

**LAW no. 292/2018 of December 3<sup>rd</sup>, 2018**  
**on the assessment of impact of certain public and private projects on environment**

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**The Parliament of Romania** adopts this law.

**CHAPTER I**

**General provisions and scope**

**ARTICLE 1**

This law regulates the environmental impact assessment of public and private projects which are likely to have significant effects on the environment.

**ARTICLE 2**

For the purposes of this law, the terms and expressions below have the following meanings:

a) environmental agreement – the administrative act issued by the competent authority for environmental protection which establishes the conditions and measures for environmental protection, which must be respected when a project is accomplished;

b) development consent – the decision of competent authority or authorities, which entitles the developer of the project to make the project; it is materialized in:

1. building permit, for the projects referred to in Annex no. 1 and those referred to in Annex no. 2 point 1 let. a), c), e), f), g) and points 2 - 13;

2. agreement for use of land for intensive agricultural purposes, for the projects referred to in Annex no. 2 point 1 let. b);

3. agreement of the head of territorial specialized structure of public central authority in charge with forestry, for the projects regarding the forestation of land on which there was no forestry vegetation before, referred to in Annex no. 2 point 1 let. d);

4. act issued by the competent authority in forestry field according to the provisions of article 40 of Law no. 46/2008 – Forestry Code, republished, as further amended and supplemented, for meeting the objectives involving the deforestation for changing the destination of the land, referred to in Annex no. 2 point 1 let. d);

c) competent authority – the authority who issues the development consent or as applicable, the public central authority for environmental protection, Administration of "Danube Delta" Biosphere Reserve, the National Environmental Protection Agency, the public territorial authorities for environmental protection organized at county level and at Bucharest municipality level and the "Romanian Waters" National Administration and its subordinated units;

d) environmental impact assessment – a process which consists of:

1. preparing the environmental impact assessment report by the developer, as set out by article 10 and 11;

2. carrying out the consultations, as set out by article 6, 15 and 16 and as applicable, article 17;

3. examination by the competent authority of information presented in the environmental impact assessment report and any additional information provided, as applicable, by the developer according to article 12, and any relevant information obtained from the consultations set out by point 2;

4. presentation of the reasoned conclusion by the competent authority regarding the significant impact of the project on environment, taking into account the examination results set out by point 3 and as applicable, by its own supplementary examination;

5. inclusion of reasoned conclusion by competent authority in any of the decisions set out by article 18 paragraphs (8) and (9);

e) project – execution of construction work or other installations or works and other interventions on the natural surroundings and landscape, including those involving the exploitation of mineral resources;

f) public – one or more natural or legal persons and according to the national legislation or practice, the associations, organizations or groups formed by them;

g) public concerned – the public affected or likely to be affected by the environmental decision-making procedure set out by article 4, or who has an interest in that procedure; for the purposes of this definition, the non-governmental organizations which promote the environmental protection and which meet the requirements under the laws in the field are considered as having an interest;

h) environmental impact assessment report – document which contains the information provided by the developer, according to the provisions of article 11 and article 13 paragraph (2) and (3);

i) developer – applicant for the development consent for a private project, the public authority who initiates a project or the entities under the subordination/authority of public central authorities.

### ARTICLE 3

(1) The public authorities who apply the provisions of this law are the competent authorities defined in article 2 let. c).

(2) The competent authorities objectively fulfil the obligations resulting from this law and are not in a situation which gives rise to a conflict of interest.

(3) If the competent authority defined in article 2 let. c) is also the developer, it has the obligation to assure the adequate separation between functions for the purpose of avoiding the conflict of interest.

(4) The adequate separation between functions, as set out by paragraph (3) is achieved by assuring a distinctive entity from the competent authority who has its own human and administrative resources which confers it a real autonomy and the capacity to objectively and independently fulfil the obligations incumbent on it.

### ARTICLE 4

(1) The environmental impact assessment procedure, set out by annex no. 5, is part of the procedure for issuing of development consent.

(2) The environmental impact assessment procedure integrates, as applicable, the adequate evaluation of natural protected areas of community interest, conservation of natural habitats, wild flora and fauna, and assessment of the likely effects of industrial emissions and assessment of major accident hazards involving dangerous substances.

(3) The environmental impact assessment procedure for the projects built on waters or which have connection with waters, according to the provisions of Waters Law no. 107/1996, as further amended and supplemented, is carried out in coordination with the procedure for issuing the water management permit which includes the assessment of impact on water bodies.

(4) The coordination of environmental impact assessment procedure with the procedure for issuing the water management permit is carried out by the competent authority for environmental protection.

### ARTICLE 5

(1) The provisions of this law do not apply to projects or parts of projects which have as sole purpose the national defence and national security or the response to emergency situations, if the central public authorities for national defence and national security, respectively the authority for emergency situations, together with the public central authority for environmental

protection establish on a case-by-case analysis that the application of environmental impact assessment would have an adverse effect on these purposes.

(2) Under exceptional situations, the public central authority for environmental protection can exempt from the application of the provisions of this law, wholly or partially, a certain project, provided that the objectives of this law should be achieved without bringing prejudice to the provisions of article 17.

(3) In such case, the central public authority for environmental protection has the following obligations:

a) analyses if another form of assessment is suitable;

b) makes available to the public concerned the information obtained under other forms of assessment set out by letter a) and the information about the decision granting exemption and the reasons for granting such decision;

c) informs the European Commission, prior to granting the development consent, regarding the decision granting exemption, and the reasons which justify the granting of exemption and provides the information made available to the public, if applicable.

(4) If a project is adopted by a special normative act, the public central authority for environmental protection can exempt the project from the provisions related to consultations with public set out by this law, provided that the objectives of this law are met without bringing prejudice to the provisions of article 17.

(5) The public central authority for environmental protection informs the European Commission about the exemption decision taken, every 2 years since the coming into force of this law.

## **CHAPTER II**

### **Regulation procedure**

#### **SECTION 1**

#### **Assignments and responsibilities**

#### **ARTICLE 6**

(1) The environmental impact assessment procedure is led by the public central or territorial authorities for environmental protection, with the participation of the central public or local authorities, as applicable, who have specific assignments and responsibilities in environmental protection field.

(2) The procedure for issuing the waters management permit, which includes the assessment of impact on water bodies, is led by the competent waters management authorities.

(3) The participation of authorities set out by paragraph (1) is carried out in a technical analysis commission (TAC), created at central level by order of the head of public central authority for environmental protection at each county level and at Bucharest municipality level, by order issued by the prefect, according to the laws in force and at the level of Administration of "Danube Delta" Biosphere Reserve, by order issued by the prefect of Tulcea county.

(4) The Technical Analysis Commission is composed of representatives of the public central and/or local authorities, respectively the public administration, including the departments which coordinate the territory planning and urban planning activity, the public health authority, the competent waters management authority, the competent authority for protection of cultural heritage, the inspectorate for emergency situations, the public territorial authorities for inspection and control in environmental protection field, representatives of responsible structures for territorial forestry inspectorates, the county divisions for agriculture and the divisions for agriculture of Bucharest municipality and other authorities, as applicable, depending on the nature of project. The presence in technical analysis commission of the

representatives of authorities set out in this paragraph is mandatory at the request of the competent public environmental protection authority.

(5) The authorities set out by paragraph (4) present in writing opinions about the request for environmental agreement and the development consent, after the checking, according to own competences, that the information presented by the developer in the environmental impact assessment respects the specific legislation.

(6) For the purpose of applying the provisions of this law, the public environmental protection authorities make available to the authorities set out by paragraph (1) the relevant information, including the environmental impact assessment report, and assure the organization of meetings of the technical analysis commission.

## SECTION 2

### **Stages of environmental impact assessment procedure**

#### ARTICLE 7

(1) The projects referred to in Annex no. 1, and Annex no. 2 which are likely to have significant effects on environment, by virtue of their nature, size or localization, among other things, make the subject of a request for development consent and an assessment of their impact on environment before issuing this consent.

(2) The environmental impact assessment identifies, describes and assesses in an appropriate manner, for each case, according to the provisions of this law, the direct and indirect significant effects of a project on the following factors:

a) population and human health;

b) biodiversity, paying a special attention to the species and habitats protected according to the provisions of Government Emergency Ordinance no.57/2007 for regime of natural protected areas, preservation of natural habitats, wild flora and fauna, approved as further amended and supplemented by Law no.49/2011, as further amended and supplemented;

c) land, soil, water, air and climate;

d) material assets, cultural heritage and landscape;

e) interaction between the factors set out by letters a) - d).

(3) Among the effects on the factors set out by paragraph (2) we mention the foreseen effects as a result of vulnerability of projects to the risk of major accidents and/or disasters, respectively climate changes, relevant for the project in question.

(4) The environmental impact assessment for the projects which fall under the incidence of provisions of article 28 of Government Emergency Ordinance no.57/2007, approved as further amended and supplemented by Law no.49/2011, as further amended and supplemented, is achieved with the observance of the provisions of those normative acts in force.

(5) For the projects which are subject to Law no. 278/2013 for industrial emissions, as further amended and supplemented, the environmental impact assessment is achieved with the observance of the provisions of that law and with the specific documentation aiming at prevention and integrated pollution control, they are at the basis of obtaining the integrated environmental permit.

(6) The environmental impact assessment for the projects which are subject to Law no. 59/2016 for control of major-accident hazards involving dangerous substances, as further supplemented, includes the requirements of specific legislation.

#### ARTICLE 8

(1) The environmental impact assessment procedure is carried out in stages as follows:

a) the screening stage of the project in the environmental impact assessment procedure;

b) the scoping stage and preparation of the environmental impact assessment report;

c) the analysis stage of the quality of the environmental impact assessment report.

(2) The procedure set out by paragraph (1) is preceded by an initial assessment of the project, made by the competent environmental protection authorities, in which the localization of the project is identified with respect to the natural protected areas, and if the project proposed falls under the provisions of article 48 and 54 of Law no.107/1996, as further amended and supplemented, as applicable.

#### ARTICLE 9

(1) The projects referred to in Annex no. 1 are subject to environmental impact assessment, according to the provisions of article 10 - 20 and article 29, with the observance of the provisions of article 3 and article 5 paragraph (2) and (3).

(2) Based on the information provided by the developer, the competent environmental protection authority decides, based on a case-by-case examination, with the observance of the provisions of article 5 paragraph (2) and (3), if the projects referred to in Annex no. 2 are subject to environmental impact assessment, according to the provisions of articles 10 - 20 and article 29.

(3) Within the examination set out by paragraph (2), the competent environmental protection authority uses the criteria from Annex no. 3.

(4) For the realization of examination set out by paragraph (2), the developer has the following obligations:

a) provides in the presentation memoir the information set out in Annex no. 5.E regarding the characteristics of the project and its likely significant effects on environment;

b) takes into account, as applicable, the available results of other relevant assessments of the effects on environment, performed by virtue of other legal national provisions, other than this law;

c) presents a description of all the project characteristics and/or the measures aimed for avoiding or preventing the likely significant negative effects on environment.

(5) The projects referred to in Annex no. 1 are subject to the screening stage from the point of view of aspects regarding the adequate evaluation and the impact on water bodies.

(6) The competent environmental protection authority makes the screening stage decision based on the information provided by the developer in the presentation memoir and taking into account the results of preliminary checks or assessments of environmental effects performed by virtue of other legal national provisions than this law.

(7) The competent environmental protection authority makes the decision according to the provisions of paragraph (2) as soon as possible and within maximum 90 days from the date when the developer has transmitted all the necessary information according to paragraph (4).

(8) Under exceptional situations, such as those related to the nature, complexity, localization and size of project, the competent environmental protection authority can extend the deadline in view of making the decision; in this case, the competent environmental protection authority informs in writing the developer about the reasons which justify the extension and the date when it plans to make the decision.

(9) The decisions taken by the competent environmental protection authority according to the provisions of paragraph (2) are made available to the public and:

a) if it is decided that an environmental impact assessment is necessary, it lists the main reasons for which such an assessment was requested, by making reference to the relevant criteria listed in Annex no. 3;

b) if it is decided that an environmental impact assessment is not necessary, the main reasons are listed for which such an assessment was not required, by making reference to the relevant criteria listed in Annex no. 3, and all the project characteristics and/or the conditions for developing of the project are described for avoiding or preventing the likely significant negative effects on environment.

#### ARTICLE 10

(1) For the projects which require the performance of an environmental impact assessment, the competent environmental protection authority, taking into account the information provided by the developer, especially those regarding the specific characteristics of the project, including the localization and its technical capacity, and its likely impact on environment, prepares and transmits to the developer guidelines in which it establishes the assessment field and detail level of information which needs to be included in the environmental impact assessment report.

(2) In view of drawing up the guidelines set out by paragraph (1), the competent environmental protection authority:

- a) analyses the presentation memoir and information submitted by the developer;
- b) consults the other public authorities involved, set out by article 6 paragraph (1), and takes into account the justified proposals of the public concerned, as applicable.

(3) The guidelines are made available to the public for information purposes.

(4) The transmission by the competent environmental protection authority of the guidelines does not exclude the possibility of subsequent request for further information from the developer.

#### ARTICLE 11

(1) For the projects subject to environmental impact assessment, their developers prepare and send an environmental impact assessment report, according to Annex no. 4.

(2) The information which needs to be provided by the developer in the environmental impact assessment report includes at least:

- a) a description of the project, including information about the localization, design, size and other relevant characteristics of the project;
- b) a description of the likely significant effects of the project on environment;
- c) a description of project features and/or measures aimed for avoidance, prevention or reduction and if possible, the compensation of significant negative effects on environment;
- d) a description of reasonable alternatives examined by the developer, which are relevant for the project and its specific characteristics, such as an exposure of the main reasons underlying its selection, taking into account the effects of the project on environment;
- e) a non-technical summary of information set out by letters a) - d);
- f) any other further relevant information specified in Annex no. 4 depending on the specific characteristics of a certain project or type of project and the environmental issues which could be affected.

(3) The public authorities, especially those set out by article 6 paragraph (4), who hold relevant information for the assessment of likely direct and indirect significant effects of the project on environment, as set out by article 7 paragraph (2) and (3), have the obligation to make this information available to the developer.

(4) The competent environmental protection authorities check whether the developer has provided in an adequate form the information set out in Annex no. 4, according to the provisions of article 14 paragraph (4).

(5) The environmental impact assessment report is based on the guidelines set out by article 10 paragraph (1) and includes information which can be requested in order to establish a reasoned conclusion regarding the significant effects of the project on environment, taking into account the current knowledge and methods of assessment.

(6) In order to avoid the overlapping of assessments, the developer takes into account in the realization of environmental impact assessment report, the results of relevant assessments made by virtue of other legal national provisions than this law.

#### ARTICLE 12

(1) In order to guarantee the integrity and quality of reports from the environmental impact assessment procedure it is necessary to fulfil the following requirements:

a) the developer makes sure that the environmental impact assessment report, the adequate evaluation study, the security report, the study for assessment of impact on water bodies are drawn up by experts whose competence is recognized according to the specific laws in force;

b) the competent environmental protection authority makes sure that it has the necessary expertise or has access to it to examine the reports set out by letter a);

c) as applicable, the competent environmental protection authority requests the developer further information, according to Annex no. 4, information which is directly relevant to establish the reasoned conclusion regarding the significant effects of the project on environment.

(2) The experts set out by paragraph (1) let. a) are natural and legal persons who have the right to prepare the reports set out by paragraph (1) according to the law and who are certified by the certification commission, who operates in the professional association in environmental protection field, recognized at national level.

(3) The conditions for preparation of reports set out by paragraph (1), the regulations for organization, functioning and composition of commission set out by paragraph (2), and the attestation criteria are approved by order of the head of central public authority for environmental protection.

(4) The natural persons who have final criminal convictions for deeds which have connection with the exercise of their capacity as certified experts lose the right to draw up the reports set out by paragraph (1), until the fulfilment of rehabilitation deadline.

(5) The legal persons, whose administrators or experts, based on which the certification was obtained, suffered final criminal convictions, lose the right to draw up the reports set out by paragraph (1), until the fulfilment of the rehabilitation deadline of the expert because of whom the interdiction was instated.

(6) The qualification of certified experts is in line with the specificity and nature of the investment project which is in the environmental impact assessment procedure, with the particularities of the proposed site and with the environment likely to be affected by a significant impact.

(7) Depending on the specificity and nature of the investment project, the information/studies needed for the preparation of environmental impact assessment report, respectively those regarding the impact on the human health, on the cultural heritage and on the water bodies are provided/carried out by experts certified by the authorities with responsibilities in this field.

(8) The responsibility for the accuracy of information provided in the environmental impact assessment procedure belongs to the developer, and the responsibility for the quality of information/studies/reports set out by paragraph (1) and (7) belongs to the certified experts.

(9) The certified experts declare in writing that they do not have any personal interest in implementation/development of the investment project which is in the environmental impact assessment procedure.

(10) For going through the procedure and for examination of environmental impact assessment report and the adequate evaluation study, the competent environmental protection authority uses guidelines for various fields and categories of projects.

(11) In case of projects whose complexity is quite large, the competent environmental protection authority can use the external expertise for examination of environmental impact assessment report, the adequate evaluation study and security report.

#### ARTICLE 13

(1) The preparation of the environmental impact assessment report is carried out by competent certified experts, according to the law, with the observance of guidelines set out by article 10 paragraph (1).

(2) The environmental impact assessment report is accompanied by the following documents, as applicable:

a) the adequate evaluation study drawn up according to the framework contents set out in the methodological guidelines for adequate evaluation;

b) the evaluation study of impact on water bodies with the contents set out by specific legislation;

c) the policy for prevention of major accidents or the security report for those projects subject to the provisions of Law no. 59/2016, as further supplemented, with the contents set out by the specific legislation;

d) non-technical summary of information provided in the environmental impact assessment report.

(3) The environmental impact assessment report is carried out based on the information and conclusions resulted, as applicable, from the adequate evaluation study, the evaluation study of impact on water bodies and the policy for prevention of major accidents or the security report.

