

# **Questionnaire for the report of ROMANIA on the implementation of the Protocol on Strategic Environmental Assessment in the period 2019–2021**

## **Information on the focal point for the Protocol**

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## **Part one**

### **Current legal and administrative framework for the implementation of the Protocol**

In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not its experience in the application of, the Protocol.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the text of the Protocol (for example, Strategic Environmental Assessment Law of the Republic of ..., article 5 (3) of Government Resolution No. ..., para. ... item...)

### **Article 3**

#### **General provisions**

**I.3. According to article 3 (1) of the Protocol: "Each Party shall take the necessary legislative, regulatory and other appropriate measures to implement the provisions of this Protocol within a clear, transparent framework." Please provide the main legislative, regulatory and other measures your country has adopted to implement the Protocol (art. 3, (1)) (more than one option may apply):**

(a) Law on strategic environmental assessment (please provide exact title/reference number/year/access link, if any):

Law no. 349/2009 on the ratification of the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context (Kyiv, 2003), signed by Romania on May 21, 2003.

(b) Strategic environmental assessment provisions are transposed into another law/other laws (please specify, providing title/reference number/year/access link, if any):

Romania transposed the Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment through Governmental Decision no. 1076/2004 for setting up the environmental assessment procedure of certain plans and programmes.

This GD is a procedural piece of legislation that implements also the SEA Protocol.

(c) Regulation (please indicate title/reference number/year/access link, if any): -

(d) Administrative rule (please indicate title/reference number/year/access link, if any): -

(e) Other (please specify):

Order of the Minister of Environment and Water Management no. 117/2006 for approving the Handbook on implementation of the procedure for environmental assessment of certain plans and programmes (SEA Handbook).

Order no 1946/2021 approving the Methodology for the application of the environmental assessment for forestry plans.

Order no 1947/2021 on the modality for the review of forestry plans that partially or totally overlap with protected natural areas of Community interest.

Please explain: linking between SEA and forestry plans.

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## Article 4

### Field of application concerning plans and programmes

#### I.4.1 Which plans and programmes referred to in article 4 (2)–(4) of the Protocol are set out in your country’s legislation?

List the types of plans and programmes that require strategic environmental assessment in your country’s legislation and provide references to the relevant legislation:

Article 4, para 2 of the SEA Protocol and Annex I and II are included in Law no. 349/2009.

Also, the scope of Directive 2001/42/EC is entirely transposed in GD 1076/2004.

Plans and programmes prepared for:

Agriculture  yes

Forestry  yes

Fisheries  yes

Energy  yes

Industry including mining  yes

Transport  yes

Regional development  yes

Waste management  yes

Water management  yes

Telecommunications  yes

Tourism  yes

Town and country planning  yes

Land use  yes

Other (including those falling under article 4 (3)–(4)), please list:

- Aquaculture;
- Plans and programmes which set the framework for future development consent of projects laid down in Annex 1 and 2 to Law no. 292/2018 for assessment of impact of certain public and private projects on environment, or which
- due to the likely effects on sites, have an impact on the special protection areas and special conservation areas;
- Are submitted to environmental assessment only in case of significant environmental effects:
- the plans and programmes which determine the use of small areas at local level;
- minor modifications to the plans and programmes;
- the plans and programmes which establish the framework for future development consent of projects, others than those mentioned above.
- The decision on the existence of the likely significant environmental effects of the plans and programmes is made on a case by case examination.

Please explain:

#### I.4.2. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4 (2)):

A plan or programme “sets the framework for future development consent” if the plan or programme sets the framework for future projects listed in Annexes I and II of Law 292/2018 on the impact assessment of certain public and private projects on the environment, which transposed the EIA Directive.

According to OM 117/2006, “setting the framework” means that the plan or programme contains criteria or conditions which guide the competent authority for issuing environmental agreement. The plan or programme might include the type of activity allowed in a given area, the characteristics of the area to be preserved, the conditions for obtaining a permit. This expression might refer as well to sectoral plans and programmes, which can set the location for future development and so, they might condition future projects.

Also, setting the framework for future development consent may refer to plans or programmes which contain references to future projects in the action plan/ measures/ priorities.

**I.4.3. Explain how the term “plans and programmes ... which determine the use of small areas at local level” (art. 4 (4)) is interpreted in your country’s legislation:**

According to OM 117/2006, the meaning of 'small' is not strictly defined and it is interpreted on a case-by-case basis. An example of such plan is the detailed land use plan (building plan) which sets the details to be followed in a particular area by any building.

These plans and programmes go through the screening stage of the SEA procedure, to see if they are likely to have significant environmental effects, even if they determine only the use of a small area at local level. A useful tool for local authorities is the Guidelines on environmental assessment for plans and programs development for land use planning and urban planning, that was elaborated in the PHARE 2004/016 project “Strengthening Institutional Capacity for Implementing and Enforcing SEA and Reporting Directives”.

**I.4.4. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4 (4)):**

According to OM 117/2006, minor modifications to the plans and programmes means modified plans or programmes, with the likelihood of having significant environmental effects. If a modification might have such effects, an assessment should be carried out regardless of the size.

Any modification is notified to the competent environmental authority. Its effects are determined through a case-by-case examination, by applying the screening criteria during the screening stage of the SEA procedure.

## **Article 5 Screening**

**I.5.1 According to article 5 (1): “Each Party shall determine whether plans and programmes referred to in article 4, paragraphs 3 and 4, are likely to have significant environmental, including health, effects either through a case-by-case examination or by specifying types of plans and programmes or by combining both approaches.”**

How do you determine which plans and programmes referred to in article 4 (3)–(4) should be subject to a strategic environmental assessment? Please specify:

- (a) On a case-by-case basis
- (b) By specifying types of plans and programmes
- (c) By using a combination of (a) and (b) above
- (d) Other (please specify):

Please explain: According to article 5, para 4, of GD 1076/2004, the decision regarding the application of the SEA procedure is made on a case-by-case basis. This examination is mandatory during the screening stage, after the environmental competent authority received the notification of the plan of programme.

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**I.5.2. According to article 5 (2), each Party shall ensure that the environmental and health authorities are consulted during screening.**

Please explain whether your legislation provides for consultation with environmental and health authorities at the screening stage and, if so, how.

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Please explain: According to the provision of GD 1076/2004 Article 10 (2) “The screening stage shall be carried out with the consultation of the owner of the plan or programme, the health authority and the authorities concerned by the effects of implementing plan or programme within a committee specially established for this purpose.”

**I.5.3. According to article 5 (3): “To the extent appropriate, each Party shall endeavour to provide opportunities for the participation of the public concerned in the screening of plans and programmes under this article.”**

Please indicate whether you provide opportunities for the public concerned to participate in screening of plans and programmes in your legislation and, if so, how.

No

Yes

Please specify (more than one option may apply):

- (a) By sending written comments to the relevant authority
- (b) By completing a questionnaire
- (c) By taking part in a public hearing
- (d) Other (please specify):

Please explain:

According to GD 1076/2004, article 9, para 1, during screening, the beneficiary shall inform the public about the first draft of the plan or programme, by repeatedly announcing it in mass-media and by publishing it on his web page.

The public can send written comments and proposals to the competent environmental authority within 15 days from the last announcement.

According to GD 1076/2004, article 29, para 3, the screening decision is also made available to the public for 10 days and the comments and opinions expressed by the public are taken into account for reconsidering the screening decision.

During scoping, the beneficiary shall inform the public about the plan or programme and the environmental report, by repeatedly announcing it in mass-media and by publishing it on his webpage. A public hearing is also organized for discussing the plan or programme and environmental report. According to GD 1076/2004, article 30, para 2, the public can express justified opinions by sending comments to the beneficiary or the environmental authority within 45 days from the last announcement and also, during the public hearing. These comments are taken into account and can lead to the amendment of the plan or programme and environmental report.

