experience of the effectiveness of public participation? Have you experienced difficulties with the participation of your public or the public of another Party? (For example, have there been complaints from the public about the procedure?)*

Until now, the public participation was generally accomplished through the environmental authorities of the affected Party. All the comments and opinions that have been received directly from the public of the affected Party have been answered.

Romania has organized public debates for:

- a) joint EIA procedure for Calafat-Vidin Bridge, at Calafat;
- b) Belene NPP ( as affected Party), at Turnu Magurele;

Until now we did not organize public participation as Party of origin on the territory of the affected Party for the public of the affected Party.

As Party of origin we kindly asked the affected Bulgarian Party (for NPP at Cernavoda -Unit 2) to organize the distribution of the EIA documentation to the local public.

Romania experienced certain difficulties, for example:

- a) with the Bulgarian Party- the difficulty was related to the language of the EIA documentation (it was English, not Bulgarian);

- b) the obstacles mentioned by some national NGOs were the following:

- Improper translation during the public debate;
- Participants to the public debate: 95% men;
- Too many information presented in a short time;
- A small number of public comments;
- An emphasis on the economic and mobility aspects;
- The average age of the participants to the public debate: retired people, lack of young people

These comments helped the relevant authorities in paying more attention in future organization of the public debates.

- f. *Describe any difficulties that you have encountered during consultations, for example over timing, language and the need for additional information.*

There are some difficulties on language in relation with public participation because not all the member of the public have English knowledge.

Regarding timing, this aspect was not considered as a "difficulty" because both Romania and Bulgaria ( Parties until now, in the implementation of the Espoo procedure) agreed on the deadlines, or on the prolongation of these.

- g. *Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public.*

The form and the framework content of the final decision (environmental agreement) is provided for by Annex III of MO 860/2002, in order to ensure a unitary practice at national level.

The content of the environmental agreement includes the measures envisaged to prevent or mitigate the pollution, the levels of emissions, the necessary measures for accomplishing these levels, reference to the documentation (e.g. EIA documentation) on which is based the environmental agreement, the comments received on the EIA documentation and the outcome of the transboundary

consultations. Also, the environmental agreement contains reasons and considerations on which is based and other necessary conditions. The environmental agreement is translated in English by the Romanian authorities. The environmental agreement is issued after the end of the transboundary consultations and it is communicated to the affected Party in English, by post and by mail, using the diplomatic channels. In this respect, we can mention the environmental agreement for Cernavoda Unit 2 NPP and for Calafat - Vidin bridge.

*h. Have you carried out post-project analyses and, if so, on what kinds of projects?*

Romania agreed to carry out a post-project analysis for Cernavoda NPP Unit 2. No further steps have been taken.

*i. Do you have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your experiences describing, for example, any bilateral agreements, institutional arrangements, and how practical matters are dealt with (contact points, translation, interpretation, transmission of documents, etc.).*

Romania and Bulgaria had a joint project: Calafat - Vidin bridge. For this project Romania and Bulgaria concluded an agreement which contained the necessary institutional arrangements. The agreement was ratified by the Parliaments of both countries and entered into force in April 2001. The bilateral agreement specified that an environmental impact assessment (EIA) should be carried out jointly, taking into account Bulgarian, Romanian and European Union legislation, paying attention to Espoo Convention.

The agreement established a Joint Committee to oversee the project, chaired by the two countries' deputy transport ministers and including representatives of their environment ministries. Nine working groups also were established at the expert level. One of them – the environmental Joint Working Group (JWG) No. 2 – dealt with environmental matters and coordinated environmental procedures. The JWG met on many occasions to resolve procedural difficulties. In addition, Project Implementation and Management Units (PIMUs) were established within each of the two countries' competent authorities – the Romanian Ministry of Transport Construction and Tourism and the Bulgarian Ministry of Transport and Communications.

Bulgaria applied a one-step EIA procedure at the beginning of the project design process, whereas Romania applied EIA in the framework of the permitting process (i.e. before obtaining the construction permit). To resolve this difference, and to provide a stronger overall EIA, the transboundary EIA took place in two stages:

- a preliminary EIA according to Bulgarian legislation, and
- a final EIA according to Romanian legislation.

