

Ministry of Environment and Forests

No. 135/February 10th 2010

Ministry of Administration and
Interior

No. 76/March 24th 2010

Ministry of Agriculture and
Rural Development

No. 84/April 06th 2010

Ministry of Regional Development
and Tourism

No. 1284/April 14th 2010

Official Gazette no. 274/April 27th 2010

ORDER
**for approving the Methodology to apply the environmental impact assessment for
public and private projects**

Considering the provisions of the Government Emergency Ordinance no. 195/2005 concerning the environmental protection, approved with amendments and completions through Law no. 265/2006, with subsequent amendments and completions

Based on the provisions of art. 30 par. (1) from the Government Decision no. 445/2009 concerning the environmental impact assessment of certain public and private projects,

Pursuant to art. 15 par. (4) from the Government Decision no. 1635/2009 concerning the organization and functioning of the Ministry of Environment and Forests, art. 7 par. (4) from the Government Emergency Ordinance no. 30/2007 concerning the organization and functioning of the Ministry of Administration and Interior, approved with amendments and completions through Law no. 15/2008 with subsequent amendments, art. 7 par. (5) from the Government Decision no. 25/2010 concerning the organization and functioning of the Ministry of Agriculture and Rural Development and art. 13 par. (6) from the Government Decision no. 1631/2009 concerning the organization and functioning of the Ministry of Regional Development and Tourism, the minister of environment and forests, the minister of administration and interior, the ministry of agriculture and rural development, the minister of regional development and tourism issue the following

ORDER:

Art. 1. – The Methodology to apply the environmental impact assessment for public and private projects is approved, provided in the annex which is part of the order herein.

Art. 2. – The central public authority for environmental protection assures the training of the personnel within the National Agency for Environmental Protection, within the Danube Delta Biosphere Reserve Administration, as well as within the public territorial authorities for environmental protection in order to apply the provisions of the order herein.

Art. 3. – Upon the entry into force of the order herein, the Order of the minister of water and environmental protection no. 860/2002 for approving the Procedure to assess the environmental impact and issue the environmental agreement, published in the Official Gazette of Romania, Part I, no. 52 as of January 30th 2003, with subsequent amendments and completions, is abrogated.

Art. 4. – The order herein is published in the Official Gazette of Romania, Part I.

Minister of Environment and Forests

László BORBÉLY

Minister of Administration and Interior

Vasile BLAGA

Minister of Agriculture and Rural
Development

for Adrian RĂDULESCU

Minister of Regional Development and
Tourism

Elena Gabriela UDREA

Methodology to apply the environmental impact assessment for public and private projects

CHAPTER I: General provisions

SECTION 1: Legal framework and field of application

Art. 1. – (1) The object of the methodology herein is to establish the necessary stages in order to carry out the environmental impact assessment procedure for public and private projects.

(2) The methodology provided at par. (1) also integrates, depending on the case, the specific requirements of the appropriate assessment of potential effects of projects on the community interest protected natural areas.

(3) The methodology provided at par. (1) is an integral part of the procedure for issuing the approval to develop any public and private project.

(4) The stages provided at par. (1) applies to projects after carrying out the initial assessment of the project, as it is provided at art. 6 par. (2) from the Government Decision no. 445/2009 concerning the environmental impact assessment of public and private projects.

(5) The stages necessary to carry out the environmental impact assessment procedure also integrate, depending on the case, the specific requirements of the appropriate assessment of potential effects of projects on the community interest protected natural areas in order to obtain the approval for developing any public and private project.

(6) The procedure provided at par. (1) is carried out complying with the provisions of the methodological guides applicable to the environmental impact assessment and, depending on the case, of the methodological guide concerning the appropriate assessment of the potential effects of plans and projects on the community interest protected natural areas, hereinafter called methodological guide concerning the appropriate assessment.

Art. 2. – (1) The procedure to assess the environmental impact as well as the one of appropriate assessment are conducted by the competent authorities for environmental protection, according to the provisions of art. 8 par. (1) from the Government Emergency Ordinance no. 195/2005 concerning environmental protection, approved with amendments and completions through Law no. 265/2006, with subsequent amendments and completions and competencies established by the methodology herein.

(2) The environmental impact assessment and the appropriate assessment establish the framework of an integrated approach by informing and consulting all authorities with responsibilities in the field of environmental protection and their participation in the Technical analysis commission (TAC) organized at county level where the project site is located or, depending on the case, at central level for the projects in the competence of the central public authority for environmental protection.

(3) The Technical analysis commission mandatorily includes representatives of the local and/or central public administration, including from departments that coordinate the activity of land use and town planning, public health authority, "Apele Române" National Administration, territorial inspectorate for emergency situations, territorial commissioner offices of the National Environmental Guard and, depending on the case, representatives of structures responsible for the territorial forest inspectorates, county directorates for agriculture and rural development or of Bucharest Municipality, provision of utilities and public services, administration of parks and public gardens, archaeological sites and historical monuments, management of protected natural areas, including representatives of scientific councils organized at the level of the protected natural areas, of agencies for regional development, etc.

(4) For the projects in the competence of the National Agency for Environmental Protection, of the regional agencies for environmental protection or of the Danube Delta Biosphere Reserve Administration, the technical analysis commission mandatorily includes the representatives of these authorities.

Art. 3. – The definitions of certain specific terms used in the methodology herein are those provided in the Government Emergency Ordinance no. 195/2005 concerning the environmental protection, approved with amendments and completions through Law no. 265/2006, with subsequent amendments and completions, as well as in the specific national legislation.

Art. 4. – (1) The tariffs for carrying out the framework-procedure of environmental impact assessment are established through the Order of the minister of environment and sustainable development no. 1108/2007 concerning the approval of the classification of works and services that are provided by the public authorities for environmental protection in the tariff regime and the amount of tariffs pertaining to them, with subsequent amendments.

(2) The tariffs are paid in advance, on procedure stages, through bank transfer or at the headquarters of the authority for environmental protection which is responsible for applying the procedure according to the competences established by the methodology herein.

(3) In the situations provided at art. 7 par. (1) the tariffs are collected by the public authority for environmental protection which carries out the procedure phase.

Art. 5. – (1) The environmental impact assessment cannot be carried out after the investment works have been initiated or the projects carried out.

(2) Any product that has a direct relation with or it is not necessary for the management of a community interest protected natural area but could significantly affect the area, alone or in combination with other projects, is subject to the appropriate assessment of the potential effects on the community interest protected natural area, considering its conservation objectives.

(3) In the situation in which an investment is carried out gradually or it is located on lands in the territory of more administrative-territorial neighbouring units, the environmental impact assessment is carried out for the entire investment.

(4) When putting into action the investment pertaining to the activities for which it is necessary the issuance of the environmental permit/integrated environmental permit, according to the legislation in force, and which the competent authority for environmental protection regulated in the project phase according to the methodology herein, the developers are compelled to submit the application and obtain this permit.

SECTION 2: Competences for performing the stages of the environmental impact assessment

Art. 6. – (1) The county agencies for environmental protection are responsible for performing the stages of the environmental impact assessment and issuing the environmental agreement, as well as for performing the stages of the appropriate assessment procedure, for all the projects that make the object of the methodology herein and the sites of which are situated on the territory of the respective county, except the projects in the scope of the legislation concerning the prevention and integrated control of pollution.

(2) The regional agencies for environmental protection are responsible for performing the the stages of the environmental impact assessment and issuing the environmental agreement, as well as for performing the stages of the appropriate assessment procedure, for all the projects in the scope of the legislation concerning the prevention and integrated control of pollution from the development region and for all the projects that make the

object of the environmental impact assessment and/or the appropriate assessment, the sites of which extend on two or more counties within the same development region.

(3) The National Agency for Environmental Protection is responsible for performing the the stages of the environmental impact assessment and issuing the environmental agreement, as well as for performing the stages of the appropriate assessment procedure, for all the projects that make the object of the environmental impact assessment and/or the appropriate assessment, the sites of which extend on two or more counties within the same development region.

(4) For the projects proposed to be carried out in the area of “Danube Delta” Biosphere Reserve, the authority responsible for performing the the stages of the environmental impact assessment and issuing the environmental agreement, as well as for performing the stages of the appropriate assessment procedure is “Danube Delta” Biosphere Reserve Administration.

(5) The Regional Agency for Environmental Protection Galați is responsible for performing the the stages of the environmental impact assessment and issuing the environmental agreement, as well as for performing the stages of the appropriate assessment procedure for the projects of which site extends both on the territory of a county outside the area of “Danube Delta” Biosphere Reserve and in its area.

(6) The central public authority for environmental protection is responsible for performing the the stages of the environmental impact assessment and issuing the environmental agreement, as well as for performing the stages of the appropriate assessment procedure, for the projects provided at art. 19 from the Government Emergency Ordinance no. 195/2005, approved with amendments and completions through Law no. 265/2006, with subsequent amendments and completions.

(7) The central public authority for environmental protection guides and coordinates the environmental impact assessment procedure for the projects that have potential transboundary significant impact, by applying the provisions of Law no. 22/2001 for ratifying the Convention on environmental impact assessment in transboundary context, adopted at Espoo on February 25th 2001.

(8) The authorities for environmental protection are hereinafter called competent authorities for environmental protection, in applying the methodology herein and depending on the responsibilities established at par. (1) – (5).

(9) If there are types of projects that cannot be classified in any of the situations provided at par. (1) – (6), the central public authority for environmental protection establishes the competent authorities.

(10) The competent authority for environmental protection can use the external expertise for analysing the environmental assessment report, the appropriate assessment study, as well as the safety report, depending on the case, when the project complexity is special.

Art. 7. – (1) The performance of the environmental impact assessment procedure, as well as the adequate procedure one can be totally or partially delegated, as follows:

- a) By the central public authority for environmental protection to the National Agency for Environmental Protection, to the regional or county agencies for environmental protection or to “Danube Delta” Biosphere Reserve Administration, depending on the case;
- b) By the National Agency for Environmental Protection to the regional or county agencies for environmental protection, depending on the case;
- c) By the regional agencies for environmental protection to the county agencies for environmental protection.

(2) The issuance of the environmental agreement is not the object to the competence delegation.