(4) The non-technical summary of information provided in the environmental impact assessment report includes the conclusions of the adequate evaluation report, the evaluation study of impact on water bodies and the policy for prevention of major accidents or the security report, as applicable.

#### ARTICLE 14

(1) The environmental impact assessment report, whose content respects the provisions of article 11, is forwarded to the competent environmental protection authority, accompanied by the documents set out by article 13 paragraph (2).

(2) The environmental impact assessment report, according to the provisions of paragraph (1), is subject to comments of the public whose proposals or justified recommendations are taken into account in the analysis stage of its quality.

(3) The environmental impact assessment report, according to the provisions of paragraph (1), is made available to the authorities with specific assignments and responsibility in environmental protection field, who participate in the technical analysis commission.

(4) The competent environmental protection authority, with the authorities participating in the technical analysis commission, analyse the quality of the environmental impact assessment report and the documents set out by article 13 paragraph (2) and decide, based on the opinions issued by the authorities involved and the justified proposals of the public, whether to accept them, to ask for completions or to reject them for justified reasons.

### SECTION 3

#### **Information and participation of the public in the environmental impact assessment procedure**

#### ARTICLE 15

(1) In order to assure the effective participation of the public concerned in the decision-making procedures, the competent authorities for issuing of development consent inform the public, at the start of procedure and the latest, as soon as the information can be provided, by public announcements and by publishing on their website, the following issues:

a) any request for development consent;

b) contact data of public competent authorities for issuing the development consent, the authorities from whom relevant information could be obtained, the authorities where one can forward proposals/recommendations or can ask questions and the deadline for their transmission;

c) the type of possible decisions or if they exist, the draft decision project;

d) the place, timetable and means by which the relevant information is made available to the public.



(2) In order to assure the effective participation of the public concerned in the decision-making procedures, the competent environmental protection authorities who carry out the environmental impact assessment procedure inform the public, since the beginning of procedure and the latest, as soon as the information can be provided, by public announcements and by publishing on the website, the following issues:

- a) any request for environmental agreement;
- b) the fact that the project is subject to environmental impact assessment, by indicating that the project falls under the incidence of provisions of article 17, as applicable;
- c) contact data of the competent environmental protection authorities, the authorities from whom they can obtain relevant information, the authorities where they can forward comments or ask questions and the deadline for their transmission;
- d) the type of possible decisions or if they exist, the draft decision;
- e) the fact that information set out by article 11 was obtained and is available;
- f) the place, timetable and means by which the relevant information is made available to the public;
- g) the means of public participation, according to the provisions of article 16 paragraph (1) and (2).

(3) The public environmental protection authorities and the competent authorities for issuing the development consent make available to the public concerned, as soon as they come in their possession, the following information:

- a) any information obtained according to the provisions of article 11;
- b) reports and relevant recommendations sent to the public central or territorial authority for environmental protection or as applicable, the competent authority for issuing the development consent at the moment of informing the public concerned, according to the provisions of paragraphs (1) and (2);
- c) other information than the information set out by paragraph (1) and (2), which is relevant for making the decision about the development consent and which becomes available after the information of the public according to the provisions of paragraph (1) and (2), with the observance of the provisions of Government Decision no.878/2005 for the access of the public to environmental information, as further amended.

#### ARTICLE 16

(1) The public concerned, according to the provisions of Annex no. 5, has the opportunity to participate effectively from the beginning in the procedure set out by article 4 paragraph (1), to document and transmit proposals/recommendations to the public competent authorities, when all the options are possible and before making a decision about the development consent.

(2) The information and participation of the public are coordinated by the competent authorities for issuing the development consent and the competent environmental protection authorities, according to their specific competences and are carried out as follows:

- a) the method of informing the public: by posters in a certain territorial area, publications in the central and/or local press, organization of exhibitions with plans, sketches, tables, graphs, models regarding the project and other similar things;
- b) method of consulting the public concerned, in writing or by public debates.

(3) The relevant information is made available to the public in electronic format, on the website of authorities set out by paragraph (2).

(4) The deadlines for various stages, so that they assure sufficient time for the information of authorities set out by article 6 paragraph (1) and the public, as well as their preparation and effective participation in the procedure set out by article 4 paragraph (1), are set out in Annex no. 5.

(5) The period of time for the consultation of the public regarding the environmental impact assessment report is at least 30 days.

## SECTION 4

### Transboundary procedure

#### ARTICLE 17

(1) If a project which will be made on the territory of Romania can have a significant effect on the environment of another member state of European Union or when another member state of European Union which is likely to be significantly affected requests information about the project, the public central authority for environmental protection transmits to the public central environmental authority from that EU member state as soon as possible, but not later than the moment when its own public is informed, at least the following information about the project:

a) a description of the project with the available information about its possible transboundary impact;

b) information about the type of decision which could be taken.

(2) If a project which will be made on the territory of Romania can have a significant effect on environment of a third-party state or when another third-party state, which is likely to be significantly affected, requests information about the project, the central environmental protection authority transmits through the Ministry of Foreign Affairs, as soon as possible, but not later than the moment when its own public is informed, at least the information set out by paragraph (1).

(3) The public central authority for environmental protection communicates to the state set out by paragraph (1) and (2) the period of time during which it needs to specify that it wants to participate in the procedure set out by article 4 paragraph (1).

(4) If the potentially affected state which received the information set out by paragraph (1) communicates its intention of participation in the procedure set out by article 4 paragraph (1), the public central authority for environmental protection transmits the information about the project set out by article 15 paragraph (1), (2) and paragraph (3) let. a) and b) to that state.

(5) If Romania is a potentially affected state, the public central authority for environmental protection:

a) makes available to the authorities set out by article 6 paragraph (1) and to own public concerned, as soon as they come in its possession, the information set out by paragraph (1) and (3), received from the state of origin;

b) give the authorities set out by article 6 paragraph (1) and the public concerned the opportunity to forward to the public central authority for environmental protection from the state of origin their opinions about the information set out by paragraph (1) and (3), as soon as they come in its possession, before issuing the development consent.

(6) The public central authority for environmental protection initiates consultations with the public environmental protection authorities from other states regarding the potential transboundary effects of the project and the measures envisaged to reduce or eliminate such effects and establishes with these authorities a period of time for the consultations. These consultations can be organized by an adequate joint body.

(7) The public central authority for environmental protection establishes with the competent authorities from the state possibly affected, measures which allow the effective participation of the public concerned in the procedure set out by article 4 paragraph (1), including in case of projects with likely significant effects on the territory of Romania, initiated in other states.

(8) The public central authority for environmental protection can use both the mechanisms set out by Law no.22/2001 for ratification of Convention on environmental impact assessment in a transboundary context, adopted in Espoo on February 25<sup>th</sup>, 1991, as further supplemented, and those established by the Reunion of Parties in this Convention, to protect the rights and

interests of the Romanian state in the environmental impact assessment procedures in transboundary context.

(9) The Ministry of Foreign Affairs supports at the request of the public central authority for environmental protection, its actions set out by paragraph (1) - (8), including by participation, as applicable, in the activity of the technical analysis commission.

## SECTION 5

### **Decisions of competent authorities**

#### ARTICLE 18

(1) The reasoned conclusion set out by article 2 let. d) point 4 is materialized in the environmental agreement or the decision to reject the request for issue of environmental agreement.

(2) The environmental agreement is enclosed to the development consent and is part of it.

(3) The environmental agreement mandatory includes the following:

a) description of the project;

b) conclusions of environmental impact assessment report, including the conclusions of the adequate evaluation study and the policy for prevention of major accidents and the security report, as applicable;

c) description of all project characteristics and/or measures envisaged for avoidance, prevention or reduction and if possible, the compensation of significant negative effects on environment;

d) conditions and measures set out in the water management permit;

e) the monitoring measures/conditions, as applicable: the type of parameters which must be monitored and period of monitoring, which are proportional to the nature, localization and size of project, and the severity of its effects on environment;

f) conclusions of opinions expressed by the technical analysis commission, relevant from environmental protection perspective;

g) information about the participation of the public;

h) summary of transboundary consultations, as applicable.

(4) If the result of adequate evaluation shows a significant negative impact on the natural protected area for community interest, the competent environmental protection authority makes the decision to reject the request for issue of environmental agreement.

(5) By exception from the provisions of paragraph (4), the competent environmental protection authority issues the environmental agreement only for the projects which have to be made for imperative reasons of public major interest, including for social or economic reasons and in the absence of alternative solutions to them, but only after establishing the necessary compensatory measures to protect the coherence of Natura 2000 network.

(6) If the natural protected area of community interest shelters a type of priority natural habitat and/or a priority species, the only reasons which can be invoked are those related to the health or public safety, the certain beneficial consequences of major importance for environment or other imperative reasons of public major interest for which the opinion of the European Commission has been obtained.

(7) The deadlines for going through the environmental impact assessment procedure are set out in annex no. 5.

(8) The decision for issue of development consent includes at least the following:

a) the reasoned conclusion of the competent authority for environmental protection regarding the significant impact of the project on environment, set out by article 2 let. d) point 4);

b) all the environmental conditions enclosed to the decision, a description of all the characteristics of the project and/or the measures envisaged for avoidance, prevention or

reduction and if possible, the compensation of significant negative effects on environment, as well as the monitoring measures, as applicable, according to the provisions of annex no. 5.

(9) The decision to reject the issue of the development consent presents the main reasons underlying the rejection.

(10) The results of consultations and information obtained according to the provisions of article 6 and article 10 - 17 are taken into account for the issue of environmental agreement and development consent, respectively the rejection of request for issue of environmental agreement and development consent for the public or private projects which are subject to this law, according to the provisions of annex no. 5.

(11) The decisions set out by paragraph (8) and (9) are issued based on updated information, within 30 days from the submission date of full documentations.

(12) The environmental agreement/screening decision is valid for the whole period of achievement of the project and if new elements intervene, unknown at the issuing of regulatory acts or the conditions underlying their issue change, the provisions of article 41 of annex no. 5 shall apply.

(13) If one of the decisions set out by paragraph (8) and (9) is not issued within 5 years from the issue of environmental agreement, the developer is obliged to address the issuing environmental authority for the confirmation that the environmental agreement is not exceeded.

(14) In the case set out by paragraph (13), the competent environmental protection authority assures that the information set out in the environmental impact assessment report is still valid, by the application of provisions of article 41 paragraph (4) of annex no. 5.

#### ARTICLE 19

(1) The competent authorities for issuing the development consent and respectively, for issuing the environmental agreement make available to the public, as soon as they are available, the decision regarding the issue/rejection of their request, and the following information:

a) content of development consent and respectively of environmental agreement, which includes all the conditions which must be fulfilled by the developer or as applicable, the content of rejection decision;

b) the main reasons for the decision to issue/reject the development consent and the environmental agreement, including the information about the participation of the public; among these, there is a synthesis of results of consultations and information collected by virtue of provisions of article 10 - 17, and an explanation of the way in which those results were incorporated or tackled, especially the observations received from the affected state, set out in article 17.

(2) The competent environmental protection authorities inform the competent environmental protection authorities of the state which was consulted according to the provisions of article 17 paragraph (1) - (3) and (5) and transmit them the information set out by paragraph (1).

(3) If Romania is a potentially affected state, the competent environmental protection authorities make available to its own public concerned in an adequate format, the information set out by paragraph (1), received from the state of origin.

### SECTION 6

#### **Updating information**

#### ARTICLE 20

(1) If, after the issue of environmental agreement and before the issue of development consent, the project has suffered changes, the developer is obliged to notify in writing the issuing competent environmental protection authority regarding these changes.

(2) The acknowledgement of the changes set out by paragraph (1) is made by:

a) for the projects for which a building permit is issued, by the certified technical verifiers according to the normative acts in force, for the essential quality requirements "D) hygiene, health and environment" set out in article 3 of the Order of the minister of regional development and public administration no. 2.264/2018 for approval of the procedure for certification of project verifiers and technical experts in constructions, with the observance of the provisions of Law no. 50/1991 for authorization of construction works, republished, as further amended and supplemented;

b) for the other categories of projects, by the competent authority for issuing the development consent.

(3) Based on the notification set out by paragraph (1), the competent environmental protection authority goes through the screening stage and with the consultation of technical analysis commission, decides:

a) the maintenance of environmental agreement/ screening decision initially issued;

b) resumption wholly or partially of the environmental impact assessment procedure and therefore, the revision of the environmental agreement/screening decision initially issued or the issue of new ones, with the adequate application of the provisions of article 9 - 18.

### CHAPTER III

#### Access to justice

#### ARTICLE 21

(1) Any person who is part of public concerned or who considers oneself prejudiced in his/her right or in a legitimate interest can address the competent administrative contentious court of law to challenge from procedural or substantial point of view, the acts, decisions or omissions of the competent public authority which are subject to public participation, including the development consent, according to the provisions of Administrative Contentious Law no. 554/2004, as further amended and supplemented.

(2) Any non-governmental organization which fulfils the requirements of article 2 let. f) can address the competent administrative contentious court, considering that they are prejudiced in their rights or in a legitimate interest.

(3) The acts or omissions of the competent public authority which are subject to public participation are challenged in court starting with the screening decision, with the environmental agreement or as applicable, with the decision to reject the request for environmental agreement, respectively with the development consent or as applicable, the decision to reject the request for development consent.

#### ARTICLE 22

(1) Before addressing the competent administrative contentious court, the persons set out by article 21 have the obligation to request the public authority who issued the decision set out by article 21 paragraph (3) or the superior authority the revoking in whole or in part of that decision. The request must be recorded within 30 days from the day when the public was informed of the decision.

(2) The issuing public authority has the obligation to answer the complaint set out by paragraph (1) within 30 days since its registration with that authority.

(3) The procedure for settlement of complaint set out by paragraphs (1) and (2) is free and must be fair, fast and correct.

#### ARTICLE 23

(1) For the projects set out by this law, it is prohibited to achieve them without obtaining the screening decision/environmental agreement and the development consent.

(2) For the projects set out by this law it is prohibited to issue the screening decision/environmental agreement, respectively the development consent for investment works already initiated or achieved.

(3) The developers have the obligation to respect the provisions of screening decision, of environmental agreement and of development consent.

(4) The developers have the obligation to respect the deadlines set out in annex no. 5, and the deadlines established by the competent environmental protection authority in the environmental impact assessment procedure.

#### ARTICLE 24

The acts and decisions set out by this law must include concise information about the access of the public to the procedures set out by articles 21 and 22.

### CHAPTER IV

#### **Reporting. Transitory and final provisions**

#### SECTION 1

#### **Reporting to the European Commission**

#### ARTICLE 25

(1) Every 6 years, the public central authority for environmental protection informs the European Commission, if the information is available, about:

a) the number of projects set out by annexes no. 1 and 2 which were subject to an environmental impact assessment, according to the provisions of articles 10 - 20 and article 29;

b) the distribution of environmental impact assessments depending on the categories of projects set out in annexes no. 1 and 2;

c) the number of projects set out in annex no. 2 which were subject to an establishment procedure according to article 9 paragraph (2);

d) the average duration of environmental impact assessment process;

e) general estimates of the direct average cost of environmental impact assessments, including the impact resulted from the application of this law for the small and medium-sized enterprises.

(2) In order to report to the European Commission, the information set out by paragraph (1) let. e), before the issue of environmental agreement by the competent authority, the developers submit a declaration on own responsibility for confirmation of the fulfilment of criteria for small and medium-sized enterprises and specify the cost of environmental impact assessment, including the impact resulted.

(3) The public territorial authorities for environmental protection organized at county level and at Bucharest municipality level transmit every year to the National Agency for Environmental Protection, until January 31<sup>st</sup> the following year, the information set out by paragraph (1).

(4) The National Agency for Environmental Protection transmits every year to the public central authority for environmental protection, until March 31<sup>st</sup>, the information received according to paragraph (3), and the information held about the requirements of paragraph (1).

#### SECTION 2

#### **Sanctions**

#### ARTICLE 26

(1) The failure to respect the provisions of article 20 paragraph (1), article 23 paragraph (1) and (3) represents a violation of law and is punished with fine from 7,500 lei to 15,000 lei, for individuals and from 50,000 lei to 100,000 lei, for legal persons.

(2) The finding of violations of law and application of sanctions set out by paragraph (1) are carried out by the empowered staff from the National Environmental Guard, according to the legal regulations in force.

(3) The contravener can pay on the spot or within maximum 48 hours from the signing date of contravention report or as applicable from its communication date, half of the minimum fine set out in the law, and the certifying agent will make a mention about this possibility in the report for acknowledgement and sanctioning of law violation.

(4) For the violation of obligations set out by article 23 paragraph (1) and (3) the complementary sanctions of demolition of works and bringing the land to initial condition are applied, corroborated with the provisions of article 17 of Government Emergency Ordinance no.195/2005 for environmental protection, approved as further amended and supplemented by Law no.265/2006, as further amended and supplemented. The total expenses for the performance of demolition works and bringing the land to initial condition are covered by the developer.

(5) The violation of the obligations for demolition of works and bringing the land to initial condition, set out by paragraph (4) represents a crime and is punished with imprisonment from 3 months to 1 year or fine from 15,000 lei to 30,000 lei for natural persons and from 150,000 lei to 200,000 lei, for legal persons.

#### ARTICLE 27

The provisions regarding the contraventions set out by article 26 paragraph (1) are supplemented by the provisions of Government Ordinance no. 2/2001 for the legal regime of contraventions, approved as further amended and supplemented by Law no.180/2002, as further amended and supplemented.

### SECTION 3

#### **Transitory provisions**

#### ARTICLE 28

(1) For the projects which are not subject to the environmental impact assessment, according to the screening decision, issued before the coming into force of this law, the provisions of article 9 of Government Decision no. 445/2009 for assessment the impact of certain public and private projects on environment shall apply, as further amended and supplemented.

(2) For the projects for which the competent environmental protection authority has issued the scoping guidelines before the coming into force of this law, the provisions of article 5 and of article 11 - 25 of Government Decision no. 445/2009 shall apply, as further amended and supplemented.

