

## **MINISTRY OF ENVIRONMENT**

### **First Progress Report of Romania on the Implementation of Decision VI/8h Recommendations**

#### **General remarks**

This report presents the activities undertaken by the Ministry of Environment during 2018 until 1 October 2018, concerning the implementation of Decision VI/8h. The Advice by the Aarhus Convention Compliance Committee received by Romania in July 2018 represents a very important tool that helps Romania in its understanding of how the implementation of a decision of non-compliance must be carried on. It represents a very good support and guides our future steps in accomplishing our obligations as a Party to the Aarhus Convention.

The progress report addresses 3 important steps : step 1- regarding one session of training and raising awareness among the public authorities at central level about the existence of the decisions of non-compliance of the Aarhus Convention Compliance Committee, step 2- presents the Operational Programmes approved by Romania and by the European Commission for the period 2014-2020 after the strategic environmental assessment procedure (SEA procedure) has been undertaken, step 3- presents the draft strategic elements for a strategy that will be widely discussed at national level with all stakeholders.

Furthermore, we would like to mention that under point 2 of the current progress report we presented the strategic environmental assessment procedure (SEA procedure) for the Operational Programmes 2014-2020 in order to make visible the public participation during the entire environmental procedure. The public had the opportunity to submit comments and opinions from the beginning of the procedure immediately after notification, during the 45/60 days prior the public hearing session, as well as during the public hearing session itself.

The annexes to the progress report contain print screens of the websites of the public authorities involved in the procedure, as well as scanned documents of the public announcements that substantiate the public participation throughout the process.

#### **1. Round table**

On 10th of May 2018 a round table took place at the headquarters of the Ministry of Environment. The purpose of this meeting was to raise awareness on the Decision VI/8h approved by the 6th session of the Meeting of Parties to the Aarhus Convention, in 2017.

The presentation made by the representative of the Ministry of Environment was focused on the findings of the CC which were published on the website of the ministry, as well.

There were present 33 participants as provided in Annex 1 to the present report (translation of the list of participants).

We would like to highlight the fact that among the participants there were present as follows:

1. Stefan Emilian Gamureac – Director/Cultural Heritage Directorate in Ministry of Culture;
2. Doana Irina – counsellor in Ministry of Culture;
3. Adriana Carlan - counsellor in Ministry of Health;
4. Neamtu Andra – doctor in National Institute of Public Health;
5. Elena Gheorghe- counsellor in Ministry of Economy, Mineral Resources Directorate;
6. Ilie Mihalache – General Director in Ministry of Water and Forests;
7. Constantin Sebastian – counsellor in Ministry of Water and Forests;
8. Anca Finantu - counsellor in Ministry of Water and Forests, Water Management Directorate;
9. Constantina Ciprian – General Director in National Agency for Mineral Resources;
10. Scarlatescu Gheorghe - counsellor in National Agency for Mineral Resources;
11. Voineag Nicolae - counsellor in Ministry of Energy;
12. Galateanu Daniela - counsellor in Ministry of Energy;
13. Dumitru Ene, Victor Horumba and Diana Elena Zidaru - counsellors in Ministry of Regional Development and Public Administration;
14. Monica Patrichi – counsellor in Ministry of Transport;
15. Romeo Soare – Project coordinator in River Administration of Lower Danube;
16. Gianina Maria Litescu – deputy Director in Nuclear Agency;
17. Florescu Madalina and Felicia Dragan – counsellor in National Committee for Nuclear Activities Control.

As it can be seen above, the participants at the Round table meeting included representatives of the public authorities concerned by the compliance cases ACCC/C/2010/51 and ACCC/C/2012/69. They were interested to hear the presentations and engaged in helpful discussions at this level, between the public authorities. There was also a “brain storming” session during which possible solutions were looked for in order to comply with the provisions of the Convention.

### **Summary of the presentation of the Ministry of Environment**

The training summarized the findings of the Committee based on Decision VI/8h, Romania’s position and the arguments presented by the parties.

The presentation of the Ministry of Environment began with one very important question:

#### **WHY THIS ROUND TABLE?**

Under this question there was explained/we explained that at the last 2 MOPs ( 2014 in Maastricht and 2017 in Budva) there were adopted two decisions of noncompliance for Romania (Decision V9/j and Decision VI/8h) and steps had to be taken in order to bring Romania in compliance with the Aarhus Convention.

Further, the Ministry of Environment presented the history for each of the cases ACCC/C/2010/51 and ACCC/C/2012/69.

A complete presentation of the reasons why Romania was found in noncompliance took place, with a special focus on explaining and raising awareness of the public officials regarding the way that requests for environmental information should be dealt with.

**For case ACCC/C/2010/51:** the facts related to the Energy Strategy 2007-2013 that took place during the period 2007 – 2010, are as follows: no response from the Ministry of Energy regarding an information request as to any public debate that has taken place before the approval of the Strategy in 2007, only 11 days for public consultation of the Energy Strategy 2007-2013 (posted on the website of the Ministry of Economy and Government), no response in 2009 to the two requests of Greenpeace CEE regarding possible locations for the new nuclear power plant, the quantity of water used as cooling agent, the capacity of the proposed nuclear power plant, in 2010 the Ministry of Economy declassifies only a part of the requested information (the list of the 102 locations for the new nuclear power plant). The Ministry of Economy responds that there is no decision taken regarding the nuclear power plant.

Based on Decision VI/8h, the Ministry of Environment presented one by one, which articles were violated, respectively: art 4 para 1 in conjunction with para 2 and 7, art.4 para 1 and 4, art.7 in conjunction with art.6 para 3.

The Ministry of Environment explained that the findings of the CC are based on the text of the Convention, on the complaint submitted by the NGOs and on the positions subsequently expressed by the parties involved.

Further, the Ministry of Environment furnish to the audience the articles that have been violated, as found by the Compliance Committee:

Violation of art 4 para 1 in conjunction with para 2 and 7 is explained by the fact that the public authorities did not respond at all to 2 of the 3 information requests submitted by the public in relation to the decision making process regarding the proposed construction of a new power plant.

Violation of art 4 para 1 and 4 is explained by the fact that the public authorities did not adequately justify its refusal to disclose the requested information taking into account the public interest served by disclosure.

Violation of art.7 in conjunction with art.6 para 3 is explained by not providing sufficient time for the public to get acquainted with the draft Energy Strategy and to submit comments to it.

During its presentation the Ministry of Environment has highlighted the fact that the required information was “environmental information” according to the definition provided by the Convention and that the public authorities were obliged to provide the information to the public and were obliged as well, to justify the refusal of the requested information and to give priority to public interest when refusing to disclose environmental information.

Other issue on which the Ministry of Environment insisted was the deadline for response, which must be 1 month since the request for environmental information is received by the public authority and which can be prolonged up to 2 months.

**For case ACCC/C/2012/69:** there were presented the facts that took place in 2005 (NGO’s request to have access to the mining licenses, access denied by public authorities and by justice, as well),

in 2010 (NGO request to have access to the archeological study - access denied, NGO's request for information from National Agency of Mineral Resources ), judicial procedures and their results in 2012.

Based on Decision VI/8h, the Ministry of Environment presented, one by one which articles were violated, respectively: art 4 para 1 and 2, art.4 para 4 and 6 and 7, art.6 para 3 and 7, art.9 para 1 and 4.

The Ministry of Environment explained that the findings of the CC are based on the text of the Convention, on the complaint submitted by the NGOs and on the positions subsequently expressed by the parties involved. In the same time, the definition of "environmental information" given by the Convention is fully explained, and examples are presented to the audience.

For example, the Ministry of Environment explained among other things, as the CC mentioned in findings, that free access to examine the requested documentation is not equivalent to providing a copy and by not providing a copy of the archeological study, Romania failed to comply with art 4 para 1 letter b).