SECTION 3: Notification submission and its initial assessment

Art. 8. – (1) In order to carry out the initial assessment phase, the developer requests the issuance of the environment agreement to the county authority for environmental protection by submitting a notification concerning the intention to carry out the project, accompanied by the town planning certificate/~~the urban certificate~~ issued according to law concerning the authorization of executing the construction works, the plans annex to it and the proof of paying the tariff associated with this phase.

(2) The framework-content of the notification is provided in annex no. 1.

Art. 9. – (1) Within 10 days from receiving the notification, based on the documents provided at art. 8 and site verification, if it is the case, the county agency for environmental protection informs the developer in writing concerning:

- a) The filing of the notification for the projects that do not fall within art. 28 of the Government Emergency Ordinance no. 57/2007 on the regime of natural protected areas, conservation of natural habitats, wild flora and fauna, with subsequent amendments and completions and of the Government Decision no. 445/2009 and the transmission of a point of view to the competent authority with the mention "It does not comply with the environmental impact assessment procedure and the appropriate assessment procedure", according to the model from annex no. 2;
- b) The justified rejection of agreement request for the projects located in areas with building restrictions established by the environmental protection, mentioning the unconformities found and/or the incidental legal acts, the provisions of which are not complied with, according to the model from annex no. 3;
- c) The decision concerning the necessity to start the environmental impact assessment procedure, including the appropriate assessment procedure by submitting the presentation memorandum for the projects associated to the activities that fall within the provisions of art. 28 from the Government Emergency Ordinance no. 57/2007, with subsequent amendments and completions and the Government Decision no. 445/2009 according to the model from annex no. 4;
- d) The decision concerning the necessity to start the environmental impact assessment procedure, including the appropriate assessment procedure by submitting the presentation memorandum for the projects associated to the activities that fall within the provisions of the Government Decision no. 445/2009 and do not fall within the art. 28 of the Government Emergency Ordinance no. 57/2007, with subsequent amendments and completions, according to the model from annex no. 4;
- e) The decision concerning the necessity to start the appropriate assessment procedure, according to the model from annex no. 4, for the projects that fall within the provisions of art. 28 from the Government Emergency Ordinance no. 57/2007, with subsequent amendments and completions; provisions of chapter III. Appropriate assessment apply accordingly.

(2) The county agency for environmental protection informs the developer in writing concerning the competent authority for starting the environmental impact assessment procedure and appropriate assessment procedure, depending on the case.

(3) The presentation memorandum is drawn up according to the framework-content provided in annex no. 5 to the methodology herein. For the projects that fall within the provisions of art. 28 from the Government Emergency Ordinance no. 57/2007, with subsequent amendments and completions, the presentation memorandum shall include the information provided in the methodological guide concerning the appropriate assessment, as well as the geographical coordinates of the project site, which shall be presented under the form of vector in digital format with geographical reference in the national projection system Stereo 1970.

(4) For the projects that fall within the legislation concerning the control of activities that present the risk of major accidents in which dangerous substances are involved, the memorandum shall be accompanied by the notification specific to this legislation.

(5) The site verification is completed by drawing up a report according to the model from annex no. 6 to the methodology herein.

Art. 10. – (1) Within 5 days from submitting the presentation memorandum on paper and electronic format, the county agencies for environmental protection transmit the entire documentation to the competent authority to perform the procedure, established according to the provisions of art. 6.

CHAPTER II: Environmental impact assessment – procedural stages

SECTION 1: The screening stage ~~Project classification phase~~

Art. 11. – (1) Within 15 days from submitting the presentation memorandum, the competent authority for environmental protection carries out the following activities:

- a) Analyzes the presentation memorandum submitted by the developer;
- b) Establishes the composition of the technical analysis commission (TAC);
- c) Assesses the potential significant transboundary impact for the projects that fall within the Law no. 22/2001, based on the criteria defined by it and transmits the presentation memorandum to the public central authority for environmental protection, accompanied by the site verification report, as well as the supporting document depending on the case, for those projects for which a potential significant transboundary impact was established or informs the public central authority for environmental protection about those projects that fall within the Law no. 22/2001 and for which was not established a potential significant transboundary impact;
- d) Fills in the control list for the projects provided in annex no. 2 to the Government Decision no. 445/2009, according to the methodological guides applicable to the environmental impact assessment and request, depending on the case, additional information for its completion;
- e) Fills in, depending on the case, the control list for the classification phase according to the methodological guide concerning the appropriate assessment and requests, depending on the case, additional information for its completion;
- f) Identifies the public concerned and notifies the submission of the request for environmental agreement issuance for the projects that fall within the Government Decision no. 445/2009, by publishing on its own internet page and at its registered office the notice drawn up according to the model from annex no. 7;
- g) Transmits the developer the notice model and informs him/her about the obligation to publish within 3 days in the national or local press, as well as to post at its own registered office/on its internet page/at the registered office of the authority or local public authorities on the territory of which the project implementation is proposed, according to the model from annex no. 8;
- h) Transmits the members of the technical analysis commission the documents submitted by the developer in electronic format;
- i) Summons the members of the technical analysis commission and communicates the developer the date established for project presentation within the technical analysis commission in order for the developer to participate to its session;
- j) Presents the control lists to the technical analysis commission; the authorities represented in the technical analysis commission express their points of view concerning the potential impact of the project subject to the analysis on the environment, on the community interest natural protected area and on the development approval;
- k) Completes the control lists concerning the project classification phase based on the points of view received from the members of the technical analysis commission;

- l) Takes the decision of the project classification phase applying the provisions of art. 9 par. (2) from the Government Decision no. 445/2009, taking into account the points of view of the members of the technical analysis commission.
- (2) The projects provided in annex no. 1 to the Government Decision no. 445/2009 comply with the classification only from the point of view of the aspects concerning the appropriate assessment.

Art. 12. – (1) Following the ~~classification phase~~ screening stage in the procedures of environmental impact assessment and **appropriate assessment**, the competent authority for environmental protection decides, depending on the case:

- a) To carry out the environmental impact assessment and appropriate assessment for the projects:
 - i) Provided in annex no. 1 to the Government Decision no. 445/2009, as well as for the projects provided in annex no. 2 to the Government Decision no. 445/2009 for which it was taken the decision that it is necessary to carry out the environmental impact assessment and
 - ii) For which it was taken the decision that they could significantly affect the community interest natural protected areas;
- b) To carry out the environmental impact assessment without the appropriate assessment for the projects:
 - i) Provided in annex no. 1 to the Government Decision no. 445/2009, as well as for the projects provided in annex no. 2 to the Government Decision no. 445/2009 for which it was taken the decision that it is necessary to carry out the environmental impact assessment and
 - ii) For which it was taken the decision that they could significantly affect the community interest natural protected areas.
- c) To carry out the appropriate assessment for the projects:
 - i) Provided in annex no. 2 to the Government Decision no. 445/2009 for which it was established that it is necessary to carry out the environmental impact assessment and
 - ii) For which it was taken the decision that they could significantly affect the community interest natural protected areas; provisions of chapter III. Appropriate assessment apply accordingly.
- d) To continue the procedure concerning the issuance of the project development approval:
 - i) For the projects provided in annex no. 2 to the Government Decision no. 445/2009 for which it was taken the decision that it is necessary to carry out the environmental impact assessment and
 - ii) For which it was taken the decision that they do not significantly affect the community interest natural protected areas.

(2) The competent authority for environmental protection justifies the decision of the ~~classification phase~~ **screening stage** that also contains the information provided at art. 24 and art. 25 from the Government Decision no. 445/2009, according to the model provided in annex no. 9.

(3) Within 3 days from taking the **screening stage decision** ~~of decision phase~~, the competent authority for environmental protection publishes on the internet page the draft ~~project of the classification phase~~ **of the screening stage decision** and the notice drawn up according to annex no. 10, informs the developer and transmits him/her the public notice drawn up according to the model from annex no. 11 in order to be published in the national or local press.

(4) The developer informs the public about the **draft screening stage** ~~project of classification phase decision~~ within 3 days from receiving the notice by publishing it the national or local press and posting it at its own registered office and on its own internet page, as well as the registered office of the authority/authorities of the local public administration on the territory of which the project implementation is proposed.

(5) The public concerned can submit comments/observations to the **draft screening stage** ~~project of classification phase~~ decision within 5 days from publishing the notice in the press.

(6) Within 10 days from receiving the justified comments/observations of the public concerned to the ~~project of classification phase~~ **draft screening stage** decision, the competent authority for environmental protection invites the members of the technical analysis commission to participate in adopting the ~~classification phase~~ **screening stage** decision.

(7) If the justified comments/observations of the public concerned lead to reconsidering the decision, this is made available to the public by the competent authority for environmental protection by posting it on the internet page and by the developer through the means provided at par. (4).

(8) For the major projects with financing from community funds (the European Fund for Regional Development and the Cohesion Fund) for which, following the decision phase, was taken one of the decisions provided at par. (1) letter b) or d), the competent authority for environmental protection issues the declaration provided in appendix I to Annexes XXI and XXII within the European Commission Regulation no. 1828/2006, with subsequent amendments and completions.

SECTION 2: The scoping stage ~~Phase of defining the assessment field and carrying out the environmental impact report~~

Art. 13. – (1) In order to carry out the **scoping stage** ~~phase of defining the assessment field~~ for the projects provided at art. 12 par. (1) letter a) and b), the developer submits the proof of paying the tariff for **this stage** ~~the phase of defining the assessment field~~ to the competent authority.

Art. 14. – (1) Within 10 days from communicating the **screening stage decision** ~~of the project decision phase~~, the competent authority for environmental protection carries out the **scoping stage** ~~phase of defining the assessment field~~ as follows:

- a) Analyzes, depending on the case, the documents submitted by the developer;
- b) Fills in the control list according to the methodological guides applicable to the environmental impact assessment;
- c) Transmits the members of the technical analysis commission, depending on the case, the documents submitted by the developer in electronic format;
- d) Summons the developer and the members of the technical analysis commission and presents them the control lists for the two procedures, depending on the case;
- e) **Draws up and transmits the developer the guide/scoping document concerning the environmental problems that need to be analyzed in the environmental impact report and in the appropriate assessment study, depending on the case, taking into account the justified suggestions of the public concerned regarding the content of the environmental impact report;**
- f) **Makes available the guide/scoping document to the public by posting it on the internet page.**

(2) Transmission of the **guide/scoping document** by the public authority for environmental protection does not exclude the possibility to further request additional information.

