

Translation from Romanian into English according to the copy

DECISION No. 445 a of April 8th 2009

Concerning the assessment of the impact of some public and private projects on the environment

Amended and supplemented by the Government Decision no. 17/2012

NOTE:

By the Order of the Minister of Environment and Forests, of the Minister of Administration and Interior, of the Minister of Agriculture and Rural Development and of the Minister of Regional Development and Tourism no. 135/76/84/1284/2010, the Methodology for the application of the environmental impact assessment for public and private projects was approved.

Under art. 108 of the Romanian Constitution, republished and art. 11 paragraph (3) of the Government Emergency Ordinance no. 195/2005 on environmental protection, approved with amendments and supplements by the Law no. 265/2006, as further amended and supplemented,

The Government of Romania adopts the decision herein.

ART. 1

The provisions of the decision herein are applicable to the environmental impact assessment of those public and private projects which can have significant effects on the environment.

ART. 2

In the sense of the decision herein, the terms and expressions below have the following meanings:

a) environmental agreement – the administrative act issued by the relevant authority for environmental protection by which the conditions and, if necessary, the measures for environmental protection are set, which have to be complied with in case a project is carried out;

b) development consent – the decision of the relevant authority or authorities, which entitles the project holder to carry out the project; this materializes in:

(i) building permit, for the projects provided in annex no. 1 and the others provided in annex no. 2 paragraph 1 a), c), e), f) and paragraphs 2 - 13;

(ii) agreement regarding the use of the land for intensive farming, for the projects provided in annex no. 2 paragraph 1 b);

(iii) agreement of the special territorial sub-units administrators of the central public authority in charge of forestry for the projects concerning the afforestation of the lands where there were no previous forests, provided in annex no. 2 paragraph 1 d);

(iv) decision of the chief inspector of the territorial inspectorate for forestry and hunting, order of the central public authority administrator in charge of forestry concerning the temporary occupancy or the final removal of a land from the national forestry fund, if necessary, in order to achieve the objectives which imply forest clearing in order to change the land designation, provided in annex no. 2 paragraph 1 d);

(v) water rights permit, for the projects provided in annex no. 2 paragraph 1 g);

c) project – performance of the construction works or other installations or works; other interventions on the natural environment and the landscape, including those which involve the mineral resources exploitation;

d) public – one or more natural or legal persons and, in accordance with the national legislation or practice, the associations, organizations or their groups;

e) public concerned – means the public affected likely to be affected by the procedure provided in art. 4 or having an interest within the respective procedure; for the purpose of this definition, the non – governmental organizations promoting environmental protection and meeting the legal requirements shall be deemed to have an interest;

f) report concerning the environmental impact - the document containing the information provided by the project holder according to the provisions of art. 11 paragraphs (1) and (4) and of art. 13;

g) project holder – the applicant of the development consent for a private project or the public authority initiating a project.

ART. 3

(1) The authorities competent in order to apply the provisions of the decision herein are, if necessary, the public authorities which issue, according to the legal competencies, development consents, as well as the public authorities for environmental protection, respectively the central public authority, the National Environmental Protection Agency, the territorial environmental protection agencies and the “Danube Delta” Biosphere Reserve Authority.

(2) Authorities with specific responsibilities and accountabilities in the field of environmental protection express views on the development consent application, according to the provisions of art. 7.

ART. 4

The environmental impact assessment procedure is integral part of the development consent issuance procedure.

ART. 5

(1) The projects which can have significant effects on the environment because of their nature, size or location, among others, are subject to a development consent application

and an assessment of their impact on the environment prior to the issuance of such consent. These projects are provided in art. 9 paragraphs (1) and (2).

(2) The environmental impact assessment identifies, describes and assesses, accordingly and for each case, in accordance with the provisions of the decision herein, the direct and indirect effects of a project on the following factors:

- a) human beings, fauna and flora;
- b) soil, water, air, climate and landscape;
- c) material goods and cultural patrimony;
- d) interaction between the factors provided in points a), b) and c).

(3) The environmental impact assessment for the projects which are object of the legislation concerning the prevention and integrated control of pollution includes the respective legislation requirements.

ART. 6

(1) The environmental impact assessment procedure is carried out by phases, as follows:

- a) the phase of classifying the project in the environmental impact assessment;
- b) the phase of defining the assessment area and carrying out the report concerning the environmental impact;
- c) the phase of analysing the quality of the report concerning the environmental assessment.

(2) The procedure provided in paragraph (1) is preceded by an initial assessment of the project carried out by the public authorities for environmental protection, in which the project location is identified in relation to the protected natural areas of community interest.

ART. 7

(1) The environmental impact assessment procedure is conducted by the central or territorial public authorities for environmental protection, with the participation of central or local public authorities, if necessary, with specific responsibilities and accountabilities in the field of environmental protection.

(2) The authorities provided in paragraph (1) participate in a technical analysis commission, established at central level by an order of the administrator of the central public authority for environmental protection, at the level of each county and of Bucharest municipality by an order issued by the prefect, according to the provisions of the Law no. 340/2004 concerning the prefect and the Prefect's Office, republished, and at the level of the "Danube Delta" Biosphere Reserve Authority by an order issued by the Tulcea county prefect.