Another example explained by the Ministry of Environment concerned the archeological discharge certificate which must be understood as **an administrative measure** and in this respect **it is** "environmental information" according to the definition of the Aarhus Convention. In this regard, the archeological study, like any other EIA study, cannot be kept from public disclosure on the grounds of intellectual property law.

Furthermore, the Ministry of Environment explained to the public authorities present at the meeting that art.15 of the Governmental Decision no.878/2005 must be applied ensuring separation of non-confidential information from the confidential portion.

At the end of the presentation made by the Ministry of Environment, taking into consideration all articles Romania failed to comply with, there has been also a brainstorming session among the members of the round table, encouraging them to find ways of further implementing the principles of the Convention at national level, as well as to come up with possible solutions in order to avoid any breach of the Convention's provisions in the future.

At the end of the session, some proposals to be followed have been raised. The importance of continuing the round tables, so that all officials will be informed about the requirement of handling the environmental information requests according to the Convention and also the organization of new specialized courses, depending on available financial resources, for public officials that are involved with processing environmental information requests.

## 2. List of strategic documents subject to the environmental assessment procedures according to the Governmental Decision no.1076/2004

### a) The Energy Strategy for 2016-2030

-Currently, the title of Energy Strategy for 2016-2030 has been updated as to **“The Energy Strategy of Romania for 2018-2030, with the perspective of 2050”** because it is not finalized yet, it is not adopted and the content of the strategy must reflect at least the reality at the time of elaboration.

-The **Energy Strategy of Romania for 2018-2030, with the perspective of 2050** is currently under the strategic environmental assessment procedure, right at the beginning of this procedure, as it follows:

- The Ministry of Energy (who prepares this strategy and will adopt it, as well, by Governmental Decision) has notified the Ministry of Environment on 13th February 2017 and submits a first draft of the strategy and publishes the announcement in “Evenimentul Zilei” newspaper on 13th February 2017 (Fig. 1 Annex 2) and on 16th February 2017 (Fig. 2 Annex 2) (according to the requirements of GD no 1076/2005, article 29 para (2) ).
- The above mentioned strategy respects the provisions of art. 5, paragraph 2 of Government Decision no. 1076/2004 on environmental assessment for plans and programmes, and consequently, the Ministry of Environment, as the competent environmental authority for the environmental assessment procedure, informed Ministry of Energy about the compulsoriness of environmental assessment.
- One working group has been organized, on 24.05.2017, which established the requirement of conducting the appropriate assessment study (for Natura 2000 sites), and the conclusion of this working group will be included in the Environmental Report elaborated for this strategy. In order to finalize the strategy and the Environmental Report more sessions of the working group will take place after the counselling services regarding the preparation of the environmental documentation will be assigned.
- In order to elaborate the Environmental Report, the Ministry of Energy must organize an auction for the procurement of counselling services regarding the preparation of the environmental documentation necessary for the environmental assessment procedure.
- The procurement procedure is a lengthy procedure, so during May 2017- September 2017 no other sessions of the working group could be organized because the person offering the counselling services was not yet assigned.
- In august 2018, the Ministry of Energy has submitted to the Ministry of Environment an improved version of the draft strategy which, after examination, has major modifications regarding its format and its content compared to the version submitted on March 2017 and on 31.08.2018 the strategy was posted on the Ministry of Environment’s website (Fig. 3 Annex 2).

Also, the Ministry of Environment was informed that the counselling services contract has been assigned to a legal person entitled to elaborate the environmental documentation.

- According to the provisions of Government Decision no. 1076/2004, after finalizing the Environmental Report, the Developer will announce in mass-media and on its own website, the availability of the draft strategy, the finalization of the Environmental Report, venue and time of the consultations, the fact that the public can submit written comments and proposals, as well as the organization of a public debate for the draft strategy and for the Environmental Report;

**Energy Strategy of Romania for 2018-2030, with the perspective of 2050** which has been submitted to the Ministry of Environment for the strategic environmental assessment procedure does not provide for new nuclear power plants projects.

The strategy can be consulted on the Ministry of Environment website through the following link:

<http://www.mmediu.ro/articol/strategia-energetica-a-romaniei-2016-2030-cu-perspectiva-anului-2050/2143>

Information regarding the Energy Strategy can be accessed as well on the Ministry of Energy website at the following link:

<http://energie.gov.ro/strategia-energetica-nationala/>

Print screen of both websites are presented in Annex 2 to the present report.

The following comments were received from the public:

- Mr. Iulian IONESCU, Ecopolitic Magazine editor, has requested information regarding the state of the SEA procedure on 19.09.2017 (The submission was received through the Communication, Transparency and IT Direction and the reply was sent through the Letter no. 96716/DM/02.10.2017 )

The environmental assessment procedure is currently under development, new sessions of the working group will take place in order to finalize the strategy, to analyze the environmental report and to take into consideration comments and proposals of the public and authorities.

At this stage of the procedure we would like to highlight the following aspect:

- The announcements were published on “Evenimentul Zilei” newspaper on 13th February 2017 and on 16th February 2017 (according to the requirements of GD no 1076/2005, article 29 para (2), which states the possibility of submitting written comments and suggestions within 15 calendar days since the last announcement) – a much later request for information was received from Mr. Iulian IONESCU, Ecopolitic Magazine editor, at which the Ministry of Environment responded within 1 month.

## **NOTE**

For the Energy Strategy of Romania for 2007-2020 we would like to make the following specifications:

In 2009 the Government of Romania approved Memorandum no.5/2770/09.04.2009 which foresaw the need to update the above mentioned Energy Strategy and to apply the strategic environmental procedure (SEA procedure) ex-ante, before the adoption of the modified strategy. The SEA procedure began on 20.11.2009 (date of notification of the Ministry of Environment by the Ministry of Economy) and lasted until the end of 2012 when the Ministry of Environment issued the final decision which is the Environmental Approval no.10938/10.12.2012.

The elaboration of the revised document was a time consuming process that lasted circa 2 years because it involved the consultation of many stakeholders, from research institutes to public authorities, whose input was analyzed and taken into account within the revised document. The content of the Energy Strategy was updated and also its name reflected the state of play: “The Energy Strategy of Romania 2007-2020, updated for 2011-2020”.

The updated document proposed lower electricity consumption as well as a higher contribution of renewable sources, which created the premises for a reduction of the energy sector in the overall environmental pressure. The revised strategy no longer proposed the construction of a new nuclear power plant.

During the SEA procedure a public hearing took place on 10.10.2012, 45 days had been allocated to the public for getting acquainted with the revised energy strategy, and the public comments have been taken into account in the Environmental Approval no. 10938/10.12.2012. This act issued by the Ministry of Environment took into consideration many comments and recommendations of NGOs, especially those associated with the interdiction of micro hydroelectric plants construction within Natura 2000 sites which were designated for the protection of habitats or species like fish, otter and crab likely to be affected by such construction.

We would also want to bring to the attention of the Compliance Committee the fact that the 11 days allocated for public comments by the Ministry of Economy took place before the SEA procedure was started by the Ministry of Environment and were not part of the SEA process. Within the SEA process all public participation deadlines provided by the GD no.1076/2004 were observed.

