

# **Sub-regional Workshop on Capacity-building for the Espoo Convention**

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## The legal and administrative measures to implement the Convention

- Law 22/2001-Romania became party to the Espoo Convention by ratifying the Convention in 2001
- First Amendment to the Espoo Convention on Environmental Impact Assessment in a Transboundary Context adopted on 27 February 2001 at the Second Meeting of the Parties to the Convention (Sofia, Bulgaria) was accepted by Romania by Law no.293/2006
- Governmental Decision no. 1213/2006 establishing the environmental impact assessment framework procedure for certain public or private projects (Of. J. no. 02/25.09.2006)

## The legal and administrative measures to implement the Espoo Convention

- Ministerial Order no. 860/2002 for the approval of the EIA procedure and issuing the environmental agreement, as amended by Ministerial Order no. 210/2004 and by Ministerial Order no. 1037/2005.
- MO 863/2002 for approval of the methodological guidelines applicable to the stages of the environmental impact assessment framework procedure, approves the EC guidelines in this field.
- MO 864/2002 for approval of the transboundary environmental impact assessment procedure and public participation in the decision-making process of likely transboundary impact projects.
- Multilateral agreement among the countries of South-Eastern Europe for implementation of the Convention on Environmental Impact Assessment in a Transboundary Context – signed by Romania at the 4<sup>th</sup> MOP in Bucharest, 19-21 May 2008, not yet in force because not yet ratified (Signed by Bulgaria, Croatia, Greece, Montenegro, Romania, Serbia and FYROM).

## Experience in the application of the Espoo Convention

### Romania as a Party of Origin

- Cernavoda Nuclear Power Plant Unit 3 and Unit 4 – the procedure is ongoing
  - ❑ The EIA procedure started with the developer's application for the environmental agreement on 09.08.2006;
  - ❑ 06.09.2006 Romania notified Bulgaria, Ukraine, R. Moldova, Austria, Hungary; Austria and Bulgaria expressed the intention to participate in the procedure;
  - ❑ The ToR for EIA were established after consultations with other national and international (Bulgaria) authorities and were sent to the developer on 12.03.2007;
  - ❑ In July 2007 the developer submitted the EIA Report (at the MESD) which was distributed to the national public and authorities, and to the Bulgarian and Austrian Ministry of Environment;
  - ❑ There were 3 public debates in Romania and 2 in Bulgaria;
  - ❑ Public comments taken into account by the developer and responded in written format;
  - ❑ Austria requested consultations under art. 5 of the Convention;
  - ❑ Delegates from Austria visited NPP Cernavoda U3 and U4 in March 2008; at the MESD (Ministry of Environment and Sustainable Development) in Bucharest bilateral consultations took place between the Romanian and Austrian authorities;
  - ❑ As a result of the consultations, Austria transmitted recommendations in April 2008;
  - ❑ Austrian recommendations and Romanian authorities comments are still in the process of being taken into account by the developer;
  - ❑ The final decision is not yet taken.

# Experience in the application of the Espoo Convention Romania as an Affected Party

- Belene Nuclear Power Plant – Bulgaria
  - ❑ Procedure developed between September 2003 and December 2004;
  - ❑ Romania participated in the scoping stage;
  - ❑ The EIA documentation was received in English -1600 pages on paper and in electronic format;
  - ❑ The EIA documentation was posted on the ministry web page;
  - ❑ Announcements about the public debate were published in central and local newspapers;
  - ❑ The documentation on paper was made available at the local EPA in Alexandria;
  - ❑ A public debate took place in Turnu Magurele;
  - ❑ All public comments were transmitted in writing afterwards together with authorities comments;
  - ❑ The final decision was transmitted to Romania - contains 2 Romanian requirements – an analysis of the project realization and a common participation in the designation of the actions needed in emergency situations.