Art. 15. – (1) The **guide/scoping document** content must reflect the relevant aspects for environmental protection, identified in relation with annex no. 4 to the Government Decision no. 445/2009 and with the methodological guides applicable to the environmental impact assessment, the questions addressed by the members of the technical analysis commission, as well as the requirements that arise from the applicable legal community acts.

(2) For the projects associated with the activities that fall within the legislation concerning the integrated prevention and control of pollution, the **guide/scoping document** also specifies the necessity to apply the requirements specific to the integrated environmental permit, including those referring to the emission levels pertaining to the best applicable

available techniques or, depending on the case, the equivalent technical parameters or measures.

(3) For the projects of activities that involve dangerous substances and for which it is established the necessity to elaborate and present the safety report, according to the legal provisions regarding the control of activities that present the risk of major accidents in which dangerous substances are involved, the guide/**scoping document** also contains this request.

(4) For the projects for which it was decided to carry out the appropriate assessment, the guide/**scoping document** contains the necessity to present the appropriate assessment study drawn up according to the methodological guide concerning the appropriate assessment and to the measures to reduce the impact on the community interest natural protected area, as well as other relevant aspects established by the competent authority for environmental protection.

Art. 16. – (1) For the projects provided at art. 12, par. (1), letter a), the developer submits the appropriate assessment study on paper and electronic format, completed according to the provisions of Chapter III Appropriate assessment, to the competent authority for environmental protection.

(2) Based on the received guide/**scoping document**, the developer submits the environmental impact report on paper and electronic format to the competent authority for environmental protection.

(3) In the situations provided at art. 15 par. (3) the developer submits the safety report on paper and in electronic format together with the environmental impact assessment report to the competent authority for environmental protection. The framework-content of the safety report is that provided by the ~~safety-report~~ assessment procedure concerning the activities that present the risk to produce major accidents in which dangerous substances are involved, approved through the Order of the minister of agriculture, forests, water and environment no. 142/2004.

(4) The environmental impact assessment report complies with the framework-content provided in the methodological guides applicable to the environmental impact assessment and elaborates the conclusions of the appropriate assessment study after applying the provisions of Chapter III Appropriate assessment.

(5) The appropriate assessment study complies with the framework-content provided by the methodological guide concerning the appropriate assessment.

(6) The environmental impact assessment report, the appropriate assessment study and the safety report are carried out by natural or legal persons who have this right according to law.

SECTION 3: Phase of quality report analysis concerning the environmental impact assessment report

Art. 17. – (1) Within 5 days from receiving the environmental impact assessment report by the competent authority for environmental protection, which integrates the reduction measures/alternative solution/accepted compensatory measures, depending on the case, resulted from the appropriate assessment study according to the provisions of art. 16 par. (1) and, whenever necessary, the safety report on paper and in electronic format, as well as the proof of paying the tariff corresponding to the analysis phase, the competent authority for environmental protection carries out the following activities:

- a) Establishes in agreement with the developer the opportunities of the public to participate in taking the decision related to the project, indicating at least the place and date of the public debate;
- b) Draws up and transmits the developer the public notice concerning the public debate, drawn up according to the model from annex no.12;
- c) Makes available to the public and the members of the technical analysis commission for consultation the environmental impact assessment report, the appropriate assessment study and the safety report, depending on the case, at its registered office and by posting them on the internet page.

(2) The notice concerning the opportunities of the public to participate in taking the decision related to the respective project, drawn up according to the model from annex no. 13, is published on the internet pages of the competent authority for environmental protection and of the public authority that issued the development approval and posted at their registered offices with at least 20 days before the date provided for the public debate session.

(3) The developer is compelled that within 3 days from receiving the notice provided at par. (1) letter b) to publish in the national or local press and to post at its registered office/on its own internet page/at the registered office of local public authority and/or on the notice board from the site, the notice communicated by the competent authority for environmental protection with at least 20 days before the date provided for the public debate session.

Art. 18. – (1) The public concerned can transmit the competent authority for environmental protection the comments/opinions/observations to the environmental impact assessment report and the safety report, depending on the case, until the date of the public debate.

(2) When submitting the comments/opinions/observations to the environmental impact assessment report and the safety report, depending on the case, the members of the public concerned are compelled to declare their name, first name and address, which are recorded by the competent authority for environmental protection in a form according to that presented in annex no. 14.

Art. 19. – The developer organizes the public debate under the guidance of the competent authority for environmental protection, bearing its costs.

Art. 20. – (1) The session of the public debate takes place in the presence of the representatives from the competent authority for environmental protection, in the most convenient way for the public.

(2) The session of the public debate is conducted by the competent authority for environmental protection.

(3) If within 60 minutes from the hour announced for the session beginning no representative of the public concerned is not present, this fact is recorded in a report and the session of the public debate is declared closed.

Art. 21. – (1) During the session of the public debate, the developer presents the environmental impact assessment report and the safety report, depending on the case,

and responds to the comments/opinions/observations of the participating public concerned.

(2) The comments/opinions/observations of the participating public concerned, presented within the session of the public debate, are recorded in a report/minute by the competent authority for environmental protection and they are subsequently written in the same form in which the suggestions received before the date of the public debate session have been recorded.

Art. 22. – Within 20 days from the session of the public debate, the competent authority for environmental protection carries out the following activities:

- a) Analyzes the comments/opinions/observations of the public concerned;
- b) Transmits the developer the form provided in annex no. 15 and requests him/her to fill it in with solutions for solving the signalled problems; the filled in form is an annex to the environmental impact assessment report;
- c) Fills in the control list of the quality report analysis phase taking into account the provisions of the methodological guides applicable to the environmental impact assessment.

Art. 23. – (1) Within 10 days from receiving the answers to the comments/opinions/observations of the public concerned on paper and in electronic format from the developer, formulated according to the model from annex no. 15, the competent authority for environmental protection carries out the following activities:

- a) transmits the members of the technical analysis commission the filled in form from annex no. 15;
- b) Summons and presents the members of the technical analysis commission the control list pertaining to the analysis phase, analyzing together with its members the form mentioned at letter a);
- c) Completes the control list pertaining to the analysis phase of the environmental impact assessment report;
- d) Records the opinions of the technical analysis commission concerning the quality of the environmental impact assessment report and the answers to the problems formulated by the public concerned, including the alternative selection for project execution and establishes the necessity of possible completions/amendments to the environmental impact assessment report and/or to the safety report, depending on the case, or their rejection;
- e) Transmits in writing to the developer the necessity to complete/amend the environmental impact assessment report and/or the safety report, depending on the case, or its justified rejection;
- f) Decides the issuance of the environmental agreement or rejection of its request taking also into account the point of view of the European Commission, depending on the case.

(2) Within 15 days from taking the decision provided at par. (1) letter f), the competent authority for environmental protection:

- a) communicates the developer the taken decision and transmits him/her the public notice drawn up according to the model from annex no. 16;
- b) publishes on the internet page the notice concerning the issuance of the environmental agreement/decision to reject the environmental agreement request according to the model from annex no. 17 and respectively the project of the environmental agreement.

(3) Within 3 days from receiving the notice provided at par. (2) letter a), the developer informs the public about the issuance of the environmental agreement/decision to reject the environmental agreement request by publishing in the national or local press, by posting at its registered office and on its own internet page, as well as at the registered office of the local public authority/authorities on the territory of which the project implementation is proposed.

(4) The observations of the public concerned are received within 5 days from the publication in the press of the notice mentioned at par. (3).

(5) In all the situations in which the observations received from the public concerned justify the assessment deepening and the request of new information or additional investigations, the competent authority for environmental protection decides to continue the procedure from the phase of requesting this information, with the payment of the tariffs pertaining to the reassessment stages.

(6) If the decision concerning the project execution was not taken during the session of the technical analysis commission constituted for this purpose, the authorities participating to the that session transmit in writing to the competent authority for environmental protection the point of view concerning the analysis phase of the environmental impact assessment report quality within 5 days from the date of the analysis session.

(7) The failure to send within the term specified at par. (6) the point of view of the public authorities involved in the technical analysis commission is equal to the lack of objections related to the project execution.

(8) If the conclusions of the authorities involved in the technical analysis commission concerning the possibility to carry out the project are conflicting, the competent authority for environmental protection, before issuing the final decision, invites the interested parties to a session for reconsidering their opinion.

Art. 24. – Following the application of the provisions of art. 23 par. (1) letter e), the competent authority for environmental protection makes available to the public by publishing on the internet page, for information for a period of 15 days, the amended environmental impact assessment report, as well as the safety report, depending on the case.

Art. 25. – (1) Within 5 days from the expiration of the term provided at art. 23 par. (4), the competent authority for environmental protection issues the environmental agreement or informs the developer about the rejection of the environmental agreement request.

(2) When issuing the environmental agreement provided at par. (1), the competent authority for environmental protection takes into consideration, according to art. 23, the results of the analysis of environmental impact assessment report and the safety report, depending on the case, as well as the recommendations of the members of the technical analysis commission and the justified comments/opinions/observations of the public concerned.

Art. 26. – (1) The environmental agreement has the framework-content provided in annex no. 18.

(2) The environmental agreement includes at least:

- a) The specific requirements in order to ensure the protection of environmental elements during the project execution, including the site organization, as well as during the activity performance, demolition/decommission, depending on the case, including all the conditions necessary to be fulfilled by the developer;
- b) The conclusions of the safety report analysis, depending on the case;
- c) The main reasons and considerations based on which it was issued, including information regarding the evolution of the process of public involvement and the way in which the observations of the public concerned have been taken into account;
- d) The description of the main measures to avoid, reduce and if possible, to compensate the major adverse effects on the environment during the project execution, including the site organization, activity performance, demolition/decommission, requirements of the specific community legislation, depending on the case.

(3) The environmental agreement for the installations that fall within the legislation concerning the prevention and integrated control of pollution is issued taking into account, besides the requirements provided at par. (2), the following:

- a) the emission levels associated to the best applicable available techniques, for the pollutants that can be released in significant quantities or, depending on the case, the equivalent parameters or technical measures;
- b) the provisions for limiting the effects of long distance or transboundary pollution, depending on the case.