(3) The authorities provided in paragraph (1) express views within the technical analysis commission regarding the application for the environmental agreement and the development consent, as well as on the information produced by the project holder within the environmental impact assessment.

(4) In order to apply the provisions of the decision herein, the public authorities for environmental protection ensure the transmission of the relevant information to the other authorities provided in paragraph (1) and the organization of the technical analysis commission meetings.

ART. 8

(1) The provisions of the decision herein are not applicable to:

a) projects which serve the purposes of national defence, if the central public authority for national defence together with the central public authority for environmental protection establish, by an analysis from one case to another, that the performance of the environmental impact assessment shall have a negative impact on those purposes;

b) projects which details are adopted by a special regulatory act, if the objectives of the decision herein, including information provision, are met by the respective legislative process.

(2) By complying with the provisions of art. 17, in exceptional cases, the central public authority for environmental protection can exempt, totally or partially, from the application of the provisions of the decision herein a certain project provided in annexes no. 1 and 2. In this case, the central public authority for environmental protection fulfils the following obligations:

a) analyses if another form of assessment is adequate;

b) makes available to the public concerned the information gathered by the forms of assessment provided in point a), as well as the information concerning the exemption decision and the reasons on which it is based;

c) informs the European Commission, prior to granting the development consent, about the exemption decision taken, as well as about the reasons justifying the exemption granted and provides, if necessary, the information made available to the public.

(3) The exemption decision is communicated to the project holder, prior to informing the European Commission according to the provisions of paragraph (2) c).

ART. 9

(1) In compliance with the provisions of art. 8 paragraph (2), the projects provided in annex no. 1 are subject to the environmental impact assessment, according to the provisions of art. 11 – 23.

(2) In compliance with the provisions of art. 8 paragraph (2), the public authority for environmental protection decides, based on an assessment from one case to another, taking into consideration the information provided by the holder, if the projects provided in annex no. 2 re subject to the environmental impact assessment, according to the provisions of art. 11 – 23.

(3) During the assessment provided in paragraph (2) the criteria provided in annex no. 3 are used.

(4) The decisions taken by the public authority for environmental protection according to the provisions of paragraph (2) are made available to the public.

ART. 10

(1) The public authorities for environmental protection take into consideration the information provided by the holder within the presentation memorandum which contains, at least:

- a) description and characteristics of the suggested location;
- b) description and characteristics of the project and the activities to be performed: size, technologies and materials suggested to be used and the use of natural resources;
- c) description of the activities specific to the project performance period;
- d) summary of the potential environmental impact of the project, including, if necessary, on the protected natural areas of community interest.

(2) The scope outline of the presentation memorandum of the project is set by the application methodology for the environmental impact assessment, provided in [art. 30](#).

ART. 11

(1) For the projects subject to environmental impact assessment, their holders have the obligation to provide in the report regarding the environmental impact, upon the request of the public authority for environmental protection, the information provided in [annex no. 4](#), applying accordingly the provisions of [art. 12](#) paragraph (4).

(2) The public authorities, especially those provided in [art. 7](#) paragraph (1), which hold relevant information for the assessment of the direct and indirect effects of the project, have the obligation to make these information available to the project holder.

(3) The public authorities for environmental protection verify if the project holder provided in an adequate form the information provided in [annex no. 4](#).

(4) In the request for the information provided in paragraph (1), the public authorities for environmental protection take into consideration:

- a) the information relevant for a certain phase of the development consent issuance procedure, for the specific characteristics of a project and for the environment elements which can be affected;
- b) the information which can be provided by the project holder, taking into consideration, among others, the actual level of knowledge and of the assessment methods.

ART. 12

(1) For the projects which need the performance of an environmental impact assessment, prior to the notification of maintaining the request for development consent, the public authority for environmental protection prepares and transmits to the project holder a guidance relating to the aspects to be dealt within the report on the environmental impact and to their detail level.

(2) For the development of the guidance provided in paragraph (1), the public authority for environmental protection:

- a) analyses the presentation memorandum submitted by the holder;
- b) advises with the project holder, with the public concerned and with other public authorities involved, provided in [art. 7](#) paragraph (1).

(3) The guidance is made available for the public concerned, for information.

(4) The transmission by the public authority for environmental protection of the guidance does not exclude the possibility of subsequent request for information from the project holder.

ART. 13

(1) The information which the project holder is obligated to provide according to the provisions of art. 11 paragraph (1) shall include at least the following aspects:

a) project description, comprising data referring to the placement, suggested technical solutions and project size;

b) description of the measures taken into consideration in order to avoid, reduce and, if possible, repair the environmental significant negative effects;

c) the data necessary to identify and assess the main environmental effects which the project can have;

d) overview of the main alternatives studied by the project holder, indicating the reasons of his/her choice, considering the environmental effects;

e) a non – technical summary of the information provided in points a) – d).

(2) For any project which has no direct connection with or is not necessary for the management of the protected natural area of community interest, but which can affect significantly the area, alone or in combination with other projects and which is subject of the environmental impact assessment, the report on the environmental impact shall include the conclusions of the study regarding the adequate assessment according to the provisions of the Government Emergency Ordinance no. 57/2007 on the protected natural areas, conservation of natural habitats, of the wild flora and fauna, as further amended and supplemented.

ART. 14

(1) The report on the environmental impact is developed in compliance with the guidance provided in art. 12 paragraph (1) by the natural or legal persons, who have this right, according to the law.