## **b) The Operational Programmes for 2014-2020**

The operational programmes for 2014-2020 which were subject to environmental assessment and also to public participation are as follows:

### **(i) The Large Infrastructure Operational Programme (LIOP)**

- The Ministry of European Funds (MEF), as responsible for implementing LIOP, has submitted to the Ministry of Environment, on 28th of January 2014, the notification regarding the elaboration of the first version of LIOP and published on its website the announcement about the availability of the first version of LIOP (also published in “Romania Libera” newspaper, on 28.01.2014 (Fig. 1 Annex 3) and 31.01.2014 (Fig. 2 Annex 3);
- The LIOP respects the provisions of art. 5, paragraph 2 of Government Decision no. 1076/2004 on environmental assessment for plans and programmes, and consequently, the Ministry of Environment, as the competent environmental authority for the environmental assessment procedure, informed MEF about the compulsoriness of environmental assessment

- For the scoping phase, Ministry of Environment has identified the public authorities which, according to the specific attributions and responsibilities in environmental protection, are interested by the effects of implementing the mentioned strategy and informed MEF, along with the obligation of preparing the meeting of the Working Group for Environment Assessment, as specified under art. 14, paragraph 3 from Government Decision no.1076/2004.
- There have been four meetings of the Working Group for LIOP, three of them between March – November 2014 and one in June 2015. In the Working Group were involved: Ministry of European Funds, Ministry of Environment, Ministry of Health, Ministry of Waters and Forests, National Agency of Natural Protected Areas, Ministry of Regional Development and Public Administration, Ministry of Education and Scientific Research, Ministry of Agriculture and Rural Development, Ministry of Transport, Ministry of Internal Affairs, Ministry of Culture. During the SEA procedure, comments, opinions and suggestions received from both the Working Group and concerned public were taken into consideration in the elaboration of LIOP 2014-2020 and the Environmental Report. The expressed proposals were integrated in the final version of LIOP 2014-2020. The comments and opinions expressed during the debates led to important modifications of LIOP, modifications which also respond to the NGOs comments, from which we mention:
  - The final version of LIOP must contain priority financing for measures regarding green infrastructures and where proven to be insufficient, structural measures to be promoted;
  - The final version of LIOP does not provide for funding construction and modernization of micro- hydro- power-plants.
- The Appropriate Assessment Study was posted on Ministry of Environment’s website on 04.11.2014 (Fig. 3 Annex 3).
- The public debate/public hearing announcement was published on 28.11.2014, respectively on 02.12.2014, both in mass-media and on the websites of MEF and MEWF (Ministry of Environment, Waters and Forests) on 28.11.2014 ( Fig. 4 Annex 3);
- At the public debate for LIOP (Environmental Report and SEA) took part representatives of concerned public and authorities in the effects of implementing LIOP. Comments and suggestions for the improvement of the Environmental Report were submitted during the public debate/public hearing (Address no. 6/15.01.2015) by the WWF Danube-Carpathian Programme (WWF-DCPO) and the Romanian Ornithological Society. The same comments and opinions were transmitted by the Federation of the Natura 2000 Coalition Romania (Address no. 30/15.01.2015). During the debate/hearing, there were presented the Environmental Report and the Appropriate Assessment conclusions and the public was punctually responded to comments. Written format of the answers were submitted, as well, after the public hearing was finalized. The major part of observations were included in the Environmental Report.
- The observations and suggestions received from the NGOs (WWF Danube-Carpathian Programme, Romanian Ornithological Society) identified biodiversity as the principal component which might be negatively significantly affected by the implementation of the

LIOP projects. Therefore, detailed cumulative effects of associate projects were requested, such as for the projects „Improvement of navigation conditions on Danube”, „Protection and rehabilitation of the coastal area”. Furthermore, structural measures for the reduction of the effects and damages caused by climatic changes, inclusion of maps in the Environmental Report for overlapping the projects with the natural protected areas, detailing some of the proposed measures to reduce potential negative impacts and biodiversity monitoring indicators were requested. All comments and proposals were included in the final version of the Environmental Report.

- The Strategic Impact Assessment procedure was completed with the Decision of issuance of the Environmental Approval and the issuance of the Environmental Approval no.3/20.08.2015 (Fig. 5).

The programme can be consulted on the Ministry of Environment website through the following link:

<http://www.mmediu.ro/categorie/evaluare-de-mediu-pentru-strategii-planuri-programe/60>

The programme can be consulted on the Ministry of European Funds website through the following link:

<http://www.fonduri-ue.ro/LIOP-2014>

Print screen of both websites are presented in Annex 3 to the present report.

We would like to highlight the following aspects:

- Ministry of Environment did respect the provisions of the environmental legislation and informed the public at every stage of the strategic environmental assessment. The procedure was done in a timely manner, as required by Government Decision No.1076/2004, early, from the beginning of the plan. Moreover, the draft programme and the environmental report were subject to public hearing. Before the public hearing, the public was once again informed by public announcements and had access to the documentation at least 45 days in advance.
- The first version of LIOP was posted on the Ministry of European Funds website along with the newspaper public notices on 28.01.2014 and on 31.01.2014, so the public had enough time to get acquainted with the content of LIOP.
- The Appropriate Assessment study for Natura 2000 sites was also posted on the Ministry of Environment web site for public consultation on 04.11.2014;
- The public had 50 days for getting acquainted and analyze the Environmental Report, the LIOP, and Appropriate Assessment study ( even more for this study) before the public hearing/public debate (date of the public announcement is 28.11.2014 and the date of the public hearing is 19.01.2015).
- The comments and observations received during the procedure and the public hearing were included in the Environmental Report;

- A transboundary procedure for LIOP was not conducted because all projects that could have a transboundary adverse impact on the environment belonged to the transport sector; the transport projects were previously evaluated within GTMP for which a transboundary environmental assessment procedure was carried on. A duplication of the assessment and of the procedure was not needed.

**(ii) The General Transport Master Plan (GTMP)**

- The Ministry of Transport, as the Developer of the GTMP, has submitted to the Ministry of Environment, on 05.10.2012 the notification regarding the first version of the GTMP and informed the public about the initiation of the process for the elaboration of the plan and its first version, by publishing in the "Adevarul" newspaper two public notices on 23.10.2012 (Fig. 1 Annex 4) and on 29.10.2012 (Fig. 2 Annex 4) and on its own website on 23.10.2012 (Fig. 3 Annex 4) and on 30.10.2012 (Fig. 4 Annex 4);
- The Ministry of Environment published on its website the first version of the General Transport Master Plan on 07.11.2012 (Fig. 5 Annex 4), after the submission of the notification received from Ministry of Transport;
- The General Transport Master Plan falls under the provisions of art. 5 paragraph 2 of Government Decision 1076/2004 on environmental assessment for plans and programmes and consequently the Ministry of Environment, as the environmental competent authority for the environment assessment procedure, informed the Developer that the environmental assessment is compulsory and identified the public authorities which were interested by the effects of implementing GTMP, whereof he informed the Developer, along with the requirement of establishing the Working Group as provided by art. 14, paragraph 3 of Government Decision no. 1076/2004. The Working Group was constituted of: Ministry of Transport (the Developer), AECOM Ingenieria SRL (consultant), Ministry of Environment, Ministry of Health, Ministry of Education and Scientific Research, Ministry of Regional Development and Public Administration, Ministry of Internal Affairs, Ministry of Agriculture and Rural Development, Ministry of Culture etc.;
- During the SEA procedure, six meetings of the Working Group took place (08.10.2013, 13.12.2013, 07.02.2014, 21.03.2014, 29.04.2014, 03.11.2014) in order to finalize GTMP and the Environmental Report. The initial version of GTMP was analyzed, debated and perfected during the Working Group meetings, the Environmental Report chapters were presented and analyzed and the final version of the Environmental Report included the observations and comments of the members of the Working Group;
- On 21.10.2014, Ministry of Environment displayed on its website the Appropriate Assessment study for the General Transport Master Plan for public consultation and the comments were received until the date of the public hearing (Fig. 6 Annex 4) – date which was established after the publishing of the Appropriate Assessment study.
- In November 2014, Ministry of Transport along with Ministry of Environment initiated the procedure of the environmental impact assessment in the transboundary context, by notifying the following states: Bulgaria, Serbia, Ukraine and Hungary. In the deadline provided for response, only Bulgaria and Hungary responded, mentioning their participation in the transboundary consultation. Ukraine did not respond, while Serbia

requested information about General Transport Master Plan and the Environmental Report. In the course of consultations, Bulgaria sent comments/recommendations about the Environmental Report, which were included in the Environmental Report as following: in chapter 3, *table no.3.1. Relation between General Transport Master Plan and other plans and programmes*; in chapter 10, *table no. 10.1. Water component*;