(4) The environmental agreement for the projects for which it was taken the decision that they can have a significant impact on the integrity of the community interest natural protected areas includes, depending on the case, besides the requirements provided at par. (2), the following:

- a) The measures to reduce or eliminate the impact on the community interest natural protected areas, their conditions and way/schedule of implementation;
- b) The compensatory measures approved/accepted by the competent authority for environmental protection, their conditions and way/schedule of implementation;
- c) The reasons concerning public health or safety or the beneficial consequences of major importance for the environment, that justify the necessity to carry out the proposed project for the community interest natural protected areas that shelter a type of natural priority habitat and/or a priority wild species of community interest;
- d) Other imperative reasons of major public interest on which was obtained the point of view of the European Commission that justify the necessity to carry out the proposed project.

Art. 27. – For the projects provided at art. 5 par. (2) that negatively affect the integrity of the community interest natural protected areas and in the absence of alternative solutions, the central public authority for environmental protection has the obligation:

- a) To inform the European Commission about the compensatory measures taken for protecting the global coherence of Nature 2000 network, for the avifaunal special protection areas and community importance sites, when the project must be carried out for imperative reasons of major public interest referring to the human health, public security or benefits for the environment. In this case, the regulation document can be issued before informing the European Commission;
- b) To request the point of view of the European Commission both on the proposed compensatory measures and on imperative reasons of major public interest, others than those related to human health, public security or benefits for the environment, when the project affects a priority species or type of habitat. In this case, the regulation document shall be issued after receiving the answer of the European Commission.

Art. 28. – The decision to reject the environmental agreement request, the framework-content of which is provided in annex no. 3, includes:

- a) The main reasons and considerations on which the decision is based, including information concerning the evolution of the process of involving the public concerned;
- b) The information concerning the administrative and contentious-administrative appeal procedure provided at art. 23 and 24 from the Government Decision no. 445/2009.

CHAPTER III: APPROPRIATE ASSESSMENT

Art. 29. – (1) The projects provided at art. 9 par. (1) letter e) and those provided at art.12 par. (1) letter c) from the methodology herein are only subjected to the appropriate assessment procedure.

(2) For the projects provided at art. 9 par. (1) letter c), the provisions of art. 11- 25 are applied accordingly.

(3) The provisions of the chapter herein are applied by the personnel with responsibilities in the field of nature protection within the public authorities for environmental protection.

SECTION 1: ~~Project decision-phase~~ The project screening stage

Art. 30. – Within maximum 15 days from submitting the documentation provided at art. 10, the competent authority for environmental protection goes through the ~~classification phase/screening stage~~ performing the following activities:

- a) Analyzes the documentation submitted by the developer;
- b) Carries out the site visit;
- c) Establishes the composition of the technical analysis commission;
- d) Fills in the control list for the classification phase according to the methodological guide concerning the appropriate assessment and requests, depending on the case, additional information for its completion;
- e) Summons the members of the technical analysis commission and communicates the developer the date established for project presentation in the technical analysis commission in order for the developer to participate to its session;
- f) Presents the project and the control list to the technical analysis commission; the authorities represented in the technical analysis commission express their points of view regarding the potential impact of the analyzed project on the natural protected areas of community interest;
- g) Completes the control list concerning the ~~classification phase~~ **screening stage** decision of the project ~~classification phase~~ based on the points of view received from the members of the technical analysis commission;
- h) Takes the ~~classification phase~~ **screening stage** decision of the project ~~classification phase~~ according to the model provided in annex no. 9.

Art. 31. – (1) Following the ~~decision phase~~ **screening stage**, the competent authority for environmental protection decides, depending on the case, that:

- a) The proposed project does not have to go through the other stages of the appropriate assessment procedure, for those that do not have a significant impact on the integrity of community interest natural protected areas;
- b) The proposed project has to carry out the appropriate assessment for those for which was taken the decision that they may have a significant impact on the integrity of community interest natural protected areas, by elaborating a study that shall comply with the framework-content provided in the methodological guide regarding the appropriate assessment.

(2) Within 3 days from taking the ~~of the decision phase~~ **screening stage** decision, the competent authority for environmental protection:

- a) Informs the developer and transmits him/her the public notice concerning the ~~project of the classification phase~~ **draft screening stage** decision;
- b) Publishes on the internet page the ~~classification phase~~ **draft screening stage** decision and the notice concerning the ~~project of the classification phase~~ **draft screening stage** decision.

(3) The developer informs the public about the ~~of the classification phase~~ **draft screening stage** decision within 3 days from receiving the notice, by publishing it in the national or local press, by posting it at its own registered office and on its own internet page, as well as at the registered office of the local public administration authority/authorities on the territory of which the project implementation is proposed.

(4) The public concerned can submit comments/observations ~~to on the project of the classification phase~~ **on the draft screening stage** decision within 5 days from the notice publication in the press.

(5) Within 10 days from receiving the justified comments/observations of the public concerned ~~to on the project of the classification phase~~ **on the draft screening stage** decision, the

competent authority for environmental protection invites the members of the technical analysis commission to participate in adopting the final decision of the decision phase.

(6) In the case in which the justified comments/observations of the public concerned lead to reconsidering the decision, this is made available to the public by the competent authority for environmental protection by posting it on the internet page and by the developer, through the means provided at par. (4).

SECTION 2: ~~Phase of appropriate assessment study~~ Appropriate assessment study stage

Art. 32. – (1) Within 15 days from submitting the appropriate assessment study on paper and in electronic format, the competent authority for environmental protection performs the following activities:

- a) Analyzes the appropriate assessment study submitted by the developer;
- b) Makes available the appropriate assessment study to the public for consultation by posting it on the internet page or at its registered office; the public comments can be transmitted within 5 days from the posting date;
- c) Transmits the appropriate assessment study to the members of the technical analysis commission;
- d) Summons the members of the technical analysis commission and presents the control list for the quality analysis ~~phase~~ **stage** of the appropriate assessment study, analyzing together with its members the appropriate assessment study.

(2) Following the activities mentioned at par. (1), the competent authority for environmental protection decides, depending on the case:

- a) To pass to the ~~phase~~ stage of alternative solutions for the projects for which it was decided that negative impact persists and to inform in writing the developer about the taken decision;
- b) To issue the Nature 2000 approval ~~permit~~, the model of which is provided in annex no. 19, for the projects for which it was decided that the significant impact is eliminated/reduced after analyzing the measures of impact reduction.

SECTION 3: ~~Phase of alternative solutions~~ Alternative solutions stage

Art. 33. – (1) Within 15 days from completing the appropriate assessment study with the alternative solutions, the competent authority for environmental protection performs the following activities:

- a) Analyzes the alternative solutions submitted by the developer;
- b) Makes available the alternative solutions presented by the **developer** to the public for consultation, by posting it on the internet page and at its registered office, depending on the case; the public comments can be transmitted within 5 days from the posting date;
- c) Transmits the alternative solutions presented by the developer to the members of the technical analysis commission;
- d) Summons the members of the technical analysis commission and presents the alternative solutions and the control list for the quality analysis of this phase.

(2) Following the activities mentioned at par. (1), the competent authority for environmental protection decides, depending on the case:

- a) To pass to the ~~phase of~~ compensatory measures **stage** if the identified alternative solutions do not reduce the significant negative impact, but the project has to be carried out for imperative reasons of major public interest related to human health, public safety or benefits for the environment, including of social or economic nature;
- b) To issue the Nature 2000 **approval** ~~permit~~ for the alternative solution that eliminates/reduces the negative impact;

- c) To reject the request if the identified alternative solutions do not eliminate/reduce the negative impact on the integrity of the community interest natural protected areas and in the absence of major public interest reasons according to the rejection decision provided in annex no. 3.

SECTION 4 – ~~Phase of~~ compensatory measures stage, when no alternative solutions exist and when the negative impact persists

Art. 34. – (1) Within 15 days from completing the appropriate assessment study with the compensatory measures, the competent authority for environmental protection performs the following activities:

- a) Analyzes the compensatory measures submitted by the developer;
- b) Makes available the compensatory measures presented by the developer to the public for consultation, by posting it on the internet page and at its registered office, depending on the case; the public comments can be transmitted within 5 days from the posting date;
- c) Transmits the proposed compensatory measures to the members of the technical analysis commission;
- d) Summons the members of the technical analysis commission and presents the compensatory measures and the control list for the quality analysis of this phase ;
- e) Decides to issue the Nature 2000 ~~permit~~ or to reject the request, taking also into account the points of view of the members of the technical analysis commission.

(2) For the major public interest projects that affect a priority species or habitat, for which are invoked other imperative reasons of major public interest than those related to human health, public safety or benefits for the environment, before the decision taken for issuing the Nature 2000 approval ~~permit~~, the competent authority transmits the central public authority for environmental protection the form provided in annex no. 3 of the methodological guide concerning the appropriate assessment, completed with the requested information and the appropriate assessment study with subsequent completions.

(3) Based on the documents provided at par. (2), central public authority for environmental protection requests the point of view of the European Commission for the respective project and transmits its answer to the competent authority for the taken decision provided at par. (1) letter e).

(4) Following the activities provided at par. (2) – (3), the competent authority for environmental protection decides to issue the Nature 2000 approval ~~permit~~ or to reject the request, taking into account the point of view of the members of the technical analysis commission and the answer of the European Commission.

(5) For the projects that do not affect a priority species or habitat and for which it was taken the issuance decision of the Nature 2000 permit, the competent authority transmits central public authority for environmental protection the form provided in annex no. 3 of the methodological guide concerning the appropriate assessment, completed with the requested information, the appropriate assessment study with subsequent completions, as well as the issued regulation document.

(6) Based on the documents provided at par. (5), the central public authority for environmental protection informs the European Commission on the compensatory measures taken for protecting the global coherence of Nature 2000 network.

Art. 35. – The Nature 2000 approval ~~permit~~ includes, depending on the case, the following:

- a) The measures to reduce or eliminate the impact on the community interest natural protected areas, their conditions and the way/schedule of implementation;
- b) The compensatory measures approved/accepted by the competent authority for environmental protection, their conditions and the way/schedule of implementation;

- c) The reasons concerning public health or safety or the beneficial consequences of major importance for the environment, that justify the necessity to carry out the proposed project for the community interest natural protected areas that shelter a type of natural priority habitat and/or a priority wild species of community interest;
- d) Other imperative reasons of major public interest on which was obtained the point of view of the European Commission that justify the necessity to carry out the proposed project.