(2) The report on the environmental impact provide in paragraph (1), which content complies with the provisions of art. 11 and 13, is forwarded to the public authority for environmental protection.

(3) The report on the environmental impact is subject to the public concerned comments, which suggestions/recommendations are taken into consideration in its quality analysis phase.

(4) The public authority for environmental protection, together with the authorities participating in the technical analysis commission, analyses the quality of the report on the environmental impact and decides its acceptance or renewal.

ART. 15

(1) The authorities relevant for the development consent issuance inform the public, in good time and at the latest immediately after the information can be reasonably provided, by public notice or by display on the web page, about the following aspects:

- a) any request for development consent;
- b) the contact data of the public authorities relevant for the development consent issuance, of the authorities from which relevant information can be gathered, of the authorities to which suggestions/recommendations can be submitted or questions can be addressed, as well as the due date for their transmission;
- c) the type of the possible decisions or, if any, the project of the respective decision;
- d) the place, timetable and means by which the relevant information are made available to the public.

(2) The public authorities for environmental protection inform the public, in good time and at the latest immediately after the information can be reasonably provided, by public notice or by display on the web page, about the following aspects:

- a) any request for environmental agreement;
- b) the fact that the project is subject to the environmental impact assessment, indicating, if necessary, also that the project falls under the provisions of [art. 17](#);
- c) the contact data of the public authorities relevant for environmental protection, of the authorities from which relevant information can be gathered, of the authorities to which comments can be submitted or questions can be addressed, as well as the due date for their transmission;
- d) the type of the possible decisions or, if any, the project of the respective decision;
- e) the fact that the information provided by [art. 11](#) and [13](#) were acquired and are available;
- f) the place, timetable and means by which the relevant information are made available to the public;
- g) the means of the public participation, in accordance with the provisions of [art. 16](#) paragraphs (1) and (2).

(3) The public authorities for environmental protection and the authorities relevant for the development consent issuance make available to the public concerned, in a reasonable time interval, the following:

- a) any information acquired in accordance with the provisions of [art. 11](#) and [13](#);
- b) the relevant reports and recommendations transmitted to the central or territorial public authority for environmental protection or, if necessary, to the authority relevant for the development consent issuance at the time the public concerned is informed, according to the provisions of paragraphs (1) and (2);
- c) other information than those provided in paragraphs (1) and (2), relevant for taking the decision concerning the development consent and which become available after the public concerned is informed in accordance with the provisions of paragraphs (1) and (2),

in compliance with the provisions of the Government Decision no. 878/2005 on the public access to the information regarding the environment.

ART. 16

(1) The public concerned has the right to participate effectively and in good time to the procedure provided in art. 4, to document itself and to submit suggestions/recommendations to the relevant public authorities, when all options are possible and prior to taking a decision concerning the development consent.

(2) The public information and participation are coordinated by the authorities relevant for the development consent issuance and the public authorities for environmental protection, according to the specific competencies and comprise:

a) the public mean of information: by posters in a certain territorial area, publications in the central and/of local media, organising exhibitions with plans, drawings, tables, charts, models referring to the respective project and others;

b) the mean of advising with the public concerned, in writing or by public debates.

(3) The corresponding due dates are set by the application methodology for the environmental impact assessment provided in art. 30, so that sufficient time is provided for the public information and for the public concerned to prepare itself and effectively participate to the procedure provided in art. 4.

ART. 17

(1) If a project which is to be carried out on the Romanian territory can have a significant effect on another state environment or if another state which is possible to be significantly affected requests information on the project, the central public authority for environmental protection sends to the environmental central public authority in that state, as soon as possible and no later than the own public is informed, at least the following information related to the project:

a) a description of the project together with the available information on its potential transboundary impact;

b) information regarding the type of the decision that may be taken.

(2) The central public authority for environmental protection indicates to the state provided in paragraph (1) a sufficient time interval in order to state if it wants to participate to the procedure provided by art. 4.

(3) If the state which received the information provided in paragraph (1) communicates its intention to participate to the procedure provided in art. 4, the central public authority for environmental protection transmits to it the information about the project provided in art. 15 paragraphs (1) and (2), as well as those made available to the public concerned, according to the provisions of art. 15 paragraph (3) a) and b).

(4) If Romania is a potentially affected state, the central public authority for environmental protection has the obligation to:

a) make available to the authorities provided in art. 7 paragraph (1) and to the public concerned, in a reasonable due date, the information provided in paragraphs (1) and (3), received from the state of origin;

b) ensure to the authorities provided in art. 7 paragraph (1) and to the public concerned the possibility to submit to the central public authority for environmental protection from the state of origin the opinions regarding the information provided in paragraphs (1) and (3), in a reasonable time interval, prior to the development consent issuance.

(5) The central public authority for environmental protection initiates consultations with the public authorities for environmental protection from other states relating to, among others, the potential transboundary effects of the project and the measures considered in order to reduce or eliminate such effects and establishes, together with these authorities, a reasonable time interval relating to the consultations duration.

(6) The central public authority for environmental protection, together with the relevant authorities on the potentially affected state, establishes measures which allow the actual participation of the public concerned in the procedure provided by art. 4, including in projects with potentially significant effects on the Romanian territory, initiated in other states.