## Article 6 Scoping

### **I.6.1 According to article 6 (1): “Each Party shall establish arrangements for the determination of the relevant information to be included in the environmental report in accordance with article 7, paragraph 2.”**

Please explain how you determine the relevant information to be included in the environmental report.

According to article 14 of GD 1076/2004, the decision on what is relevant information to be included in the environmental report and the adequate level of detail is taken within a working group. This working group is formed of representatives of the beneficiary, the competent environmental authorities, health authorities, and other authorities interested in the effects of the plans and programs and the expert certified to elaborate environmental reports. The report is structured according to the provisions of annex 2 which contains the framework for the environmental report. The information should focus on the significant environmental effects of the plan or programme, rather than elaborating all the issues regarding the plan or programme. Too much information regarding insignificant environmental effects or irrelevant issues might produce difficulties in understanding the environmental report and might lead to omissions of important aspects.

### **I.6.2. According to article 6 (2), each Party shall ensure that the environmental and health authorities are consulted during scoping.**

Please explain whether your country’s legislation provides for consultation with environmental and health authorities at the scoping stage and, if so, how.

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Please explain: Article 14 (1) and (2) of GD 1076/2004 stipulates:

Art.14 – (1) Finalizing the draft plan or programme, establishing the scope and detailed level of information that must be included in the environmental report, as well as the analyses of the significant effects of the plan or programme on the environment are carried out within a working group.

(2) The working group is composed by the representatives of the plan or programme owner, of the competent environmental and health authorities, of other authorities concern by the effects of implementing the plan or programme, identified according to art.10 par.(3), one or more natural or legal persons certified according to the legal provisions, as well as employed experts, as appropriate.

### **I.6.3 According to article 6 (3): “To the extent appropriate, each Party shall endeavour to provide opportunities for the participation of the public concerned when determining the relevant information to be included in the environmental report.”**

Please indicate whether your country’s legislation provides opportunities for the public concerned to participate in scoping of plans and programmes and, if so, how.

No

Yes

Please specify (more than one option may apply):

- (a) By sending written comments to the relevant authority
- (b) By completing a questionnaire
- (c) By taking part in a public hearing
- (d) Other (please specify):

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Please explain:

The responsibility of public involvement in finalizing the draft plan or programme and drawing up of the environmental report stage belongs to the plan or program owner, according to the provision of GD 1076/2004.

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

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

70 calendar days before the public debate, the plan or programme owner must invite to the public debate, by means of the promoting central public authority, the competent environmental protection authorities and the health authorities from the potentially affected states, as well as the affected or potentially affected public of these states or the public having an interest in the decisions-making process regulated by GD 1076/2004, according to article 34.

The competent authority for environmental protection has the responsibility to lead the public debate, to register the justified proposals from the public and from the authorities and to elaborate the debate minute.

## Article 7 Environmental report

**I.7.1. According to article 7 (2): "The environmental report shall, in accordance with the determination under article 6, identify, describe and evaluate the likely significant environmental, including health, effects of implementing the plan or programme and its reasonable alternatives."**

How do you determine "reasonable alternatives"? Please specify (more than one option may apply):

- (a) On a case-by-case basis
- (b) As defined in the national legislation (please specify):
- (c) By using a combination of (a) and (b) above
- (d) Other (please specify):

Please explain:

According to Articles 16 – 20 of GD 1076/2004, the beneficiary of the plan or programme drafts the reasonable alternatives, keeping account of the environmental objectives and the geographical location of the plan or programme, and also of the significant environmental issues, including the current state of the environment and its evolution in the absence of the plan or programme implementation (zero alternative).

The working group assesses whether the alternatives meet the environmental objectives that are relevant for the plan or programme. The beneficiary elaborates in detail the selected alternatives, according with the working group's recommendations.

The expert who elaborates the environmental report analyses the significant environmental effects of the alternatives and decides upon the measures for prevention, mitigation, compensation and monitoring of the effects for each alternative. These measures and recommendations are presented and discussed within the working group. The purpose for

analysing the alternatives is to find ways of mitigating the adverse significant environmental effects of the plan or programme. The final plan or programme must be the one that achieves best the SEA objectives. According to Annex 2 of GD 1076/2004, the choice of an alternative over another must be justified and explained.

Also, recommendation regarding the “reasonable alternatives” can be found in OM 117/2006 on the SEA Handbook. Alternatives can mean alternative plans or programmes or different alternatives within a plan or programme. In practice alternatives within a plan or programme are usually discussed, like different ways of achieving the objectives.

Another important aspect is that the alternatives must be realistic and must fall within the legal and geographical competence of the beneficiary of the plan or programme.

**I.7.2. According to article 7 (3): “Each Party shall ensure that environmental reports are of sufficient quality to meet the requirements of this Protocol.”**

How do you ensure that quality of the reports is sufficient? Please specify:

- (a) The competent authority checks the information provided and ensures that it includes all information required under annex IV as a minimum before making it available for comments
- (b) By using quality checklists
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify):

Please explain:

According to article 24 of GD 1076/2004, the environmental authority takes into consideration the points of view of the other authorities and of the public and can also hire a consultant. Thus, the health authority and other competent authorities analyse the report and send detailed and justified points of view to the environmental authority. Also, in case of transboundary effects, the competent authorities from the Affected Party are invited to express an opinion. Moreover, the public can also make comments on the report.

When reviewing a report, the environmental authority keeps in mind the following elements:

- a) The way the report responds to the information specified in annex IV of the SEA Protocol (annex 2 of the GD 1076/2004);
- b) The encountered difficulties and the presentation of the hypotheses or uncertainties;
- c) The presentation of the studied alternatives and the reasons for choosing one of them; the presentation of the manner in which the environmental considerations were integrated in the draft plan and programme and of the way the information risen from the environmental assessment was included in the report;
- d) The reasoning for excluding some aspects from the assessment;
- e) The way the comments received from the public and other authorities were taken into account;
- f) The presentation of information through maps, schemes, diagrams;
- g) The existence of an adequate monitoring program of the environmental effects

If the report is found incomplete or of poor quality, then the competent authority asks for its revision.

Regarding quality checklists, there are checklists available in the General guidelines for the environmental assessment for plans and programmes, resulted from the PHARE Project 2004/016 – 772.03.03, ‘Straightening institutional capacity for the implementation and application of the SEA Directive’.



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## Article 8

### Public participation

#### **I.8.1. According to article 8 (2): “Each Party, using electronic media or other appropriate means, shall ensure the timely public availability of the draft plan or programme and the environmental report.”**

How do you notify the public and make the draft plans and programmes and the environmental report available? Please specify (more than one option may apply):

- (a) Through public notices in printed media
- (b) Through electronic media
- (c) Placing copies in public offices for the public
- (d) Through other means:

Please explain:

The responsibility of involving the public is shared between the beneficiary and the environmental authority.

According to article 29 of GD 1076/2004, during the screening phase, the beneficiary makes announcements in mass media and posts on its webpage about the availability of the draft plan or programme (2 public announcements three days apart) and gives the public the opportunity to send comments within 15 days. The first announcement for the public is made simultaneously with the notification of the environmental authority.

The environmental authority makes available on its web page the screening decision and the public can make comments within 10 days. The decision becomes final only after the 10 days period. The announcement about the screening decision is also published in mass media by the beneficiary.

According to articles 30, 31 of GD 1076/2004, the beneficiary of the plan or programme makes public announcements in mass media and posts on its web page about the availability of the plan or programme and environmental report (2 public announcements three days apart). These announcements are made 45 days before the public hearing or 60 days before if the plan or programme has transboundary effects.