CHAPTER IV: Confidentiality of information submitted by the developer

Art. 36. – In carrying out the environmental impact assessment procedure, the developer can request the competent authority for environmental protection the exemption from making available to the public the information that make the object of commercial and industrial confidentiality, including of the intellectual property.

Art. 37. – (1) The exemption request provided at art. 36 is submitted at the competent authority for environmental protection along with the documents that also contain the information that make the object of commercial and industrial confidentiality, including of the intellectual property. The exemption request is reasoned in fact and in law.

(2) In case of insufficient reasoning of the confidentiality request and existence of a doubt concerning the confidential character of information, the competent authority for environmental protection can reject the request based on the principle of public interest satisfaction.

(3) The settlement of the request provided at par. (1) is materialized by the decision of the manager of the competent authority for environmental protection.

(4) The decision provided at par. (3) is issued and communicated to the developer within 10 days from submitting the exemption request.

(5) The exemption period, in case of its approval, is of maximum 4 years if the specific legislation does not provide otherwise.

Art. 38. – (1) The decision provided at art. 37 par. (3) is posted on the internet page of the competent authority for environmental protection within 3 days from taking it.

(2) The decision provided at art. 37 par. (3) can be appealed by the developer or by the members of the public concerned at the competent administrative court, according to the provisions of the Contentious-administrative Law no. 554/2004, with subsequent amendments and completions.

CHAPTER V: Modifications or extensions of the projects provided in the Governmental Decision no. 445/2009

Section 1: Notification of a project modification or extension prior to the issuance of the development approval

Art. 39. – (1) The developer of a project has the obligation to inform in writing the competent authority for environmental protection about any project modification and extension occurred after the issuance of the classification phase decision, environmental agreement, Nature 2000 approval ~~permit~~ and prior to the issuance of the development approval.

(2) The notification provided at par. (1), accompanied by the verification report drawn up according to the provisions of art. 22 par. (2) letter a) from the Government Decision no. 445/2009 by the project verifier certified under the legal conditions for the essential requirement „c) hygiene, health and environment”, or, depending on the case, by the point of view of the competent authority that issues the development approval according to art. 22 par. (2) letter b), is submitted within 10 days from the occurrence of the modification/extension necessity.

- (3) The notification model is provided in annex no. 20.
- (4) Based on the documents provided at par. (2), the public authority for environmental protection applies accordingly the provisions of art. 22 par. (3) from the Government Decision no. 445/2009.

Section 2: Notification of a project modification or extension after the issuance of the development approval

Art. 40. – The developer of a project has the obligation to inform in writing the competent authority that issues the development approval about any project modification and extension occurred after the issuance of the development approval, under the conditions of the specific legislation.

CHAPTER VI: Exemptions from the environmental impact assessment procedure

Art. 41. – (1) The developer of a project provided in annex no. 1 or no. 2 to Government Decision no. 445/2009 can request the central public authority for environmental protection its total or partial exemption from the environmental impact assessment procedure.

(2) The exemption request that accompanies the request for environmental agreement issuance is reasoned in fact and in law and contains, depending on the case, information concerning the possibility to carry out another form of corresponding assessment. The request is submitted according to the provisions of art. 8 from the Government Decision no. 445/2009.

(3) The exemption request is transmitted by the competent authority for environmental protection to which it was submitted the request to the central public authority for environmental protection within 5 days from its reception.

Art. 42. – (1) The central public authority for environmental protection analyzes the exemption request and establishes, depending on the case:

- a) The necessity of another type of assessment,
- b) The performance of the environmental impact assessment only for certain project stages,
- c) The performance of the environmental impact assessment for the entire project if the exemption request is rejected.

(2) The information obtained through the **type of assessment established** according to par.

(1) is made available to the public as in the environmental impact assessment procedure.

Art. 43. – (1) The exemption or rejection decision of the exemption request is reasoned in fact and in law and includes the requirements necessary to be fulfilled by the developer according to art. 42.

(2) The central public authority for environmental protection issues the exemption or rejection decision, publishes it on the internet page and posts it at its registered office within 15 days from receiving the exemption request. The decision is communicated to the developer within 3 days from its issuance.

(3) The exemption decision is issued complying with the provisions of art. 17 to Government Decision no. 445/2009.

Art. 44. – (1) The central public authority for environmental protection transmits the exemption or rejection decision of the exemption request to the competent authority for environmental protection within 3 days from its issuance.

(2) The competent authority for environmental protection fulfils the provisions from the decisions.

(3) After fulfilling the requirements from the exemption decision and prior to the environmental agreement issuance, the competent authority for environmental protection

transmits the assessment results established according to art. 42 par. (2) to the central public authority for environmental protection.

(4) Within 5 days from receiving the information provided at par. (3), the central public authority for environmental protection transmits the exemption decision and the information made available to its own public to the European Commission.

(5) Within 3 days from informing the European Commission, the competent authority for environmental protection takes the decision to issue/reject the environmental agreement, the provisions of art. 23-25 being applied accordingly.

Art. 45. – If it was decided through a case-by-case analysis the exemption from the environmental impact assessment procedure of the projects intended for national defence to which the provisions of art. 8 par. (1) letter a) from the Government Decision no. 445/2009 refer to, the competent authority for environmental protection transmits the developer a notification with the mention “It makes the object of the exemption decision no. from the environmental impact assessment procedure”, within 5 days from receiving the exemption decision from the central public authority.

CHAPTER VII – REVISION AND UPDATE OF THE ENVIRONMENTAL AGREEMENT

Art. 46. – (1) The competent authority for environmental protection revises and updates, depending on the case, the classification phase decision, the environmental agreement, the Nature 2000 permit on the developer’s request after he/she pays the corresponding tariff.

(2) Any entry of mentions in an annex and/or modification of the initial document content is/are considered the revision and update of the classification phase decision or of the environmental agreement.

(3) The revision of the classification phase decision, environmental agreement, Nature 2000 permit, depending on the case, is mandatory in all situations in which:

- a) appear new elements with environmental impact, unknown on the date of its issuance;
- b) the provisions of a new legal regulation impose it;
- c) in the situations provided by the legislation concerning the prevention and integrated control of pollution, for the projects that are subjected to this legislation;
- d) was taken the respective decision following the analysis of the notification submitted by the developer according to the provisions from chapter V.

Art. 47. – (1) The revision of the ~~classification phase~~ **screening stage** decision, environmental agreement, Nature 2000 **approval permit**, depending on the case, is carried out by the issuing competent authority for environmental protection, within 10 days from taking the revision decision, by going through the following procedural stages:

- a) the entry of mentions and/or modification of the initial document content issued by the competent authority for environmental protection or request rejection, depending on the case;
- b) drawing up the public notice according to the model form annex no. 21;
- c) notice publication on the own Internet page and posting at its registered office;
- d) transmission to the developer of the public notice drawn up according to the model form annex no. 22, for publication within 3 days in the national or local press, at its registered office and on its own internet page, as well as on the investment identification panel from the site.

(2) The public concerned can transmit comments/opinions/observations concerning the decision of the competent authority for environmental protection to the competent authority for environmental protection within 10 days from its publication.

(3) Within 5 days from the term expiration provided at par. (2), the competent authority for environmental protection carries out the following activities:

- a) analyzes the justified comments/opinions/observations of the public concerned;

- b) transmits the ~~classification—phase~~ screening stage decision/environmental agreement/Nature 2000 approval or the request rejection decision, depending on the case, to the developer.

Art. 48. – (1) The competent authority for environmental protection is compelled to draw up and have an operational file for all the projects that make the object of the procedure herein. This includes all the relevant information concerning the environmental impact assessment procedure, including the information that are made available to the public, according to the procedure herein.

(2) The operational file includes at least:

- a) The documentation that underlay the decisions taken by the competent authority for environmental protection;
- b) The control lists filled in during the environmental impact assessment procedure, including the site verification report, drawn up according to the provisions of the procedure herein;
- c) The guide elaborated by the competent authority for environmental protection related to the content of the environmental impact assessment report/the scoping report, depending on the case;
- d) The completions/amendments of the documentation;
- e) The environmental impact assessment report, depending on the case;
- f) The notifications transmitted by the developer in case of data/information modification that underlay the decisions taken in the environmental impact assessment procedure;
- g) All the decisions taken within the environmental impact assessment procedure;
- h) Other documents relevant for the respective project.

(3) The operational file shall be kept during the entire investment lifetime, including during the period of site restoration after closure. This shall be also stored on electronic media depending on the case.

CHAPTER IX: Final provisions

Art. 49. – (1) If the developer does not make available to the competent authority for environmental protection all the information necessary for the environmental agreement issuance within maximum two years from their request, the request is rejected. The issuance of the environmental agreement is carried out by resuming the entire procedure.

(2) The environmental impact assessment reports carried out according to the legislation in force at that moment, submitted to the competent authority for environmental protection and in the process of unfinished procedures are updated according to the legislation in force on the request of the competent authority for environmental protection.

(3) Upon completion of the public and private projects that made the object of the environmental impact assessment procedure and/or the appropriate assessment procedure, depending on the case, under the conditions of the methodology herein, the competent authority for environmental protection carries out a specialized control for verifying the compliance with the provisions of the classification phase decision, environmental agreement/ Nature 2000 permit, depending on the case.

(4) The report drawn up in the situation provided at par. (3) is annexed and is part of the acceptance protocol at the end of the works.

Art. 50. – The annexes no. 1 – 22 are part of the methodology herein.

Framework-content of the NOTIFICATION

1. General data and project/modification location

- 1.1 Project name:
(with the specification of classification according to the annexes to the Government Decision no. 445/2009 concerning the environmental impact assessment of certain public and private projects)
- 1.2 Project location*, including vicinities and objective address
- 1.3 Identification data of the developer/beneficiary/modification:
 - a) Developer name;
 - b) Developer address, telephone, fax, e-mail address;
 - c) Legal representatives/delegates, with identification data;
- 1.4. Fitting into the approved/adopted urban/land management plans and/or other schemes/programs;
- 1.5. Fitting into other existent activities (if applicable).
- 1.6. Territorial balance – total surface, built surface (buildings, accesses), surface of green areas, number of parking places (if applicable).