- The results of the transboundary consultations were taken into consideration in the Environmental Report, as well as in the issued Environmental Approval;
- On 10.11.2014, Ministry of Environment displays on its website, for public consultation, the final version of General Transport Master Plan (Fig. 7 Annex 4), the Environmental Report, the General Transport Master Plan annexes, annex no. 4 - GES emissions, and the Non-Technical Summary of the General Transport Master Plan. At the same time, the public hearing was programmed for 12.01.2015, hearing which was open to the possibly affected states as well – Bulgaria, Serbia, Hungary and Ukraine.
- After the Appropriate Assessment display on the website and before the date of the public hearing, the public submitted comments and proposals which brought changes to the Appropriate Assessment study; the public hearing announcement was published in „Romania Libera” newspaper on 11.11.2014 (Fig.8 Annex 4).
- On 16.12.2014, Ministry of Environment displays on its website the revised version of the Appropriate Assessment study, containing the completions and its annexes (Fig. 9 Annex 4);
- On 09.01.2015, Ministry of Environment displays on its website the information about transboundary consultations and publishes the response of Bulgaria and Hungary, the two states which replied within the deadline provided in the notification (Fig. 10 Annex 4);
- On 12.01.2015 the public hearing takes place, with participants from Ministry of Environment, Ministry of Transport, Ministry of European Funds, AECOM (the Consultant), mass-media (Mediafax, Radio Romania), NGOs (WWF, Natura 2000 Coalition, EU Concept R&D, Association for Metropolitan Mobility), CFR SA, AFER, Search Corporation. During the procedure, comments and observations were submitted from EU Concept R&D, AGIR, WWF and Natura 2000 Coalition. Comments were sustained during the public hearing by EU Concept R&D, AFER, WWf, Natura 2000 Coalition and Association for Metropolitan Mobility;
- On 20.01.2015 Ministry of Environment displays on its website the Executive Summary of GTMP in both English and Romanian (Fig. 11 Annex.4);
- On 23.01 and 26.01.2015 Ministry of Environment posts the response of Romania to the comments and proposals of Bulgaria and Hungary (Fig. 12 Annex 4);
- On 10.02.2015, Ministry of Environment published on its website the following documents, as a result of the public hearing held on 12.01.2015: comments received from the Ministry of Transport, EU Concept R&D, WWF, AGIR, completions to the Environmental Report, the table containing public observations (Fig. 13 Annex 4);

The following comments and observations received during the procedure and the public hearings were included in the Environmental Report:

- Chapter 6, page 269 regarding Appropriate Assessment conclusions;

- Chapter 10, page 276 and page 284, in table 10.1 regarding reformulation of Natura 2000 monitoring indicators;
  - Chapter 12 regarding the Non-Technical Summary page 20, page 297 regarding transboundary effects;
  - The Conclusions chapter at page 348.
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- On 04.05.2015 the final documents were published on the Ministry of Environment website, with the modifications after the public hearing: the reviewed Environmental Report, the reviewed General Transport Master Plan, the annexes, the Non-Technical Summary, the reviewed Appropriate Assessment etc. (Fig. 14 Annex 4);
  - On 28.07.2015, there were posted on the Ministry of Environment website the annex to the General Transport Master Plan containing the list of the final projects (Fig. 15 Annex 4), the response received from Serbia after the expiry date of receiving comments mentioned in the notification, the response of Bulgaria about GTMP, the Environmental Report, the Appropriate Assessment study and the Non-Technical Summary and the Romanian response regarding Serbia (Fig. 16 Annex 4);
  - On 31.07.2015, on the website of Ministry of Environment the correspondence with Bulgaria is displayed in the context of transboundary consultations (Fig. 17 Annex 4);
  - The Strategic Impact Assessment procedure was completed with the Decision of issuance of the Environmental Approval and the issuance of the Environmental Approval no. 33 from 11.12.2015 (Fig. 18 Annex 4);

The programme can be consulted on the Ministry of Environment website through the following link:

<http://www.mmediu.ro/categorie/evaluare-de-mediu-pentru-strategii-planuri-programe/60>

The programme can be consulted on the Ministry of Transport website through the following link:

<http://www.mt.gov.ro/web14/strategia-in-transporturi/master-plan-general-transport/documente-master-plan1/613-documente-master-plan-general-de-transport>

Print screen of both websites are presented in Annex 4 to the present report.

We would like to highlight the following aspects:

- Ministry of Environment did respect the provisions of the environmental legislation and informed the public at every stage of the strategic environmental assessment. The procedure was done in a timely manner, as required by Government Decision No.1076/2004, early, from the beginning of the plan. Moreover, the draft programme and the environmental report were subject to public hearing.
- The first version of GTMP was posted on the Ministry of Transport website on 23.10.2012 and on 30.10.2012 along with the newspaper public notices on 23.10.2012 and on 29.10.2012, so the public had enough time to get acquainted with the content of GTMP.

- The public had 62 days until the date of the public hearing for getting acquainted and analyzing the Environmental Report, the GTMP, before the public hearing/public debate (date of the public announcement is 10.11.2014 and the date of the public hearing is 12.01.2015).
- During the transboundary procedure, the developer and the Ministry of Environment took into consideration the feedback/comments received from Serbia even if the Serbian answer to the notification was submitted after the deadline.

**(iii) The Regional Operational Programme (ROP)**

- Ministry of Regional Development and Public Administration (MRDPA), as the Developer of the programme, has submitted to the Ministry of Environment the notification regarding the first version of the RGP and informed the public about the initiation of the process for the elaboration of the programme and its first version, by publishing in the "Romania Libera" newspaper two public notices on 18.02.2014 (Fig. 1 Annex 5) and 21.02.2014 (Fig. 2 Annex 5) and by posting it at the headquarters of MRDPA (Fig. 3 Annex 5);
- The Regional Operational Programme 2014-2020 falls under the provisions of art. 5 paragraph 2 of Government Decision 1076/2004 on environmental assessment for plans and programmes, and consequently the Ministry of Environment, as the environmental competent authority for the environment assessment procedure, informed the Developer that the environmental assessment procedure is compulsory and identified the public authorities which were interested by the effects of implementing ROP, whereof informed the Developer, along with the requirement of establishing the Working Group as provided by art. 14, paragraph 3 of Government Decision no. 1076/2004. The Working Group was constituted of: Ministry of Regional Development and Public Administration (the Developer), Ministry of Health, Ministry of Energy, Ministry of Agriculture and Rural Development, Ministry of Transport, Ministry of Internal Affairs - The General Inspectorate for Emergency Situations, Ministry of Culture, Ministry of Environment and Climate Changes – the Department for Waters, Forests and Fish Farming, National Administration "Romanian Waters";
- During the SEA procedure, five meetings of the Working Group took place (04.04.2014, 23.05.2014, 27.06.2014, 20.08.2014, 09.10.2014) to finalize the ROP and the Environmental Report. The initial version of ROP was analyzed, debated and perfected during the Working Group meetings, the Environmental Report chapters were presented and analyzed and the final version of the Environmental Report included the observations and comments of the members of the Working Group;
- Significant observations and comments on the Environmental Report referred to: the structure of the Environmental Report, possible effects of ROP on the environment, ROP environmental relevant objectives, ROP environmental assessment results comprised in the Environmental Report, classification of the proposed actions pointed on priority axes, reanalyzing the proposed actions, specifically those referring to identified priority axes possibly causing negative effects on the environment, defining and clarifying environmental indicators, accurately settling the measurement units, identifying the public authorities which can provide data, data gathering and the possibility of data validation, the

importance of several indicators for the programme and for the environment, analyzing possible effects of ROP in the transboundary context.