(7) The Ministry of External Affairs supports, upon the request of the central public authority for environmental protection, its endeavours provided in paragraphs (1) - (6), including by participation in the technical analysis commission activity.

ART. 18

The consultation results and the information acquired according to the provisions of art. 7 and art. 11 – 17 are taken into consideration when issuing the environmental agreement and the development consent, respectively when rejecting the application for the environmental agreement or the development consent for the public or private projects subject to the decision herein.

ART. 19

(1) The public authority for environmental protection, by consulting with the technical analysis commission, issues the environmental agreement or takes the decision to reject the agreement application, based on the analysis of the environmental impact report, of the suggestions/recommendations expressed by the public concerned and other relevant information, if necessary.

(2) The environmental agreement is annexed to the development consent and is integral part of it.

ART. 20

(1) For the projects provided in art. 13 paragraph (2), the environmental agreement includes the conclusions of the adequate assessment, carried out according to the provisions of the Government Emergency Ordinance no. 57/2007, as further amended and supplemented.

(2) If the result of the adequate assessment carried out according to paragraph (1) reveals a significant negative impact on the protected natural area of community interest, the public authority for environmental protection takes the decision to reject the environmental agreement application.

(3) By means of exemption from the provisions of paragraph (2), the public authority for environmental protection issues the environmental agreement only for the projects that must be carried out from imperative reasons of major public interest, including social or economical reasons and in the absence of some alternative solutions, but only after setting the countervailing measures necessary in order to protect the coherence of Natura 2000 network.

(4) If the protected natural area of community interest accommodates a type of primary natural habitat and/or a primary species, the only reasons which can be invoked are those related to health or public safety, to some beneficial consequences of major importance for environment or, as a result of the European Commission notice, to some other imperative reasons of major public interest.

ART. 21

(1) The authorities relevant for the issuance of the development consent and, respectively, for the issuance of the environmental agreement make their issuance public or, if necessary, their rejection and make available to the public the following information:

a) the content of the development consent and, respectively, of the environmental agreement, which includes all the necessary conditions to be fulfilled by the project holder or, if necessary, the content of the rejection decision;

b) the main reasons and considerations on which the development consent and, respectively, the environmental agreement are based on or, if necessary, their rejection, as a result of the examination of concerns and opinions expressed by the public concerned, including information related to the process of public participation;

c) the description, if necessary, of the main measures to avoid, reduce and, if possible, compensate the major negative effects.

(2) The relevant authorities inform the relevant authorities of the state which has been consulted according to the provisions of art. 17 paragraphs (1) - (3) and (5) and send to them the information provided in paragraph (1).

(3) If Romania is a potentially affected state, the relevant authorities make available to the public concerned, in an adequate manner, the information provided in paragraph (1), received from the state of origin.

ART. 22

(1) If, after the issuance of the environmental agreement and before acquiring the development consent, the project suffered modifications, the project holder has the obligation to notify in writing the issuing public authority for environmental protection about these modifications.

(2) The modifications provided in paragraph (1) are ascertained by:

a) the technical verifiers certified for the essential quality requirement "c) hygiene, health and environment", in compliance with the provisions of the Law no. 50/1991 on the construction works performance authorization, as further amended and supplemented, for projects for which a building permit is issued;

b) the authority relevant for the issuance of the development consent, for the other categories of projects.

(3) Based on the notice provided in paragraph (1), auto public authority for environmental protection goes through the classification stage and, consulting the technical analysis commission, decides:

a) to maintain the environmental agreement initially issued;

b) to resume, partially or integrally, the environmental impact assessment and, consequently, the revision of the environmental agreement initially issued, the issuance of a new one or the rejection of the environmental agreement application for the modified project, applying accordingly the provisions of art. 11 - 22.

ART. 23

(1) The provisions of the decision herein do not prejudice the obligation of the relevant authorities to comply with the restrictions enforced by the legislation on the commercial and industrial secret, including intellectual property and public interest protection.

(2) If art. 17 applies, the information transmission by other states and their reception by the respective states are subject to the restrictions provided by the legislation in force of the state where the project shall be carried out.

ART. 24

(1) Any person which is part of the public concerned and considers oneself aggrieved in one's right or in a lawful interest, can address to the relevant administrative court in order to appeal, procedurally or substantially, the documents, decisions or omissions of the relevant public authority which are object of the public participation, including the development consent, according to the provision of the administrative Law no. 554/2004, as further amended and supplemented.

(2) Also, any non – governmental organisation which meets the requirements provided in art. 2 e) can address the relevant administrative court, considering that they are aggrieved in their right or in a lawful interest.

(3) The documents or omissions of the relevant public authority which are object of the public participation are appealed along with the decision of the classification stage, with the environmental agreement or, if necessary, with the decision of rejecting the environmental agreement application, respectively with the development consent or, if necessary, with the decision of rejecting the development consent application.

ART. 25

(1) Before addressing to the relevant administrative court, the persons provide in art. 24 have the obligation to ask the public authority which issued the decision mentioned in art. 24 paragraph (3) or the superior authority to revoke, totally or partially, the respective

decision. The request shall be registered within 30 days from the public information concerning the decision.

(2) The issuing public authority has the obligation to answer to the previous complaint, provided in paragraph (1), within 30 days from the date it is registered at that authority.