Experts from an international consulting company led the EIA team, which included also local consultants from Bulgaria and Romania. The joint EIA team prepared the EIA documentation and the PIMUs provided full translation into Bulgarian, Romanian and English (20 copies of each), with the PIMUs covering these costs. The competent authorities in Bulgaria and Romania notified their own public right at the start of the EIA process, using the methods listed in the table. The Bulgarian authorities and EIA experts consulted the public during the preparation of the preliminary EIA and on the preliminary and final EIA report. The Romanian competent authorities also notified the public about the possibility to consult the final EIA report, and the project proposal, and about the public hearing that took place in December 2004.

The preliminary EIA documentation was distributed to the competent authorities in Bulgaria (in Bulgarian and in English) and Romania (in Romanian and in English) and to the Vidin municipality, Bulgaria (in Bulgarian). The documentation was also available for one month to all interested members of the public, representatives of NGOs and other interested parties. The JWG had established a time limit for receiving written comments from the public and other concerned parties in both countries.

The final EIA was completed in October 2004. The final EIA report provided more information about the proposed project's effects on the Romanian side than did the preliminary EIA report. The final report was drawn up in English, Romanian and Bulgarian, and it was the subject of the public hearing in December 2004. The final EIA report was made available to the public in Bulgaria, and the proponent was prepared to record comments. However, no written comments were received. The Bulgarian Ministry of Environment and Water undertook to prepare a written opinion on the final EIA report. Romanian legislation provides for a single EIA procedure (with a single EIA report), called an "environmental agreement", which starts at the moment of the feasibility study and ends with the issue of the final decision, before the project is started.

- j. *Name examples of good practice cases, whether complete cases or good practice elements (e.g. notification, consultation or public participation) within cases. Would you like to introduce your case in a form of Convention's fact sheet?*

An example of good practice case is the Calafat - Vidin bridge and it is displayed as Convention's fact sheets at the following address:  
<http://www.unece.org/env/eia/publications.html#factsheets>

#### CO-OPERATION BETWEEN PARTIES IN 2003-2005

51. *Do you have any successful examples of how you have overcome difficulties arising from different legal systems in neighbouring countries?*

Both Belene NPP and Calafat - Vidin bridge were successful cases of overcoming the difficulties arising from the differences between Romanian and Bulgarian legal systems.

#### EXPERIENCE IN USING THE GUIDANCE IN 2003-2005

52. *Have you used in practice the following guidance, recently adopted by the Meeting of the Parties and available on-line? Describe your experience of using these guidance documents and how they might be improved or supplemented.*

- a. *Guidance on public participation in EIA in a transboundary context;*

Romania provided information for this guidance on Calafat - Vidin bridge project especially on how the dissemination of the relevant information to the public took place and on the organization of the public debate.

- b. *Guidance on subregional cooperation; and*

The Calafat - Vidin bridge is mentioned as case -study for subregional cooperation.

- c. *Guidelines on good practice and on bilateral and multilateral agreements.*

Romania used this guidance on Calafat - Vidin bridge projects.

Elements of the guidance we used: joint EIA, Joint body (PIMU);

The guidance contributed to the consolidation of the implementation of the Convention as it was considered by Romania.

## CLARITY OF THE CONVENTION

53. *Have you had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear? Describe the transboundary EIA procedure as applied in practice, where this has varied from that described in Part I or in the Convention. Also describe in general the strengths and weaknesses of your country's implementation of the Convention's transboundary EIA procedure, which you encounter when actually applying the Convention.*

Romania encountered difficulties in implementation of the Convention for the Bastroe Channel; consequently, Romania asked advice to the Inquiry Commission under the Espoo Convention. The case is still under discussion, no final decision being yet taken.

So, it is rather difficult to determine the likelihood of significant adverse transboundary impact.

Strengths: raising awareness of all the national authorities, the developers and the operators.

Weaknesses: the length of this transboundary EIA procedure delays the investment projects.

## AWARENESS OF THE CONVENTION

54. *Have you undertaken activities to promote awareness of the Convention among your stakeholders (e.g. the public, local authorities, consultants and experts, academics, investors)? If so, describe them.*

Romanian environmental authorities cooperated with local NGOs on dissemination the information on EIA Convention and, in particular, on the public participation in the transboundary EIA procedure.

55. *Do you see a need to improve the application of the Convention in your country and, if so, how do you intend to do so? What relevant legal or administrative developments are proposed or on-going?*

Romania needs to improve the application of the public participation requirements. In this respect, it is envisage to be carried out a public campaign on the EIA procedure in 2006.

## SUGGESTED IMPROVEMENTS TO THE REPORT

56. *Please provide suggestions for how the report may be improved.*