

R O M A N I A



MINISTRY OF ENVIRONMENT

12, Libertății Blvd., Sector 5, Bucuresti, Tel: 316.61.54; Fax: 316.04.21

Ref.: Espoo application to the project "Technical assistance for the improvement of navigation conditions on the Romanian-Bulgarian common sector of the Danube and accompanying studies"

Dear Mr. Sauer,

Following the letter from the Espoo Implementation Committee dated November, 24th 2008, Romania hereby provides you with written clarification regarding the application of the Espoo Convention with the project related to navigation on the Danube River "Technical assistance for the improvement of navigation conditions on the Romanian-Bulgarian common sector of the Danube and accompanying studies" (the project).

The aforementioned project is an ISPA project for the measure 2005 RO 16 P PA 002, for which the financing memorandum was signed by the European Commission and The Romanian Government in Bruxelles, in 2005. The national ISPA coordinator for the Project is the Romanian Ministry of Public Finance. This measure of technical assistance is addressed to "Agglomerations of Romania and Bulgaria," chapter included in the Project no.18 of the European priorities "Fluvial Axis Rhine /Meuse-Main-Danube". The Danube Fairway must conform to international shipping standards issued by the Danube Commission.

The Danube River is an important water fairway and is also part of Trans European Corridor VII and of the TEN-T network.

The Romanian National Environment Protection Agency has received on 12th November 2008, the request for issuing the environmental agreement for the Project and notified the Ministry of Environment about a possible application of the Espoo Convention.

After receiving the official documentation of the Project, the Ministry of Environment together with the Ministry of Transport organized a Romanian –Bulgarian meeting during which both countries decided that it falls under the scope of the Espoo Convention and consequently, decided the appliance of the Convention.

The Project consists in the following sections:

- a. Section I: Iron Gate II (rkm 863) to Calarasi (Silistra in Bulgaria) (rkm 375), because previous studies have identified a number of specific navigational constraints.
- b. Section II: The harbour of Tulcea sector between (nm43) Ceatal Ismail – Braila to Ceatal Sf. Gheorghe – Sulina Channel (nm34), because navigation conditions are hampered by sedimentation of the harbor and the existing curve (R=700m) which limits navigation width;

The two sections of the Project are differentiated by the area in which the project will be implemented, the first one is located on the common sector Romanian-Bulgarian of the Danube, and the second one is in the Romanian area of the Tulcea harbour.

Mr. Mathias Sauer
Chair of Implementation Committee
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Cc: Mr. W.Schrage
Secretary to the Espoo Convention
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Activities proposed for Section I:

- Construction of engineering hydro-technical works (groins, chevrons, bottom sills, guiding walls, bank protections)
- Maintenance dredging

Activities proposed for Section II:

- Construction of hydro-technical works - groins and correspondent bank protection
- Maintenance dredging

Taking into account that these sections are interlinked aiming the same important river, there will be only one transboundary environmental impact procedure approached in a holistically manner. The EIA documentation will analyze the cumulative impact of the 2 sections, the effects of section I on section II, etc.

Parties of origin and affected parties for the project are: Romania and Bulgaria, as the project envisages work on both banks of the river (Romanian and Bulgarian bank), possibly affected being also Serbia, Ukraine and Republic of Moldova.

All neighbour riverian states have been notified, in accordance with the Espoo Convention, namely Serbia, Republic of Moldavia and Ukraine, by the Romanian Ministry of Foreign Affairs through Note Verbal nr.H2-1/3415 on 15.12.2008. This Note Verbal was accompanied by a letter signed by the Romanian minister of environment addressed to each of the other three ministries.

The notifications, written in English, were transmitted together with the project Presentation Report, to all the ministers of environment from the aforementioned states. They were informed with technical data regarding the two sections of the project which may have a possible transboundary impact. Also, it was requested to all notified states to provide information regarding the possible affected environment by the project, activities undertaken in the present in the possible affected area, including public participation requirements, in the format provided by Decision of the Espoo Parties I/IV.

Following the notification, Romania has received from Ukraine, on 13.01.2009, the intention to participate in this procedure accompanied by a request to delay their reply on the possible affected environment, which was granted.

Regarding Republic of Moldova and Serbia, we haven't yet received an official reply.

Regarding the relationship with the Republic of Bulgaria we are able to inform you on the following:

Following the meeting Romania - Bulgaria organized by the Ministry of Transport on 9 July 2008, the Romanian authorities kept a close contact with the Central Authority for Environmental Protection and Water from Republic of Bulgaria in order to apply the transboundary environmental impact assessment procedure. Bulgaria has been officially informed about this project through a letter signed by the Minister of Transport of Romania, as project owner. As a result, Bulgaria was involved in the procedure, participated in several working meetings held on both sides of the Danube in order to establish and clarify the procedural steps to be followed. The Romanian authorities for environmental protection developed the ToR for the EIA and then transmitted them to R of Bulgaria for comments and opinions and improvements. The ToR will also be sent to the other 3 countries.

From Bulgaria we have received the following information: the procedure for notification of local authorities was completed, were identified municipalities and local authorities to be informed of the ToR and which will consult the public. For this purpose, municipalities and local authorities were required to distribute information to the public.

Consultation in each of the countries participating in transboundary procedure will be done with the support and involvement of environmental authorities in those countries. In this respect we are waiting for the official answer to the notification from R of Moldova and Serbia.

For this project a sub-working group has been established as well, to monitor transport and environment projects funded by the Cohesion Fund (ex-ISPA), which had at its meeting so far, representatives of DG REGIO, DG TREN, DG Environment, Witteveen-Bos, Via Donau, ICPDR, JASPERS, Technum - Trapec - Tractebel - CNR - Sefage, Ministry of Environment, Ministry of Finance, Ministry of Environment and Water of Bulgaria, Russe AppData, the National Agency for Environmental Protection, Ministry of Transport, Administration of Lower Danube River Galati, SC Trapec SA, Romanian Waters National Administration, ICIM Bucharest, Faculty of Hydrotechnics. At this level there were clarified specific ad technical issues at local, national and international level.

Hoping that this letter offers a broad view on the Espoo procedure applied to the Danube project,

Sincerely yours,

Daniela Pineta,
Focal Point
to the Espoo Convention