- With regard to transboundary effects, considering the strategic orientation of the programme, the Environmental Report did not identify any potential direct negative transboundary effect on the environment. On the contrary, after the implementation of ROP there is to be expected a positive impact on environment in the frontier regions, as a consequence of pollution reduction and improvement of individual environmental components;
- The Developer has informed the public on the availability of the draft programme, the finalization of the Environmental Report, venue and time of the consultations, the fact that the public can submit written comments and proposals, as well as the organization of a public debate on 09.10.2014 for the draft programme and for the Environmental Report, by repeatedly publishing in mass-media ("Romania Libera" newspaper, on 22.08.2014 (Fig. 4 Annex 5) and 25.08.2014 ( Fig. 5 Annex 5) and at its headquarters (Fig. 6 Annex 5);
- During the procedure, the Developer organized several meetings with the concerned public/institutions/bodies; the expressed suggestions and observations during the procedure and regarding its content were included in the programme;
- The Decision issuing the Environmental Approval ROP 2014-2020 was displayed on the Ministry of Environment website and by the developer in mass-media ("Romania Libera" newspaper, on 03.09.2015 ( Fig. 7 Annex 5) and on Ministry of Environment's website (Fig. 8 Annex 5);

The programme can be consulted on the Ministry of Environment website through the following link:

<http://www.mmediu.ro/categorie/evaluare-de-mediu-pentru-strategii-planuri-programe/60>

The programme can be consulted on the Inforegio Website (Ministry of Regional Development and Public Administration) website through the following link:

<http://www.inforegio.ro/ro/por-2014-2020.html>

Print screen of both websites are presented in Annex 5 to the present report.

We would like to highlight the following aspects:

- Ministry of Environment did respect the provisions of the environmental legislation and informed the public at every stage of the strategic environmental assessment. The procedure was done in a timely manner, as required by Government Decision No.1076/2004, early, from the beginning of the plan. Moreover, the draft programme and the environmental report were subject to public hearing.
- The first version of ROP was posted at the MRDPA headquarters along with the newspaper public notices on 18.02.2014 and on 21.02.2014, so the public had enough time to get acquainted with the content of ROP.

- The public had 45 days for getting acquainted and analyze the Environmental Report, the ROP, before the public hearing/public debate (date of the last public announcement is 25.08.2014 and the date of the public hearing is 09.10.2014).
- During the procedure, the developer maintained a strong connection with the stakeholders and took into consideration their comments, proposals and observations which were included in the ROP.

**(iv) The National Rural Development Programme for the 2014-2020 (NRDP)**

- Ministry of Agriculture and Rural Development (MARD), as the Developer of NRDP, has submitted to the Ministry of Environment, on 12.03.2014 the notification regarding the elaboration of the first version of NRDP. The public notice of the SEA procedure was published in “Romania Libera” newspaper on 14.03.2014 (Fig. 1 Annex 6) and 17.03.2014 (Fig. 2 Annex 6) and posted on the MARD website on 13.03.2014 (Fig. 3 Annex 6);
- The NRDP for 2014-2020 falls under the provisions of art. 5 paragraph 2 of Government Decision 1076/2004 on environmental assessment for plans and programmes, and consequently the Ministry of Environment, as the environmental competent authority for the environment assessment procedure, informed the Developer that the environmental assessment procedure is compulsory and identified the public authorities which were interested by the effects of implementing NRDP, whereof informed the Developer, along with the requirement of establishing the Working Group as provided by art. 14, paragraph 3 of Government Decision no. 1076/2004.
- The Working Group was composed of representatives of the Developer, representatives of environmental and health competent authorities and other concerned authorities by the effects of implementing NRDP: Ministry of Health – National Institute for Public Health, Ministry of Regional Development and Public Administration, Ministry of Economy, Ministry of Transport, Ministry of Internal Affairs – General Inspectorate for Emergency Situations, Ministry of Culture, Ministry of European Funds, Ministry of Environment, Ministry of Waters and Forests - the Department for Waters, Forests and Fish Farming, National Administration ”Romanian Waters” and Ministry of Agriculture and Rural Development.
- The public debate announcement was published on 15.08.2014 (Fig. 4 Annex 6), respectively on 18.08.2014 (Fig. 5 Annex 6) in ”Romania Libera” newspaper by the Management Authority for the NRDP and on the MARD website on 14.08.2014;
- On the website of Ministry of Environment there were published the Environmental Report and the final alternative for the NRDP to be consulted, the time and venue for consultation, as well as the date of the public debate and the fact that public can submit written comments and proposals, within 45 days deadline (Fig. 6 Annex 6);
- At the public debate, which took place on 02.10.2014, in Bucharest, at the headquarters of MARD, were involved: the concerned public, representatives of the public institutions which were part of the working group for SEA NRDP 2014-2020, representatives of the consultant Consortium formed by SC SCZ Consulting SRL, T33 SRL and Iris SRL;
- During the public debate, representatives of the concerned public, one of them being the NGO ADEPT Foundation, requested a supplementary analysis for Measure no. 10 Agro

environment and Climate which stated that it should content a summary presentation of each submeasure and its score, from the perspective of the request of each package of measures. MARD transmitted to ADEPT Foundation this analysis, specifying the link where the sheet indicators can be visualized, as predefined by the European Commission. Considering the requested above, the proposed indicators in the framework of monitoring programme of effects on environment, mentioned in the Environmental Report, were modified by correlating them with those included in the sheets afferent to Measure no. 10 – on Agro environment and Climate. The modified indicators were:”The area of the high natural valued-areas (meadows)/the state of conservation of agricultural habitats (meadows); the agricultural areas on which ecological agriculture is practiced; the indexes of the bird population specific to the agricultural terrains.”

- The Environmental Report was prepared with the support of the experts of the consultant in the framework of the five meetings of the Working Group constituted for NRDP 2014-2020, meetings which took place between April-December 2014 (03.04.2014, 23.05.2014, 26.06.2014, 11.09.2014, 27.11.2014).
- The representatives of public institutions from the Working Group had the opportunity to express views at every meeting. They formulated comments concerning the Environmental Report which were taken into account and integrated in the final Environmental Report.
- The most significant comments referring to the Environmental Report referred to:
  - The monitoring programme of NRDP on effects on environment;
  - The effects of implementing the previous Programme on environmental factors.
- Referring to the transboundary effects and considering the strategical orientation of the programme, the Environmental Report did not identify any potential adverse transboundary impact on the environment. On the contrary, after the implementation of NRDP there is to be expected a positive impact on environment in the frontier regions, as a consequence of pollution reduction and improvement of individual environmental components.
- The public notice concerning the Decision of issuance of Environmental Approval was published in ”Romania Libera” newspaper, on 19.05.2015 and on the Ministry of Environment website;
- The Strategic Impact Assessment procedure was completed with the Decision of issuance of the Environmental Approval and the issuance of the Environmental Approval no. 29 from 18.05.2015 (Fig. 7 Annex 6).

The programme can be consulted on the Ministry of Environment website through the following link:

<http://www.mmediu.ro/categorie/evaluare-de-mediu-pentru-strategii-planuri-programe/60>

The programme can be consulted on the Ministry of Agriculture and Rural Development website through the following link:

<http://madr.ro/pndr-2014-2020/implementare-pndr-2014-2020/documente-aprobate.html>

Print screen of both websites are presented in Annex 6 to the present report.

We would like to highlight the following aspects:

- Ministry of Environment did respect the provisions of the environmental legislation and informed the public at every stage of the strategic environmental assessment. The procedure was done in a timely manner, as required by Government Decision No.1076/2004, early, from the beginning of the plan. Moreover, the draft programme and the environmental report were subject to public hearing.
- The first version of NRDP was posted on the MARD website on 13.03.2014 along with the newspaper public notices on 14.03.2014 and on 17.03.2014, so the public had enough time to get acquainted with the content of NRDP.
- The public had 45 days for getting acquainted and analyze the Environmental Report, the NRDP, before the public hearing/public debate (date of the last public announcement was 18.08.2014 and the date of the public hearing was 02.10.2014).