The final decision is also announced in mass media by the beneficiary and on the environmental authority's web page.

All this information is also made available to the public of the affected Party.

#### **I.8.2. According to article 8 (3): “Each Party shall ensure that the public concerned, including relevant non-governmental organizations, is identified for the purposes of paragraphs 1 and 4.”**

How do you identify the public concerned? Please specify (more than one option may apply):

- (a) Based on the geographical location of the plans and programmes
- (b) Based on the environmental effects (significance, extent, accumulation, etc.) of the plans and programmes
- (c) By making the information available to all members of the public and letting them identify themselves as the public concerned
- (d) By other means:

Please explain:

According to art 28, para (1), letter a) of GD 1076/2004, the environmental competent authority identifies the public, including the public affected or likely to be affected by, or having an interest in, the decision-making subject to this GD, including relevant non-governmental organisations, such as those promoting environmental protection and other organisations concerned.

OM 117/2006 on the SEA Handbook states that the identification is limited due to a number of criteria. For each plan or programme, the public may be different. When identifying the NGOs, the environmental authorities may have in mind the nature of plan or programme and the field of activity of the NGO.

For example, NGOs active locally need to be identified even for plans or programmes made for distant localities, if their interests may be affected.

**I.8.3. According to article 8 (4): “Each Party shall ensure that the public referred to in paragraph 3 has the opportunity to express its opinion on the draft plan or programme and the environmental report within a reasonable time frame.”**

How can the public concerned express its opinion on the draft plan and programme and the environmental report? Please specify (more than one option may apply):

- (a) By sending comments to the relevant authority/focal point
- (b) By completing a questionnaire
- (c) By taking part in a public hearing
- (d) Other (please specify):

Please explain:

According to articles 30, 31 of GD 1076/2004, the public can express justified opinions by sending comments to the beneficiary or the environmental authority and also, during the public hearing.

**I.8.4. According to article 8 (4): “The public [concerned, including relevant non-governmental organizations] has the opportunity to express its opinion ... within a reasonable time frame.”**

Do you have a definition (for example, a number of days) in your legislation of the term “within a reasonable time frame”? Please specify: The time frame is determined by the number of days fixed for each commenting period/for each stage.

- (a) No, it is defined on a case-by-case basis
- (b) Yes (please provide the definition):
- (c) Other (please specify):

Please explain your selection:

The public has the opportunity to send comments regarding the first draft plan or programme within 15 days from the announcement made by the beneficiary.

For the screening decision, the public can send comments during the next 10 days after the decision is published on the web page of the authority.

The environmental authority makes available on its webpage the screening decision and the public can make comments within 10 days. The decision becomes final only after the 10 days period. The announcement about the screening decision is also published in mass media by the beneficiary.

Regarding the plan or programme and the environmental report, the public has 45 days to express its opinion by submitting written comments to the beneficiary or to the environmental competent authority or at the public hearing. When a transboundary procedure is carried, the public of the Affected Party is given 60 days.

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## Article 9

### Consultation with environmental and health authorities

**I.9.1. According to article 9 (1): “Each Party shall designate the authorities to be consulted which, by reason of their specific environmental or health responsibilities, are likely to be concerned by the environmental, including health, effects of the implementation of the plan or programme.”**

How are the environmental and health authorities identified? Please specify:

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Please explain:

According to Article 7, para. (1), (2) of GD 1076/2004, the SEA procedure is applied by the beneficiary of the plan or programme in collaboration with the environmental competent authority and with the consultation of the national or local health authorities and other authorities concerned by the effects of implementing the plans or programmes, as well as of the public.

The competent environmental authority for SEA is either the local environmental agencies for local plans or programmes, or the central environmental authority for regional or national plans or programmes.

According to Article 10, para. (1)-(3), the health authorities and other authorities concerned by the effects of implementing the plans or programmes are identified by the environmental competent authority.

**I.9.2. According to article 9 (4): “Each Party shall determine the detailed arrangements for informing and consulting the environmental and health authorities referred to in paragraph 1.”**

How are the arrangements for informing and consulting the environmental and health authorities determined? Please specify:

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Please explain:

According to GD 1076/2004, the beneficiary of the plan or programme notifies the environmental competent authority about drafting the plan or programme. After the environmental competent authority identifies the health authorities and other authorities concerned by the effects of implementing the plans or programmes, the screening stage is carried out, with the consultation of the beneficiary and the above-mentioned authorities within a special organised committee. The beneficiary provides the committee with the draft plan or programme. The screening decision is taken by the environmental authority, taking into consideration the consultations within the committee and the public's comments.

During scoping, the working group is organised, and includes the health authorities and other authorities concerned by the effects of implementing the plans or programmes, along with the beneficiary and other experts. The scoping, the decision about the field and the level of detail for the information to be included in the environmental report and the analysis of the significant environmental effects of the plan or programme are done within the working group. The beneficiary presents the specific objectives of the plan or programme to the working group. Also, the experts present to the working group the significant environmental issues, the state of the environment for the zero alternative, the environmental objectives. Also, the beneficiary presents to the working group the alternatives to the plan or programme and the working group analyses the way these alternatives address the environmental

objectives. The beneficiary elaborates the detailed alternatives taking into consideration the finding of the working group. All the findings of the experts regarding the significant environment effects for the alternatives and the prevention, mitigation, compensation and monitoring measures are also presented to the working group.

When the environmental report is finished, the beneficiary sends it to the environmental authority and the other authorities from the working group. All these other authorities send their point of view to the environmental authority, which takes account of them when making the final decision. The beneficiary can adopt the final plan or programme only in the version approved by the environmental authority.

**I.9.3. According to article 9 (3): “Each Party shall ensure that the authorities referred to in paragraph 1 are given, in an early, timely and effective manner, the opportunity to express their opinion on the draft plan or programme and the environmental report.”**

Does your national legislation call for consultations with environmental and health authorities?

(a) Yes (please refer to specific provisions and provide citations in order to clarify the issue)

GD 1076/2004: Article 22 (3) The competent authority for health and the other authorities concerned by the effects of implementing plan or programme laid down in par.(1) shall draw up and transmit a written detailed and motivated opinion on the proposed draft plan or programme and on the environmental report, to the competent authority for the environmental protection, within 45 calendar days from the date of receiving the draft plan or programme and environmental report.

(b) No

Please explain:

**I.9.4. How can the environmental and health authorities express their opinion?**

(a) By sending comments

(b) By completing a questionnaire

(c) In a meeting

(d) By other means (please specify)

Please explain:

As we mentioned at question 16, according to GD 1076/2004, consultations within the special organised committee take place. The committee meets and discusses upon the notification and the plan or programme.

The scoping, the decision about the field and the level of detail for the information to be included in the environmental report and the analyzation of the significant environmental effects of the plan or programme are done within the working group, which meets whenever is needed and can also send comments to the environmental authority.

When the environmental report is finished, all the authorities from the working group send their point of view to the environmental authority, which takes account of them when making the final decision. The beneficiary can adopt the final plan or programme only in the version approved by the environmental authority.

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## Article 10

### Transboundary consultations

**I.10.1. According to article 10 (1): “Where a Party of origin considers that the implementation of a plan or programme is likely to have significant transboundary environmental, including health, effects or where a Party likely to be significantly affected so requests, the Party of origin shall as early as possible before the adoption of the plan or programme notify the affected Party.”**

As a Party of origin, when do you notify the affected Party?

