



## INFORMATION

concerning the implementation of recommendations contained in Decision V/9j on  
compliance by Romania

Supplementary to the Romanian statement no. 96841/DM/18.03.2016 submitted on 18 of March, please find below additional information on the implementation of recommendations contained in Decision V/9j:

1. The specific legislation on environmental protection contains clear provisions on public information, and they are consistently applied in practice:

➤ **Governmental Decision no.1076 of 8.07.2004** for setting up the environmental assessment procedure of certain plans and programmes establishes the procedure for assessing the environmental impact. It defines the role of the competent authority for environmental protection, the requirements for stakeholders' consultation and public participation.

**“Art. 28. - (1)** The competent authorities for environmental protection ensure the public information and participation to the environmental assessment procedure, through the following actions:

a) public identification, including the public affected or likely to be affected or the public that has an interest in the decision-making process regulated by the provisions of this Governmental Decision, including the relevant non-governmental organizations - those that are promoting environmental protection and other organizations concerned;

b) establishing the places where the available information may be consulted;

c) establishing the public information modalities, such as: bill posting within a certain radius, public announcements on local newspaper, displaying announcements on the web sites, exhibitions with plans, sketches, tables, graphs and others such modalities;

d) selection of public consultation modality, such as: written information, public debates, electronic means and other such modalities;

e) establishing a reasonable time-frame that may allow public participation to the procedure stages;

f) informing on the possibility that the plan or program is subject of an transboundary environmental assessment procedure.

(2) The costs of public information in newspaper and public participation to the environmental assessment process during the issuing of the environmental approval procedure for plans and programmes are borne by the owner of the plan or programme.

(3) The plan or programme owner must prove the publishing of all newspaper announcements required by this procedure.

(4) The competent authorities for environmental protection shall make available to the public, at request, relevant documents for the considered plan or programme, others than those made available by the plan or programme owner, as appropriate.



**Art. 29. -**(1) The responsibility of public involvement in the screening stage belongs both to the competent authority for environmental protection and to the plan or programme owner, according to art. 9-12.

(2) During the screening stage, the plan or programme owner publishes in the newspaper, 2 times at 3 calendar days interval, and announces on its web site that the first version of plan and programme has been drawn up, its type, starting of the screening stage, the place and schedule for the public consultation and the possibility to send written comments and opinions in 15 calendar days from the last announcement.

(3) During the screening stage, the competent authority for environmental protection displays on its web site the decision of this stage and the possibility for public to send written proposals for its reappraisal, in 10 calendar days from the displaying, to the competent authority for environmental protection. The final decision is made available to the public by displaying on the web site of the competent authority for environmental protection.

(4). The initial and the final screening decision are made available to the public by the plan or programme owner in newspaper in 3 calendar days from the decision-making day.

**Art. 30 - (1)** The responsibility of public involvement in finalizing the draft plan or programme and drawing up of the environmental report stage belongs to the plan or program owner, according to art. 21.

(2) The plan or program owner publishes in newspaper, 2 times at 3 calendar days interval, and displays on its web page the availability of the draft plan or programme, the finalizing of the environmental report, the place and the their consultations schedule and also that the public can submit written comments to the owner's and to the competent authority for environmental protection headquarter in 45 calendar days from the last announcement.

**Article 31 - (1)** The plan or programme owner must publish in newspaper 2 times at a 3 days interval and displays on its own web site the organization of a public debate on the proposed draft plan or programme, including the environmental report with at least 45 calendar days before the date of the debate, or 60 calendar days, when the implementation of the plan or programme may have significant transboundary effects.

(2) The public announcement contains:

a) the place, day and hour of the public debate;

b) the authorities concerned;

c) the fact that the debate it is opened for the public and the authorities from the potential affected states when the implementation of the plan or programme may have significant transboundary effects.

(3) The plan or programme owner must invite to the public debate the competent authorities for environmental protection, for health, as well as those involved in the screening stage.

(4) 70 calendar days before the public debate, the plan or programme owner must invite to the public debate, by means of the promoting central public authority, the competent environmental protection authorities and the health authorities from the potentially affected states, as well as the affected or potentially affected public of these states or the public having an interest in the decisions-making process regulated by this Governmental Decision, according to article 34.



(5) The competent authority for environmental protection has the responsibility to lead the public debate, to register the justified proposals from the public and from the authorities stipulated at par (3) and (4) and to elaborate the debate minute.

**Art. 32** - The plan or programme owner must publish in newspaper the decision on the issuing of the environmental approval, in 5 calendar days from the date of its displaying on the web site by the competent authority for environmental protection.

**Art. 33** - (1) The plan or programme owner must inform the authorities consulted during the procedure, the potentially affected public and states, and to make available for them the following:

a) the plan or programme as adopted ;

b) a statement on how the environmental considerations have been integrated in the plan or programme, and how the environmental report have been prepared according to article 19 and 20, the opinions expressed by the public and by other authorities and, as appropriate, how the results of transboundary consultations foreseen in article 34 have been considered in the decision-making process according to article 25, the reasons for choosing the approved alternative of plan or programme compared to other presented alternatives;

c) the foreseen monitoring measures of the environmental effects.

(2) The plan or programme owner shall announce the place and schedule for consulting the documents specified at par (1), in newspaper and on its own web site.

(3) The central public authority promoting the plan or programme shall supply the documents specified at par. (1) to the central environmental authority from the potentially affected states, within the framework of bilateral relationships.” (For more information, please see the Annex no. 1)

In practice, the provisions mentioned above have been applied to: all operational programs 2014-2020: Regional Operational Program, Operational Program for Big Infrastructure, Regional Developing National Program, Operational Program for Fishing and Maritime Affairs POPAM. Line ministries displayed on their websites the drafts of the strategic documents, the environmental reports and the appropriate assessment studies. The Ministry of Environment, Waters and Forests (MoE) as the responsible authority for the scheduled environmental assessment, published on the website for each operational program, in a special section dedicated to environmental assessment of these documents, the comments of concerned public and how these comments were taken into consideration in the strategic document, environmental report and appropriate assessment as appropriate.

Documents drawn up under the SEA procedure have been periodically completed with the results of working groups' conclusions. Final alternatives of the operational program and ER (Environmental Report) / EA (Environmental Assessment), were distributed to the concerned public 45 days before the public debate so as to have complete information and be able to submit comments.

## 2. Extensive public participation for the new Energy Strategy:

The Ministry of Energy decided to submit the Energy Strategy to an extensive process of public participation involving all stakeholders, including academia, NGOs and industry. The very development of the Strategy takes place with the substantial input of various stakeholders. The process began in January 2016 and is expected to conclude in June this year, with regular meetings taking place during this period.

In order to ensure full transparency and consistency of discussions, the Ministry of Energy encouraged interested parties to appoint permanent representatives that could participate to all meetings (more information about the public consultation are available at: <http://energie.gov.ro/strategia-energetica-nationala/consultare-publica/>).

MoE is confident that the process initiated by the Ministry of Energy will follow Decision V9/j and be used as a model for future strategies developed by this Romanian institution.

General Director

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