**(v) The Fisheries and Maritime Affairs Operational Programme (FMAOP)**

- Ministry of Agriculture and Rural Development (MARD), as the Developer of the programme, has submitted to the Ministry of Environment, on 20.02.2015, the notification regarding the drafting of the first version of the FMAOP. This version was made available to the public on the website of the Ministry of Environment, on 09.03.2015 (Fig. 1 Annex 7).
- The MARD published an announcement regarding the initiation of the SEA procedure in the on-line version of “Romania Libera” newspaper, on 09.02.2015 (Fig. 2 Annex 7).
- The FMAOP falls under the provisions of art. 5, par. 2 of GD nr. 1076/2004 on environmental assessment for plans and programmes and consequently the Ministry of Environment, as the environmental competent authority, has informed the Developer that the environmental assessment is compulsory and identified the public authorities concerned of the effects of the implementation of the FMAOP. Also, the Developer was informed of the requirement of organizing the working group, according to art. 14, par. 3 of GD no. 1076/2004. The working group was composed of: The Ministry of Agriculture and Rural Development (the developer of the programme), DG DSCSP, Ministry of Health-Public Health National Institute, Ministry of Regional Development and Public Administration, Ministry of Internal Affairs, Ministry of European Funds, Ministry of Transport, *Ministry of Education, Research and Youth*, Ministry of Energy, Small and Medium Enterprises and Business Environment, National Administration „Romanian Waters”, Romanian Naval Authority, National Institute for Marine Research and Development ”Grigore Antipa”, Research Institute – Development for Aquatic Ecology, Fishery and Aquaculture.
- During the SEA procedure, 3 working groups took place (29.04.2015, 26.05.2015, 09.09.2015) and a last meeting on 14.10.2015 with the aim of finalising the FMAOP and the environmental assessment. The initial version of the programme was analysed, debated and improved during the working groups and the final version of the environmental assessment included the remarks and the comments of the members of the working group.

- The announcement of the public hearing was published on the website of the Ministry of Environment on 21.09.2015 (Fig. 3 Annex 7), along with making available the FMAOP, the environmental assessment report, the place and time of their consultation, plus the date for the public debate meeting settled for 05.11.2015. The public was informed of the possibility of submitting written comments and proposals to the central authorities for environmental protection, within a deadline of 45 days; the members of the public did not submit or make any comments regarding the environmental assessment report and agreed upon the content of the programme.
- On 08.12.2015 (Fig. 4 Annex 7), there were published the comments and remarks of the public on the website of the Ministry of Environment, along with how these comments and remarks contributed to the modification of the environmental assessment report.
- On 23.12.2015 (Fig. 5 Annex 7) there was published on the website of the Ministry of Environment the Environmental Approval for the FMAOP.

The programme can be consulted on the Ministry of Environment website through the following link:

<http://www.mmediu.ro/articol/programul-operational-pentru-pescuit-si-afaceri-maritime-2014-2020/477>

The programme can be consulted on the Ministry of Agriculture and Rural Development website through the following link:

<http://www.madr.ro/programul-operational-pentru-pescuit-si-afaceri-maritime-2014-2020.html>

*and on*

<http://ampeste.ro/pop-2007-2013/achizitii-publice-pop/author/41-mihaighita.html?start=130>

Print screen of both websites are presented in Annex 7 to the present report.

We would like to highlight the following aspects:

- Ministry of Environment did respect the provisions of the environmental legislation and informed the public at every stage of the strategic environmental assessment. The procedure was done in a timely manner, as required by Government Decision No.1076/2004, early, from the beginning of the plan. Moreover, the draft programme and the environmental report were subject to public hearing.
- The first version of FMAOP was posted on the Ministry of Environment website on 09.03.2015 along with the newspaper public notices on 09.02.2015, so the public had enough time to get acquainted with the content of FMAOP.
- The public had 45 days for getting acquainted and analyze the Environmental Report, the FMAOP, before the public hearing/public debate (date of the public announcement was 21.09.2015 and the date of the public hearing was 05.11.2015).

**(vi) The National Strategy on Climate Change and growth based on low-carbon economy for the period 2016 – 2020 and the National Action Plan on Climate Change 2016-2020 (the NSCC Strategy and the NAPCC)**

- The Developer of the NSCC Strategy and of the NAPCC 2016-2020 has announced in "National" newspaper on 22.05.2015 (Fig. 1 Annex 8) and on 25.05.2015 (Fig. 2 Annex 8) the elaboration of the first version of the NSCC Strategy and NAPCC, according to the provisions of Government Decision no. 1076/2004 on environmental assessment for plans and programmes. During the procedure there were submitted 3 versions of the NSCC Strategy and two versions of the NAPCC 2016-2020, as mentioned below.
- On 21.05.2015 (Fig. 3 Annex 8), the first version of NSCC Strategy was posted on Ministry of Environment, Waters and Forests website.
- On 15.06. 2015 an improved version of the NSCC Strategy was posted on the Ministry of Environment, Waters and Forest's website (the second version) (Fig. 4 Annex 8).
- The NSCC Strategy and of the NAPCC 2016-2020 were analyzed and discussed within the working group which was organized according to art. 14, par. 3 of GD no. 1076/2004. The working group was composed of Ministry of Environment, Waters and Forests – Climate Change Department (the Developer), Ministry of Energy, Ministry of Health – the National Public Health Institute, Ministry of Regional Development and Public Administration, Ministry of Environment, Waters and Forests, National Administration „Romanian Waters", Ministry of Agriculture and Rural Development, Ministry of European Funds, Ministry of Transport, Ministry of Internal Affairs – General Inspectorate for Emergency Situations, the National Institute of Meteorology, Hydrology and Water Management, Ministry of Culture, the Ministry for Education and Scientific Research, Ministry for Economy, Trade and Business Environment.
- The Working Group meetings took place between 26.06.2015-18.09.2015. The public institutions representatives in the working group had the opportunity to express views at every meeting, made comments on the NSCC Strategy and on NAPCC 2016-2020. They also made observations on the Environmental Report which was realized with support from the World Bank's experts.
- During the Working Group meetings, the most significant discussions were focused on: the structure of the environmental report as provided by the GD no.1076/2004, the environmental assessment methodology of the NSCC strategy and on the monitoring indicators proposed for supervising the effects of implementing the proposed measures for NSCC and NAPCC.
- On 14.07.2015, the first version of the NAPCC was posted on the Ministry of Environment, Waters and Forest's website (Fig. 5 Annex 8).
- On 20.08.2015, as a result of the sessions of the working group, there were posted on the Ministry of Environment, Waters and Forest's website the third version of the NSCC Strategy (Fig. 6 Annex 8) as well as the second version of the NAPCC (Fig. 7 Annex 8).
- On 21.08.2015, the Environmental Report was posted (Fig. 8 Annex 8) on Ministry of Environment, Waters and Forest's website.

- As a result of the last meeting of the working group, on 24.09.2015 there were posted on Ministry of Environment, Waters and Forest's website the updated version of the NSCC Strategy (Fig. 9 Annex 8) and its Environmental Report (Fig. 10 Annex 8), along with the NAPCC (Fig. 11 Annex 8).
- The Developer published in „Ziarul National” newspaper on 25.09.2015 (Fig. 12 Annex 8) and 28.09.2015 (Fig. 13 Annex 8) the announcement regarding the availability of the updated NSCC, including the Environmental Report, the NAPCC 2016-2020 and the organization of the public debate on 12.11.2015 at the headquarters of the Technical University of Civil Engineering of Bucharest.
- Before and during the public debate/public hearing, comments from CIROM (cement association) were submitted, to which the Developer answered as follows:
  - In the ”Waste” chapter of the NSCC, CIROM proposed to introduce a new strategic objective, by including the waste co-processing in cement factories; the developer considered this impractical because the strategy is not specifically focused on waste management;
  - Moreover, CIROM requested that some terms within the “Waste” chapter should be revised. After consulting with the experts from the Ministry of Environment, those terms were modified in the NSCC and in the NAPCC;
  - In the ”Transport” chapter of the NSCC, CIROM proposed to introduce as a strategic objective the usage of concrete cloth for road infrastructure; the developer considered this impractical because this measure specifically focuses on the transport sector. However, this was included as a best practice measure in the NSCC strategy;
  - The Natura 2000 Coalition (NGO) requested that in the NAPCC, at the “Silviculture” section, objective no. 3 “Reducing the risk of the climate changes for forests and through forests” must be fulfilled only by investments on non-structural measures; this proposal was integrated in NAPCC.
  - Carbon Expert (Consulting group) proposed the inclusion of a new paragraph in the NSCC strategy: “Reductions and savings of the gas emissions proposed in the waste recycling projects can be equaled with voluntary carbon credits and certificates issued by standard organizations, internationally recognized (including by the UNFCCC and Romania)”. The developer considered this measure as a very significant one, but considered that further studies are needed to substantiate this proposal.
- On 04.12.2015, after the public debate took place, the final documents were posted on the Ministry of Environment, Waters and Forests website (Fig. 14 Annex 8): the *National Strategy on Climate Change* and growth based on low-carbon economy for the period 2016 – 2020, the Environmental Report and the National Action Plan on Climate Change 2016-2020 (Fig. 15 Annex 8).
- On 07.12.2015 the Decision issuing the Environmental Approval was published on the Ministry of Environment's website (Fig. 16 Annex 8).