- (a) During scoping
- (b) When the draft plan or programme and the environmental report have been prepared
- (c) At other times (please specify):

Please explain:

According to article 22, para 2 of GD 1076/2004, when a plan or programme is likely to have significant transboundary environmental effects, the national public authority that promotes the plan or programme notifies the national environmental authority from the Affected Party about the draft plan or programme and the environmental report, within 20 days after these documents are ready.

**I.10.2. According to article 10 (2): “[The] notification shall contain, inter alia:**

- (a) The draft plan or programme and the environmental report including information on its possible transboundary environmental, including health, effects; and**
- (b) Information regarding the decision-making procedure, including an indication of a reasonable time schedule for the transmission of comments.”**

As a Party of origin, what information do you include in the notification? Please specify:

- (a) The information required by article 10 (2)
- (b) The information required by article 10 (2), plus additional information (please specify):

Please explain:

When notifying an Affected Party, we use the format for notification under the Protocol, according to Decision II/7. We also send the draft plan or programme and the environmental report. After the notification, arrangements are made for the consultation regarding the transboundary effects and the measures for reducing and compensating the effects, the terms and timeframe for public and authorities’ consultations, the involvement of the environmental authority from the Affected Party.

**I.10.3. According to article 10 (2): “The notification shall contain, inter alia: ... an indication of a reasonable time schedule for the transmission of comments.”**

As a Party of origin, does your legislation indicate a reasonable time schedule (in days, weeks, months) for the affected Party? Please specify:

- (a) No
- (b) Yes (please indicate how long):

If “Yes”, please explain whether that schedule contains individual time frames for a response to the notification and for provision of comments and specify those in days, weeks, months, as relevant:

Based on the experience gained by application of the Espoo Convention, we usually agree with the Affected Party upon a time-frame of around 4-5 weeks.

Also, in GD 1076/2004, there is a provision regarding the organization of a public hearing, 60 days after the announcements in mass-media about the drafting of the plan or programme and the environmental report, in case of transboundary effects.

**I.10.4. According to article 10 (3)–(4), when the affected Party expresses its wish to enter into consultations before the adoption of the plan or programme, the Parties concerned shall enter into consultations further to detailed arrangements agreed by them with a view to ensuring that the public concerned and the authorities in the affected Party are informed and given an opportunity to forward their opinion within a reasonable time frame.**

How do the Parties agree on detailed arrangements?

- (a) Following those of the Party of origin
- (b) Following those of the affected Party
- (c) On a case-by-case basis
- (d) In accordance with existing arrangements (for example, bilateral agreement)
- (e) Other (please specify):

Please explain:

When an affected Party wishes to enter into consultations, the parties mutually decide upon a time-frame for consultations, as stated in article 34, para. 2, letter c) of GD 1076/2004. Usually, the Party of origin makes a proposal for the consultation arrangements, in order to assure a good manner of informing the authorities and the public from the affected Party, the participation of the central environmental authority from the Party of origin, and the time frame for consultations. The proposal is negotiated with the affected Party and is mutually agreed between the focal points. The time-frame is usually of around 4-5 weeks.

Article 34 – (1) When a plan or programme might have significant impact on the environment of another state or when a potentially significantly affected state requires information about the plan or programme, the central public authority promoting the plan or programme transmits to the central environmental authority from that state a copy of the draft plan or programme and one of the environmental report, including the monitoring program of environmental effects before the plan or programme is adopted or submitted to a legislative procedure, within the framework of bilateral relationships.

(2) If the state receiving the documents mentioned at paragraph (1) notifies about its intention to start consultations before the adoption of the plan or programme or before its submission to legislative procedure, the central public authority promoting the plan or programme, within the framework of bilateral relationships, will make the arrangements for consultations regarding the possible transboundary environmental effects of the implementation of the plan or programme and regarding the considered measures to mitigate or offset these effects. These arrangements must ensure the followings:

- a) informing the authorities involved in environmental assessment procedure from the potentially significantly affected state and, through them, informing the public concerned from that state;
- b) participation of the central public environmental protection authority from the state of origin of the proposed plan or programme;
- c) a time frame for consultations established on a common agreement between the interested parties.

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## Article 11 Decision

**I.11.1. According to article 11 (1): “Each Party shall ensure that when a plan or programme is adopted due account is taken of: (a) [t]he conclusions of the environmental report; (b) [t]he measures to prevent, reduce or mitigate the adverse effects identified in the environmental report; and (c) [t]he comments received in accordance with articles 8 to 10.”**

Please specify how your country ensures that due account is taken of:

- (a) The conclusions of the environmental report
- (b) Mitigation measures
- (c) Comments received in accordance with articles 8–10

Please explain:

The conclusions of the environmental report, the mitigation measures and the justified comments of the public, including those received in a transboundary context, are integrated within the environmental approval issued by the competent environmental authority. Moreover, following article 25 of GD 1076/2004, the environmental approval is based on the environmental report and it must include the significant environmental effects mitigation and compensation measures. Also, according to article 21, para (2), the plan or programme is modified in order to integrate the justified comments made by the public.

According to article 26, the beneficiary must approve/adopt the plan or programme only in the form for which an environmental approved was issued.

**I.11.2. According to article 11 (2): “Each Party shall ensure that, when a plan or programme is adopted, the public, the authorities ... and the Parties consulted ... are informed, and that the plan or programme is made available to them together with a statement summarizing how the environmental, including health, considerations have been integrated into it, how the comments received ... have been taken into account and the reasons for adopting it in the light of the reasonable alternatives considered.”**

How and when do you inform your own public and authorities?

- (a) Pursuant to national legislation (please refer to specific provisions and provide citations in order to clarify the procedure followed):
- (b) Other (please specify):

Please explain:

According to article 25 of GD 1076/2004, the environmental authority publishes the decision on its website, within 3 days after it was issued.

According to article 32, the beneficiary published the decision in mass-media within 5 days after the decision was published by the environmental authority on its website.

**I.11.3. Does the information provided to the public and authorities include?**

- (a) Plan or programme:
- (b) Statement summarizing how the environmental, including health, considerations have been integrated into the plan or programme, and how the comments received have been taken into account:
- (c) The reasons for adopting the plan or programme in the light of the reasonable alternatives considered:

According to article 33 of GD 1076/2004, after the plan or programme is adopted, the beneficiary informs the authorities from the working group and the public (including those from the affected Party, in case of transboundary SEA) about the plan or programme, by making available the following: the adopted plan or programme, a declaration about the way

the environmental, including health, considerations were integrated in the plan or programme, the way the environmental report was prepared, the way the public's and other authorities' comments and the transboundary consultations were taken into account into the environmental approval, the reasons for choosing an alternative to the plan or programme, the monitoring measures.

The national public authority that promotes the plan or programme makes available to the national environmental authority from the affected Party the above-mentioned documents.

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

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

#### **I.11.4. How do you inform the Parties consulted (art. 11 (2))?**

- (a) By informing the point of contact
- (b) By informing the contact person of the ministry responsible for strategic environmental assessment, who then follows the national procedure and informs his/her own authorities and public
- (c) By informing all the authorities involved in the assessment and letting them inform their own public
- (d) Other (please specify):

Your comments:

When a plan or programme might have transboundary effects, the national public authority that promotes the plan or programme notifies the national environmental authority from the affected Party. In practice, our national environmental authority (or the national public authority that promotes the plan or programme at the recommendation of the environmental national authority) sends the notification to the national environmental authority from the affected Party by diplomatic channels (sometimes with the contribution of the authority for foreign affairs) and also, by sending it to the point of contact for the SEA Protocol.

When the affected Party wishes to enter into consultations, then the authorities and public from the affected Party are informed, with the help of the environmental authority from the affected Party.