(3) The settlement of the previous complaint, provided in paragraphs (1) and (2) is free and shall be reasonable, fast and honest.

ART. 26

(1) It is prohibited to carry out the project without acquiring the environmental agreement for the projects provided in annex no. 1 and those in annex no. 2 for which the performance of the environmental impact assessment was decided.

(2) Project holders have the obligation to comply with the conditions provided in the environmental agreement.

ART. 27

(1) The following are considered offences and are sanctioned:

a) non – compliance with the provisions provided in art. 22 paragraph (1) and art. 26 paragraph (1), with a fine from 5.000 lei to 10.000 lei, for natural persons and from 25.000 lei to 50.000 lei, for legal persons;

b) non – compliance with the provisions provided in art. 26 paragraph (2), with a fine from 3.000 lei to 6.000 lei, for natural persons and from 20.000 lei to 40.000 lei, for legal persons.

(2) The offences finding and the sanctions provided in paragraph (1) application are carried out by the empowered personnel within the National Environmental Guard and the “Danube Delta” Biosphere Reserve Authority, according to the legal regulations in force.

(3) The offender can pay on the spot or within 48 hours from concluding the report or, if necessary, from the date he/she is informed about the half of the minimum fine provided in the regulatory document, the official examiner mentioning this possibility in the offence finding and sanctioning report.

ART. 28

The provisions concerning the offences provided in art. 27 paragraph (1) are supplemented with the provisions of the Government Decision no. 2/2001 on the legal regime of the offences, approved with amendments and supplements by the Law no. 180/2002, as further amended and supplemented.

ART. 29

The documents and decision provided by the decision herein shall include concrete information on the procedures provided in art. 24 and 25.

ART. 30

(1) The application methodology for the environmental impact assessment, containing the competencies, the procedural stages duration and provisions on public information and participation, is approved by a joint order of the central public authority for environmental protection administrator, of the central public authority for regional development and

housing administrator, of the central public authority for administration and interior administrator and of the central public authority for agriculture, forests and rural development administrator, within 60 days from the date the decision herein enters into force.

(2) The methodological guidelines applicable to the environmental impact assessment are approved by the order of the central public authority for environmental protection administrator within 60 days from the date the decision herein enters into force.

ART. 31

The public authorities for environmental protection charge taxes in a quantum of 150 lei when issuing the environmental agreement.

ART. 32

The projects sent to a public authority for environmental protection in order to acquire the environmental agreement prior to the entry into force of the decision herein are subject to the environmental impact assessment procedure in force when the application is submitted.

ART. 33

(1) The central public authority for environmental protection informs the European Commission about the application of the decision herein.

(2) The central public authority for environmental protection sends to the European Commission the national regulatory documents adopted in the field regulated by the Directive 85/337/EEC as of June 27th 1985 on the environmental effects assessment of certain public or private projects, amended and supplemented by the Directive 97/11/EC and by the Directive 2003/35/EC.

ART. 34

Annexes no. 1 – 4 are integral part of the decision herein.

ART. 35

The decision herein enters into force in 60 days from its publication in the Official Gazette of Romania, Part I.

ART. 36

(1) Upon the entry into force of the decision herein, the Government Decision no. 1.213/2006 on establishing the framework procedure for the assessment of the effects of certain public and private projects on the environment, published in the Official Gazette of Romania, Part I, no. 802 as of September 25th 2006, is abrogated.

(2) If, by a regulatory document prior to the decision herein, a reference is made to the Government Decision no. 1.213/2006 or generically to the environmental impact assessment, the reference shall be deemed as made to the corresponding provisions from the decision herein.

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The decision herein implements the provisions of the Council Directive 85/337/EEC as of June 27th 1985 on the assessment of the effects of certain public and private projects on the environment, published in the Official Journal of the European Communities (OJEC) no. L 175 as of July 5th 1985, amended and supplemented by the Council Directive 97/11/EC of the Council as of March 3rd 1997 for the modification of Directive 85/337/EEC on the on the environmental effects assessment of certain public o private projects, published in the Official Journal of the European Communities (OJEC) no. L 73 as of March 14th 1997, of the Directive 2003/35/EC on the public participation concerning the draw up of certain plans and programs related to the environment and the modification, concerning the public participation and access to justice, of the Councils Directives 85/337/EEC and 96/61/EC, published in the Official Journal of the European Union (OJEU) no. L 156 as of June 25th 2003, as well as of the Directive 2009/31/EC of the European Parliament and of the Council as of April 23rd 2009 on the geological storage of the carbon dioxide and to modify the Directive 85/337/EEC of the Council, as well as of the Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and of the (CE) Regulation no. 1.013/2006 of the European Parliament and of the Council, shed in the Official Journal of the European Union (OJEU) no. L 140 as of *June 5th 2009*.

ANNEX 1

LIST

Of the projects subject to the environmental impact assessment

1. Crude oil refineries (except those producing only crude oil lubricants) and gasification and liquefaction of minimum 500 tonnes of coal and oil shale per day.

2. a) Steam power plants and other combustion facilities with a thermal power of 300 megawatts minimum.

b) Nuclear power plants and other nuclear reactors, including the decommissioning or disassembly of these power plants or reactors *) (except the research for production and transformation of fissionable and fertile materials, which maximum power does not exceed one kilowatt of continuous thermal power).