2. Short project description

- A short description of the project and of its necessary works shall be made.

3. Way of ensuring the utilities

1. Water supply
2. Waste water evacuation
3. Technological water supply, if applicable
4. Heating medium provision

Annexes – drawn pieces –

Town planning certificate and annexed plans.

* – it shall be stated the distance to the borders for the projects mentioned in Annex no. I to the Convention on environmental impact assessment in transboundary context, adopted at Espoo on February 25th 1991, ratified by Law no. 22/2001.

Developer signature

Header of the competent authority for environmental protection

No..... /.....

Notification classification

Following the request submitted by (developer name and address).....for the projectproposed to be situated in(site address), registered at (competent authority for environmental protection) with no...../date.....,

- following the verification of the project site (depending on the case), analysis of the submitted documentation, site localization in the town planning and in relation to the position towards the protected areas, buffer areas, natural or archaeological monuments, areas with building restrictions, coast area;

- considering that:

*- the proposed project **does not fall** within the Government Decision no. 445/2009 concerning the environmental impact assessment of certain public and private projects;*

*- the proposed project **falls** within art. 28 from the Government Emergency Ordinance no. 57/2007 concerning the regime of natural protected areas, preservation of natural habitats, wild flora and fauna, with subsequent amendments and completions,*

The competent authority for environmental protection..... decides:

Not to take any further action on the notification because the proposed project does not comply with the environmental impact assessment and appropriate assessment procedures.

Head of the competent authority for environmental protection
(Signature and stamp)

Head of Service

Drawn up

Header of the competent authority for environmental protection

Decision to reject the environmental agreement request

No..... /.....

Following the request submitted by (developer name and address).....for the projectproposed to be situated in(site address), registered at (the competent authority for environmental protection).....with no...../date.....,

- *following the verification of the project site (depending on the case), analysis of the submitted documentation, site localization in the town planning and in relation to the position towards the protected areas, buffer areas, natural or archaeological monuments, areas with building restrictions, coast area;*
- *following the analysis of alternative solutions and/or imperative reasons of major public interest, compensatory measures;*
- *following the analysis of the environmental impact assessment report and safety report.*

The competent authority for environmental protection..... decides:

To reject the environmental agreement request for the project

The reasons underlying the decision are the following: (the reasoning shall be carried out on a case by case basis depending on the legal provisions that the project violates, taking into consideration the mode of public participation and how the public observations have been taken into account during the procedure, as well as for non-complying with the terms established by the competent authority for environmental protection according to art. 15 par. (2) and (3) from GEO no. 195/2005 concerning environmental protection, approved by Law no. 256/2006, with subsequent amendments and completions):

.....
.....
.....

The decision herein can be contested according to the provisions of G.D. no. 445/2009 concerning the environmental impact assessment of certain public and private projects and of Contentious-administrative Law no. 554/2004, with subsequent amendments and completions.

Head of the competent authority for environmental protection
(Signature and stamp)

Head of Service

Drawn up

Header of the competent authority for environmental protection

Decision of the initial assessment stage

(starting the procedures of environmental impact assessment and/or appropriate assessment)

No..... /

Following the request submitted by (developer name and address).....for the projectproposed to be situated in(site address), registered at (the competent authority for environmental protection).....with no...../date.....

- following the verification of the project site (depending on the case), analysis of the submitted documentation, site localization in the town planning and in relation to the position towards the protected areas, buffer areas, natural or archaeological monuments, areas with building restrictions, coast area;

- considering that:

- the project **falls/does not fall** within GD no. 445/2009 concerning the environmental impact assessment of certain public and private projects, falling within Annex at point ;

- the proposed project **falls/does not fall** within art. 28 from G.E.O. no. 57/2007 concerning the regime of natural protected areas, preservation of natural habitats, wild flora and fauna, with subsequent amendments and completions, its site being situated in (if it falls within art. 28, it shall be mentioned the natural protected area of community interest and the position of the proposed project site: inside or its vicinity),

The competent authority for environmental protection..... decides:

the necessity to start the procedure of environmental impact assessment and/or the appropriate assessment for the project

The competent authority for starting the procedure of environmental impact assessment and/or the appropriate assessment is (it shall be filled in only if the environmental protection agency is not the competent authority for starting the procedure).

For project continuation, the developer shall submit:

- a) the presentation memorandum, filled in according with the framework-content provided Annex no. 5 to the methodology, and, depending on the case, with the requested

information according with the methodological guide concerning the appropriate assessment, as well as with the geographical coordinates of the project site, which shall be presented under vector form in digital format with geographical reference, in national projection system Stereo 1970;

- b) the proof of paying the tariff pertaining to the assessment field classification/determination phase, depending on the case;
(in the case of projects from annex no. 1 to G.D. no. 445/2009, the classification stage for the appropriate assessment procedure shall be carried out and it shall pass directly to the field determination phase without the payment of the classification phase tariff; in the case of projects from annex no. 2 to G.D. no. 445/2009 or those for which the competent authority for environmental protection considers that they have a potential environmental impact through their nature, size and location, it shall pass to the classification phase).

Head of the competent authority for environmental protection
(Signature and stamp)

Head of Service

Drawn up

Framework-content of the presentation memorandum

I. Project name:

II. Developer

- Company name
- Mailing address
- Telephone, fax number and e-mail address, internet page address;
- Name of contact persons:
 - director/manager/administrator
 - responsible for environmental protection

III. Project description

- project summary
- justification of the project necessity
- boards representing the limits of the project site including any land surface requested to be used temporarily (lay-out and site plans)
- physical forms of the project (plans, buildings, other structures, construction materials, etc.)

The specific elements characteristic to the proposed project are presented:

- production profile and capacities;
- description of the technological installation and flows existing on the site (depending on the case);
- description of the proposed project production processes, depending on the investment type, obtained products and sub-products, size, capacity;
- raw materials, used energy and fuels with their provision mode;
- connection to the utility networks existing in the area;
- description of the site restoration works in the area affected by investment execution;
- new access ways or changes of the existing
- natural resources used in construction and operation
- methods used in construction
- execution plan containing the construction phase, commissioning, exploitation, restoration and subsequent use,
- relation with other existing or planned projects
- details concerning the alternatives that have been taken into account
- other activities that may occur due to the project (e.g. extraction of aggregates, provision of new sources of water, energy transport sources or lines, increase of the number of houses, elimination of used water and wastes).
- other authorizations requested for the project.

Project location

- distance to the borders for the projects that fall within the Convention concerning the environmental impact assessment in transboundary context, adopted at Espoo on February 25th 1991, ratified by Law no. 22/2001.
- maps, photographs of the site that can offer information about the physical characteristics of the environment, both natural and artificial, and other information about:
 - the actual and planned uses of the field both on the site and on its adjacent areas;
 - the field zoning and use policies;

- the sensitive areas;
- the details on any site option which was taken into account.

The characteristics of the potential impact, to the extent in which this information is available.

A short description of the potential impact taking into account the following factors:

- impact on population, human health, fauna and flora, soil, uses, material goods, quality and quantity water regime, air quality, climate, noises and vibrations, landscape and visual environment, historical and cultural patrimony and on the interactions between these elements
- impact nature (namely direct, indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative impact)
- impact extension (geographical area, number of affected population/habitats/species)
- impact magnitude and complexity
- impact probability
- impact duration, frequency and reversibility
- measures of significant environmental impact avoidance, reduction or improvement
- impact transboundary nature.

IV. Sources of pollutants and installations for retention, evacuation and dispersion of pollutants into the environment

1. Protection of water quality:

- sources of pollutants for waters, discharge place or emissary;
- stations and installations of waste water treatment or pre-treatment.

2. Air protection:

- sources of pollutants for air, pollutants;
- installations for retention and dispersion of pollutants into the atmosphere.

3. Protection against noises and vibrations:

- sources of noises and vibrations;
- Installations and equipment for the protection against noise and vibrations.

4. Protection against radiation:

- sources of radiation;
- Installations and equipment for the protection against radiation.

5. Protection of soil and subsoil:

- sources of pollutants for soil, subsoil and groundwater;
- works and equipment for the protection of soil and subsoil.

6. Protection of terrestrial and aquatic ecosystems:

- identification of sensitive areas that can be affected by the project;
- works, equipment and measures for the protection of biodiversity, natural monuments and protected areas.

7. Protection of human settlements and other public interest objectives:

- identification of public interest objectives, distance to human settlements, respectively to historical and archaeological monuments, other areas on which a restriction regime is instituted, traditional interest areas etc.;
- works, equipment and measures for the protection of human settlements and protected and/or public interest objectives.

8. Management of wastes generated on the site:

- types and quantities of resulted wastes of any kind;
- mode of waste management.

9. Management of dangerous chemical substances and preparations:

- used and/or produced dangerous chemical substances and preparations;
- mode of dangerous chemical substances and preparations and assurance of conditions for the protection of environmental factors and population health.

V. Provisions for environment monitoring

- equipment and measures provided for the control of pollutant emissions in the environment;

VI. Justification of project classification, depending on the case, in the provisions of other national legal acts that transpose the community legislation (IPPC, SEVESO, COV, LCP, Water framework-directive, Air framework-directive, Wastes framework-directive etc.)

VII. Works necessary for site organization

- description of works necessary for site organization;
- location of site organization;
- description of environmental impact of site organization works;
- sources of pollutants and installations for the retention, evacuation and dispersion of the pollutants in the environment during site organization;
- equipment and measures provided for the control of pollutant emissions in the environment.

VIII. Works of site restoration at the end of investment, in case of accidents and/or activity completion, to the extent in which this information is available

- works proposed for site restoration at the end of investment, in case of accidents and/or activity completion;
- aspects related to the prevention and mode of response for cases of accidental pollutions;
- aspects related to the installation closure/decommissioning/demolition;
- modes of restoring the initial state/rehabilitation for the subsequent use of the land.

IX. Annexes – drawn pieces

1. Objective layout plan and the site plan with the way of planning the use of surfaces;

Physical forms of the project (plans, buildings, other structures, construction materials etc.)