## Experience in the application of the Espoo Convention Romania as an Affected Party

- Phase II of the project on the Renovation of Deep-Water Navigation Route "Danube-Black Sea" in the Ukrainian part of the Danube Delta ("Bastroe Canal")
  - ❑ On 9<sup>th</sup> of September 2008 Romania received the notification from Ukraine for the phase II of the project;
  - ❑ On 2<sup>nd</sup> of October Romania confirmed the participation in the EIA procedure and transmitted the supplementary information under art. 3;
  - ❑ The Ukrainian notification was made available to the public and to the authorities on the web page of the MESD;
  - ❑ Romania participated on 15<sup>th</sup>-16<sup>th</sup> of October in Kiev at an experts meeting for establishment of the time schedule for the implementation of the transboundary EIA procedure;
  - ❑ The meeting in Kiev was not finalized by a common agreement on the time schedule proposed. The Romanian proposal was based on the experience developed in a transboundary context with other neighbors like Bulgaria and Hungary;
  - ❑ The procedure is ongoing.

## Experience in the application of the Espoo Convention

### Romania as an Affected Party

- Giurgiulesti International Port – Republic of Moldova
  - ❑ Republic of Moldova notify Romania in November 2006 about the EIA procedure that will be undertaken;
  - ❑ Romania expressed intention to participate in the procedure and into consultations
  - ❑ In October 2007 R. Moldova Embassy in Bucharest transmitted the EIA Report to MESD in Bucharest;
  - ❑ The documentation was received in English and only in paper format;
  - ❑ MESD formulated comments on EIA Report and transmitted them in March 2008 to R. Moldova;
  - ❑ August 2008 R. Moldova analyzed the information and transmitted it to Romania;
  - ❑ October 2008 Romania transmitted to R. Moldova a letter requiring to include in the final decision these aspects:
    - -permanent monitoring of the port activities and the neighborhood biodiversity
    - -the obligation to take immediately preventive measure in case of imminent threat of a damage on the neighborhood species and habitats, on water and land
    - -the obligation to announce immediately the Romanian environmental authorities and to decrease and even stop such activities
    - -establishment of a transboundary cooperation mechanism for conservation of the biodiversity: Natural Park Lunca Joasa of the Inferior Prut, Lakes Manta and Beleu and Danube Delta Biosphere Reserve.
  - ❑ Romania required the post project monitoring provided by art. 7 of the Convention;
  - ❑ Romania will receive the final decision for this project.

## Experience in the application of the Espoo Convention Romania as both Origin and Affected Party

- Technical assistance for the improvement of navigation conditions on the Romanian-Bulgarian common sector of the Danube and accompanying studies
  - ❑ Romania and Bulgaria are both beneficiary of this project;
  - ❑ It addresses the common R-B navigation sector of the Danube;
  - ❑ A joint working group is established (formed by authorities, consultant, water agencies/departments in both countries);
  - ❑ A joint EIA documentation was agreed to be developed with both R and B input;
  - ❑ A preliminary design report was recently presented in an workshop attended also by ICPDR;
  - ❑ In order to establish the inputs needed for a comprehensive EIA documentation, another meeting is proposed in November 2008 in the format of an enlarged working group;
  - ❑ The competence for the EIA procedure is on NEPA, the application for environmental agreement was submitted in May 2008.



## Difficulties encountered in applying the Convention

- A great uncertainty in identification of the affected parties (e.g., Austria not being a border country with Romania asked to take part in the EIA procedure for the Cernavoda NPP, while Hungary –border in border with us - did not consider to be affected at all).
- Secondary effects with likely transboundary impact at the notification stage are hardly identified (e.g., these effects are determined by the assessment required under the Birds and Habitats Directives, which ask for appropriate assessments).

## Practical measures to improve the implementation of the Epoo Convention

- ❑ Speed up the ratification of the Multilateral Agreement for South Eastern European countries;
- ❑ Negotiations of a bilateral agreement with Ukraine;
- ❑ Elaboration of an awareness paper on EIA transboundary methodology for joint big projects (not a job only for Romania, committed support from European Commission within the workplan of the Convention during MOP 4).

Thank you very  
much for your  
attention!