*) The nuclear power plants and other nuclear reactors shall cease to be deemed as such when all the nuclear fuel and other radioactively contaminated elements were definitively removed from the facility location.

3. a) Facilities for reprocessing the irradiated nuclear fuel.

b) Facilities intended:

(i) for the production or improvement of the nuclear fuel;

- (ii) for the treatment of the irradiated nuclear fuel or for the treatment of the waste with a high level of radioactivity;
- (iii) for the final storage of the irradiated nuclear fuel;
- (iv) exclusively for the final storage of the radioactive waste;
- (v) exclusively for the storage, planned for more than 10 years, of the irradiated nuclear fuels or the radioactive waste at a location different from the production one.
- 4. a) Integrated facilities for the production of grey cast iron and steel.
- b) Facilities intended for the production of non – ferrous crude metals from ore, ore concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes.
- 5. Facilities for asbestos extraction and for processing and transforming the asbestos and the products containing asbestos:
 - a) facilities for asbestos-cement products, with an annual production of more than 20.000 tonnes of finished product;
 - b) facilities for friction materials, with an annual production of more than 50 tonnes of finished product;
 - c) facilities for other uses of asbestos, with used quantities of more than 200 tonnes per year.
- 6. Integrated chemical facilities, such as the facilities for the production of industrial scale substances using chemical conversion processes, in which more adjacent units are functionally connected one to another and are intended for:
 - a) the production of basic organic chemical substances;
 - b) the production of basic inorganic chemical substances;
 - c) the production of phosphorus, nitrogen or potassium based fertilisers (simple or complex fertilisers);
 - d) the production of basic products for plants and biocides protection;
 - e) the production of basic pharmaceutical products using chemical or biological processes;
 - f) the production of explosives.
- 7. a) Construction of lines for long distance railway traffic and of airfields *1) with at least one runway longer than 2.100 m.
- b) Construction of motorways and express roads *2).

*1) Airfield – an airport which complies with the definition in the Convention on the International Civil Aviation, signed at Chicago on December 7th 1944, with some subsequent amendments to this convention (annex no. 14), ratified by the Decree no. 194/1965.

*2) Express roads – roads which comply with the definition in the European Agreement on main international traffic roads, concluded at Geneva on November 15th 1975, ratified by the Decree no. 149/1985.

Construction of new roads with at least 4 lanes or realignment and/or widening of an existent road with two lanes or less up to 4 or more lanes, if these new roads or their realignment and/or their widened section is at least of 10 km of continuous length.

8. a) Inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1.350 tonnes.

b) Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1.350 tonnes.

9. Hazardous waste storages or facilities for the disposal of hazardous waste by incineration or chemical treatment, operation defined in annex no. IIA point 9 of the Government Emergency Ordinance no. 78/2000 on the waste regime, approved with amendments and supplements by the Law no. 426/2001, as further amended and supplemented.

10. Facilities with a capacity over 100 tonnes/day for the non – hazardous waste disposal by incineration or chemical treatment, operation defined in annex no. IIA point 9 of the Government Emergency Ordinance no. 78/2000, approved with amendments and supplements by the Law no. 426/2001, as further amended and supplemented.

11. Groundwater abstraction systems or groundwater recharge artificial systems, where the annual volume of abstracted or recharged water is at least 10 million cubic metres.

12. a) Works for the transfer of water resources between river basins, carried out in order to prevent the water deficit, for an annual volume of transferred water of at least 100 million cubic metres; the transfer of drinking water through pipes is exempted.

b) In all other cases, works for the transfer of water resources between river basins, for a multi – annual average flow of the abstraction basin of at least 2.000 million cubic metres and for a quantity of transferred water of at least 5% of this flow; the transfer of drinking water through pipes is exempted.

13. Waste water treatment plants of at least 150.000 inhabitant equivalent *3).

*3) Inhabitant equivalent expresses the load with pollutants of the waste waters, according to the definition in the Government Decision no. 188/2002 for the approval of some norms concerning the waste waters discharge conditions in the aquatic environment, as further amended and supplemented.

14. Extraction of oil and natural gas for commercial purposes, if the extracted quantity is at least 500 tonnes/day for oil and 500.000 cubic metres/day for natural gas.

15. Dams and other facilities designed to retain or to permanently store water, with a new or additional capacity of retained or stored water of at least 10 million cubic metres.

16. Pipelines having a diameter larger than 800 mm and a length of at least 40 km:

a) for the transport of gas, oil, chemical substances; and

b) for the transport of carbon dioxide (CO₂) flow for the purpose of geological storage, including the connected additional stations.

17. Facilities for intensive breeding of poultry and pigs having at least:

- a) 85.000 places for broilers, respectively 60.000 places for laying hens;
- b) 3.000 for breeding pigs larger than 30 kg; or
- c) 900 places for sows.

18. Industrial facilities for:

- a) cellulose production from timber or other similar fibrous materials;
- b) paper and cardboard production, with a production capacity of at least 200 tonnes/day.

19. Quarries and open-cast mining where the surface of the site exceeds 25 hectares, or peat extraction, where the surface of the site exceeds 150 hectares.