### SECTION 4

#### **Final provisions**

#### ARTICLE 29

(1) In the application of this Law, the competent authorities shall respect the restrictions imposed by legislation on commercial and industrial secrecy, including intellectual property, taking into account the need to protect the public interest.

(2) In dealing with a request for environmental information subject to the restrictions laid down in paragraph 1, the competent authorities shall be obliged to interpret the grounds

for refusal restrictively, giving priority to the public interest in disclosing and providing information that can be separated from that which is restricted.

- (3) In dealing with a request for environmental information as referred to in paragraph 2, the competent authorities shall explain how they have taken the public interest into account.
- (4) In case of application of Article 17, the transmission of information to other States and its receipt by the Romanian State shall be subject to the restrictions provided for by the national legislation in force in the State where the project is to be carried out.”

#### ARTICLE 30

(1) Annexes no. 1 - 5 are part of this law.

(2) Annexes no. 1 - 5 are updated by Government decision depending on the technical and legislative progress, according to the European legislation, the regulations, guidelines and instructions in the field.

#### ARTICLE 31

In Article 2 of Government Emergency Ordinance no.195/2005 for environmental protection, published in the Official Gazette of Romania, Part I, no. 1.196 of December 30<sup>th</sup>, 2005, approved as further amended and supplemented by Law no.265/2006, as further amended and supplemented, point 2 is amended and will have the following content:

"2. Regulatory acts – screening decision, environmental agreement, environmental approval, environmental permit, integrated environmental permit, authorization regarding the emissions of greenhouse gases, authorization regarding activities with genetically modified bodies;".

#### ARTICLE 32

At the coming into force of this law, we repeal:

a) article 2 point 13 let. c) of Government Emergency Ordinance no.195/2005 for environmental protection, published in the Official Gazette of Romania, Part I, no. 1.196 of December 30<sup>th</sup>, 2005, approved as further amended and supplemented by Law no.265/2006, as further amended and supplemented;

b) article 8 paragraph (3) of Law no.50/1991 for authorization of construction works, republished in the Official Gazette of Romania, Part I, no. 933 of October 13<sup>th</sup>, 2004, as further amended and supplemented;

c) Government Decision no.445/2009 for assessment of impact of certain public and private projects on environment, published in Official Gazette of Romania, Part I no. 481 of July 13<sup>th</sup>, 2009, as further amended and supplemented;

d) Order of the minister of environment and forests, of the minister of administration and internal affairs, of the minister of agriculture and rural development and of the minister of regional development and tourism no. 135/76/84/1.284/2010 for approval of Methodology for application of environmental impact assessment for public and private projects, published in Official Gazette of Romania, Part I, no. 274 of April 27<sup>th</sup>, 2010;

e) Order of the environmental minister no. 1.026/2009 for approval of the conditions for preparation of environmental report, environmental impact assessment report, the environmental balance, the site report, the security report and the adequate evaluation study, published in Official Gazette of Romania, Part I, no. 562 of August 12<sup>th</sup>, 2009.

#### ARTICLE 33

(1) Within 12 months from the coming into force of this law, the public central authority for environmental protection approves by order of minister, the guidelines set out by article 12 paragraph (10).

(2) Within 3 months from the coming into force of this law, the public central authority for environmental protection approves by order of minister, the conditions for preparation of



environmental report, the environmental impact assessment report, the environmental balance, the report on reference situation, the security report and adequate evaluation study.

(3) Within 3 months from the coming into force of this law, the public central authority for environmental protection approves, by order of minister, the amendment of the Order of minister of environment and forests no. 19/2010 for approval of Methodological Guidelines for adequate evaluation of potential effects of plans or projects on the natural protected areas of community interest.

(4) Within 6 months from the coming into force of this law, the public central authority in waters field approves, by order of its minister, the procedure for issue of water management permit which includes the evaluation of impact on water bodies.

#### ARTICLE 34

This law comes into force 30 days from its publication in the Official Gazette of Romania, Part I.

\*

This law transposes the provisions of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, published in the Official Journal of European Union (OJEU), series L, no. 26 of January 28<sup>th</sup>, 2012, amended by Directive 2014/52/EU of the European Parliament and of the Council of April 16<sup>th</sup>, 2014, published in the Official Journal of European Union (OJEU), series L, no. 124 of April 25<sup>th</sup>, 2014.

This law has been adopted by the Parliament of Romania, with respect to the provisions of article 75 and of article 76 paragraph (1) of Constitution of Romania, republished.

p. PRESIDENT OF THE CHAMBER OF DEPUTIES,  
**CARMEN-ILEANA MIHĂLCESCU**

PRESIDENT OF THE SENATE  
**CĂLIN-CONSTANTIN-ANTON POPESCU-TĂRICEANU**

Bucharest, December 3<sup>rd</sup>, 2018.  
No. 292.

## ANNEX 1

### **LIST of projects subject to environmental impact assessment**

1. Crude-oil refineries, except for those which manufacture only lubricants from crude-oil and installations for the gasification and liquefaction plants of minimum 500 tons of coal or bituminous shales per day

2. a) Thermal power plants and other combustion installations with a heat output of minimum 300 megawatts

b) Nuclear power stations and other nuclear reactors, including the dismantling or decommissioning of these nuclear power plants or reactors\*1), except for research installations for production and conversion of fissionable and fertile materials whose maximum power does not exceed a kilowatt of continuous thermal load

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\*1) The nuclear power stations and other nuclear reactors cease to be considered as such when the entire nuclear fuel and other radioactively contaminated elements were permanently removed from the site of plant.

3. a) Installations for the reprocessing of irradiated nuclear fuel

b) Installations designed for:

1. production or enrichment of nuclear fuel;

2. processing of irradiated nuclear fuel or high-level radioactive waste;

3. final storage of nuclear irradiated fuel;

4. solely final storage of radioactive wastes;

5. solely storage planned for a period of more than 10 years, of irradiated nuclear fuels or radioactive wastes on a different site than the production site.

4. a) integrated installations for the production of grey cast iron for foundry and steel

b) Installations designed for the production of non-ferrous crude metals from ore, concentrates or secondary raw material by metallurgical, chemical or electrolytic processes

5. Installations for extraction of asbestos\*2) and for processing and transformation of asbestos and products which contain asbestos:

a) installations for asbestos-cement products, with an annual production of at least 20,000 tons of finished product;

b) installations for friction materials, with an annual production of at least 50 tons of finished product;

c) installations for other uses of asbestos, with quantities used of over 200 tons every year.

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\*2) Asbestos was prohibited on the territory of European Union since January 1<sup>st</sup>, 2005.

6. Integrated chemical installations such as the installations for the manufacture of substances at industrial scale by using chemical conversion processes, in which more adjacent units are juxtaposed and are functionally connected to one another and are designed for:

a) production of basic organic substances;

b) production of basic inorganic chemicals;

c) production of fertilizers based on phosphorus, nitrogen or potassium – simple or compound fertilizers;

d) production of basic plant health products and biocides;

e) production of basic pharmaceutical products by using chemical or biological processes;

f) production of explosives.

7. a) Construction of lines for the long-distance railway traffic and airports\*3) with basic runway length of 2,100 m or more

b) building of motorways and express roads\*4)

c) building of new roads with at least 4 lanes or realigning and/or widening an existent road of two lanes or less so as to provide 4 or more lanes, if these new roads or their realignment and/or their widened section is at least continuous 10 km long.

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\*3) Airport – airport which complies with the definition from Convention setting up the International Civil Aviation Organisation, signed in Chicago on December 7<sup>th</sup>, 1944, with the amendment later made to this convention, annex no. 14, ratified by the Decree no. 194/1965.

\*4) Express roads – roads which comply with the definition from the European Agreement on large international traffic roads, signed in Geneva on November 15<sup>th</sup>, 1975, ratified by Decree no. 149/1985.

8. a) inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tons

b) Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of at least 1,350 tons

9. Landfills of hazardous wastes or installations for disposal of hazardous wastes by incineration or chemical treatment, as defined by annex no. 2 to the Law no.211/2011 for regime of wastes, republished, as further amended and supplemented;

10. Installations with a capacity higher than 100 tons/day for disposal of non-hazardous wastes by incineration or chemical treatment, as defined in annex no. 2 to the Law no.211/2011, republished, as further amended and supplemented;

11. Groundwater abstraction or artificial groundwater recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds 10 million cubic meters.

12. a) Works for transfer of water resources between river basins, executed for the prevention of water shortages, for an annual volume of transferred water of at least 100 million cubic meters; except for the transfer of piped drinking water.

b) In all the other cases, the works for transfer of water resources between hydrographic basins, for an average multiannual flow of basin of abstraction of at least 2,000 million cubic meters/year and for a quantity of transferred water of at least 5% of this water flow; except for the transfer of piped drinking water.

13. wastewater treatment plants of at least 150,000 inhabitant equivalents\*5)

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\*5) Inhabitant equivalents express the loading of wastewaters with pollutants, according to the definition set out in article 2 of annex no. 1 to Government Decision no.188/2002 for approval of norms regarding the discharge conditions of wastewaters in aquatic environment, as further amended and supplemented.

14. Extraction of petroleum and natural gases for commercial purposes, if the quantity extracted is at least 500 tons/day in case of petroleum and 500,000 cubic meters/day in case of natural gases.

15. Dams and other installations designed for the holding back or permanent storage of water, with a new or additional amount of water held back or stored exceeds 10 million m<sup>3</sup>.

16. Pipelines with a diameter of more than 800 mm and a length of at least 40 km:

a) for the transport of gases, oil, chemical substances; and

b) for the transport of CO<sub>2</sub> streams, for the geological storage, including associated booster stations.

17. Installations for the intensive rearing of poultry or pigs with at least:
- a) 85,000 places for broilers, respectively 60,000 places for hens;
  - b) 3,000 places for production pigs (over 30 kilos); or
  - c) 900 places for sows.
18. Industrial plants for the production of:
- a) pulp from timber or other similar fibrous materials;
  - b) paper and board with a production capacity exceeding 200 tons/day.
19. Quarries and open-cast mining, when the site surface exceeds 25 hectares or for extraction of peat, when the site surface exceeds 150 hectares.
20. Construction of overhead electrical power lines with a voltage of 220 kV and at least 15 km long.
21. Installations for storage of petroleum, petrochemical or chemical products, with a capacity of at least 200,000 tons.
22. Storage sites, set out by article 4 let. c) of Government Emergency Ordinance no.64/2011 for geological storage of carbon dioxide, approved as amended and supplemented by the Law no.114/2013.
23. Installations for capture of CO<sub>2</sub> streams for the geological storage set out by article 4 let. a) of Government Emergency Ordinance no.64/2011, approved as amended and supplemented by the Law no.114/2013, flows which come from the installations mentioned in this annex or which catch a total annual quantity of CO<sub>2</sub> of at least 1.5 megatons.
24. Any change to or extension of projects listed in this annex, if the change or extension in itself meets the threshold values established in this annex, as applicable.

## ANNEX 2

### **LIST of projects for which the environmental impact assessment is required**

1. Agriculture, silviculture and aquaculture:
  - a) projects regarding the restructuring of rural landed holdings;
  - b) projects for use of uncultivated land or semi-natural surfaces for intensive agricultural purposes;
  - c) water management projects for agriculture, including irrigation and drainage projects;
  - d) Initial afforestation and deforestation for the purposes of conversion to another type of land use;
  - e) Intensive livestock installations, other than those included in annex no. 1;
  - f) Intensive fish farming;
  - g) Reclamation of land from the sea.
2. Extractive industry:
  - a) quarries, open-cast mining exploitations and extraction of peat, other than those set out by annex no. 1;
  - b) underground mines;
  - c) extraction of minerals by fluvial or maritime dredging;
  - d) deep drillings, except for drills for investigation of soil stability, especially:
    1. geothermal drilling;
    2. drilling for storage of nuclear waste material;
    3. drilling for water supplies;
  - e) surface industrial installations for extraction of coal, petroleum, natural gases and ores and bituminous shales.
3. Energy industry:
  - a) industrial installations for production of electricity, steam and hot water, other than those set out in annex no. 1;
  - b) industrial installations for carrying gas, steam and hot water; transmission of electrical energy by overhead cables, other than those set out by annex no. 1;
  - c) surface storage of natural gases;
  - d) underground storage of combustible gases;
  - e) surface storage of fossil fuels;
  - f) industrial briquetting of coal/pit coal and lignite;
  - g) installations for processing and storage of radioactive wastes, other than those set out in annex no. 1;
  - h) installations for production of hydroelectric energy;
  - i) installations for the harnessing of wind power for energy production – wind farms;
  - j) installations for capture of CO<sub>2</sub> streams for the geological storage set out in article 4 let. a) of Government Emergency Ordinance no.64/2011, approved as amended and supplemented by the Law no.114/2013, flows which come from installations that are not mentioned in annex no. 1.
4. Production and processing of metals:
  - a) installations for production of pig iron or steel (primary or secondary fusion), including continuous casting;
  - b) installations for processing of ferrous metals:
    1. hot rolling mills;
    2. smitheries with hammers;
    3. application of protective fused metal coats;

- c) ferrous metal foundries;
- d) installations for smelting, including alloying of non-ferrous metals, except for precious metals, including recovered products - refinery, foundry casting, etc.;
- e) installations for treatment of metallic surfaces and plastic materials by chemical or electrolytic processes;
- f) manufacture and assembling of motor vehicles and manufacture of motor-vehicle engines;
- g) shipyards;
- h) installations for construction and repair of aircrafts;
- i) manufacture of railway materials;
- j) Swaging by explosion;
- k) installations for roasting and sintering of metallic ores.

#### 5. Mineral industry:

- a) coke ovens – dry distillation of coal;
- b) installations for manufacture of cement;
- c) installations for production of asbestos and manufacture of asbestos products, other than those set out in annex no. 1;
- d) installations for manufacture of glass, including glass fibres;
- e) installations for smelting of mineral substances, including the production of mineral fibres;
- f) manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain.

#### 6. Chemical industry:

- a) treatment of intermediary products and obtention of chemical products, other than those set out in annex no. 1;
- b) production of pesticides and pharmaceutical products, paints and varnishes, elastomers and peroxides, other than those set out in annex no. 1;
- c) installations for storage of petroleum products, petrochemical and chemical products, other than those set out in annex no. 1.

#### 7. Food industry:

- a) manufacture of vegetal and animal oils and fats;
- b) packing and canning of animal and vegetal products;
- c) manufacture of dairy products;
- d) Brewing and malting;
- e) manufacture of confectionery and syrup;
- f) installations for the slaughter of animals;
- g) Industrial starch manufacturing installations;
- h) Fish-meal and fish-oil factories;
- i) sugar factories.

#### 8. Textile, skin dressing, wood and paper industry:

- a) industrial installations for production of paper and board, other than those set out in annex no. 1;
- b) installations for pre-treatment – operations such as washing, bleaching, mercerization – or dyeing of fibres or textiles;
- c) installations for the tanning of hides and skins;
- d) installations for production and processing of cellulose.

#### 9. Rubber industry: manufacture and treatment of elastomer-based products.

#### 10. Infrastructure projects:

- a) Industrial estate development projects;
- b) urban development projects, including the construction of shopping centres and car parks;

- c) construction of railways, other than those set out in annex no. 1, and intermodal transshipment facilities, and of intermodal terminals;
- d) construction of airfields, other than those set out in annex no. 1;
- e) construction of roads, harbours and harbour installations, including fishing harbours other than those set out in annex no. 1;
- f) Inland-waterway construction, other than those set out in annex no. 1, canalisation and flood-relief works;
- g) dams and other installations designed to hold water or store it on a long-term basis, other than those set out in annex no. 1;
- h) Tramways, elevated and underground railways, suspended lines or similar specific lines, used exclusively or mainly for the transport of persons;
- i) installations of pipelines for gas and oil and pipelines for transport of carbon dioxide streams for geological storage, other than those set out in annex no. 1;
- j) installations of long-length aqueducts;
- k) Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works;
- l) Groundwater abstraction and artificial groundwater recharge schemes, other than those set out in annex no. 1;
- m) works for transfer of water resources between hydrographic basins, other than those set out in annex no. 1.

#### 11. Other projects:

- a) permanent race tracks and test tracks for motorised vehicles;
- b) installations for disposal of wastes, other than those set out in annex no. 1;
- c) wastewater treatment plants, other than those set out in annex no. 1;
- d) Sludge-deposition sites from wastewater treatment plants;
- e) Storage of scrap iron, including scrap vehicles;
- f) test benches for engines, turbines or reactors;
- g) installations for manufacture of artificial mineral fibres;
- h) installations for recovery or destruction of explosive substances;
- i) Knackers' yards.

#### 12. Tourism and leisure:

- a) ski runs, ski-lifts, cable cars and associated developments;
- b) Marinas;
- c) holiday resorts/villages and hotel complexes outside urban areas and associated developments;
- d) permanent campsites and caravan sites;
- e) theme parks.

13. a) Any change or extension of projects, other than those set out in pct. 24 of annex no. 1, of the projects set out in annex no. 1 or in this annex, already authorised, executed or in progress of execution, which can have significant negative effects on environment.

b) The projects set out in annex no. 1, executed exclusively or mainly for the development and testing of new methods or new products and which are not used for a period of more than 2 years.

## ANNEX 3

### SELECTION CRITERIA

#### For establishing the need for performing the environmental impact assessment

##### 1. Characteristics of projects

The characteristics of projects must be examined especially regarding:

- a) the size and design of the whole project;
- b) cumulation with other existing and/or approved projects;
- c) use of natural resources, especially soil, land, water and biodiversity;
- d) quantity and types of wastes generated/managed;
- e) pollution and other negative effects;
- f) risks of major accidents and/or disasters relevant for the project concerned, including those caused by climate changes, according to scientific information;
- g) risks for human health – for example, because of water contamination or air pollution.