## **Article 12**

### **Monitoring**

According to article 12 (1)–(2): “1. Each Party shall monitor the significant environmental, including health, effects of the implementation of the plans and programmes.

...

2. The results of the monitoring ... shall be made available ... to the authorities ... and to the public.”



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According to article 27 of the GD no. 1076/2004, the monitoring of the plan or programme implementation, based on the proposal made by the beneficiary, takes into account, from the beginning, the identification of the significant environmental, including health, effects, so that mitigation measures can be taken, if needed. The monitoring programme is part of the documentation based on which the environmental approval is issued.

The beneficiary of the plan or programme has the responsibility to carry out the monitoring programme of the environmental effects. Annually, the monitoring results are submitted to the environmental authority, which analyses the results and makes them available to the public on its web page.

**I.12. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes:**

Article 27 of GD 1076/2004 states:

Art. 27 – (1) The monitoring of the implementation of the plan or programme, based on the owner’s proposed programme, envisage from the start to identify the significant environmental effects, as well as the adverse unforeseen effects in order to be able to take the appropriated remedial measures.

(2)The environmental effects monitoring program is attached to the documentation submitted to the competent authority for environmental protection in order to obtain the environmental approval and is integrated in the environmental approval.

(3) The accomplishment of the monitoring program is the responsibility of the plan or program owner. The owner must submit annually the results of the monitoring programme to the competent authority for environmental protection that released the environmental approval, by the end of the first quarter of the following year of the monitoring.

(4) The competent authority for environmental protection reviews the monitoring program results received from the owner and informs the public by displaying on its web page.

(5) Monitoring foreseen to par (1) may also be done, as appropriate, using the data, programmes and existing monitoring equipments, with the view to avoid duplication.

## **Article 13**

### **Policies and legislation**

According to article 13 (1): “Each Party shall endeavour to ensure that environmental, including health, concerns are considered and integrated to the extent appropriate in the preparation of its proposals for policies and legislation that are likely to have significant effects on the environment, including health.”

**I.13. Does your country have national legislation on the application of principles and elements of the Protocol as regards policies and legislation? Please specify.**

(a) Yes (please specify which articles of the Protocol apply):

(b) No

Please explain: National legislation does not provide, but all implementation actions are reviewed in the perspective of the EIA/SEA Directive.

## Part two

### Practical application during the period 2019–2021<sup>1</sup>

Please report on your country's practical experiences in applying the Protocol (not your country's procedures, as described in part one). The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Protocol in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Protocol and innovative approaches to improving its application. Parties' reporting also provides useful information to other countries within and beyond the United Nations Economic Commission for Europe (ECE) region that facilitates their efforts to implement and accede to the Protocol.

Part two also focuses on issues identified in the third review of implementation<sup>a</sup> by Parties and those issues that have been identified as priorities by Parties in the 2021–2023 workplan.<sup>b</sup> It also addresses the objectives of the Long-term strategy and the action plan for the Convention and the Protocol related to: "Adapting the reviews [of implementation] to maximize their usefulness as a source of information, highlight progress achieved, draw attention to areas that need improvement, disseminate best practice..."<sup>c</sup>

<sup>a</sup> United Nations publication, ECE/MP.EIA/SEA/14.

<sup>b</sup> ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/2–IV/2.

<sup>c</sup> Ibid., decision VIII/3–IV/3, annex, item II.A. 9.

#### A. Some specific questions related to domestic and transboundary implementation in the period 2019–2021

**II.1. Does your country's strategic environmental assessment documentation always include specific information on health effects? Please specify:**

- (a) Yes  the risks to human health or the environment (e.g. due to accidents),  
(b) No, only when potential health effects are identified

**II.2. Does your country's strategic environmental assessment documentation always include specific information on potential transboundary environmental, including health, effects? Please specify:**

- (a) Yes   
(b) No, only when potential transboundary effects are identified

<sup>1</sup> Part II of this questionnaire is not considered to be a reporting obligation according to the Protocol. Parties are encouraged to share examples of good practice, subject to their capabilities and the availability of relevant data.

**B. Example of application of the Protocol in your country during the period 2019–2021**

**II.3. Please provide, using the table provided in annex I to this questionnaire, the (approximate) number of domestic strategic environmental assessment procedures initiated during the 2019–2021 period, list them grouped by the sectors listed in article 4 (2), and indicate their average duration and costs.**

**II.4. Please provide the (approximate) number of transboundary consultations referred to in article 10 of the Protocol that your country, during the reporting period, initiated, as a Party of origin, and participated in, as an affected Party. Please use the table in annex II to this questionnaire listing the transboundary procedures grouped by the sectors listed in article 4 (2), indicating their average duration.**

**II.5. Do you have a register of the domestic and transboundary strategic environmental assessment procedures (cases) that can be accessible for other Parties to consult, as needed?**

<i>Domestic procedures</i>	<i>Transboundary procedures</i>
(a) Yes <input type="checkbox"/>	(a) Yes <input type="checkbox"/>
(b) No <input type="checkbox"/>	(b) No <input type="checkbox"/>
If so, please provide the access link to the register:	If so, please provide the access link to the register:

**II.6. According to paragraph 10 of decision IV/5 on reporting and review of implementation of the Protocol,<sup>2</sup> the lists of domestic and transboundary strategic environmental assessment procedures included in the responses to questions II.3 and II.4 of the questionnaire are to be posted on the ECE website. Should your country object to this, however, please indicate “Yes” in the table below and explain, as relevant:**

<i>Domestic procedures (list provided under question II.3 and link to register referred in question II.5, if provided)</i>	<i>Transboundary procedures (list provided under question II.4 and link to register referred in question II.5, if provided)</i>
(a) Yes (my country has an objection to the compilation and posting of this information) <input type="checkbox"/> Please explain:	(a) Yes (my country has an objection to the compilation and posting of this information) <input type="checkbox"/> Please explain:
(b) No (no objection) <input type="checkbox"/>	(b) No (no objection) <input type="checkbox"/>

**C. Experience with the strategic impact assessment procedure in 2019–2021**

**II.7. Please list the benefits of strategic environmental assessment that are identified by your country:**

- (a) Cost effectiveness
- (b) More focused and informed planning

<sup>2</sup> ECE/MP.EIA/30/Add.3–ECE/MP.EIA/SEA/13/Add.3.

- (c) Coordination with other sectors/i.e. avoiding overlaps or discrepancies
- (d) Environmental and health benefits
- (e) Other

Please provide your comments:

**I.8. Has your country experienced substantial difficulties in interpreting particular terms contained in (or particular articles of) the Protocol?**

- (a) No
- (b) Yes  (please indicate which ones):

**II.9. Please indicate how your country overcomes these difficulties, if any. Please provide examples that may include, among other things, working with other Parties to find solutions or using existing guidelines or fact sheets:**

**II.10. With regard your country's experience with domestic and/or transboundary procedures:**

(a) Please describe your country's procedures for ensuring that the health aspects are properly incorporated into the environmental report and that the health authorities are consulted as provided for in article 3

(b) To contribute to the sharing of knowledge and experience on themes outlined in the workplan for 2021–2023, please provide at least one example of your country's application of strategic environmental assessment in one or several of the following areas:

- Biodiversity
- Circular economy
- Energy transition
- Development cooperation
- Smart and sustainable cities
- Sustainable infrastructure
- Maritime spatial planning

(When describing your experience, please indicate the name of the plan/programme subject to strategic environmental assessment, provide background information or describe the context in which the document has been developed, describe the stages of the procedure and other issues of interest for other Parties. Please flag good practice, and/or lessons learned, referring, as relevant, to the contribution of the above application of strategic environmental assessment towards the attainment of Sustainable Development Goals or climate objectives. When providing an example, you may also make use of the template in annex III to the present questionnaire.)