The strategy can be consulted on the Ministry of Environment website through the following link:

<http://www.mmediu.ro/categories/view/evaluare-de-mediu-pentru-strategii-planuri-programe/60/page:4>

Print screen of both websites are presented in Annex 8 to the present report.

We would like to highlight the following aspects:

- Ministry of Environment did respect the provisions of the environmental legislation and informed the public at every stage of the strategic environmental assessment. The procedure was done in a timely manner, as required by Government Decision No.1076/2004, early, from the beginning of the plan. Moreover, the draft programme and the environmental report were subject to public hearing.
- The first version of the NSCC and the NAPCC was posted on the Ministry of Environment website on 21.05.2015 along with the newspaper public notices on 22.05.2015 and on 25.05.2015, so the public had enough time to get acquainted with the content of the NSCC and the NAPCC.
- The public had 45 days for getting acquainted and analyze the Environmental Report, the NSCC and the NAPCC, before the public hearing/public debate (date of the last public announcement was 28.09.2015 and the date of the public hearing was 12.11.2015).
- Both the NSCC and the NAPCC were continuously improved during the environmental procedure based on active participation of the working group members and the public.

### **c) Other strategic documents related to the energy sector**

#### **(i) The National Mid-and Long Term Strategy for Safe Management of Spent Fuel and Radioactive Waste**

The **National Mid-and Long Term Strategy for Safe Management of Spent Fuel and Radioactive Waste** is currently under the strategic environmental assessment procedure, right at the beginning of this procedure, as it follows:

- The National Agency for Nuclear Waste, as the Developer of the strategy, has submitted to the Ministry of Environment on 19.07.2017 the notification concerning the elaboration of the first version;
- The Developer has informed the public on the initiation of the process of elaborating the strategy and the first version by repetitively publishing 2 notices in "Romania Libera" newspaper on 14.07.2017 and on 19.07.2017 ( Fig. 1 and Fig 2 in Annex 9) by displaying it on its own website ( Fig.3 in Annex 9);
- On 18th August 2017 Ministry of Environment publishes on its website the first version of the draft strategy ( Fig.4 in Annex 9);

- The mentioned strategy falls under the provisions of art. 5, paragraph 2 of Government Decision no. 1076/2004 on environmental assessment for plans and programmes, for which an environmental assessment is compulsory and the Ministry of Environment is the competent authority;
- For the scoping phase, Ministry of Environment and the Developer established the working group (the public authorities together with the developer and the person responsible with the elaboration of the environmental report), as specified under art. 14, paragraph 3 from Government Decision no.1076/2004;
- Three meetings of the Working Group took place: first meeting took place at the end of September 2017, the second meeting took place in March 2018 and the third meeting took place in June 2018. During the third meeting of the working group a draft Environmental Report was presented by the responsible person in charge with this assessment;
- During the next sessions of the working group the strategy and the environmental report will be finalized and posted on the Ministry of Environment website, the transboundary assessment procedure will start and the public will be have the possibility to submit comments and opinions on the documents.
- According to the provisions of Government Decision no. 1076/2004, after finalizing the Environmental Report, the Developer will announce in mass-media and on its own website, the availability of the draft strategy, the finalization of the Environmental Report, venue and time of the consultations, the fact that the public can submit written comments and proposals, as well as the organization of a public debate for the draft strategy and for the Environmental Report;

The strategy can be consulted on the Ministry of Environment website through the following link:

<http://www.mmediu.ro/articol/strategia-nationala-pe-termen-mediu-si-lung-privind-gestionarea-in-siguranta-a-combustibilului-nuclear-uzat-si-a-deseurilor-radioactive/2321>

Information regarding the strategy can be accessed as well on the website of the Nuclear Agency and for Radioactive Waste at the following link:

<http://www.agentianucleara.ro/article-programe-si-strategii-12/> - unfortunately, the website is currently under construction.

Print screen of both websites are presented in Annex 9 to the present report.

The following comments were received from the public:

- Mr. Lucian STIRB from Terra Mileniul III Foundation (NGO), has requested information on 27.11.2017 regarding the state of the SEA procedure, if a transboundary consultation and a public hearing are envisaged (The submission was received through the Communication, Transparency and IT Direction and the reply was sent through the Letter no. 97431/DM/28.11.2017 ).

At this stage of the procedure we would like to highlight the following aspects:

- On 19.07.2017 the strategy was posted on the website of Ministry of Economy – The Nuclear Agency and for Radioactive Waste;

- On 18.08.2017 the strategy was posted on the website of Ministry of Environment, the SEA procedure is in process, the date of the public debate is not yet established for the reason that the Environmental Report is not finalized;
- the public has time to get acquainted with the drafted strategy until the date of the public hearing/debate; the public announcement of such hearing is not yet established.

## (ii) **The Mining Strategy of Romania 2017-2035**

**The Mining Strategy of Romania 2017-2035** is currently under the strategic environmental assessment procedure, right at the beginning of this procedure, as it follows:

- The Ministry of Economy, as the Developer of the strategy, has notified the Ministry of Environment and published two announcements on 16.02.2017 and 20.02.2017 in “Evenimentul Zilei” newspaper concerning the elaboration of the first version ( Fig. 1 and Fig 2 in Annex 10) and on its own website ( Fig.3 in Annex 10);
- The Ministry of Environment has published on its own website the first draft of the strategy on 31 May 2017 (Fig. 4 in Annex 10);
- The **The Mining Strategy of Romania 2017-2035** falls under the provisions of art. 5 paragraph 2 of Government Decision 1076/2004 on environmental assessment for plans and programmes, and consequently the Ministry of Environment, as the environmental competent authority for the environment assessment procedure, informed the Developer that the environmental assessment procedure is compulsory and identified the public authorities which were interested by the implementation effects of the strategy and informed the Developer, along with the requirement of establishing the Working Group as provided by art. 14, paragraph 3 of Government Decision no. 1076/2004.
- One working group has been organized, on 08.02.2017, which established the requirement of conducting the appropriate assessment study (for Natura 2000 sites), and the conclusion of this working group will be included in the Environmental Report elaborated for this strategy. Other sessions of the working group are to be organized in the near future.
- According to the provisions of Government Decision no. 1076/2004, after finalizing the Environmental Report, the Developer will announce in mass-media and on its own website, the availability of the draft strategy, the finalization of the Environmental Report, venue and time of the consultations, the fact that the public can submit written comments and proposals, as well as the organization of a public hearing for the draft strategy and for the Environmental Report;

The strategy can be consulted on the Ministry of Environment website through the following link:

<http://www.mmediu.ro/articol/strategia-miniere-a-romaniei-2017-2035/2222>

Information regarding the strategy can be accessed as well on the website of the Ministry of Economy at the following link:

<http://economie.gov.ro/aparat-propriu/resurse-minerale-neenergetice>

Print screen of both websites are presented in Annex 10 to the present report.