##### 2. Localization of projects

The environmental sensitivity of geographical areas likely to be affected by projects must be considered especially regarding:

- a) the existing and approved land use;
- b) the relative abundance, availability, quality and regeneration capacity of natural resources, including soil, land, water and biodiversity from the area and from its underground;
- c) absorption capacity of the natural environment, paying a particular attention to the following areas:

1. wetlands, riparian areas, river mouths;
2. coast zones and marine environment;
3. mountainous and forest areas;
4. natural protected areas of national, community, international interest;
5. areas classified or protected according to legislation in force: Natura 2000 sites designated according to legislation for regime of natural protected areas, preservation of natural habitats, wild flora and fauna; areas set out by the legislation for approval of national territory Arrangement Plan - Section III – protected areas, protection areas instated according to the provisions of laws on waters, and the legislation for the nature and size of sanitary and hydrogeological protection areas;
6. areas in which there were already cases of failure to observe the quality standards of environment set out by the national legislation and the European Union laws and relevant for the project or when it is considered that such cases exist;
7. densely populated areas;
8. landscapes and sites from historical, cultural or archaeological significance.

##### 3. Types and characteristics of potential impact

The likely significant effects which projects may have on environment must be considered in relation to criteria established in points 1 and 2, considering the impact of the project on the factors set out in article 7 paragraph (2) of this law, and taking into account:

- a) magnitude and spatial extent of impact – for example, geographical area and size of population likely to be affected;
- b) nature of impact;
- c) transboundary nature of impact;
- d) intensity and complexity of impact;
- e) probability of impact;



- f) expected onset, duration, frequency and reversibility of impact;
- g) cumulation of impact with the impact of other existing and/or approved projects;
- h) possibility of effectively reducing the impact.

## ANNEX 4

### INFORMATION

#### **Requested to the developer for the projects subjected to environmental impact assessment**

1. The description of the project, including in particular:
  - a) the site of project;
  - b) the physical characteristics of the whole project, including, if applicable, the necessary demolition works, and requirements for use of lands during the construction and operational phases;
  - c) the main characteristics of the operational phase of the project (in particular any production process), for instance, energy demand and energy used, nature and quantity of materials and natural resources used, including water, land, soil and biodiversity;
  - d) an estimation, depending on type and quantity, of expected residues and emissions– for example, pollution of water, air, soil and subsoil, noise, vibrations, light, heat, radiations and other, such as quantities and types of waste produced during the construction and operation phases.
2. A description of reasonable alternatives – for example, in terms of design, technology, location, size and scope/breadth of project – analysed by the developer, relevant for the project proposed and specific characteristics of the project and indication of the main reasons selecting the chosen option, including the comparison of the environmental effects.
3. A description of the relevant aspects of the current condition of environment – baseline scenario – and a short description of its likely evolution thereof without implementation of the project as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.
4. A description of the factors set out in article 7 paragraph (2) likely to be significantly affected by the project: population, human health, biodiversity – for example, fauna and flora, land – for example, occupation of lands, soil – for example, organic matter, erosion, compaction, sealing, water – for example, hydromorphological changes, quantity and quality, air climate – for example, greenhouse gas emissions, relevant impact for adaptation, material assets, cultural patrimony, including architectural and archaeological aspects and landscape and interaction between these factors.
5. A description of the significant effects which the project may have on environment and which result mainly from:
  - a) construction and existence of project, including, if applicable, the demolition works;
  - b) use of natural resources, especially of land, soil, water and biodiversity, considering as much as possible the sustainable availability of these resources;
  - c) emission of pollutants, noise, vibrations, light, heat and radiations, creation of nuisances and disposal and recovery of wastes; description of likely effects as a result of development/implementation of the project taking into account the noise maps and related plans of action \*6) drawn up, as applicable, for the areal from the influence area of the project;
  - d) risks for human health, for cultural heritage or for environment – for example, because of accidents or disasters;
  - e) cumulation of effects with the effects of other current and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;
  - f) impact of the project on climate – for example, the nature and scope of greenhouse gas emissions – and vulnerability of the project to climate changes – types of vulnerabilities

identified, quantification of the amplification trends of existing vulnerabilities in the context of climate changes;

g) technologies and substances used. The description of significant likely negative effects on the factors specified in article 7 paragraph (2) of this law should comprise the direct effects and the likely indirect effects, secondary, cumulative, transboundary effects, short-term, medium-term and long-term effects, permanent and temporary effects, positive and negative effects of the project. The description must take into account the environmental protection objectives established at national level and at European Union level, which are relevant for the project.

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\*6) Government Decision no.321/2005 for evaluation and management of environmental noise, republished, as further amended and supplemented.

6. A description or evidence of forecast methods used for identification and assessment of significant effects on environment, including details about the difficulties – for example, the technical difficulties or the difficulties determined by the lack of knowledge – encountered compiling the required information and the main uncertainties involved.

7. A description of the measures envisaged for avoidance, prevention, reduction or if possible, compensation of any significant negative effects on environment identified and if applicable, a description of any monitoring measures proposed – for example, preparation of a post-project analysis, monitoring programme. The monitoring programme has to contain the types of parameters monitored and duration of monitoring proportional to the nature, localization and size of project, as well as the severity of its effects on environment. The description has to explain to what extent the significant negative effects on environment are avoided, prevented, reduced or compensated and has to refer both to the construction stage and to the functioning stage.

8. A description of the foreseen significant negative effects of the project on environment, determined by the vulnerability of the project to the risks of major accidents and/or disasters, relevant for the project in question.

Relevant information available, obtained as a result of risk evaluations performed according to laws on control of activities which present dangers of major accidents in which hazardous substances are involved \*7) and legislation on control of nuclear activities \*8) or as a result of relevant evaluations performed according to the national legislation in force, can be used for this purpose provided that the requirements of this law are complied with. If applicable, this description should include the measures envisaged for the prevention or mitigation of significant negative effects of these events on environment, and details regarding the preparation level and reaction proposed in such emergency situations.

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\*7) Law no.59/2016 for control of dangers of major accident major in which hazardous substances are involved, as further supplemented, which transposes in the national legislation the provisions of Directive 2012/18/EU of the European Parliament and of the Council of 4<sup>th</sup> July 2012 for control of dangers of major accidents which involve hazardous substances, for amendment and later repealing of Directive 96/82/EC of the Council (OJ L197, 24.7.2012, p. 1).

\*8) Law no.111/1996 for safe carrying out, regulation, authorization and control of nuclear activities, republished, as further amended and supplemented, which transposes in the national legislation the Directive 2009/71/Euratom of the Council of 25<sup>th</sup> June 2009 for instatement of a community framework for nuclear security of nuclear power plants (OJ L172, 2.7.2009, p. 18).

9. A non-technical summary of information provided at the previous items. The non-technical summary of information provided within the environmental impact assessment report includes also the conclusions of the adequate evaluation study, of the impact assessment study on the water bodies, and the policy for prevention of major accidents or the security report, as applicable.

10. A list of references which details the sources used for the descriptions and assessments included in the report.

## ANNEX 5

### THE PROCEDURE

#### For assessment of impact on environment for certain public and private projects\*9)

\*9) In the elaboration of this procedure we used the communication of European Commission of July 2016.

#### CHAPTER I

##### General provisions

#### SECTION 1

##### Legal framework and scope

#### ARTICLE 1

(1) This procedure establishes the necessary stages for the realization of environmental impact assessment for public and private projects.

(2) The procedure set out by paragraph (1) integrates, as applicable:

- a) the requirements specific to the adequate evaluation procedure of potential effects of projects on the natural protected areas of community interest;
- b) the requirements specific to the procedure for issue of water management permit, which includes the evaluation of impact on water bodies.

(3) The procedure set out by paragraph (1) is part of the procedure for issue of development consent of any public and private project.

(4) The stages set out in paragraph (1) shall apply to the projects after going through the initial assessment of project, as set out in article 8 of this law.

(5) The stages needed for the environmental impact assessment procedure integrate the stages of procedure for adequate evaluation of the potential effects of projects on the natural protected areas of community interest and are correlated with the stages of the procedure for issue of water management permit, for obtaining the development consent for any public and private project.

#### ARTICLE 2

(1) The environmental impact assessment procedure, which includes the adequate evaluation procedure, is run by the competent authorities for environmental protection, according to the provisions of article 8 paragraph (1) of Government Emergency Ordinance no.195/2005 for environmental protection, approved as amended and supplemented by the Law no.265/2006, as further amended and supplemented, and with the competences established by this law.

(2) The procedure of issue of the water management permit is run by the competence authorities for water management, according to the specific legislation in force.

(3) The responsibility for coordination of procedures set out by paragraphs (1) and (2) belongs to the competent authorities for environmental protection.

(4) The environmental impact assessment establishes the framework for an integrated approach by informing and consulting all the authorities with responsibilities in environmental protection field and their participation in a technical analysis commission (TAC) organized at county level where the project site is located or as applicable, at central level for the projects which are under the competence of central public authority for environmental protection.

(5) The technical analysis commission is composed of representatives of the central and/or local public authorities, according to article 6 paragraph (4) of this law.

(6) For the projects which could affect a natural protected area, the technical analysis commission includes its administrator/trustee or as applicable, the authority in charge with

administration of natural protected areas which are not attributed in administration/custody, to whom the developer forwards the necessary documentation for the issue of the environmental agreement.

(7) Depending on the particularity of the project, the technical analysis commission can include representatives of the public regulatory or control authorities/public institutions/national forums of science and culture/research institutes, design or consultancy institutes, such as the National Agency for Mineral Resources, the National Commission for Control of Nuclear Activities, the Geological Institute of Romania, the Nuclear Agency for Radioactive Wastes, the Romanian Academy, the Institute of National Economy, the Centre of Technological Engineering for Nuclear Objectives (CITON), and other institutions, as applicable.

(8) The public authorities participating in the technical analysis commission can propose the participation in the meeting with advisory role of specialists, researchers and/or university teaching staff with activity recognized in the field for the assurance of necessary technical, scientific or legal assistance.

(9) For the projects which are the competence of the National Agency for Environmental Protection, its representatives participate in the meetings of the technical analysis commission established at county level/in counties on the radius of which the project perimeter is located.

(10) For the projects which are the competence of the Administration of "Danube Delta" Biosphere Reserve, its representatives participate in the meetings of the technical analysis commission established at county level/in counties on the radius of which the project perimeter is located.

### ARTICLE 3

The definitions of specific terms used in this procedure are set out by this law, in Government Emergency Ordinance no.195/2005, approved as amended and supplemented by the Law no.265/2006, as further amended and supplemented, and in the national specific legislation.

### ARTICLE 4

(1) The fees for carrying out the environmental impact assessment procedure are established by order of the head of central public authority for environmental protection.

(2) The fees are paid in advance, for each procedure stage, by bank transfer or at the office of the environmental protection authority who has responsibilities for the application of procedure according to the competences established by this procedure.

(3) In the situations set out by article 7 of this procedure, the fees are received by the competent environmental protection authority who carries out the procedure stage.

### ARTICLE 5

(1) For the projects set out in Annexes no. 1 and 2 to this law, for those which fall under the incidence of article 28 of Government Emergency Ordinance no.57/2007 for regime of natural protected areas, preservation of natural habitats, wild fauna and flora, approved as amended and supplemented by the Law no.49/2011, as further amended and supplemented, and for those which fall under the incidence of articles 48 and 54 of Water Law no. 107/1996, as further amended and supplemented, the environmental assessment procedure cannot be initiated and carried out after the investment works were started or the projects were achieved.

(2) Any project which does not have a direct connection or is not necessary for the management of natural protected area of community interest, but which are likely to significantly affect the area, alone or in combination with other projects, is subject to an adequate evaluation of the potential effects on the natural protected area of community interest, considering its preservation objectives.

(3) The projects which are built on waters or have connection with waters and can lead to non-fulfilment of environmental objectives for the surface and underground water bodies,

defined by the specific legislation in force, are subject to the evaluation of impact on water bodies.

(4) If an investment is located on lands which are in the territorial area of several neighbouring administrative-territorial units, the assessment of environmental impact is carried out for the whole investment.

(5) At the implementation of investments related to activities for which the issue of environmental permit/integrated environmental permit is needed, according to the laws in force, and which the competent environmental protection authority has regulated in project stage according to this methodology, the developers are obliged to submit the request and obtain this permit.

## SECTION 2

### **Competences for going through the environmental impact assessment stages**

#### ARTICLE 6

(1) The public territorial authorities for environmental protection organized at county level and at Bucharest municipality level are responsible for the realization of environmental impact assessment procedure stages and for the issue of environmental agreement for all the projects which are subject to this procedure and whose sites are located on the territory of that county.

(2) The National Agency for Environmental Protection is responsible for the going through of all stages of environmental assessment procedure and for the issue of environmental agreement for all the projects which are subject to this procedure, whose site stretches on two or more counties.

(3) For the projects proposed to be accomplished in the perimeter of "Danube Delta" Biosphere Reserve, the authority responsible for the realization of environmental assessment procedure stages and for the issue of environmental agreement is the Administration of "Danube Delta" Biosphere Reserve.

(4) The public central authority for environmental protection is responsible for the realization of the stages of environmental impact assessment procedure and for the issue of environmental agreement for the projects set out in articles 19 and 46 of Government Emergency Ordinance no.195/2005, approved as amended and supplemented by the Law no.265/2006, as further amended and supplemented.

(5) The public central authority for environmental protection guides and coordinates the environmental impact assessment procedure for the projects that have a likely significant transboundary impact, by application of the provisions of Law no. 22/2001 for ratification of Convention for assessment of impact on environment in transboundary context, adopted in Espoo on February 25<sup>th</sup>, 1991, as further supplemented.

(6) In the application of this procedure and depending on the responsibilities established in paragraph (1) - (3), the environmental protection authorities are hereinafter referred to as competent environmental protection authorities.

(7) If there are types of projects that cannot integrate in any of the situations set out by paragraphs (1) - (3), the public central authority for environmental protection establishes the competent authorities.

(8) The competent environmental protection authority can hire external experts for analysis of environmental impact assessment report, of the adequate evaluation study and of the security report, as applicable, when the complexity of the project is large, according to the provisions of article 12 paragraph (11) of this law.

#### ARTICLE 7

The realization of the environmental impact assessment procedure can be wholly or partially delegated as follows:

a) by the public central authority for environmental protection to the National Agency for Environmental Protection, to the country agencies for environmental protection or to the Administration of "Danube Delta" Biosphere Reserve, as applicable;

b) by the National Agency for Environmental Protection to the county agencies for environmental protection.

### SECTION 3

#### The initial assessment stage

### ARTICLE 8

(1) For the realization of initial assessment stage, the developer requests the issue of environmental agreement to the competent environmental protection authority, according to the provisions of article 6 of this procedure, by submitting a notification for intention to achieve the project, accompanied by the urban planning certificate issued according to the law regarding the authorization of construction works, plans enclosed to it and the proof of payment of the fee for this stage.

(2) The framework content of notification is set out in annex no. 5.A.

(3) For the projects for initial afforestation and deforestation for the purposes of conversion to another type of land use, set out in annex no. 2 point 1 let. d), the developer submits to the competent environmental protection authority, along with the documents set out in paragraph (1), the favourable permit of the territorial specialized structure of the public central authority in charge for forestry in the area of which the project site is located.

### ARTICLE 9

(1) Within 15 days from reception of notification, based on the documents set out by article 8 of this procedure and the checking of site, if applicable, the competent environmental protection authority informs the developer in writing about:

a) classification of notification for the projects which do not fall under the incidence of this law, do not fall under the incidence of article 28 of Government Emergency Ordinance no.57/2007, approved as amended and supplemented by Law no.49/2011, as further amended and supplemented, and do not fall under the incidence of article 48 and 54 of Waters Law no. 107/1996, as further amended and supplemented, and the transmission of an opinion with then note "It is not subject to the environmental impact assessment procedure ", according to the model from annex no. 5.B;

b) the justified rejection of the request for issue of environmental agreement for the projects located in areas with building restrictions established by the legislation in environmental protection field and/or water management field, with the specification of nonconformities acknowledged and/or incidental normative acts whose provisions are not respected, according to the model from annex no. 5.C;

c) decision for the need to start the environmental impact assessment procedure, by submitting the presentation memoir, according to the model from annex no. 5.D:

1. for the projects related to activities which fall under the incidence of this law; and/or
2. for the projects which fall under the incidence of the provisions of article 28 of Government Emergency Ordinance no.57/2007, approved as amended and supplemented by the Law no.49/2011, as further amended and supplemented; and/or
3. for the projects which fall under the incidence of water management laws.

(2) The Presentation Memoir is drawn up according to the framework content set out in annex no. 5.E.

(3) For the projects which are built on waters or have connection with waters, the decision of initial assessment stage contains the obligation of the developer to request the water



management permit to the competent authority in water management field, according to the provisions of specific water management laws.

(4) The competent authority in water management field informs, within maximum 5 days, the competent environmental protection authority about the submission of the application for water management permit.

(5) For the projects which fall under the incidence of legislation on the control of activities which present danger of major accidents in which hazardous substances are involved, the memoir will be accompanied by the specific notification of this legislation.

(6) The checking of site is completed with the drawing up of a report, according to the model from annex no. 5.F.

(7) For the projects which are the competence of the central public authority for environmental protection and the National Agency for Environmental Protection, the deadline set out by paragraph (1) can be extended by maximum 10 days.

## CHAPTER II

### **Environmental impact assessment – procedural stages**

#### SECTION 1

#### **The project screening stage**

#### ARTICLE 10

(1) After the submission of the presentation memoir and/or the completions/information requested, on paper and in electronic format, the competent environmental protection authority carries out the following activities:

- a) establishes the composition of TAC;
- b) transmits to the members of the technical analysis commission the documents submitted by the developer, in electronic format;
- c) analyses the documents submitted by the developer;
- d) evaluates the potential significant transboundary impact for the projects which fall under the incidence of Law no. 22/2001, as further supplemented, based on the criteria defined by it and transmits the public central authority for environmental protection the presentation memoir, accompanied by the site checking report, and as applicable, the supporting documents, for the projects for which they established a potential significant transboundary impact, or informs the public central authority for environmental protection about the projects which fall under the incidence of Law no. 22/2001, as further supplemented, and for which it was established that there was no potential significant transboundary impact;
- e) identifies the public concerned and announces the submission of the request for issue of environmental agreement, by publication on its own website of the presentation memoir and the announcement made according to the model of annex no. 5.H, and by display of the announcement mentioned above at its office;
- f) transmits to the developer the draft announcement and informs him about the obligation to publish in the national or local press and to display at own office or on its own website/at the office of local public administration authority in the area of which the implementation of the project is proposed, according to the model of annex no. 5.G;
- g) summons the members of the technical analysis commission and communicates the developer the date agreed for the presentation of the project to the technical analysis commission in view of his participation in the meeting.