20. Construction of overhead electrical power lines with a voltage of at least 220 kV and a length of more than 15 km.

21. Facilities for the storage of oil, chemical or petrochemical products, with a capacity of at least 200.000 tonnes.

21¹. Storage sites, provided by art. 4 c) of the Government Emergency Ordinance no. 64/2011 on the geological storage of carbon dioxide.

21². Facilities for the capture of CO₂ streams for the purpose of the geological storage provided in art. 4 a) of the Government Emergency Ordinance no. 64/2011, streams coming from facilities mentioned in the annex herein or which capture an annual total CO₂ quantity of at least 1.5 mega tonnes.

22. Any modification or extension of the projects mentioned in the annex herein, if such modification or extension meets itself the threshold values set, if necessary, in the annex herein.

ANNEX 2

LIST

Of the projects for which the need of the environmental impact assessment shall be set

1. Agriculture, forestry and aquaculture:

- a) projects for restructuring agricultural holdings;
- b) projects for the use of uncultivated land or the partially natural areas for intensive agricultural purposes;
- c) projects of water management for agriculture, including projects of irrigation and drainage;
- d) afforestation of the land there were no previous forests or forest clearing in order to change the land designation;
- e) facilities for the breeding of farm animals, others than included in annex no. 1;

- f) intensive fish farming;
- g) recovery of lands from the sea.

2. Extractive industry:

- a) quarries, open cast mining and peat extraction, others than provided in annex no. 1;
- b) underground mining;
- c) minerals extraction by fluvial or marine dredging;
- d) deep drillings, except drillings to investigate the soil stability, especially:
 - (i) geothermal drillings;
 - (ii) drillings for the storage of nuclear waste;
 - (iii) drillings for water supply;
- e) surface industrial facilities for the extraction of coal, natural gas and ores, as well as of oil shale.

3. Energy industry:

- a) technological facilities for the production of electricity, thermal energy and technological steam, others than provided in annex no. 1;
- b) technological facilities for gas, steam and hot water transport; transport of electricity through overhead wires, others than provided in annex no. 1;
- c) surface storage of natural gas;
- d) underground storage of combustible gas;
- e) surface storage of fossil fuels;
- f) industrial briquetting of coal and lignite;
- g) facilities for processing and storage of radioactive waste, others than provided in annex no. 1;
- h) facilities for the production of hydroelectric power;
- i) facilities intended for the production of electricity by exploiting wind power (wind farms);
- j) facilities for the capture of CO₂ streams for the purpose of geological storage provided in art. 4 a) of the Government Emergency Ordinance no. 64/2011, streams coming from facilities which are not mentioned in annex no. 1.

4. Production and processing of metals:

- a) facilities for the production of cast iron or steel by primary or secondary fusion, including continuous casting;
- b) facilities for ferrous metals processing:
 - (i) hot – rolling mills;
 - (ii) smitheries with hammers;
 - (iii) protective metallic coatings by melting;
- c) ferrous metals foundries;
- d) facilities for melting, including alloying of non – ferrous metals, except the precious metals, including the recovered products (refining, foundry casting etc.);

e) facilities for treating the metallic surfaces and the plastic materials by chemical or electrolytic processes;

f) manufacture and assembly of motor vehicles and manufacture of motors for motor vehicles;

g) shipyards;

h) facilities for building and repairing aircrafts;

i) manufacture of railroad materials;

j) swaging by explosives;

k) facilities for roasting and sintering metallic ores.

5. Mineral industry:

a) coke ovens (dry coal distillation);

b) facilities for cement manufacturing;

c) facilities for asbestos production and manufacturing asbestos products, others than provided in annex no. 1;

d) facilities for manufacturing glass, including glass fibres;

e) facilities for smelting mineral substances, including the production of mineral fibres;

f) manufacture of ceramic products by burning, especially tiles, bricks, refractory bricks, plates, stoneware and porcelain.

6. Chemical industry:

a) treatment of intermediary products and obtaining chemical products, others than provided in annex no. 1;

b) production of pesticides and pharmaceutical products, paints and varnishes, elastomers and peroxides, others than provided in annex no.1;

c) facilities for storing oil, chemical and petrochemical products, others than provided in annex no.1.

7. Food industry:

a) manufacture of vegetal and animal oils and fats;

b) packing and canning of animal and vegetal products;

c) manufacture of dairy products;

d) manufacture of malt and alcoholic beverages;

e) manufacture of pastry and syrup;

f) abattoirs;

g) industrial facilities for starch manufacture;

h) fish oil and flour factories;

i) sugar factories.

8. textile, leather, wood and paper industry:

a) industrial facilities for the production of paper and cardboard, others than provided in annex no.1;

b) facilities for pre-treatment (operations such as washing, bleaching, mercerisation) or painting fibres or textiles;

- c) facilities for tanning of skins and wools;
 - d) facilities for the production and processing of cellulose.
9. Rubber industry: manufacture and treatment of elastomer based products.