To this date no comments were received from the public.

At this stage of the procedure we would like to highlight the following aspect:

- Since February 2017 until the present date there haven't been organized any meetings of the working group and the Ministry of Environment hasn't been notified about the progress in elaboration of the environmental report.

**(iii) The National Transition Plan for Large Combustion Plants (NTP)**

- The Developer has submitted on 20.11.2012 the notification regarding the first version of the NTP and informed the public about the initiation of the process for the elaboration of the plan or programme and its first version by publishing in the "Romania Libera" newspaper two public announcements on 20.11.2012 (Fig. 1 in Annex 11 ) and on 23.11.2012 (Fig. 2 in Annex 11). Ministry of Environment and Climate Change (currently Ministry of Environment) published on its website the first version of the National Transition Plan on 20.11.2012 (Fig. 3 in Annex 11) and the public had the opportunity to submit comments and observations until 19.12.2012.
- The National Transition Plan falls under the provisions of art. 5 paragraph 2 of Government Decision 1076/2004 on environmental assessment for plans and programmes and consequently, the Ministry of Environment - the Impact Assessment Department, as the environmental competent authority, informed the Developer that the environmental assessment is compulsory and identified the public authorities which were interested by the effects of implementing NTP. Ministry of Environment informed the Developer about the requirement of establishing the Working Group as provided by art. 14, paragraph 3 of Government Decision no. 1076/2004. The Working Group was constituted of: Ministry of Environment and Climate Change – Pollution Control and Atmosphere Protection Department, Ministry of Environment and Climate Change, Ministry of Economy, National Environment Protection Agency, Ministry of Health, Ministry of Regional Development and Public Administration, Ministry of Agriculture and Rural Development, Institute for Studies and Power Engineering, the Environmental Report Responsible.
- On 17.03.2013 on Ministry of Environment and Climate Change's website posted detailed information about how the procedure was done until then (Fig. 4 Annex 11).
- Between 2013-2014 the National Transition Plan was evaluated by the European Commission's experts and the initial version was reviewed based on the experts' observations and then published on the Ministry of Environment and Climate Change's website on 21.08.2014 (Fig. 5 in Annex 11).
- During the SEA procedure, the revised version of the plan was analyzed during four meetings of the Working Group (19.09.2014, 26.11.2014, 17.12.2014, 27.02.2015) and the final version of the plan together with the Environmental Report included the observations and comments of the members of the Working Group.

- On 13.03.2015, Ministry of Environment, Waters and Forests displayed on its website the draft project plan, the environmental report for public consultation and the announcement that public comments can be sent until the date of the public hearing (Fig. 6 in Annex 11) – date which was set for 29.04.2015. The public had the opportunity to submit comments and observations for 45 days (13.03.2015-29.04.2015).
- During the public hearing held on 29.04.2015 no comments or proposals were received.

Before the public debate took place, comments were received from the concerned public, namely the Bankwatch Association, comments to which the developer answered and sent information about:

- Completing the Environmental Report, respectively Chapter 2.2 The relation of the National Transition Plan with other plans/programmes;
- Completing the Environmental Report, respectively Chapter 3.1.1 regarding the current state of air quality;
- The potential effects on air quality following the implementation of the plan;
- The potential effects in the transboundary context following the implementation of the plan;
- The potential effects on human health following the implementation of the plan;
- The potential effects on biodiversity and natural protected areas following the implementation of the plan;
- The location of the plants in the context of the Natura 2000 sites;
- The necessity of the Appropriate Assessment Studies for the projects mentioned in the plan;
- The alternatives to the proposed plan;
- The current state of the strategic environmental assessment procedure;

-The Strategic Impact Assessment procedure was completed with the Decision of issuance of the Environmental Approval posted on the Ministry of Environment, Waters and Forests website on 14.05.2015 and the issuance of the Environmental Approval no. 30 from 18.05.2015 (Fig. 7 Annex 11);

-On 10.09.2015, Ministry of Environment, Waters and Forests published the Developer's Declaration (Fig. 8 Annex 11) and on 03.12.2015 posted an announcement regarding improvements made to the plan and uploaded the documents (Fig. 9 Annex 11).

-On 26.09.2016 Ministry of Environment, Waters and Forests posted another improved version on the plan, with the changes made in August 2016 (Fig. 10 Annex 11).

Regarding access to information we would like to mention the following aspects:

- After the first version of the plan was made publicly available, comments were received from Bankwatch Association on 19.12.2012 which were answered by the Ministry of Environment on 16.01.2013.

- Another letter from Bankwatch Association requesting information on the environmental assessment procedure for the plan was received on 15.02.2013 and the response from the Ministry of Environment was furnished on 11.03.2013.
- Bankwatch Association wrote once again on 25.03.2013 requesting further information on procedural aspects and our response was furnished on 11.04.2013.
- Further on, the Bankwatch Association sent another letter on 19.04.2013 to which the Ministry of Environment responded on 13.05.2013.
- On 08.10.2014 the Bankwatch Association sent another request of information regarding the documentation posted on 21.08.2014, the Ministry of Environment responded on 16.10.2014.

The plan can be consulted on the Ministry of Environment websites through the following links:

<http://www.mmediu.ro/categories/view/evaluare-de-mediu-pentru-strategii-planuri-programe/60/page:4>

Ministry of Environment (old website):

<http://www.mmediu.ro/beta/domenii/evaluarea-impactului-asupra-mediului/evaluare-impact-planuri/>

We would like to highlight the following aspects:

- Ministry of Environment did respect the provisions of the environmental legislation and informed the public at every stage of the strategic environmental assessment. The procedure was done in a timely manner, as required by Government Decision No.1076/2004, early, from the beginning of the plan. Moreover, the draft programme and the environmental report were subject to public hearing.
- The first version of the NTP was posted on the Ministry of Environment website on 20.11.2012 along with the newspaper public notices on 20.11.2012 and on 23.11.2012, so the public had enough time to get acquainted with the content of the NTP.
- The public had 47 days for getting acquainted and analyze the Environmental Report, the NSCC and the NAPCC, before the public hearing/public debate (date of the last public announcement was 13.03.2015 and the date of the public hearing was 29.04.2015).

### **3) Report on the development of the draft strategy to implement the recommendations in Decision VI/8h**

As a first step on the way of implementing the Committee's recommendations, fully complying with the provisions and therefore solidifying Romania's commitment to the Aarhus Convention principles, a draft strategy has been initiated.

The draft strategy comprises a series of proposals for legislative, regulatory and administrative measures, as well as practical arrangements to ensure a correct implementation of the Convention,

especially regarding the grounds of refusal and requirement to interpret those grounds in a restrictive way, taking into account the public interest served by disclosure.

Romania is also aiming to tackle the issues raised by not providing, in all cases, reasoned statements for refusing a request to information and the separation of confidential from the non-confidential information whenever possible, thus making available, when reasonable and possible, the latter.

In this regard, besides the Roundtable which took place on 10 May 2018 that aimed to raise awareness of the public officials when dealing information requests from the public and the way they need to handle such requests, other training sessions and modules are to be organized, in collaboration with a Romanian NGO named “Asociația Română de Mediu 1998” (“The Romanian Environmental Association”). This NGO is more than willing to help and support such training sessions, covering the organizational and logistic aspects.

Romania takes note of the good practice examples submitted by the Committee regarding handling the access to information cases in an expedited manner (Portugal, Malta etc). The Romanian Environmental Association is willing to facilitate meetings with public officials from the justice sector, as a way to reach the objective of having timely judicial procedures regarding the access to environmental information cases.

Additionally, the elaboration of a brochure designed for both public authorities and the members of the public is planned. This brochure will be submitted in material and online format and it will inform and assist its recipients of their rights, their obligations, and explanations of the definitions from the convention and practical examples of how the procedure of accessing information, of the participation in the decision-making and of the access to justice should take place.