(2) Within 20 days from the reception of presentation memoir, for the purpose of expressing the opinion in the meeting set out by paragraph (1) let. g), the authorities represented in the technical analysis commission submit in writing requests for completions/further information

or as applicable, opinions, regarding the potential impact on all the factors set out in article 7 paragraph (2) of this law, on the natural protected area of community interest and on the water bodies.

(3) The opinion of the competent authority for water management is materialized in the decision on the need to elaborate the impact assessment study on water bodies, as applicable, and contains its justification.

(4) The decision set out in paragraph (3) is issued within maximum 20 days from the submission date of the request for issue of water management permit.

(5) The competent environmental protection authority makes the screening decision in the environmental impact assessment procedure with the application of the provisions of article 9 paragraph (2) and (4) of this law and Chapter III Adequate evaluation from this procedure, taking into account the opinions of the members of technical analysis commission, set out in paragraph (2) and (3).

(6) The competent environmental protection authority makes the decision of screening stage as soon as possible and within maximum 90 days from the reception date of all the necessary information from the developer.

(7) The competent environmental protection authority can extend the deadline set out by paragraph (6) when the nature, complexity, localization and size of the project are special and informs in writing the developer about the reasons which justify the extension and the date when it plans to make the decision.

(8) The projects set out in annex no. 1 to this law are subject to the integration only from the perspective of adequate evaluation and impact on water bodies.

(9) The projects set out by paragraph (8) can make the object of scoping stage.

#### ARTICLE 11

(1) Following the realization of the screening stage, the competent environmental protection authority decides, as applicable:

a) to make the environmental impact assessment, the adequate evaluation and assessment of impact on water bodies, for the projects:

1. set out in annex no. 1 to this law, and for the projects set out in annex no. 2 to this law, for which the decision was made that the assessment of impact on environment is necessary; and

2. for which the decision was made that it could significantly affect the natural protected areas of community interest; and

3. which have a potential significant impact on water bodies;

b) to perform the environmental impact assessment and the adequate evaluation, without the evaluation of impact on water bodies, for the projects:

1. set out in annex no. 1 to this law, and for the projects set out in annex no. 2 to this law, for which the decision was made that the assessment of impact on environment is necessary; and

2. for which the decision was made that it could significantly affect the natural protected areas of community interest; and

3. which have an insignificant impact on water bodies, according to the legal provisions in force;

c) to perform the environmental impact assessment and the assessment of impact on water bodies, without the adequate evaluation for the projects:

1. set out in annex no. 1 to this law, and for the projects set out in annex no. 2 to this law, for which the decision was made that the assessment of impact on environment is necessary; and

2. for which the decision was made that it does not significantly affect the natural protected areas of community interest; and

3. which have a potentially significant impact on water bodies;
- d) to perform the environmental impact assessment, without the adequate evaluation and without the assessment of impact on water bodies for the projects:
  1. set out in annex no. 1 to this law, and for the projects set out in annex no. 2 to this law, for which the decision was made that the assessment of impact on environment is necessary; and
  2. which do not significantly affect the natural protected areas of community interest; and
  3. which have an insignificant impact on water bodies, according to the legal provisions in force;
- e) to continue the procedure for issue of development consent of the project for:
  1. the projects set out in annex no. 2 of this law, for which it was decided that the environmental impact assessment was not necessary;
  2. the projects which do not significantly affect the natural protected areas of community interest;
  3. which have an insignificant impact on water bodies, according to the legal provisions in force.
- (2) For the projects which are not set out in Annexes no. 1 and 2 to this law, but which have a significant impact on the natural protected areas of community interest and/or on water bodies, the performance of environmental impact assessment is mandatory.
- (3) The competent environmental protection authority motivates the decision of screening stage, which contains the information set out in articles 21 and 22 of this law, according to the model set out in annex no. 5.I, and transmits to the developer the public announcement drawn up according to the model of annex no. 5.J.
- (4) The developer informs the public about the decision of screening stage by publication in the national or local press, by display at own office and on own website, and at the office of authorities of local public administration in the area of which the implementation of the project is proposed.
- (5) After the submission by the developer of the announcement published in the press, the competent environmental protection authority publishes on its website the announcement drawn up according to annex no. 5.K and the project of screening stage decision.
- (6) The public concerned can submit comments to the draft of screening decision within 10 days from the date of posting the announcement on the website of the competent environmental protection authority.
- (7) Within 10 days from the reception of justified comments of the public concerned in the draft of screening decision, the competent environmental protection authority invites the members of the technical analysis commission to participate in the adoption of the final screening decision.
- (8) If the justified comments of the public concerned lead to reconsideration of decision, it is made available to the public by the competent environmental protection authority, by posting it on website and by the developer by the means set out in paragraph (4).
- (9) If the justified comments of the public concerned do not lead to reconsideration of decision or in their absence, the draft of the screening stage decision becomes final decision.

## ARTICLE 12

(1) For the projects funded by European funds, respectively the European Regional Development Fund and the Cohesion Fund which do not significantly affect the natural areas protected by community interest, the competent environmental protection authority issues the declaration set out in appendix 1 of EU Regulation 2015/207 of the Commission for establishing the detailed norms for enforcement of (EU) Regulation no. 1.303/2013 of the European Parliament and of the Council, accompanied by a map which shows the location of the project and the Natura 2000 sites.

(2) The declaration set out in paragraph (1) has to include the name of site/sites in question, the reference number, the distance of the project from the nearest Natura 2000 site/sites, the preservation objectives and the justification that the project, either individually or together with other projects, is not susceptible to have significant negative effects on the Natura 2000 site(s) included or which will be included in Natura 2000 network and if applicable, an administrative decision.

## SECTION 2

The scoping stage and preparation of environmental impact assessment report

### ARTICLE 13

In view of accomplishing the scoping stage for the projects set out in article 11 paragraph (1) let. a) - d) and paragraph (2) of this procedure, the developer establishes the team of experts according to the provisions of article 12 of this law and presents to the competent environmental protection authority:

- a) the proposal of relevant aspects for environmental protection which must be developed in the environmental impact assessment report, the adequate evaluation study and the impact assessment study on water bodies, depending on the nature, size and localization of the project;
- b) the proof of paying the fee for the scoping stage.

### ARTICLE 14

(1) After the presentation by the developer of the information set out in article 13 of this procedure, the competent environmental protection authority carries out the scoping stage as follows:

- a) sends, in electronic format, to the members of the technical analysis commission the documents and information submitted by the developer, mentioning the deadline of maximum 10 days for the reception of their comments;
- b) analyses the documents and information submitted by the developer, and the proposals of the public concerned regarding the content of environmental impact assessment report, received in writing within 20 days from the publication on the website of the presentation memoir according to the provisions of article 10 paragraph (1) let. e) of this procedure;
- c) draws up and sends to the developer the guidelines for the environmental problems which must be analysed in the environmental impact assessment report, in the adequate evaluation study and in the evaluation study of impact on water bodies, as applicable, taking into account the justified proposals of the members of technical analysis commission and of the public concerned regarding the content of reports mentioned above;
- d) makes the guidelines available to the public by posting it on its website.

(2) The transmission by the competent environmental protection authority of the guidelines does not exclude the possibility of subsequent request for further information.

(3) The content of the guidelines has to reflect the relevant aspects for environmental protection, identified in the report with annex no. 4 to this law and the questions asked by the members of technical analysis commission.

(4) For the projects related to the activities which fall under the incidence of legislation on industrial emissions, the guidelines establish also the need to apply the specific requirements of the integrated environmental or as applicable, the parameters or the equivalent technical measures, and the obligation to respect the conclusions regarding the best available techniques set out in BAT decisions adopted by the European Commission for the categories of activities set out in annex no. 1 to Law no.278/2013 for industrial emissions, as further amended and supplemented.

(5) For the projects of activities which involve dangerous substances and for which the need to draw up and present the policy for prevention of major accidents or the security report is

established, according to the legal provisions on the control of activities which present dangers of major accidents in which dangerous substances are involved, the guidelines contain this request too.

(6) For the projects for which it was decided to perform the adequate evaluation, the guidelines contain the need to present the adequate evaluation study, and other relevant issues established by the competent environmental protection authority.

(7) For the projects for which the performance of the assessment study of impact on water bodies was decided according to the specific legislation in the field, the guidelines contain this request, and other relevant issues established by the competent water management authority.

#### ARTICLE 15

(1) For the projects set out by article 11 paragraph (1) let. a) - d) and paragraph (2) of this procedure, based on the guidelines received, the developer submits to the competent environmental protection authority, on paper and in electronic format, the environmental impact assessment report, and as applicable, the adequate evaluation study, the policy for prevention of major accidents or the security report and the evaluation study of the impact on water bodies.

(2) In the cases set out by article 14 paragraph (5) of this procedure, the developer forwards to the competent environmental protection authority the policy for prevention of major accidents or the security report. The framework contents of the policy for prevention of major accidents and the security report are set out in Law no.59/2016, as further supplemented.

(3) In the cases set out by article 14 paragraph (6) of this procedure, the developer forwards to the competent environmental protection authority the adequate evaluation study completed according to the provisions of Chapter III "Adequate evaluation".

(4) In the situations set out by article 14 paragraph (7) of this procedure, the developer forwards to the competent environmental protection authority the evaluation study of impact on water bodies, drawn up according to the specific legislation in force.

(5) The environmental impact assessment report respects the framework content of annex no. 4 to this law and is made based on the information and conclusions resulted from the adequate evaluation study, the evaluation study of impact on water bodies and the policy for prevention of major accidents or the security report, as applicable.

(6) The environmental impact assessment report includes the description of the reasonable alternatives identified, the comparative presentation of impact on environment of each alternative underlying the selection of final option.

(7) The non-technical summary of information provided in the environmental impact assessment report includes the conclusions of the adequate evaluation study, of the evaluation study of impact on water bodies and of the policy for prevention of major accidents or of the security report, as applicable.

(8) The environmental impact assessment report, the adequate evaluation study, the policy for prevention of major accidents or the security report are drawn up by experts according to article 12 of this law.

(9) The evaluation study of impact on water bodies is made by public or private certified institutions, according to the legislation on water management in force.

#### SECTION 3

##### **The analysis stage of the environmental impact assessment report quality**

#### ARTICLE 16

(1) After the reception by the competent environmental protection authority of the environmental impact assessment report, the adequate evaluation study, the policy for prevention of major accidents or the security report and the evaluation study of impact on water

bodies, as applicable, and the proof of paying the fee for the analysis stage, the competent environmental protection authority carries out the following activities:

a) sends to the competent water management authority, on paper and/or in electronic format, the environmental impact assessment report, the adequate evaluation study, the evaluation study of impact on water bodies and as applicable, the policy for prevention of major accidents or the security report;

b) makes available to the members of the technical analysis commission and to the public, for consultation, at its office and by posting on website, the environmental impact assessment report, the adequate evaluation study, the evaluation study of impact on water bodies and as applicable, the policy for prevention of major accidents or the security report;

c) establishes by mutual agreement with the developer the opportunities for the participation of the public in the decision-making related to the project, indicating at least the date and place of public debate;

d) draws up and transmits the developer the public announcement about the public debate, drawn up according to the model of annex no. 5.L.

(2) The announcement about the opportunities for participation of the public concerned in decision-making regarding that project, drawn up according to the model of annex no. 5.M, is published on the website of the competent authority for environmental protection and the public authorities who issued the development consent and is displayed at their offices at least 30 days before the date set out for the public debate meeting.

(3) The developer is obliged to publish in the national or local press and to display at its office/on its own website/at the office of local public authority and/or on the information panel on site the announcement communicated by the competent environmental protection authority, at least 30 days before the date set out for the public debate meeting.

#### ARTICLE 17

(1) The public concerned can send the competent authority for environmental protection comments/opinions/observations to the environmental impact assessment report, the adequate evaluation study, the evaluation study of impact on water bodies and as applicable, the policy for prevention of major accidents or the security report, until the date when the public debate takes place.

(2) When the comments/opinions/observations to the environmental impact assessment report and as applicable, the comments/opinions to the adequate evaluation study, the evaluation study of impact on water bodies and as applicable, the policy for prevention of major accidents or the security report are forwarded, the members of the public concerned are obliged to declare their surnames, first names and address, which the competent environmental protection authority will write down in a form similar to the form presented in annex no. 5.N.

#### ARTICLE 18

During the period from the announcement until the carrying out of the public debate, the competent environmental protection authority and the competent authority for water management will analyse the reports set out in article 15 paragraph (1) of this procedure and will establish, as applicable:

a) the competent environmental protection authority establishes the proceeding to the stage of compensatory measures, if the alternative solutions identified do not significantly reduce the negative impact, but the project has to be achieved for imperative reasons of major public interest regarding human health, public security or benefits for environment, including social or economic benefits;

b) the competent authority for water management establishes the need to complete/amend the evaluation study of impact on water bodies.

#### ARTICLE 19

(1) The developer organizes the public debate under the guidance of the competent authority for environmental protection and will cover its costs.

(2) The public debate meeting takes place in the presence of representatives of the competent authority for environmental protection and the competent authority for water management, in the most convenient manner for the public.

(3) The public debate meeting is moderated by the competent environmental protection authority.

(4) If within 60 minutes from the time announced for the start of meeting no representative of the stakeholders appears, this fact is written down in a report and the public debate meeting is declared closed.

#### ARTICLE 20

(1) During the public debate meeting, the developer presents the environmental impact assessment report, the adequate evaluation study, the evaluation study of impact on water bodies and as applicable, the policy for prevention of major accidents or the security report and answers the comments/opinions/observations of the interested participating public.

(2) The comments/opinions/observations of the interested participating public, presented in the public debate meeting are written down in a report/minutes by the competent environmental protection authority and later they are written in the same form where the proposals received before the date of public debate meeting were written.

#### ARTICLE 21

After the carrying out of the public debate meeting, the competent environmental protection authority carries out the following activities:

- a) analyses the comments/opinions/observations of the public concerned;
- b) transmits to the developer the form set out in annex no. 5.O and requests him to complete it with solutions to the problems reported; the form thus completed is annexed to the environmental impact assessment report.

#### ARTICLE 22

(1) After the submission by the developer, on paper and in electronic format, of answers to the comments/opinions/observations of the public concerned, formulated according to the model of annex no. 5.O, the competent environmental protection authority will carry out the following activities:

a) transmits to the competent authority for water management and makes available to the public and the members of the technical analysis commission the form from annex no. 5.O completed, by posting it on its own website;

b) summons and analyses with the members of the technical analysis commission the form set out in letter a);

c) analyses the opinions transmitted in writing by the members of the technical analysis commission regarding the quality of reports submitted according to article 15 paragraph (1) of this procedure and regarding the answers to the problems formulated by the public concerned, including the selection of alternative for achievement of the project and establishes the need for possible completions/changes of the environmental impact assessment report, the adequate evaluation study, the evaluation study of impact on water bodies and/or the policy for prevention of major accidents or the security report, including according to the analysis set out in article 18 of this procedure, as applicable or their rejection;

d) communicates in writing to the developer the need for completion/change of environmental impact assessment report, the adequate evaluation study, the evaluation study of impact on water bodies and/or the policy for prevention of major accidents or the security report, as applicable, according to the provisions of let. c) or its/their motivated rejection.

(2) The opinion of the competent authority for water management is materialized in the decision on the need for completion/change of evaluation study of impact on water bodies.

(3) In the absence of justified comments/opinions/ observations of the public and the need for completion/change of reports according to paragraph (1) let. c), the competent environmental protection authority makes the decision of issuing the environmental agreement, by taking into account the water management permit.

(4) In case of motivated rejection set out in paragraph (1) let. d), the competent environmental protection authority notifies the central authority for environmental protection on the rejection of environmental impact assessment report, the adequate evaluation study, and/or the policy for prevention of major accidents or the security report, as applicable.

#### ARTICLE 23

(1) After the submission by the developer of the documents completed/changed according to article 22 paragraph (1) let. c) of this procedure, the competent environmental protection authority carries out the following activities:

a) transmits to the competent authority for water management and makes available to the members of the technical analysis commission the completed/changed documents and/or the information submitted by the developer;

b) makes available to the public, at its office and by publication on its website, for consultation for a period of 10 days, the completed/changed documents and/or the information submitted by the developer;

c) summons and analyses with the members of the technical analysis commission the documents and/or the information set out in let. a);

d) analyses the opinions transmitted in writing by the members of the technical analysis commission regarding the documents and/or information mentioned above;

e) decides to issue the environmental agreement or to reject the request for its issue, taking into account the opinions expressed by the public, the opinions of the members of technical analysis commission and the opinion of the European Commission according to the provisions of article 26 let. b) of this procedure.

(2) The opinion of the competent authority for water management is materialized in the decision to issue/reject the water management permit.

(3) After making the decision set out in paragraph (1) let. e), the competent environmental protection authority communicates the decision taken to the developer and transmits to him the public announcement drawn up according to the model of annex no. 5.P to this procedure.

(4) The developer informs the public on the decision to issue the environmental agreement/decision to reject the request for issue of environmental agreement by publication in the national or local press, by display at its office and on its website, and at the office of authority/authorities of the local public administration in the area of which the implementation of the project is proposed.

(5) After the submission by the developer of the announcement published in the press, the competent environmental protection authority publishes on its website the announcement regarding the issue of environmental agreement/rejection of request for issue of environmental agreement according to the model of annex no. 5.Q, respectively the draft environmental agreement, according to the model from annex no. 5.R/draft of decision to reject the request according to the model from annex no. 5.C.

(6) The comments of the public concerned are received within 10 days from the posting of announcement on the website of the competent authority for environmental protection.