10. Infrastructure products:

- a) projects for the development of industrial units/areas;
- b) urban development projects, including construction of shopping centres and car parks;
- c) construction of railways, others than provided in annex no.1, of intermodal transfer facilities and intermodal terminals;
- d) construction of airfields, others than provided in annex no.1;
- e) construction of roads, harbours and harbour facilities, including fishing harbours, others than provided in annex no.1;
- f) construction of inland waterways, others than provided in annex no.1, sewage and works against floods;
- g) dams and other facilities designed to retain or to store water on a long term basis, others than provided in annex no. 1;
- h) tramway lines, underground and above – ground railways, suspended lines or similar specific lines, used exclusively or mainly for passenger transport;
- i) pipeline facilities for gas and oil and pipelines for the transport of carbon dioxide streams for the purpose of geological storage, others than provided in annex no. 1;
- j) long length aqueduct facilities;
- k) works for fighting against coastal erosion and marine works which can modify the coastal profile by construction, for example, of dykes, moles, pontoons, piers and other marine defence works, excluding maintenance and reconstruction of such works;
- l) facilities for groundwater abstraction and artificial recharge of underground water reserves, others than provided in annex no. 1;
- m) works for the transfer of water resources between river basins, others than provided in annex no. 1.

11. Other projects:

- a) permanent racing and testing tracks of motor vehicles;
- b) facilities for the disposal of waste, others than provided in annex no. 1;
- c) waste water treatment plants, others than provided in annex no. 1;
- d) sites for the storage of sediments from the treatment plants;
- e) storages for scrap iron, used vehicles, including vehicle waste;
- f) test benches for engines, turbines or reactors;
- g) facilities for the manufacture or artificial mineral fibres;
- h) facilities for the recovery or destruction of explosive substances;
- i) knackery centres.

12. Tourism and leisure:

- a) ski tracks, ski drags, cable cars and associated developments;

- b) marinas;
- c) holiday villages and hotel complexes outside urban areas and associated developments;
- d) permanent camp sites and caravan sites;
- e) theme parks.

13. a) Any modifications or extensions, others than provided in point 22 of annex no. 1, of the projects provided in annex no. 1 or in the annex herein, already authorised, executed or in process of being executed, which can have significant negative impacts on the environment.

b) Projects provided in annex no. 1, executed exclusively or mainly for the development and testing of new methods and products and which are not to be used for more than 2 years.

ANNEX 3

SELECTION CRITERIA

To set the need of performing the environmental impact assessment

1. Projects characteristics

When identifying the projects characteristics, the following aspects are to be considered:

- a) the project size;
- b) the cumulation with other projects;
- c) the use of natural resources;
- d) the waste production;
- e) the pollution emissions, including noise and other discomfort sources;
- f) the accident risk, considering especially the used substances and technologies.

2. Projects location

The sensitivity of the environment in the geographical area potentially affected by the project shall be considered, having regard especially to:

- 2.1. the existent use of the land;
- 2.2. the relative abundance of natural resources in the area, their quality and regenerative capacity;
- 2.3. the absorption capacity of the environment, with a special attention for:
 - a) the wet areas;
 - b) the coastal areas;
 - c) the mountain and forest areas;
 - d) the natural parks and reservations;
 - e) the areas classified or protected by the legislation in force, such as: protection areas for the fish fauna, natural fish basins and developed fish basins etc.;

f) special protection areas, especially those assigned by the Government Emergency Ordinance no. 57/2007 on the regime of protected natural areas, natural habitats, flora and fauna conservation, as further amended and supplemented, the areas provided by the Law no. 5/2000 on the approval of the National territory development plan - Section III – protected areas, protection areas set according to the provisions of the Law on waters no. 107/1996, as further amended and supplemented and the Government Decision no. 930/2005 for the approval of the Special norms concerning the character and size of the sanitary and hydrological protection areas;

g) areas where the quality standards of the environment set by the legislation have been already exceeded;

h) densely populated areas;

i) landscapes with historical, cultural and archaeological significance.

3. Characteristics of the potential impact

The potential significant effects of the projects shall be considered, in relation to the criteria set in points 1 and 2, with a special focus on:

a) the impact extension: geographical area and the number of affected persons;

b) the cross – border nature of the impact;

c) the impact size and complexity;

d) the impact probability;

e) the impact duration, frequency and reversibility.

ANNEX 4

INFORMATION

Required from the project holder for the projects subject to the environmental impact assessment

1. Project description, including:

a) description of the physical characteristics of the entire project and the requirements for the land development and use during the construction and operation stages;

b) description of the main characteristics of the production processes, for example the nature and quantity of the used materials;

c) the estimation, by types and quantities, of the foreseen waste and emissions (pollution in water, air and soil, noise, vibrations, light, heat, radiations, etc.) from the operation of the proposed project.

2. Summary of the main alternatives studied by the holder and indication of the main reasons for the final choice, taking into consideration the effects on the environment.

3. Description of the environmental aspects potentially affected by the proposed project, especially of the population, fauna, flora, soil, water, air, climatic factors, material assets,

including the architectural and archaeological heritage, the landscape and the inter-connections between the above mentioned factors.

4. Description*1) of the potentially significant effects of the proposed project on the environment, resulting from:

- a) the project existence;
- b) the use of natural resources;
- c) the emissions of pollutants, noise and other discomfort sources and waste disposal and the description made by the holder of the forecasting methods used to evaluate the effects on the environment.

*1) This description shall cover the direct and indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects on the environment.

5. Description of the foreseen measures to prevent, reduce and, where possible, compensate any significant adverse effects on the environment.

6. A non – technical summary of the information provided in the above mentioned points.

7. Indication of the difficulties (technical deficiencies or lack of know-how) encountered by the project holder when presenting the required information.