Boards representing the limits of the project site, including any land surface requested to be used temporarily (situation and site plans)

2. Flow-schemes for:

- The technological process and the activity stages, with the depollution installations;

3. Other drawn pieces, established by the public authority for environmental protection

X. For the projects for which in the initial assessment phase the competent authority for environmental protection decided the necessity to start the appropriate assessment procedure, the memorandum shall be supplemented with:

- a) The short project description and distance to the natural protected area of community interest, as well as the geographical coordinates (STEREO 70) of the project site. These coordinates shall be presented under vector form in digital format with geographical reference, in national projection system Stereo 1970 or table in electronic format containing the contour coordinates (X,Y) national projection system Stereo 1970;
- b) The name and code of the natural protected area of community interest;
- c) The presence and amount/surfaces covered by species and habitats of community interest in the project area;
- d) It shall be mentioned if the proposed project does not have direct relation with or it is not necessary for the management of the natural protected area of community interest preservation;
- e) The potential impact on species and habitats from the natural protected area of community interest shall be estimated;
- f) Other information provided in the methodological guide concerning the appropriate assessment.

Signature and stamp

Header of the competent authority for environmental protection

**Site verification
REPORT**

No.from(date)

Drawn up, in the presence

I. Identification and location data

1. Developer:
2. Address:
3. Telephone/Fax:

II. Description of the site and its vicinities:

1. Site:
2. Vicinities:
3. Other activities carried out in the site area:

III. Sensitive receptors, areas with special protection regime, natural protected areas of community interest, restrictions

.....

IV. (Potentially interested) Target audience identification

V. Possibilities of assuring the utilities and the description of the potential environmental impact, depending on the case, due to the assurance of utilities

1. Water supply:
2. Waste water evacuation:
3. Heating system:
4. Management of wastes:

VI. Conclusions

VII. Contact person/person responsible for environmental protection on behalf of the developer

VIII. Signatures

Representative of the competent authority for environmental protection,

Name

Signature.....

Representative of developer,

Name

Signature.....

Public notice concerning the submission of the environmental agreement issuance request (competent authority for environmental protection)

..... (competent authority for environmental protection) informs the public concerned about the submission of the environmental agreement issuance request for the project (project name), proposed to be situated in (site address), developer

The information concerning the proposed project can be consulted at the registered office of the competent authority for environmental protection..... (address) and at the registered office (developer name), (address), in the days, between the hours

The public observations are received daily at the registered office of the competent authority for environmental protection.....

Date of posting the notice on site

.....

Public notice concerning the submission of the environmental agreement issuance request (developer)

.....(developer) informs the public concerned about the submission of the environmental agreement issuance request for the project (project name), proposed to be situated in (site address).

The information concerning the proposed project can be consulted at the registered office of the competent authority for environmental protection (address) and at the registered office (developer name), (address), in the days, between the hours

The public observations are received daily at the registered office of the competent authority for environmental protection.....

Header of the competent authority for environmental protection

Screening Stage Decision/ ~~of the classification phase~~¹

No.....from.....

Following the environmental agreement issuance request from (developer name)..... with registered office in Municipality (town, locality, village), streetno., district/county, registered at (competent authority for environmental protection) with no. from, based on the Government Decision no. 445/2009 concerning the environmental impact assessment of certain public and private projects and the Government Emergency Ordinance no. 57/2007 concerning the regime of natural protected areas, preservation of natural habitats, wild flora and fauna, with subsequent amendments and completions,

The competent authority for environmental protection..... decides, following the consultations carried out within the session/sessions of the technical analysis commission (depending on the case) from that **the project** (**project name**) **proposed to be situated in.....** (**site address**)

is subjected/is not subjected to the environmental impact assessment is subjected/is not subjected to the appropriate assessment.

Justification of the decision herein:

I. The reasons on which was based the decision of classification phase in the environmental impact assessment procedure are the following:

- a) the project falls within the provisions of G.D. no. 445/2009, Annex no....., point
- b)...
- c).....

(it shall be justified according to the criteria from Annex no. 3 of G.D. no. 445/2009)

II. The reasons on which was based the decision of classification phase in the appropriate assessment procedure are the following:

- a) ...
- b) ...
- c) ...

(it shall be justified according to the provisions of the methodological guide concerning the appropriate assessment).

The conditions for carrying out the project (it applies for the projects for which the competent authority for environmental protection decided that the procedures of environmental impact assessment and appropriate assessment **are not** required)

- a) ...

¹ The decision is used for all projects regardless of financing source.

- b) ...
- c)

The proposed project does not require the other stages/stages of the appropriate assessment procedure (it applies for the projects for which the competent authority for environmental protection decided that the procedure of appropriate assessment **is not** required).

The decision herein can be contested according to the provisions of G.D. no. 445/2009 concerning the environmental impact assessment of certain public and private projects and of the Contentious-administrative Law no. 554/2004, with subsequent amendments and completions.

Head of the competent authority for environmental protection
(Signature and stamp)

Head of Service

Drawn up

**Public notice concerning the ~~classification~~ screening stage decision of the classification
(competent authority for environmental protection)**

The competent authority for environmental protection informs the public concerned on taking the decision of classification phase:....., within the procedures of environmental impact assessment * and/or appropriate assessment, for the project....., proposed to be situated in (site address), developer,

1. The ~~project of classification~~ screening stage decision and the reasons that underlie it can be consulted at the registered office of the competent authority for environmental protection..... from (address), in the days of, between the hours....., as well as at the following internet address (internet page of the competent authority for environmental protection).....
The public concerned can submit comments/observations to the project of the ~~classification~~ decision until(within 8 days from the date of posting the notice)
2. The public concerned can submit suggestions concerning the content of the environmental impact assessment report to the registered office of the competent authority for environmental protection....., as well as to the following e-mail address....., until(within 13 days from the date of posting the notice).

Date of posting the notice on site

.....

* It shall be mentioned if the procedure concerning the environmental impact assessment in a ~~transboundary frontier~~ context is also carried out for the project in question.

**Public notice concerning the ~~screening stage~~ decision of the ~~classification~~
(developer)**

..... (developer name), developer of project, informs the public concerned on taking the **screening stage** decision ~~of classification phase~~ by(competent authority for environmental protection):, within the procedures of environmental impact assessment* and appropriate assessment, for the project....., proposed to be situated in (site address), developer,

1. The ~~project of classification~~ **screening stage** decision and the reasons that underlie it can be consulted at the registered office of the competent authority for environmental protection..... from (address), in the days of, between the hours....., as well as at the following internet address (internet page of the competent authority for environmental protection).....
The public concerned can submit comments/observations ~~to the project of the classification~~ on **screening stage** decision within 5 days from the publication date of the notice herein, until.....

The public concerned can submit suggestions concerning the content of the environmental impact assessment report to the registered office of the competent authority for environmental protection....., as well as to the following e-mail address....., within 10 days from the publication date of the notice herein, until.....,

* It shall be mentioned if the procedure concerning the environmental impact assessment in **transboundary** ~~frontier~~ context is also carried out for the project in question.

Public notice concerning the public debate (developer)

.....(developer) informs the public concerned on the submission of the environmental impact assessment report*, that integrates the conclusions of the appropriate assessment study (depending on the case) and of the ~~security~~ **safety** report (depending on the case) for the project(project name), proposed to be situated in

The type of potential decision taken by.....(the competent authority for environmental protection) can be the issuance or rejection of the environmental agreement.

The report(s) can be consulted at the registered office of the competent authority for environmental protection....., (address) and at the registered office (developer name, address), in the days of, between the hours.....

The mentioned document(s) are also available at the following internet address.....

The public debate of the environmental impact assessment report and ~~security~~ **safety** report (**depending on the case**) shall take place at.....(address), on, starting with the hour.....

The public concerned can transmit in writing comments/opinions/observations concerning the mentioned documents at the registered office of the competent authority for environmental protection....., (address) until (date of public debate).

* It shall be mentioned if the procedure concerning the environmental impact assessment in **transboundary** ~~frontier~~ context is also carried out for the project in question.

Public notice concerning the public debate (competent authority for environmental protection)

The competent authority for environmental protection informs the public concerned on the submission of the environmental impact assessment report*, that integrates the conclusions of the **appropriate assessment** study (depending on the case) and of the ~~security~~ **safety** report (depending on the case) for the project(project name), proposed to be situated in developer..... .

The type of potential decision taken by.....(the competent authority for environmental protection) can be the issuance or rejection of the environmental agreement.

The report(s) can be consulted at the registered office of the competent authority for environmental protection....., (address) and at the registered office (developer name, address), in the days of, between the hours..... . The mentioned document(s) are also available at the following internet address.....

The public debate of the environmental impact assessment report and safety report (depending on the case) shall take place at.....(address), on, starting with the hour.....

The public concerned can transmit in writing comments/opinions/observations concerning the mentioned documents at the registered office of the competent authority for environmental protection..... , (address) until (date of public debate).

Date of posting the notice on site

.....
* It shall be mentioned if the procedure concerning the environmental impact assessment in **transboundary** ~~frontier~~ context is also carried out for the project in question.

Form concerning the comments/suggestions/observations of the public concerned to the environmental impact assessment report, **appropriate assessment report (depending on the case), ~~security~~ **safety** report (depending on the case)**

When submitting the opinions/comments/observations concerning the mentioned reports, the members of the public concerned have the obligation to declare their name, first name, address, electronic mail address, depending on the case. The competent authority for environmental protection records the opinions/comments/observations of the public concerned in a form according to the model presented below.

Crt. no.	Name and first name	Address E-mail address (depending on the case)	Reception date	Brief content of observations
1.				
2.				
n.				

Form for presenting the solutions to solve the problems signalled by the public concerned

The developer presents solutions to solve the problems signalled by the public, using the form presented below.

Crt. no.	Names and first names of the members of the public concerned	Identification no. in the form provided in annex no. 14	Formulated opinions/comments/observations	Settlement solution proposed by the developer

Public notice concerning the issuance of the environmental agreement/rejection of the environmental agreement request (developer)

..... (developer) informs the public concerned on the decision to issue the environmental agreement/reject the environmental agreement request for the project.....situated in.....