(7) In all the cases when the comments received from the public concerned justify the deepening of assessment and the request for new information or supplementary investigations, the competent environmental protection authority decides to recommence the procedure from the stage of requesting this information, with the payment of the fees for the re-assessment stages.



(8) If the decision on the achievement of the project was not concluded in the meeting of the technical analysis commission gathered for this purpose, the authorities participating in the meeting will send in writing the competent authority for environmental protection the opinion on the analysis stage of the quality of the environmental impact assessment report within 10 days from the date of analysis meeting.

(9) The failure to receive in the deadline specified in paragraph (8) the opinion of the public authorities involved in the technical analysis commission equivalates to no objections to the achievement of the project.

(10) If the conclusions of authorities involved in the technical analysis commission regarding the possibility of carrying out the project are contradictory, the competent environmental protection authority, before the issue of final decision, will invite the stakeholders in a meeting for reconsideration of their opinion.

#### ARTICLE 24

(1) If the justified comments/observations of the public concerned set out in article 23 paragraph (6) of this procedure do not lead to reconsideration of the decision to issue the environmental agreement/to reject the request for issue or in their absence, the draft environmental agreement or as applicable, the draft decision to reject the request becomes final, and the competent environmental protection authority issues the environmental agreement or as applicable, notifies the developer about the rejection of the request for its issue.

(2) At the issue of environmental agreement set out in paragraph (1), the competent environmental protection authority takes into account:

a) the results of the analysis of environmental impact assessment report, the adequate evaluation study, and the policy for prevention of major accidents or the security report, as applicable and the opinions of members of technical analysis commission and the justified comments/opinions/observations of the public concerned, according to article 23 paragraph (1) let. b) of this procedure;

b) the measures and conditions set out in the water management permit issued by the competent authority in water management field.

#### ARTICLE 25

(1) The environmental agreement has the framework content set out in annex no. 5.R and includes at least the requirements set out in article 18. paragraph (3) of this law.

(2) The environmental agreement for the projects for which the decision was made that they can have a significant impact on the integrity of natural protected areas of community interest includes as applicable, apart from the requirements set out in article 18 paragraph (3) of this law, the following:

a) measures to reduce or eliminate the impact on the natural protected area of community interest, the conditions and the method/calendar for their implementation;

b) the compensatory measures approved/accepted by the competent environmental protection authority, the conditions and the method/calendar for their implementation;

c) the reasons for public health or safety or the beneficial consequences of major importance for environment, which justify the need to achieve the project proposed, for the natural protected areas of community interest which shelter a priority natural habitat and/or a priority wild species of community interest;

d) other imperative reasons of major public interest on which we obtained the opinion of the European Commission, which justifies the need to achieve the project proposed.

(3) The environmental agreement for the projects which went through the procedure for assessment of the impact on the water bodies includes the measures and conditions set out in the water management permit.

(4) The environmental agreement for the installations which fall under the incidence of legislation on industrial emissions is issued by taking into account, apart from the requirements set out in paragraph (2), the following issues:

a) the emission levels associated with the best available techniques, for pollutants which can be emitted in significant quantities or as applicable, in parameters or equivalent technical measures;

b) the provisions for the limitation of pollution effects at high distance or transboundary pollution, as applicable.

(5) The environmental agreement for the projects which went through the impact assessment procedure, in transboundary context, contains information about the procedure carried out and its conclusions.

(6) The environmental agreement issued is made available to the public on the website of the issuing competent authority for environmental protection.

#### ARTICLE 26

For the projects set out in article 5 paragraph (2) of this procedure which negatively affect the integrity of the natural protected area of community interest and in the absence of alternative solutions, the public central authority for environmental protection has the obligation:

a) to inform the European Commission about the compensatory measures taken to protect the global coherence of Natura 2000 network, for the areas of special avifauna protection and the sites of community importance, when the project must be achieved for imperative reasons of major public interest regarding the human health, the public security or benefits for environment. In this case, the regulatory act can be issued before informing the European Commission;

b) to request the opinion of the European Commission both on the compensatory measures proposed and on the imperative reasons of major public interest, other than those regarding human health, public security or benefits for environment, when the project affects a priority species or a priority type of habitat. In this case, the regulatory act will be issued after the reception of the answer from the European Commission.

#### ARTICLE 27

The decision to reject the request for issue of environmental agreement, whose framework content is set out in annex no. 5.C, includes:

a) the main reasons and considerations on which the decision is based, including information about the carrying out of the participation process of the public concerned;

b) information about the administrative complaint procedure and administrative contentious procedure set out by articles 21 and 22 of this law.

### CHAPTER III

#### **Adequate evaluation**

#### SECTION 1

#### **Project screening stage**

#### ARTICLE 28

(1) After the submission of documentation set out in article 10 of this procedure, the competent environmental protection authority goes through the screening stage in the adequate evaluation procedure, concomitantly with the screening stage in the environmental impact assessment procedure, as applicable, with the carrying out of the following activities:

a) analyses the documentation submitted by the developer;

b) completes the checklist for the screening stage according to the methodological guidelines for adequate evaluation and requests, as applicable, further information for its completion;

c) completes the checklist for screening stage of the project based on the opinions received from the members of technical analysis commission;

d) makes the decision of the screening stage of the project in the adequate evaluation procedure.

(2) Following the carrying out of the screening stage, the competent environmental protection authority decides, as applicable:

a) the project proposed does not require going through the other stages of the adequate evaluation procedure, for those which do not have a significant impact on the integrity of natural protected areas of community interest;

b) the project proposed requires the performance of adequate evaluation for the projects for which it was made the decision that they can have a significant impact on the integrity of the natural protected areas of community interest, by drawing up a study which respects the framework content set out in the methodological guidelines for adequate evaluation.

## SECTION 2

### **The adequate evaluation study stage**

#### ARTICLE 29

After the submission by the developer of the adequate evaluation study, which also contains alternative solutions, as applicable, the competent environmental protection authority analyses the study and makes one of the following decisions:

a) to accept the study with alternative solutions, as applicable, and the reduction measures presented;

b) to proceed to the stage of compensatory measures, if the alternative solutions identified do not significantly reduce the negative impact, but the project has to be achieved for imperative reasons of major public interest regarding human health, public security or benefits for environment, including social or economic reasons;

c) to reject the request if the alternative solutions identified do not eliminate/reduce the negative impact on the integrity of natural protected area of community interest and in the absence of reasons of major public interest, according to the rejection decision set out in annex no. 5.C.

## SECTION 3

### **The stage of compensatory measures, when there are no alternative solutions and when the negative impact persists**

#### ARTICLE 30

(1) After the completion of the adequate evaluation study with compensatory measures, the competent environmental protection authority analyses the compensatory measures submitted by the developer and decides:

a) to accept the compensatory measures proposed;

b) to reject the request, by taking into account the opinions of the members of technical analysis commission.

(2) For the projects of major public interest which affect a priority species or a priority habitat, for which other imperative reasons of major public interest are invoked, other than those regarding human health, public security or benefits for environment, before taking the decision to issue the environmental agreement, the competent authority sends to the central public authority for environmental protection the form set out in annex no. 3 to methodological

guidelines on adequate evaluation of the potential effects of plans or projects on the natural protected areas of community interest, approved by Order of the minister of environment and forests no. 19/2010, completed with the information requested and the adequate evaluation study, as further supplemented.

(3) Based on the documents set out in paragraph (2), the public central authority for environmental protection requests the opinion of the European Commission for the project and sends to the competent authority its answer in order to make the decision set out in paragraph (1).

(4) Following the carrying out of activities set out in paragraphs (2) and (3), the competent environmental protection authority decides to issue the environmental agreement or to reject the request, by taking into account the opinions of the members of the technical analysis commission and the answer of the European Commission.

(5) For the projects which do not affect a priority species or a priority habitat and for which the decision was made to issue the environmental agreement, the competent authority sends to the central public authority for environmental protection the form set out in annex no. 3 to the methodological guidelines on adequate evaluation, completed with the information requested, the adequate evaluation study, as further supplemented, and the regulatory act which was issued.

(6) Based on the documents set out in paragraph (5), the public central authority for environmental protection informs the European Commission on the compensatory measures taken to protect the global coherence of Natura 2000 network.

## CHAPTER IV

### **Confidentiality of information submitted by the developer**

#### ARTICLE 31

When going through 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 which is subject to commercial and industrial confidentiality, including intellectual property.

#### ARTICLE 32

(1) The exemption request set out in article 31 of this procedure is submitted to the competent environmental protection authority with the submission of documents which also contain the information which is subject to commercial and industrial confidentiality, including intellectual property. The exemption request is motivated de facto and de jure.

(2) In case of insufficient motivation of the confidentiality request and existence of a doubt about the confidential nature of information, the competent environmental protection authority can reject the request based on the principle of satisfying the public interest. The rejection of request allows the competent authority for environmental protection to make available to the public the environmental information partially disclosed from the general context of information which is subject to confidentiality. In this case, in motivation of rejection, the competent authority specifies the way in which the public interest was taken into account in the provision of partial information.

(3) For each case, the competent environmental protection authority analyses the exemption request and in resolution of request, gives priority to the realization of public interest.

(4) The resolution of request set out in paragraph (1) is materialized by decision of the head of competent authority for environmental protection.

(5) The decision set out in paragraph (4) is issued and communicated to the developer within 10 days from the submission date of exemption request.

(6) The exemption period, if it is granted, is maximum 4 years unless the specific legislation provides otherwise.

#### ARTICLE 33

(1) The decision set out in article 32 paragraph (4) of this procedure is posted on the website of the competent authority for environmental protection.

(2) The decision set out in article 32 paragraph (4) of this procedure can be contested by the developer or by the members of the public concerned to the competent administrative contentious court, according to the provisions of Administrative Contentious Law no. 554/2004, as further amended and supplemented.

### CHAPTER V

#### **Changes or extensions of projects set out in this law**

#### ARTICLE 34

(1) The developer of a project has the obligation to notify in writing the competent environmental protection authority about any change or extension of the project, which occurred after the issue of the screening stage decision, the environmental agreement and prior to the issue of development consent.

(2) The notification set out in paragraph (1), accompanied by the checking report drawn up according to the provisions of article 20 paragraph (2) let. a) of this law by the certified project checker according to the law for the essential requirement "D) hygiene, health and environment" set out in article 3 of the Order of minister of regional development and public administration no. 2.264/2018 or as applicable, the opinion of the competent authority who issued the development consent according to article 20 paragraph (2) let. b) of this law, is submitted within 10 days from the appearance of the change/extension need.

(3) The draft notification is set out in annex no. 5.S of this procedure.

(4) Based on the documents set out in paragraph (2), the public authority for environmental protection adequately applies the provisions of article 20 paragraph (3) of this law.

#### ARTICLE 35

The developer of a project has the obligation to notify in writing the competent authority who issued the development consent about any change or extension of the project, which occurred after the issue of development consent, according to the specific laws in force.

### CHAPTER VI

#### **Exemptions from the environmental impact assessment procedure**

#### ARTICLE 36

(1) The developer of a project set out in annex no. 1 or 2 of this law can request the central public authority for environmental protection his exemption in whole or in part from the environmental impact assessment procedure.

(2) The exemption request, which accompanies the request for issue of environmental agreement, is motivated by law and de facto and includes, as applicable, information about the possibility of performing another adequate form of evaluation. The request is submitted according to the provisions of article 8 of this law.

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

#### ARTICLE 37

(1) The central public authority for environmental protection analyses the exemption request and establishes, as applicable:

- a) the need to perform another form of assessment;
- b) realization of environmental impact assessment only for certain stages of the project;
- c) realization of environmental impact assessment for the whole project, if the exemption request is rejected.

(2) The information obtained by the assessment form established according to paragraph (1) is made available to the public just like in the environmental impact assessment procedure.

#### ARTICLE 38

(1) The exemption decision or the decision to reject the exemption request is motivated de facto and de jure and includes the necessary requirements to be fulfilled by the developer according to the provisions of article 37 of this procedure.

(2) The public central authority for environmental protection issues the exemption decision or the decision to reject the exemption, communicates it to the developer, publishes it on its website and displays it at its office within 15 days from the reception of exemption request.

(3) The exemption decision is issued by observing the provisions of article 5 paragraph (3) of this procedure.

#### ARTICLE 39

(1) The central public authority for environmental protection sends the exemption decision or the rejection decision of the exemption request to the competent authority for environmental protection.

(2) The competent environmental protection authority fulfils the provisions of the decision.

(3) After the fulfilment of requirements from the exemption decision and prior to the issue of environmental agreement, the competent environmental protection authority sends to the central public authority for environmental protection the results of assessment established according to article 38 paragraph (2) of this procedure.

(4) After the reception of information set out in paragraph (3), the central public authority for environmental protection sends to the European Commission the exemption decision and the information made available to the public, then it makes the decision to issue the environmental agreement or to reject the issue request, and the provisions of articles 21, 22 and 29 shall apply accordingly.

#### ARTICLE 40

If it was decided by a case-by-case analysis, to exempt from the environmental impact assessment procedure the projects which have as unique objective the national defence or the reaction to civil emergencies to which the provisions of article 5 paragraph (2) of this law refer, the competent environmental protection authority sends to the developer a notification with the note "It is subject to exemption decision no. .... from the environmental impact assessment procedure", within 5 days from the reception of exemption decision from the central public authority.

### CHAPTER VII

#### **Updating and revision of regulatory act**

#### ARTICLE 41

(1) The competent issuing environmental protection authority updates or revises, at the request of the developer, the screening decision/ environmental agreement, after the payment of the adequate fee by the developer.

(2) We consider updating of screening decision/environmental agreement any registration of mentions in an annex to it.

(3) The revision of screening decision/environmental agreement, as applicable, is carried out if new elements intervene, unknown elements at the issuing date of regulatory acts, or the conditions underlying their issue change and require the revision of the presentation memoir

or the environmental impact assessment report, the adequate evaluation study, the evaluation study of impact on water bodies, the policy for prevention of major accidents or the security report, as applicable.

(4) After the submission by the developer of the notification set out by Chapter V of this procedure, the competent environmental protection authority carries out the following activities:

- a) analyses the documents submitted by the developer;
- b) checks whether since the issue of screening decision/environmental agreement:
  - 1. new elements have appeared, which are unknown at its issuing date;
  - 2. the relevant legislation has changed or the protection regime has changed;
  - 3. the data underlying the issue have changed, including the relevant issues of environmental condition;
- c) sends to the members of the technical analysis commission the documents submitted by the developer;
- d) summons the technical analysis commission.

(5) Based on the documents submitted and the analysis set out in paragraph (4), and the opinions expressed by the technical analysis commission, the competent environmental protection authority decides, as applicable:

- a) to update the screening decision/environmental agreement initially issued;
- b) to revise the presentation memoir or the reports set out in paragraph (3) and to go through the necessary procedural stages according to the provisions of articles 10 - 26 of this procedure and therefore, to revise the environmental agreement/screening decision initially issued or to issue new ones;
- c) to confirm the validity of screening decision/environmental agreement.

(6) Following the carrying out of screening stage set out in paragraph (5), the competent environmental protection authority sends to the developer the public announcement made according to the model of annex no. 5.T.

(7) The developer informs the public on the screening decision by publication in the national or local press, by display at its office and on its website, and at the office of authorities of the local public administration in the area of which the implementation of the project is proposed.

(8) After the submission by the developer of the announcement published in the press, the competent environmental protection authority publishes on its website the announcement drawn up according to annex no. 5.U and the draft of screening stage decision.

(9) The public concerned can transmit the competent authority for environmental protection comments/opinions/observations regarding the decision of the competent authority for environmental protection, within 10 days from its posting on the website of the competent authority for environmental protection.

(10) If the justified comments/observations of the public concerned lead to reconsideration of decision, it is made available to the public by the competent environmental protection authority and by the developer, by display on its website.

(11) If the justified comments/observations of the public concerned do not lead to reconsideration of decision or in their absence, the draft decision becomes final decision.

#### ARTICLE 42

(1) The competent environmental protection authority is obliged to draw up and keep an objective file for all the projects which are subject to this procedure. It includes all the relevant information regarding the environmental impact assessment procedure, including the information which is made available to the public, according to this procedure.

(2) The objective file includes at least:

- a) the calendar of environmental impact assessment procedure;

b) documentation underlying the decisions of the competent authority for environmental protection;

c) the guidelines drawn up by the competent environmental protection authority regarding the content of environmental impact assessment report, the adequate evaluation study, the evaluation study of impact on water bodies and the policy for prevention of major accidents or the security report, as applicable;

d) completions/changes of documentation;

e) the environmental impact assessment report, the adequate evaluation study, the policy for prevention of major accidents or the security report and the environmental impact assessment study on water bodies, as applicable;

f) the notifications transmitted by the developer if the data/information which were/was at the basis of decisions in the environmental impact assessment procedure change(s);

g) all the decisions taken in the environmental impact assessment procedure;

h) other relevant documents for the respective project.

(3) The objective file will be kept for the whole lifecycle of investment, including for the site reconstruction period after closure. The file will be archived also on electronic support, as applicable.

#### ARTICLE 43

(1) If the developer does not submit to the competent authority for environmental protection all the information required at any time of procedure in the deadline established by the authority or within maximum 2 years from the request date, the request is rejected.

(2) The reports on environmental impact, accomplished according to the requirements of the laws in force at the time, submitted to the competent environmental protection authority and which are in uncompleted procedures, are updated, according to the laws in force, at the request of the competent authority for environmental protection.

(3) At the finalization of public and private projects which made the object of environmental impact assessment procedure, the competent environmental protection authority who went through the procedure will check the conformation with the provisions of the screening stage decision or the environmental agreement, as applicable.

(4) The report drawn up in the case set out by paragraph (3) is enclosed and is part of the acceptance report at completion of works.