(c) Please indicate whether strategic environmental assessments implemented in your country can be considered to have contributed to the implementation of Sustainable Development Goals and their specific targets:

- Yes, (certain) strategic environmental assessments significantly contributed to the attainment of Sustainable Development Goals
- Yes, (certain) strategic environmental assessments somewhat contributed to the attainment of Sustainable Development Goals
- No, there is no evidence that strategic environmental assessment contributes to the attainment of Sustainable Development Goals in practice

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If “Yes”, please list the most relevant Sustainable Development Goals<sup>3</sup> (and their targets) and provide an example(s) of how strategic environmental assessment has contributed to their achievement

**II.11. Please indicate whether your country has been carrying out monitoring according to article 12.**

(a) No

(b) Yes :

If so, please specify types of plans or programmes subject to the monitoring according to article 12, citing good practice examples or elements of good practice (for example, consultation or public participation), if available

Yes, for example, the Development Plan for the National Gas Transmission System for 2021-2030, for which an environmental approval was issued in 2021, includes a Monitoring programme of the significant effects of the Plan’s Implementation. The monitoring aspects was decided during the transboundary SEA procedure.

Also, for Interreg IPA cross-border cooperation programme Romania Serbia, Interreg V-A Romania-Hungary Programme, Interreg V-A Romania-Bulgaria Programme have been performed monitoring reports for the period 1st January – 31th December 2020.

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<sup>3</sup> In 2017, the Meetings of the Parties acknowledged that the Convention and, in particular, the Protocol, contribute to the achievement of the Sustainable Development Goals (ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1, decision VII/7–III/6, Minsk Declaration, para. 7). Selected examples of targets of the Sustainable Development Goals that strategic environmental assessment could help to implement include the following (see informal document to the fifth meeting of the Working Group (Geneva, 11–15 April 2016):

- (a) Sustainable Development Goal 3 – Ensure healthy lives and promote well-being for all at all ages (targets 3.9 and 3.d);
- (b) Sustainable Development Goal 6 – Ensure availability and sustainable management of water and sanitation for all (targets 6.3, 6.5–6.6 and 6.a–6.b);
- (c) Sustainable Development Goal 7 – Ensure access to affordable, reliable, sustainable and modern energy for all (targets 7.2 and 7.a);
- (d) Sustainable Development Goal 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (target 8.4)
- (e) Sustainable Development Goal 9 – Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation (targets 9.1 and 9.4);
- (f) Sustainable Development Goal 11 – Make cities and human settlements inclusive, safe, resilient and sustainable (targets 11.3–11.4, 11.6 and 11.a–11.b);
- (g) Sustainable Development Goal 12 – Ensure sustainable consumption and production patterns (targets 12.2 and 12.4–12.5);
- (h) Sustainable Development Goal 13 – Take urgent action to combat climate change and its impacts (targets 13.1–13.3);
- (i) Sustainable Development Goal 14 – Conserve and sustainably use the oceans, seas and marine resources for sustainable development (target 14.1);
- (j) Sustainable Development Goal 15 – Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss (targets 15.1 and 15.4);
- (k) Sustainable Development Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (targets 16.6–16.7 and 16.10);
- (l) Sustainable Development Goal 17 – Strengthen the means of implementation and revitalize the global partnership for sustainable development (targets 17.13 and 17.16–17.17).

For more details see informal document ECE/MP.EIA/WG.2/2016/5/INF.16, available at [http://staging2.unece.org/net4all.ch/fileadmin/DAM/env/eia/documents/WG2.5\\_April2016/Informal\\_document\\_16\\_ece.mp.eia.wg.2.2016.INF.16\\_\\_SDG\\_Mapping.pdf](http://staging2.unece.org/net4all.ch/fileadmin/DAM/env/eia/documents/WG2.5_April2016/Informal_document_16_ece.mp.eia.wg.2.2016.INF.16__SDG_Mapping.pdf).

**II.12. With regards to your country's experience with transboundary procedures, in response to each of the questions below, please either provide one or two practical examples or describe your country's general experience. You might also want to include examples of lessons learned in order to help others. Please detail:**

- (a) What difficulties has your country experienced and what solutions has it found?
- (i) Translation and interpretation      quality of translation
  - (ii) Other issues      There is a problem with the quality of translation (e.g. Google translate is used, which makes the report hardly understandable) – poor quality of translation can further delay the process

What elements of the environmental report and other documentation does your country usually translate as a Party of origin? All the documentation, including Plan/Programme, SEA report, annexes.

The following documents are translated in English: the notification, the draft plan or programme and the environmental report, all the correspondence between the parties, the answers to the public's comments, the final decision, the final plan or programme, an environmental declaration (declaration regarding the integration of the environmental aspects into the plan or programme, the way the environmental report was elaborated, the way the public consultations occurred, including the transboundary consultations, the reasons for choosing a certain alternative), the monitoring measures.

- (c) As an affected Party, please specify whether and how your country has ensured the participation of the public concerned and the authorities pursuant to article 10 (4):

- (i) No
- (ii) Yes  (please indicate how):

When a notification is sent to our focal point, or to our national environmental authority, the information is published on the national environmental authority's web site, giving the public the opportunity to be informed. Also, the national environmental authority informs the other concerned national authorities about the notified plan or programme and the local authorities that might have an interest in that matter. Also, sometimes the national environmental authority asks for a public hearing to be held on our territory, as well.

- (d) What has your country's experience been of the effectiveness of public participation?

Public consultation for plans has an important role in assuring public acceptance for future projects and a smoother EIA applicability. The public gets involved especially in analysing the reasonable alternatives. There are some types of plan and program for which the public is very eager to offer his input, for example for plans and programmes dedicated to energy or nuclear sector.

- (e) Does your country have examples of organizing transboundary strategic environmental assessment procedures for joint cross-border plans and programmes?

- (i) No
- (ii) Yes  (please describe):

Transboundary SEA procedures were carried out for the next cross-border programmes: Interreg IPA Romania – Serbia Programme 2021 – 2027, Interreg Next Hungary-Slovakia-Romania-Ukraine Cross-border Cooperation Programme (2021-2027), Interreg Next România-Moldova 2021-2027, Interreg România – Ungaria 2021-2027, Interreg Next Black Sea Basin Programme 2021-2027, Interreg VI A România-Bulgaria, Interreg Next România-Ucraina 2021-2027.

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## D. Experience regarding guidance in 2019–2021

### II.13. Has your country used in practice the following documents:

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*Good Practice Recommendations on Public Participation in Strategic Environmental Assessment (ECE/MP.EIA/SEA/2014/2)*

*Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment (ECE/MP.EIA/17)*

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Yes

Yes

No

No

Please specify reasons for not using the Good Practice Recommendations:

Please specify reasons for not using the Manual:

(i) Lack of awareness about the document

(i) Lack of awareness about the document

(ii) The document is not relevant

(ii) The Manual is not relevant

(iii) The document is outdated and needs revision

(iii) The Manual is outdated and needs revision

Your comments and/or suggestions for improving or supplementing the Good Practice Recommendations:

Your comments and/or suggestions for improving or supplementing the Resource Manual:

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## E. Contributions to the funding of the workplans

### II.14. Please indicate whether the information regarding contributions to the trust fund was already provided by your country in the responses to the questionnaire concerning the Convention and covered both the Convention and the Protocol:

(i) Yes

(ii) No

If your response is “No”, please provide the information regarding the contributions to the trust fund below.