The ~~project~~^{draft} of the environmental agreement / rejection decision and the information relevant for taking the decision can be consulted at the registered office of the competent authority for environmental protection....., (address)..... , in the days, between the hours, as well as to the following internet address (of the competent authority for environmental protection).....

The public observations/appeals are received at registered office of the competent authority for environmental protection....., (address), until(within 8 days from posting the notice).

Date of posting the notice on site

.....

Public notice concerning the issuance of the environmental agreement/rejection of the environmental agreement request (competent authority for environmental protection)

The competent authority for environmental protection..... informs the public concerned on decision to issue the environmental agreement/reject the environmental agreement request for the project.....situated in....., developer.....

The ~~project~~^{draft} of the environmental agreement / rejection decision and the information relevant for taking the decision can be consulted at the registered office of the competent authority for environmental protection....., (address)..... , in the days, between the hours, as well as at the following internet address.....

The public observations/appeals are received at registered office of the competent authority for environmental protection....., (address), within 5 days from publishing the notice herein, until.....

Framework-content of the environmental agreement

Header of the competent authority for environmental protection

.....

ENVIRONMENTAL AGREEMENT

No.from

Following the request submitted by with the registered office in Municipality (town, locality, village), streetno., district/county, registered at(competent authority for environmental protection) with no. from

based on GEO no.195/2005 concerning environmental protection, approved with amendments and completions by Law no. 265/2006, with subsequent amendments and completions, of the Government Decision no. 445/2009 concerning the environmental impact assessment of certain public and private projects and of the Government Emergency Ordinance no. 57/2007 concerning the regime of natural protected areas, preservation of natural habitats, wild flora and fauna, with subsequent amendments and completions, depending on the case, is issued the:

ENVIRONMENTAL AGREEMENT

for the project..... (project name)
from street, no. ..., locality (town, locality, village), district/county.....
(site address)

in order to establish the conditions and measures of environmental protection that have to be complied with for carrying out the project

that provides:

I. The project description, the works provided by the project, including installations and equipment

II. The reasons and considerations underlying the agreement issuance, among others related to the quality and conclusions/recommendations of the environment impact assessment report and public participation

(for example:

- The project is found in the plan/program/strategy.....adopted by a public authority and was subject to an environmental impact assessment procedure according to G.D. no. 1076/2004 concerning the determination of the procedure for carrying out the environmental assessment for plans and programs, which transposes the Directive of the European Parliament and Council 2001/42/EC from June 27th 2001;
- The reasons/criteria underlying the alternative selection, including the technological and site one;
- The classification in BAT, BREF, depending on the case;

- The compliance with the community requirements transposed in the national legislation;
- How it responds to/complies with the objectives of environmental protection from the area on air, water, soil etc;
- The compatibility with the objectives to protect Nature 2000 sites, depending on the case;
- Taking into account the direct, indirect and cumulated impact with the other activities existing in the area etc).

III. Measures for the prevention, reduction and, where possible, compensation of significant environmental negative effects

- a) Measures during the project realization (shall be mentioned for: water, air, soil, subsoil, biodiversity/natural areas, noise, vibrations, radiation, wastes, health risk, landscape, cultural and historical patrimony, natural resources, etc.) and their implementation effect;
- b) Measures during exploitation and their implementation effect;
- c) Measures for land closure/demolition/decommission and rehabilitation for subsequent use, as well as their implementation effect.

Also, for the projects for which was taken the decision that they may have a significant impact on the integrity of natural protected areas of community interest, the measures corresponding to at least one of the following situations (depending on the stage in which the appropriate assessment was completed) are mentioned:

- Measures to reduce or eliminate the impact on the natural protected areas of community interest, conditions and way/schedule of their implementation;
- Alternative solution that results from the appropriate assessment for which the environmental agreement is issued and the measures to reduce or eliminate the impact pertaining to it;
- Compensatory measures approved/accepted by the competent authority for environmental protection, conditions and way/schedule of their implementation;
- Considerations concerning the public health or safety or the beneficial consequences of major importance for the environment, that justify the necessity to carry out the proposed project, for the natural protected areas of community interest that house a type of natural priority habitat and/or a priority wild species of community interest;
- Other imperative reasons of major public interest on which was obtained the point of view of the European Commission that justify the necessity to carry out the proposed project.

IV. Conditions that have to be complied with

1. During project realization:

- a) Technical conditions required by the provisions of specific legal acts (Romanian or community), depending on the case (for example, legal technical requirements of building a waste deposit);
- b) Technical conditions that arise from the environmental impact assessment report that integrate the conclusions of the appropriate assessment, depending on the case (for example, the thickness of the waterproofing geomembrane, non-fragmentation of habitat, etc.);
- c) Conditions necessary to be fulfilled during the site organization (for example, the prohibition to place the site organization in the vicinity of natural protected areas etc).
- d) Monitoring plan of the environment, with the indication of the environmental components to be monitored, of the periodicity, parameters and site selected for monitoring each factor.

2. During exploitation:
 - a) conditions necessary to be fulfilled depending on the provisions of specific legal acts,
 - b) conditions that arise from the environmental impact assessment report, respectively from the requirements of specific community legislation, depending on the case;
 - c) for the installations that fall within the legislation concerning the prevention and integrated control of pollution:
 - emission levels associated to the best available applicable techniques, for the pollutants that can be released in significant quantities or, depending on the case, the equivalent technical parameters or measures;
 - provisions for limiting the effects of long distance or transboundary pollution, depending on the case.
 - d) Compliance with the norms imposed by the specific legislation from the field of air quality, water management, wastes, noise, nature protection;
 - e) Monitoring plan of the environment, with the indication of the environmental components to be monitored, of the periodicity, parameters and site selected for monitoring each factor.
3. During the closure, decommission, environment restoration and post-closure:
 - a) conditions necessary to be fulfilled at closure/decommission/demolition;
 - b) conditions for restoring the initial state/rehabilitation for the subsequent use of the land;
 - c) Monitoring plan of the environment, with the indication of the environmental components to be monitored, of the periodicity, parameters and site selected for monitoring each factor.
- V. Information concerning the process of public participation in the undertaken procedure.
 - When and how was the public informed, on stages of the undertaken procedure;
 - When and how did the public participate in the decisional process related to the project;
 - How were the justified suggestions/observations of the public concerned taken into account;
 - If completions/amendments of the environmental impact assessment report were requested and if they were made available to the public concerned.

If the project suffers modifications, the developer has the obligation to inform in writing the issuing public authority for environmental protection about these modifications.

The environmental agreement herein is valid on the entire period of project implementation.

Not complying with the provisions of the agreement herein leads to its suspension and cancellation, depending on the case.

The agreement herein can be contested according to the provisions of G.D. no. 445/2009 concerning the environmental impact assessment of certain public and private projects and of the Contentious-administrative Law no. 554/2004, with subsequent amendments and completions.

Head of the competent authority for environmental protection
(Signature and stamp)

Head of Service

Drawn up

Framework-content of Nature 2000 ~~permit~~ approval

Header of the competent authority for environmental protection

NATURE 2000 ~~PERMIT~~ APPROVAL

No.from

Following the request no...../..... from
..... with registered office in.....
, streetno., district/county, after
analyzing the transmitted documents and based on the provisions of art. 28 of the
Government Emergency Ordinance no. 57/2007 concerning the regime of natural
protected areas, preservation of natural habitats, wild flora and fauns, with subsequent
amendments and completions, is issued the

Nature 2000 ~~PERMIT~~ APPROVAL

for the project.....(project name) situated in the county/
counties.....

for the accepted alternative solution, when applicable,
with the following conditions:

.....
.....
.....

There are specified:

- The impact reduction measures or, depending on the case, compensatory measures, their modality and schedule of implementation;
- The imperative reasons of major public interest that justify the issuance of the permit herein, depending on the case.

The ~~permit~~ approval herein is valid from its issuance date, during the entire period of project validity, if no modifications of it occur.

The ~~permit~~ approval herein can be contested according to the provisions of the Contentious-administrative Law no. 554/2004, with subsequent amendments and completions.

Head of the competent authority for environmental protection

(Signature and stamp)

Head of Service

Drawn up

**Notification of project modifications according to art. 22 from G.D. no. 445/2009
concerning the environmental impact assessment of certain public and private
projects**

Developer header

To

..... (competent authority for environmental protection)

..... (developer) with registered office in Municipality (town, locality, village)
....., streetno. , district/county
developer of project for which was issued the **screening stage** decision ~~of the~~
~~classification—phase~~/environmental agreement/Nature 2000 **Approval** ~~permit~~
no..... from..... (date) notifies on the modifications that occurred in
the project data underlying the issuance of the Environmental Protection Agency
decision..... (issuing environmental protection authority), before/after issuing the
development approval.

The modifications brought to the project are the following:

- a).....
- b).....
- c).....

Signature and stamp of the developer representative

Public notice concerning the issuance of the modified **regulatory act/decision to reject the modification request (competent authority for environmental protection)**

The competent authority for environmental protection..... informs the public concerned on the decision to issue the **screening stage** decision ~~of the classification phase~~/of the environmental agreement/Nature 2000 **Approval permit**–or, depending on the case, the decision to reject the modification request for the project.....situated in....., developer.....

The decision of the environmental authority and the relevant information for taking the decision can be consulted at the registered office of the competent authority for environmental protection..... (address)..... and at the registered office of (developer name, address), in the days, between the hours as well as at the following internet address(es).....

The public observations/appeals are received at the registered office of the competent authority for environmental protection....., (address), until.....(within 13 days from publication)

Date of posting the notice on site
.....

Public notice concerning the issuance of the modified ~~regulatory act~~ regulation document/decision to reject the modification request (developer)

.....(developer) informs the public concerned on the decision to issue the ~~screening stage~~ decision of the ~~classification phase~~/of the environmental agreement/Nature 2000 ~~Approval permit~~ or, depending on the case, the decision to reject the modification request for the project.....situated in.....

The decision of the environmental authority and the relevant information for taking the decision can be consulted at the registered office of the competent authority for environmental protection....., (address)..... and at the registered office of (~~developer~~ name, address), in the days, between the hours as well as at the following internet address(es).....

The public observations/appeals are received at the registered office of the competent authority for environmental protection....., (address) within 10 days from publication until