ANNEX 5.A  
To the procedure

**Framework content of notification**

1. General data and location of project/change
  - 1.1. Title of project: .....
    - specify the integration of the project in annexes to this law;
    - specify the integration of the project in the provisions of articles 48 and 54 of Waters Law no. 107/1996, as further amended and supplemented.
  - 1.2. Project location: \*1), including the vicinities and address of objective (cadastral number and Land Book number, as applicable)
  - 1.3. Identification data of the developer/beneficiary of the project/change:
    - a) name of developer;
    - b) address of developer, phone, fax, email address;
    - c) legal representatives/empowered persons, with identification data.
  - 1.4. Classification in urban planning/ territory arrangement plans approved/adopted, in the protection areas set out in these plans and/or other schemes/plans/programmes
  - 1.5. Integration in other existing activities (if applicable)
  - 1.6. The territorial balance – total surface, built-up area (buildings, ways of access), surface of green spaces, number of parking lots (if applicable)
2. Brief description of the project
  - make a brief description of the project and necessary works for its achievement.
3. The method of providing utilities
  - 3.1. supply with water;
  - 3.2. evacuation of wastewaters;
  - 3.3. assurance of technological water, if applicable;
  - 3.4. assurance of thermal agent.
4. Annexes - drawings
  - Urban planning certificate and annex plans.

Signature of developer

.....

-----

\*1) Specify the distance from the borders for the projects mentioned in annex no. I to Convention on assessment of impact on environment in transboundary context, adopted in Espoo on February 25<sup>th</sup>, 1991, ratified by the Law no.22/2001, as further supplemented, and position/distance from the natural protected areas.

## ANNEX 5.B

To the procedure

Header of competent authority for environmental protection

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

### Classification of Notification

Following the request submitted by..... (name and address of developer) for the project..... proposed to be located in..... (site address), recorded by ..... (the competent environmental protection authority) with no. .... of date .....,

- following the checking of the project site (as applicable), analysis of documentation submitted, of the location of site in the land use plan, and compared to the position from natural protected areas, buffer areas, nature monuments, historical or archaeological monuments, areas with building restrictions, coast area;

- Whereas:

- the project proposed does not fall under the incidence of Law no. .... for assessment of impact of certain public and private projects on environment;

- the project proposed does not fall under the incidence of article 28 of Government Emergency Ordinance no.57/2007 for regime of natural protected areas, preservation of natural habitats, wild flora and fauna, approved as amended and supplemented by the Law no.49/2011, as further amended and supplemented;

- the project proposed does not fall under the incidence of articles 48 and 54 of Waters Law no. 107/1996, as further amended and supplemented,

the competent environmental protection authority..... decides:

Classification of notification, because the project proposed is not subject to environmental impact assessment procedure.

Head of competent authority for environmental protection,

.....

(signature and stamp)

Regulations Manager,      Biodiversity Manager,

.....      .....

Drawn up by

.....

Drawn up by

.....

## ANNEX 5.C

### To the procedure

Header of competent authority for environmental protection

### **Decision to reject the request for issue of environmental agreement**

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

Following the request submitted by..... (name and address of developer) for the project ..... proposed to be located in ..... (site address), recorded with ..... (the competent environmental protection authority) with no. .... of date .....,

- following the checking of the project site (as applicable), analysis of documentation submitted, the location of site in the land use plan, and compared to the position from natural protected areas, buffer areas, nature monuments, historical or archaeological monuments, areas with building restrictions, coast area;

- following the analysis of alternative solutions and/or compensatory measures in connection with the natural protected areas;

- following the location of the project in areas with restriction regime established by the specific water management laws;

- following the issue of decision for reasoned rejection of the adequate evaluation study;

- following the issue of decision for rejection of water management permit;

- following the analysis of the environmental impact assessment report,  
the competent environmental protection authority..... decides:

Rejects the request for issue of the environmental agreement for the project.....

The reasons underlying the decision are:

1. Justification will be made from case to case, depending on the legal provisions which the project violates, by taking into account the participation method of the public and specifying how the comments of the public were taken into account during the procedure, and depending on the failure to observe the deadlines established by the competent environmental protection authority according to article 15 paragraphs (2) and (3) of Government Emergency Ordinance no.195/2005 for environmental protection, approved as amended and supplemented by the Law no.256/2006, as further amended and supplemented:

.....

2. Justification is made by fully taking the reasons from the decision to reject the request for water management permit no.. .... of ..... issued by ..... (the competent authority for water management).

This decision can be contested according to the provisions of the Law no. .... for assessment of impact of certain public and private projects on environment and the administrative contentious Law no. 554/2004, as further amended and supplemented.

Head of competent authority for environmental protection,

.....

(signature and stamp)

Regulations Manager,      Biodiversity Manager,

.....      .....

Drawn up by

Drawn up by

.....

ANNEX 5.D  
To the procedure

Header of the competent authority for environmental protection

**Decision of initial assessment stage (start of environmental impact assessment procedure)**

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

Following the request submitted by..... (name and address of developer) for the project ..... proposed to be located in ..... (site address), recorded with ..... (the competent environmental protection authority) with no. .... of date .....,

- following the checking of the project site (as applicable), analysis of documentation submitted, the location of site in the land use plan, and compared to the position from natural protected areas, buffer areas, nature monuments, historical or archaeological monuments, areas with building restrictions, coast area;

- Whereas:

- the project proposed falls/does not fall under the incidence of the Law no. .... for assessment of impact of certain public and private projects on environment, being integrated in annex no. ...., point .....

- the project proposed falls/does not fall under the incidence of article 28 of Government Emergency Ordinance no.57/2007 for regime of natural protected areas, preservation of natural habitats, wild flora and fauna, approved as amended and supplemented by the Law no.49/2011, as further amended and supplemented, its site is located in..... (if it falls under the incidence of article 28 din Government Emergency Ordinance no.57/2007, approved as amended and supplemented by Law no.49/2011, as further amended and supplemented, specify the natural protected area of community interest and the position of the proposed project site: inside of it or in its vicinity);

- the proposed project falls/does not fall under the incidence of the provisions of articles 48 and 54 of Waters Law no. 107/1996, as further amended and supplemented, the competent environmental protection authority..... decides:

It is necessary to start the environmental impact assessment procedure for the project .....

For continuation of procedure, the developer will submit:

a) presentation memoir, completed according to the framework content set out in annex no. 5.E to the procedure;

b) the payment proof of the fee for the screening stage/scoping stage, as applicable.

For the projects from annex no. 1 to the Law no..... for assessment of impact of certain public and private projects on environment, we will carry out the screening stage in the environmental impact assessment procedure only for the issues regarding adequate evaluation an evaluation of impact on water bodies and we will proceed directly to the scoping stage without the reception of screening stage fee. For the projects from annex no. 2 to the Law no..... for assessment of impact of certain public and private projects on environment, or those for which the competent environmental protection authority considers that they have a potential impact on environment by their nature, size and localization, we will proceed to the screening stage;

c) notification for the projects which fall under the incidence of legislation on the control of activities which present dangers of major accidents in which hazardous substances are involved, as applicable.

For the projects which are built on waters or have connection with waters, according to the provisions of articles 48 and 54 of Waters Law no. 107/1996, as further amended and supplemented, the developer has the obligation to request the water management permit to the competent water management authority, according to the provisions of specific legislation in water management field.

Head of competent authority for environmental protection,

.....

(signature and stamp)

Regulations Manager,      Biodiversity Manager,

.....      .....

Drawn up by

.....

Drawn up by

.....

## ANNEX 5.E

### To the procedure

#### **Framework content of the presentation memoir**

I. Title of project:

II. Developer:

- name;
- postal address;
- telephone number, fax number and email address, website address;
- names of contact persons:
  - director/manager/administrator;
  - environmental protection officer.

III. Description of physical characteristics of the whole project:

- a) a summary of the project;
- b) justification of the project necessity;
- c) value of investment;
- d) implementation period proposed;
- e) drawings which represent the limits of the project site, including any area of land required to be temporarily used (site plans);
- f) a description of the physical characteristics of the whole project, physical forms of the project (plans, buildings, other structures, construction materials and such other things).

There are presented the specific elements characteristic of the project proposed:

- profile and production capacities;
- description of installation and technological flows that exist on site (as applicable);
- description of production processes of the project proposed, depending on the specificity of investment, products and sub-products obtained, size, capacity;
- raw materials, energy and fuels used, with their assurance method;
- connection to the utility networks that exist in that area;
- description of site reconstruction works in the area affected by the execution of investment;
- new ways of access or changes of the existing ones;
- natural resources used in construction and functioning;
- methods used in construction/demolition;
- work schedule, which includes the construction stage, the commissioning, exploitation, reconstruction and subsequent use;
- relation with other existing or planned projects;
- details about the alternatives which were taken into account;
- other activities which may appear as a result of the project (for example, extraction of aggregates, assurance of new sources of water, sources or transport lines of energy, increase in the number of houses, elimination of wastewaters and wastes);
- other authorizations required for the project.

IV. Description of necessary demolition works:

- work schedule of demolition works; reconstruction works and subsequent use of land;
- description of site reconstruction works;
- new ways of access or changes of the existing ones, as applicable;
- methods used in demolition;
- details about the alternatives which were taken into account;
- other activities which may appear as a result of demolition (for example, disposal of wastes)

V. Description of project site:

- distance from borders for the projects which fall under the incidence of Convention on assessment of impact on environment in transboundary context, adopted in Espoo on February 25<sup>th</sup>, 1991, ratified by the Law no. 22/2001, as further supplemented;

- localization of site in relation to the cultural heritage according to the List of historical monuments, updated, approved by Order of the minister of culture and cults no. 2.314/2004, as further amended and the national archaeology Repertory set out by Government Ordinance no. 43/2000 for protection of archaeological heritage and declaration of certain archaeological sites as areas of national interest, republished, as further amended and supplemented;

- maps, photographs of project site which can offer information about the physical characteristics of environment, both natural and artificial and further information on:

- current and planned uses of land on site and in adjacent areas;
- land use and zoning policies;
- sensitive areas;

- geographical coordinates of the project site, which will be presented under the form of vector in digital format with geographical reference, in national projection system Stereo 1970;

- details about any version of site which was taken into account.

VI. Description of all likely significant effects of the project on environment, in the limit of available information:

A. Sources of pollutants and installations for retention, evacuation and dispersion of pollutants in environment:

a) protection of water quality:

- sources of pollutants for waters, evacuation place or tributary;
- wastewater treatment or pre-treatment plants provided;

b) protection of air:

- sources of pollutants for air, pollutants, including sources of smells;
- installations for retention and dispersion of pollutants in atmosphere;

c) protection against noise and vibrations:

- sources of noise and vibrations;
- arrangements and equipment for protection against noise and vibrations;

d) protection against radiations:

- sources of radiations;
- arrangements and equipment for protection against radiations;

e) protection of soil and basement:

- sources of pollutants for soil, basement, phreatic water and deep water;
- works and equipment for protection of soil and basement;

f) protection of terrestrial and aquatic ecosystems:

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

g) protection of human settlements and other objectives of public interest:

- identification of objectives of public interest, distance from human settlements, respectively from historical and architectural monuments, other areas on which a restriction regime is instated, areas of traditional interest and other areas;

- works, equipment and measures for protection of human settlements and protected objectives and/or objectives of public interest;

h) prevention and management of wastes generated on site during the achievement of the project/during exploitation, including disposal of wastes:

- list of wastes (classified and coded according to the provisions of European and national legislation on wastes), quantities of generated wastes;
- the programme for prevention and reduction of quantities of wastes generated;

- waste management plan;
- i) management of dangerous substances and dangerous chemical preparations:
  - dangerous substances and chemical preparations used and/or produced;
  - management of dangerous substances and chemical preparations and assurance of the conditions for protection of environmental factors and population health.

B. Use of natural resources, especially the soil, land, water and biodiversity.

VII. Description of environmental aspects which can be significantly affected by the project:

- impact on population, human health, biodiversity (paying a particular attention to the protected species and habitats), preservation of natural habitats, wild flora and fauna, land, soil, uses, material assets, quality and quantitative regime of water, quality of air, climate (for example, nature and scope of greenhouse gas emissions), noises and vibrations, landscape and visual environment, historical and cultural heritage and on the interactions between these elements. Nature of impact (direct, indirect, secondary, cumulative, short-term, medium-term and long-term, permanent and temporary, positive and negative impact);

- extension of impact (geographical area, number of population/habitats/species affected);
- magnitude and complexity of impact;
- probability of impact;
- duration, frequency and reversibility of impact;
- measures for avoidance, reduction or improvement of significant impact on environment;
- transboundary nature of impact.

VIII. Provisions for environmental monitoring – equipment and measures set out for the control of emissions of pollutants in environment, including for compliance with the requirements regarding the monitoring of emissions set out by the conclusions of the best available techniques. It will be taken into account that the implementation of the project does not influence negatively the quality of air in the area.

IX. Connection with other normative acts and/or plans/programmes/strategies/planning documents:

A. Justification of integration of the project, as applicable, in the provisions of other national normative acts which transpose the legislation of European Union: Directive 2010/75/EU (IED) of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control), Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC, Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, Ambient Air Framework Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe, Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain directives, and such other directives).

B. It will be mentioned the plan/programme/strategy/programming/planning document to which the project belongs, with indication of the normative act by which it was approved.

X. Site organization works:

- description of necessary works for site organization;
- localization of site organization;
- description of impact on environment of site organization works;
- sources of pollutants and installations for retention, evacuation and dispersion of pollutants in environment during the site organization;
- equipment and measures set out for the control of emissions of pollutants in environment.

XI. Site reconstruction works at the finalization of investment, in case of accidents and/or at the stop of activity, to the extent that this information is available:



- works proposed for reconstruction of site at finalization of investment, in case of accidents and/or at the stop of activity;
- issues regarding the prevention and response for cases of accidental pollutions;
- issues regarding the closure/laying up/demolition of installation;
- methods of reconstruction of initial condition/rehabilitation in view of subsequent use of land.

#### XII. Annexes - drawings:

1. Zoning plan of objective and Site Plan, with the planning method of use of surfaces; physical forms of project (plans, buildings, other structures, construction materials and such other things); drawings which represent the limits of project site, including any area of land required to be temporarily used (site plans);
2. flow diagrams for the technological process and stages of activity, with depollution installations;
3. wastes management flow diagram;
4. other drawings, established by the public authority for environmental protection.

XIII. For the projects which fall under the incidence of the provisions of article 28 of Government Emergency Ordinance no.57/2007 for regime of natural protected areas, preservation of natural habitats, wild flora and fauna, approved as amended and supplemented by the Law no.49/2011, as further amended and supplemented, the memoir will be completed with the following:

- a) concise description of project and distance from natural protected area of community interest, and geographical coordinates (Stereo 70) of the project site. These coordinates will be presented under the form of vector in digital format with geographical reference, in national projection system Stereo 1970, or table in electronic format with contour coordinates (X, Y) in national projection system Stereo 1970;
- b) name and code of natural protected area of community interest;
- c) presences and numbers/surfaces covered by species and habitats of community interest in project area;
- d) specify whether the project proposed does not have direct connection with or is not necessary for the management of preservation of natural protected area of community interest;
- e) estimate the potential impact of the project on the species and habitats from the natural protected area of community interest;
- f) other information set out by the laws in force.

XIV. For the projects which are achieved on waters or have connection with waters, the memoir will be completed with the following information, taken from the Basin Management Plans updated:

1. Localization of project:
  - hydrographic basin;
  - stream: name and cadastral code;
  - water body (surface or underground): name and code.
2. Indication of the ecological condition/ecological potential and chemical condition of the surface water body; for the underground water body, indicate the quantitative condition and chemical condition of the water body.
3. Indication of environmental objective(s) for each water body identified, with specification of exceptions applied and related deadlines, as applicable.

XV. The criteria set out in annex no. 3 to the Law no..... for assessment of impact of certain public and private projects on environment are taken into account, if applicable, when the information is compiled according to points III - XIV.

Signature and stamp of developer

.....

ANNEX 5.F

To the procedure

Header of the competent authority for environmental protection

**SITE CHECKING REPORT**

No. .... of ..... (date)

Drawn up in ....., in the presence of .....

I. Identification data and localization

1. Developer: .....
2. Address: .....
3. Telephone/Fax: .....
4. Number and date of registration of request for issue of environmental agreement  
.....
5. Name of project .....
6. Proposed project site.....

II. Description of site and its vicinities

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

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

.....

IV. Identification of target audience (potentially interested)

V. Possibilities of assuring utilities and description of potential impact on environment, as applicable, due to the assurance of utilities

1. Water supply: .....
2. Evacuation of wastewaters: .....
3. Heating system: .....
4. Wastes management:  
.....

VI. Conclusions

VII. Contact person/Environmental Protection Officer from developer

VIII. Signatures

Representative of competent authority for environmental protection

Name .....

Signature .....

Representative of developer

Name .....

Signature .....

ANNEX 5.G

To the procedure

**Public announcement regarding the submission of request for issue of environmental agreement  
(developer)**

..... (developer) announces the public concerned about the submission of the request for issue of environmental agreement for the project..... (name of project), proposed to be located in..... (address of site).

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

The comments of the public are received every day at the office of the competent authority for environmental protection.....

ANNEX 5.H  
To the procedure

**Public announcement regarding the submission of request for issue of environmental agreement  
(the competent environmental protection authority)**

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

The information about the project proposed/presentation memoir can be consulted at the office of competent authority for environmental protection..... (address) and at the office of ..... (name and address of developer), on the days of....., between hours ..... .

The comments of the public are received every day at the office of the competent authority for environmental protection.....

Date of posting the announcement on website  
.....

ANNEX 5.I  
To the procedure

Header of competent authority for environmental protection

Screening **Decision\*1)**

No. .... of .....

Following the request for issue of environmental agreement addressed by..... (name of developer) with office in municipality..... (town, commune, village), street ..... no..., district/county....., recorded at ..... (the competent environmental protection authority) with no. .... of ....., based on Law no. .... for assessment of impact of certain public and private projects on environment and Government Emergency Ordinance no.57/2007 for regime of natural protected areas, preservation of natural habitats, wild flora and fauna, approved as amended and supplemented by the Law no.49/2011, as further amended and supplemented,

the competent environmental protection authority..... decides, as a result of consultations carried out in the meeting(s) of the Technical Analysis Commission (as applicable) on (date) ....., that the project ..... (name of project) proposed to be located in..... (site address)

- is subject to the environmental impact assessment, is subject/is not subject to adequate evaluation and is subject/is not subject to assessment of impact on water bodies;

- is not subject to environmental impact assessment.