**II.15. Through paragraph 4 of decision VII/4–III/4 on budget, financial arrangements and financial assistance,<sup>4</sup> applicable for the period 2017–2020, the Meetings of the Parties to the Convention and the Protocol jointly “Urge[d] all Parties to contribute to ensuring sustainable funding of activities and an equitable and proportionate sharing of the financial burden among the Parties.” For the period 2021–2023, by paragraph 1 of decision VIII/1–IV/1<sup>5</sup>, regarding funding of the adopted workplans, the Meeting of the Parties decided that: “All the Parties have a duty to contribute to the sharing of the costs that are not covered by the United Nations regular budget.”**

(a) Please indicate whether your Government contributed to the funding of the workplans during the reporting period, indicating also the currency and the amount of the contribution:

(i) My Government made a multi-year contribution for the period 2017–2020

Please indicate when the contribution was provided (year), amount and currency:

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<sup>4</sup> ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1.

<sup>5</sup> ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1.

(ii) Individual contribution in 2019

Yes  Amount and currency:

No  Please explain the reason:

(iii) Individual contribution in 2020:

Yes  Amount and currency:

No  Please explain the reason:

(iv) Individual contribution in 2021:

Yes  Amount and currency:

No  Please explain the reason:

(v) Please indicate any plans of your country to contribute for the period 2021–2023

(b) Did your country make in-kind contributions in the reporting period?

Yes  Please describe how:

No  Please explain the reason

## **F. Suggested improvements to the report**

**II.16. Please provide suggestions for how this report could be improved:**



## Annex I

### List and number of domestic strategic environmental assessment procedures initiated in the reporting period

<i>Sector</i>	<i>Total number or an estimate*</i>	<i>Number of local-level procedures</i>	<i>Number of national-level procedures</i>	<i>Estimated average duration of the procedure,** months, if available</i>	<i>Average costs (also as percentage of the total costs for preparation of a plan/programme), euros and (percentage), if available</i>
Agriculture:	National Strategic Plan 2023 - 2027 (developed under the Common Agricultural Policy)				
Forestry:	-				
Fisheries:	Aquaculture and Fisheries Programme 2021-2017				
Energy: Romania's	Energy Strategy 2020-2030 with an outlook to 2050				
Industry including mining:	Strategy for the transition from coal of the Jiu Valley				
Transport:	Operational Programme for Transport 2021-2027  Investment Plan for Transport Infrastructure Development 2020-2030				

<i>Sector</i>	<i>Total number or an estimate*</i>	<i>Number of local-level procedures</i>	<i>Number of national-level procedures</i>	<i>Estimated average duration of the procedure,** months, if available</i>	<i>Average costs (also as percentage of the total costs for preparation of a plan/programme), euros and (percentage), if available</i>
Regional development:	Operational Programme For Sustainable Development 2021-2017				
	Regional Operational Programme 2014 – 2020				
	North West Regional Operational Programme				
Waste management:	Waste management plan				
Water management:	Flood risk management Plan				
Telecommunication:	Operational Programme For Intelligent Growth And Digitisation 2021-2017				
Tourism:					
Town and country planning:					
Land use:					
Other, including those falling under article 4 (3)–(4):	National Integrated Energy and Climate Change Plan 2021-2030				
	Operational Programme Health				

<i>Sector</i>	<i>Total number or an estimate*</i>	<i>Number of local-level procedures</i>	<i>Number of national-level procedures</i>	<i>Estimated average duration of the procedure,** months, if available</i>	<i>Average costs (also as percentage of the total costs for preparation of a plan/programme), euros and (percentage), if available</i>
	2021 –				
	2027				
	Operational Programme Just Transition 2021-2027				
	Poverty Reduction Operational Programme 2021-2027				
	Human Capital Operational Programme (HCOP) 2021-2027				
	Technical Assistance Operational Programme 2021-2027				

\* The information provided constitutes:

Statistical data

Estimates

\*\* Once the need for strategic environmental assessment is determined

Your comments:

## Annex II

### List and number of transboundary strategic environmental assessments in the reporting period

<i>Sector</i>	<i>Total number or an estimate*</i>	<i>Number of local-level procedures</i>	<i>Number of national-level procedures</i>	<i>Estimated average duration of the procedure,** months, if available</i>	<i>Average costs (also as percentage of the total costs for preparation of a plan/programme), euros and (percentage), if available</i>
Agriculture:					
Forestry:					
Fisheries:					
Energy:	Romania's Energy Strategy 2020-2030 with an outlook to 2050				
Industry including mining:					
Transport:	Action Plan for 2020 – 2022 to implement the National Transport Strategy of Ukraine until 2030				
Regional development:					
Waste management:	Strategy on Medium and Long-Term on the Safe Management of Spent Nuclear Fuel and Radioactive Waste				
Water management:					
Telecommunication:					
Tourism:					
Town and country planning:					

<i>Sector</i>	<i>Total number or an estimate*</i>	<i>Number of local-level procedures</i>	<i>Number of national-level procedures</i>	<i>Estimated average duration of the procedure,** months, if available</i>	<i>Average costs (also as percentage of the total costs for preparation of a plan/programme), euros and (percentage), if available</i>
<b>Land use:</b>					
Other, including those falling under article 4 (3)–(4):	The Development Plan for the National Gas Transmission System for 2021-2030				
	The Spatial Plan of the Rep. of Serbia 2021-2035				
	PCB Programmes:				
	Interreg IPA Romania – Serbia Programme 2021 - 2027				
	Interreg Next Hungary-Slovakia-Romania-Ukraine Cross-border Cooperation Programme (2021-2027)				
	Interreg Next România-Moldova 2021-2027				
	Interreg Programme România – Ungaria 2021-2027				
	Interreg Next Black Sea Basin Programme 2021-2027				
	Interreg VI A România-Bulgaria				
	Interreg Next România-				

<i>Sector</i>	<i>Total number or an estimate*</i>	<i>Number of local-level procedures</i>	<i>Number of national-level procedures</i>	<i>Estimated average duration of the procedure,** months, if available</i>	<i>Average costs (also as percentage of the total costs for preparation of a plan/programme), euros and (percentage), if available</i>
	Ucraina 2021-2027				

## Annex III

### Template for describing a good practice example of implementing a strategic environmental assessment at the national level or in a transboundary context

#### I. General information

1. Title of plan/programme: **Plan for the Development of the National Gas Transmission System 2021-2030**

2. Authority responsible for the plan's/programme's development: National Natural Gas Transport Company "TRANSGAZ" SA

3. Nature of the related strategic environmental assessment procedure:

(a) Domestic

(b) Transboundary X

4. Please indicate which stage(s)/step(s) of the strategic environmental assessment procedure is/are considered to represent good practice:

The entire procedure

Screening (art. 5)

Scoping (art. 6)

Environmental report (art. 7)

Public participation (art. 8)

Consultation with environmental and health authorities (art. 9)

Transboundary consultations (art. 10)

Decision (art. 11)

Monitoring (art. 12)

5. Please indicate to which topic(s) of the 2021–2023 workplan the example is related:

Biodiversity

Circular economy

Development cooperation

Energy transition

Smart and sustainable cities

Sustainable infrastructure

#### II. Background

Please provide a short description of the plan/programme, the context of its development and general information about the strategic environmental assessment

***Aims and objectives of "The Development Plan for the National Gas Transmission System for 2021-2030".***

*The TYNDP's (The Development Plan for the National Gas Transmission System) goal is to achieve a maximum level of transparency with respect to the development of the National Gas Transmission System (NTS) in order for the market players to be informed in a timely manner about the existing and planned transmission capacities, in order for the investment decisions regarding the gas transmission network to respond to the market demands, following public consultations.*