Justification of this decision:

I. The reasons based on which we established the need to perform/not perform the environmental impact assessment are:

a) the project integrates in the provisions of Law no. .... for assessment of impact of certain public and private projects on environment, annex no. ...., point.....;

b) .....

c) .....

(You will justify according to the criteria set out in annex no. 3.)

-----

\*1) The decision is used for all the projects regardless of the financing source.

II. Reasons based on which we established the need to perform/not perform the adequate evaluation are:

a) .....

b) .....

c) .....

(Justify according to the provisions of methodological guidelines on adequate evaluation).

III. The reasons based on which we established the need to perform/not perform the environmental impact assessment on water bodies according to the justified decision regarding the need of drawing up the environmental impact assessment on water bodies, as applicable, no..... of ..... issued by ..... (the competent authority for water management)..... are ..... (The reasons are fully taken from the decision of competent authority for water management.) as follows:

.....

If it was decided that an environmental impact assessment is not necessary, describe all the characteristics of the project and/or the conditions for accomplishment of the project for avoiding or preventing potential significant negative effects on environment:

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

d) the measures and conditions for achievement of project according to the Water Management Permit no. .... of ..... issued by ..... (competent water management authority) are:

.....

(The reasons are fully taken from the water management permit issued by the competent authority for water management.)

(They apply to the projects for which the competent authority in water management field made the decision that they had an insignificant impact on water bodies.)

This decision is valid for the whole achievement period of the project, and if new elements interfere, if unknown elements interfere when this decision is issued, or the conditions on which the issue of this decision was based change, the developer has the obligation to notify the issuing competent authority.

Any person who belongs to the public concerned and considers oneself prejudiced in his/her right or legitimate interest can address the competent administrative contentious court of law to contest from procedural or substantial point of view, the acts, decisions or omissions of the competent public authority which are subject to public participation, including the development consent, according to the provisions of Administrative Contentious Law no. 554/2004, as further amended and supplemented.

The competent administrative contentious court can be addressed by any non-governmental organization which fulfils the conditions set out in article 2 of Law no..... for assessment of impact of certain public and private projects on environment, considering that they are prejudiced in their rights or in a legitimate interest.

The acts or omissions of the competent public authority which are subject to public participation are contested in court with the screening decision, with the environmental agreement or as applicable, with the decision to reject the request for issue of environmental agreement, respectively with the development consent or as applicable, the decision to reject the request for development consent.

Before addressing the competent administrative contentious court, the persons set out in article 21 of Law no..... for assessment of impact of certain public and private projects on environment, have the obligation to request the public authority who issued the decision set out in article 21 paragraph (3) or the hierarchically superior authority, to revoke in whole or in part that decision. The request must be registered within 30 days from the date when the public was informed of the decision.

The issuing public authority has the obligation to answer the prior complaint set out in article 22 paragraph (1) within 30 days from the date of its registration with that authority.

The complaint settlement procedure set out in article 22 paragraph (1) is free of charge and must be fair, fast and correct.

This decision can be contested according to the provisions of Law no. .... for assessment of impact of certain public and private projects on environment, and the Law no. 554/2004, as further amended and supplemented.

Head of competent authority for environmental protection,

.....

(signature and stamp)



Regulations Manager,      Biodiversity Manager,  
.....

Drawn up by                      Drawn up by  
.....

## ANNEX 5.J

### To the procedure

#### **Public announcement regarding the screening decision (developer)**

..... (name of developer), developer of the project  
....., announces the public concerned about the screening  
decision taken by ..... (the competent environmental protection  
authority), within the environmental impact assessment procedure\*), for the project  
....., proposed to be located in ..... (site address).

1. The draft screening decision and the reasons which substantiate it can be consulted at the  
office of competent authority for environmental protection..... from  
..... (address), on the days of ....., between hours ....., and at the  
Internet address:..... (website of competent authority for  
environmental protection).

The public concerned can forward comments/observations to the draft screening decision  
within 10 days from the publication date of announcement on the website of the competent  
authority for environmental protection.

2. The public concerned can submit proposals regarding the content of environmental impact  
assessment report at the office of competent authority for environmental  
protection....., within 10 days from the publication of  
announcement on the website of the competent authority for environmental protection.

-----

\*) Mention also if the environmental impact assessment procedure is carried out in  
transboundary context for the project in question.

## ANNEX 5.K

To the procedure

### **Public announcement regarding the screening decision (the competent environmental protection authority)**

The competent environmental protection authority..... announces the public concerned about the screening decision....., in the environmental impact assessment procedure\*), for the project ....., proposed to be located in ..... (site address), developer .....

1. The draft screening decision and the reasons which substantiate it can be consulted at the office of competent authority for environmental protection..... from ..... (address), on the days of ....., between hours ....., and at the Internet address:..... (website of competent authority for environmental protection).

2. The public concerned can submit proposals regarding the content of environmental impact assessment report at the office of competent authority for environmental protection.....

The comments/observations/proposals of the public concerned can be forwarded until..... (within 10 days from the posting date of this announcement).

Date of posting the announcement on website.....

\*) Mention also if the environmental impact assessment procedure is carried out in transboundary context for the project in question.

ANNEX 5.L  
To the procedure

**Public announcement about public debate  
(developer)**

..... (developer) announces the public concerned about the submission of the environmental impact assessment report\*), adequate evaluation study, evaluation study of impact on water bodies and the policy for prevention of major accidents or the security report (as applicable) for the project....., (name of project) proposed to be located in..... .

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

The reports and studies, as applicable, can be consulted at the office of competent authority for environmental protection..... (address) and at the office of ..... (name of developer and address), on the days of ....., between hours .....

The document(s) mentioned is/are available at the following Internet address:  
.....

The public debate on the environmental impact assessment report, the adequate evaluation study, the evaluation study of impact on water bodies and the policy for prevention of major accidents or the security report (as applicable) will take place in ..... (address), on (date) ....., since (hour) .....

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

-----

\*) Mention also if the environmental impact assessment procedure is carried out in transboundary context for the project in question.

ANNEX 5.M  
To the procedure

**Public announcement about public debate  
(the competent environmental protection authority)**

The competent environmental protection authority..... announces the public concerned about the submission of the environmental impact assessment report\*), adequate evaluation study, evaluation study of impact on water bodies and the policy for prevention of major accidents or the security report (as applicable) for the project....., (name of project) proposed to be located in..... .

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

The reports and studies, as applicable, can be consulted at the office of competent authority for environmental protection..... (address) and at the office of ..... (name of developer and address), on the days of ....., between hours .....

The document(s) mentioned is/are available at the following Internet address: .....

The public debate on the environmental impact assessment report, the adequate evaluation study, the evaluation study of impact on water bodies and the policy for prevention of major accidents or the security report (as applicable) will take place in ..... (address), on (date) ....., since (hour) .....

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

Date of posting the announcement on website.....

-----

\*) Mention also if the environmental impact assessment procedure is carried out in transboundary context for the project in question.

ANNEX 5.N  
To the procedure

**Form on the comments/proposals/observations of the public concerned to the environmental impact assessment report, the adequate evaluation study, the evaluation study of impact on water bodies and the policy for prevention of major accidents or the security report, as applicable**

When they forward their opinions/comments/observations regarding the reports/studies mentioned, the members of the public concerned are obliged to declare their surname, first name, address, email address, as applicable. The competent environmental protection authority writes down the opinions/comments/observations of the public concerned in a form according to the model presented below.

---

No.	Surname and first name	Home address	Reception date	Brief content of comments

ANNEX 5.O  
To the procedure

**Form for presentation of solutions to the problems reported by the public concerned**

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

---

No.	Surname and first name	Identification number	Opinions /comments
	Solution proposed by the public members		
	in the form set out in <u>annex no. 5.N</u>		
	Solution proposed by the developer		

ANNEX 5.P  
To the procedure

**Public announcement about the decision to grant the environmental agreement/to reject the request for issue of environmental agreement  
(developer)**

..... (developer) announces the public concerned about the decision to issue the environmental agreement/to reject the request for issue of environmental agreement for the project ..... located in ..... .

The draft environmental agreement/rejection decision and the relevant information for making the decision can be consulted at the office of competent authority for environmental protection..... (address), on the days of ....., between hours ....., and at the following Internet address (of the competent authority for environmental protection) ..... .

The comments/complaints of the public are received at the office of the competent authority for environmental protection..... (address), within 10 days from the publication date of announcement on the website of the competent authority for environmental protection.



ANNEX 5.Q  
To the procedure

**Public announcement about the decision to grant the environmental agreement/to reject the request for issue of environmental agreement  
(the competent environmental protection authority)**

The competent environmental protection authority.....  
announces the public concerned about the decision to issue the environmental agreement/to reject the request for issue of environmental agreement for the project ..... located in .....

The draft environmental agreement/rejection decision and the relevant information for making the decision can be consulted at the office of competent authority for environmental protection..... (address), on the days of ....., between hours ....., and at the following Internet address (of the competent authority for environmental protection) .....

The comments/complaints of the public are received at the office of the competent authority for environmental protection..... (address), within 10 days from the display of this announcement until .....

Date of posting the announcement on website  
.....

ANNEX 5.R  
To the procedure

**Framework content of environmental agreement**

Header of competent authority for environmental protection

ENVIRONMENTAL AGREEMENT

No. .... of .....

Following the request addressed by....., with office in municipality (town, commune, village) ....., street ..... no. ...., district/county ....., recorded at ..... (the competent environmental protection authority) with no. .... of (date) ....., based on the provisions of Government Emergency Ordinance no.195/2005 for environmental protection, approved as amended and supplemented by the Law no.265/2006, as further amended and supplemented, Law no. .... for assessment of impact of certain public and private projects on environment and Government Emergency Ordinance no.57/2007 for regime of natural protected areas, preservation of natural habitats, wild flora and fauna, approved as amended and supplemented by the Law no.49/2011, as further amended and supplemented, as applicable, issues:

ENVIRONMENTAL AGREEMENT

For the project ..... (name of project) from street ..... no. ...., town (town/commune/village) ....., district/county ..... (site address) for the purpose of establishing the conditions and measures for environmental protection which must be respected for the achievement of the project, which sets the following provisions:

I. 1. The project is object to the provisions of Law no. .... for assessment of impact of certain public and private projects on environment, annex no. ...., point .....

2. Description of project and all the characteristics of works set out by the project, including the installations, equipment and natural resources used.

II. The reasons which were at the basis of issuing the environmental agreement, for example:

- the project is in the plan/programme/strategy..... adopted by a public authority and was subject to a strategical environment assessment procedure according to Government Decision no.1.076/2004 for establishing the procedure for realization of environmental assessment for plans and programmes, as further amended, which transposes the Directive 2001/42/EC of the European Parliament and of the Council of June 27<sup>th</sup> 2001 on the assessment of the effects of certain plans and programmes on the environment;

- reasons/criteria based on which the alternative was selected, including technological and site alternative;

- integration in BAT, BREF/compliance with the conclusions BAT, provisions of applicable BREF, as applicable;

- observance of community provisions transposed in the national legislation;

- how it responds to/respects the sanitary protection areas, the environmental protection objectives in the area in air, water, soil etc.;

- compatibility with the objectives for protection of Natura 2000 sites, as applicable;

- taking into account the direct, indirect impact and cumulated impact with the other activities that exist in the area etc./cumulation of impact with the impact of other existing and/or approved projects.

III. Conclusions of environmental impact assessment report (including the adequate evaluation study, evaluation study of impact on water bodies and policy for prevention of major accidents or the security report, as applicable) and the measures for prevention, reduction and where possible, the compensation of significant negative effects on environment:

- measures during the implementation of the project (specify for: water, air, soil, basement, biodiversity/natural areas, noise, vibrations, radiations, wastes, risk for health, landscape, cultural and historical heritage, natural resources etc.) and effect of their implementation;
- measures during the exploitation and effect of their implementation;
- measures for closure/demolition/laying up and rehabilitation of the land in view of subsequent use and effect of their implementation.

Measures for reduction of impact of the project on climate and/or as applicable, adapted measures regarding the vulnerability of the project to climate changes.

Also, for the projects for which the adequate evaluation study highlighted a significant impact on the integrity of natural protected areas of community interest, specify adequate measures, at least one of the following situations (depending on the stage when the adequate evaluation was completed):

- measures for reduction or elimination of impact on the natural protected area of community interest, conditions and method/calendar of their implementation;
- alternative solution which results from the adequate evaluation for which the environmental agreement is issued and the measures for reduction or elimination of impact related to it;
- compensatory measures approved/accepted by the competent environmental protection authority, conditions and method/calendar of their implementation;
- reasons regarding public health or safety or the beneficial consequences of major importance for the environment, which justify the need to achieve the project proposed, for the natural protected areas of community interest which shelter a type of priority natural habitat and/or a priority wild species of community interest;
- other imperative reasons of major public interest on which it obtained the opinion of the European Commission, which justifies the need to achieve the project.

Also, it must include the measures set out in the water management permit issued with number ..... of (date) ..... by ..... (the competent authority in water management field) ..... as follows:

- a) measures during the implementation of the project;
- b) measures during exploitation; and
- c) measures for closure/demolition/laying up.

IV. Conditions which must be respected, including those set out in the water management permit no. .... of ..... issued by ..... (the competent authority in water management field) (specific to the project particularity)

1. During the implementation of the project:

- a) technical conditions required by the provisions of specific normative acts (national or community-related), as applicable;
- b) technical conditions which result from the environmental impact assessment report, the adequate evaluation study and the policy for prevention of major accidents or the security report, as applicable;
- c) the conditions necessary to be fulfilled during site organization (for example, prohibition of site organization in the natural protected areas and other similar ones);
- d) conditions set out in the water management permit.

2. During exploitation:

a) conditions necessary to be fulfilled depending on the provisions of specific normative acts;

b) conditions which result from the environmental impact assessment report or the requirements of specific EU community legislation;

c) for the installations which fall under the incidence of legislation on industrial emissions;

- emission levels associated with the best available techniques for pollutants which can be emitted in significant quantities or as applicable, in parameters or equivalent technical measures;

- provisions for limitation of pollution effects at long distance or transboundary effects, as applicable;

d) observance of norms imposed by the specific legislation in air quality field, water management, wastes management, noise, protection of nature;

e) conditions set out in the water management permit.

3. During closure, demolition, laying up, reconstruction of environment and post-closure:

a) conditions necessary to be fulfilled at closure/demolition/laying up of project;

b) conditions for reconstruction of initial condition/rehabilitation for subsequent use of land;

c) conditions set out in the water management permit.

V. Information about the consultation process of authorities with responsibilities in environmental protection field (participating in technical analysis commissions)

VI. Information about the participation process of the public in the procedure carried out:

- when and how the public was informed at each stage of procedure;
- when and how the public concerned participated in the decision-making process regarding the project;

- how the proposals/justified observations of the public concerned were taken into account;
- if they requested completions/revisions of the environmental impact assessment report/adequate evaluation study/evaluation study of impact on water bodies and if they were made available to the public concerned.

VII. Conclusions of transboundary consultations, if applicable

VIII. The Environmental Monitoring Plan with indication of environmental components which will be monitored, regularity, parameters and site chosen for the monitoring of each factor:

a) during the achievement of the project;

b) during the exploitation of the project;

c) during the closure/laying up, reconstruction of environment and post-closure;

d) the monitoring set out in the water management permit.

This environmental agreement is valid for the whole project implementation period, and if new elements interfere, which were not known at the issuing date of environmental agreement or the conditions underlying its issue change, the developer has the obligation to notify the issuing competent authority.

The failure to respect the provisions of this environmental agreement entails the suspension and annulment of environmental agreement, if applicable.

This environmental agreement can be contested according to the provisions of Law no. .... for assessment of impact of certain public and private projects on environment and Administrative Contentious Law no. 554/2004, as further amended and supplemented.

Head of competent authority for environmental protection,

.....

(signature and stamp)

Regulations Manager,      Biodiversity Manager,

.....

.....

Drawn up by

Drawn up by

.....

.....

ANNEX 5.S  
To the procedure

**Notification of project amendments according to article 20**

Header of developer

To ..... (the competent environmental protection authority) ..... (developer), with office in municipality (town, commune, village) ....., street ..... no. ...., district/county ....., developer of project ..... for which the screening decision/environmental agreement/no..... of..... (date) was issued notifies about the changes which occurred to the project data, which were at the basis of issue of decision of Agency for Environmental Protection ..... (issuing authority for environmental protection), before/after the issue of development consent.

The changes made to the project are:

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

Signature of developer's representative and stamp

.....

ANNEX 5.T  
To the procedure

**Public announcement regarding the issue of the revised regulatory act  
(developer)**

..... (developer) announces the public concerned on the revised screening decision or the decision to issue the revised environmental agreement for the project ..... located in .....

The decision of environmental authority and the relevant information for making the decision can be consulted at the office of competent authority for environmental protection..... (address) and at the office of ..... (name of developer, address), on the days of ....., between hours ....., and at the following Internet address..... (website of issuing authority for environmental protection).

The comments/complaints of the public are received at the office of competent authority for environmental protection..... (address), within 10 days from the publication on the website of the competent authority for environmental protection.

ANNEX 5.U  
To the procedure

**Public announcement regarding the issue of the revised regulatory act  
(the competent environmental protection authority)**

The competent environmental protection authority..... announces the public concerned on the revised screening decision or the decision to issue the revised environmental agreement for the project ..... located in ..... , developer .....

The decision of environmental authority and the relevant information for making the decision can be consulted at the office of competent authority for environmental protection..... (address) and at the office of ..... (name of developer, address), on the days of ....., between hours ....., and at the following Internet address..... (website of issuing authority for environmental protection).

The comments/complaints of the public are received at the office of competent authority for environmental protection..... (address), until ..... (within 10 days from display).

Date of display on announcement on website: .....

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