*The Development Plan for the National Gas Transmission System (NTS) for 2021-2030, prepared according to Electricity and Gas Law no. 123/2012, as further amended and supplemented, with the objectives proposed in the Romanian Energy Strategy 2020-2030, with an outlook for 2050, is compliant with the European energy policy for:*

- + ensuring safety of gas supply;*
- + increasing interconnectivity between the national gas transmission network and the European network;*
- + increasing the flexibility of the national gas transmission network;*
- + the liberalization of the gas market;*
- + creating the integrated gas market in the European Union*
- + ensuring the connection of third parties to the gas transmission system, according to specific regulations, within the limits of transmission capacities and compliant with the technological regimes;*
- + the extension of the pipeline network up to the entrance to the localities certified as tourist resorts of national or local interest, when such localities are at a distance of maximum 25 km from the connection points of the transmission system operators;*
- + ensuring the connection to the natural gas network of new investments which generate work places.*

*A sustainable development of the natural gas transmission infrastructure in Romania involves an extensive investment plan enabling the alignment of the NTS with transmission and operation requirements complying with the requirements of European regulations in the field of environmental protection. In this regard, Transgaz proposes:*

- + to promote investment projects which contribute to the achievement of a sustainable gas transmission system in safety conditions stipulated in the applicable laws, with the limitation of the impact on the environment and the population;*
- + to carry out projects in such a way that the impact on the natural and anthropogenic environment is minimal;*
- + to execute projects in such a way that the impact on biodiversity is minimal.*

*Informing and consulting authorities and the public in a transboundary context*

*Bulgaria, Hungary, Serbia, Ukraine and the Republic of Moldova were notified on 31.03.2021 on the National Natural Gas Transmission System Development Plan for the period 2021-2030 (TYNDP 2021-2030) in accordance with the provisions of the Law no. 349/2009 for the ratification of the Protocol on Strategic Environmental Assessment, opened for signature in Kyiv on 21-23 May 2003 and signed by Romania on 21 May 2003, to the Convention on Environmental Impact Assessment in a transboundary context, adopted in Espoo on 25 February 1991 (SEA Protocol) and Directive 2001/42/EC on the assessment of the effects of certain plans and programs on the environment.*

*With the notification, the Plan, the Environmental Report and the Appropriate Assessment Study with annexes were sent to Bulgaria, Hungary, Serbia, Ukraine and the Republic of Moldova. Only one country responded positively to participate in the transboundary environmental assessment procedure (Ukraine).*

*The Republic of Moldova*

*The Republic of Moldova has responded that it will not participate as an Affected Party in the transboundary environmental assessment (SEA) procedure for this plan.*

*It stated that for the Plan, no significant potential negative environmental or human health impacts in a transboundary context have been identified, but requested that at the stage of implementation of the projects proposed in the Plan, Romania should notify the Moldovan side in the environmental impact assessment procedures of possible transboundary impacts. The environmental approval will be forwarded to the Republic of Moldova for information.*



Hungary

*Hungary has responded that it will not participate as an Affected Party in the transboundary environmental assessment (SEA) procedure for this plan.*

*In addition, it specified that it agreed with the final results of the environmental report which stated that transboundary environmental and human health impacts can be controlled in the territory of the Party of Origin as a result of the implementation of the Plan. However, the analyses of the Hungarian experts found that transboundary projects, as a result of the implementation of the Plan, may have a significant negative impact on the environment in areas of national or community importance, such as: the Natura 2000 site Satu Mare-Bereg (HUHN10001), the Mures floodplain (HUKM20008), the Someş-Tisa basin, the Criş basin, the Mures basin and the Banat basin. Thus, they requested to be notified at project level in the environmental impact assessment procedures for the following projects: development of the national gas transmission system Bulgaria-Romania-Hungary-Austria (BRUA) on the territory of Romania; development of a reverse gas flow system between Romania and Serbia; development and upgrading of the gas transmission infrastructure in the north-western part of Romania, in the direction of Medieşu Aurit; development of the north-eastern ring (Nagylak-Csanádpalota area, Medieşu Aurit, Recas and Mokrin areas). The environmental approval will be sent to the Hungarian side for information, in English.*

Ukraine

*Ukraine expressed its intention to participate in the transboundary environmental assessment procedure and submitted comments and questions on: the update of the section on international transmission, the environmental impact of the project 'Interconnection of the national natural gas transmission system with the natural gas transmission system of Ukraine in the direction of Gherasiyeti-Siret', the biodiversity monitoring system, the methods of collection and treatment of wastewater resulting during pipeline testing, compensatory measures and methodology for assessing losses for fishing activity, waste management during construction of the objectives.*

*Following the requests made during the transboundary consultations with Ukraine, in June 2021 Romania sent a letter in response to the Ukrainian side's requests.*

*Thus, regarding the information requiring updating of Section 4.2 Regional gas markets and gas supply possibilities and Chapter 2 - international transmission section, this section has been updated with the integration of comments made by the Ministry of Environmental Protection and Natural Resources of Ukraine (change of the name of the transmission operator Gas TSO of Ukraine LLC, change of the length of the transmission system 33.190 km instead of 38.550 km pipeline, change of the capacity of the compressor station 4581 MW instead of 263 MW).*

*Regarding the impact of the project 'Interconnection of the national natural gas transmission system with the Ukrainian natural gas transmission system in the direction of Gherăieşti - Siret' on protected natural areas, the project is not located in the vicinity or inside protected areas in Ukraine, and there is currently no information on the route of the project on the territory of Ukraine, including protected areas, and the route of the project will be proposed/defined with Ukrainian counterparts at the stage of environmental impact assessment, which will involve a transboundary consultation procedure with Ukrainian authorities and stakeholders.*

*Regarding the methods of collection and treatment of wastewater resulting during the testing of the pipeline, these will be detailed during the implementation phases of the project, i.e. the environmental impact assessment stage.*

*General measures on avoiding and reducing impacts on water bodies and related habitats are set out in Chapter V, Table 51 and specific measures in Chapter V, Table 52. Compensatory measures and methodology for assessing losses to fishing activity possibly caused during the construction of natural gas transmission pipelines will be determined at the time of preparing the technical design and conducting the environmental impact assessment for the project. Compensatory measures will also be proposed at the stage of the environmental impact assessment if significant residual impacts are identified, which*

may lead to damage to the integrity of the site and/or the Natura 2000 network. The approach to biodiversity monitoring is presented in Chapter VI and the monitoring indicators are described in Table 54 of the Appropriate Assessment Study.

The standards and methods used for waste management during the construction of the objectives will be described in detail at the project implementation stage of the environmental impact assessment. In the environmental impact assessment procedure, the project 'Interconnection of the national natural gas transmission system with the Ukrainian natural gas transmission system in the direction of Gherăiești-Siret' will be subject to transboundary analysis and consultations with Ukrainian authorities and stakeholders. Typically, during the construction period of gas transmission pipelines, the types of waste generated are excavation materials, household waste, construction and demolition waste. The environmental report includes measures to prevent/reduce the amount of waste generated as well as measures for its proper disposal. In addition, the environmental impact assessment documentation to be carried out in the pre-project stages will provide for more comprehensive and detailed waste management solutions. The environmental approval will be submitted to the Ukrainian environmental authorities in English.

#### Serbia and Bulgaria

Following the notification sent (accompanied by the Plan, the Environmental Report and the Appropriate Assessment Study) to these states, and the fact that no response was received at the insistence of the Romanian side, the transboundary environmental assessment procedure has been completed and the environmental approval will be sent to the environmental authorities of Bulgaria and Serbia, in English.

#### Conditions/measures resulting from the transboundary environmental assessment procedure

At the level of the Plan as a result of the transboundary environmental assessment procedure, it was decided to amend section 4.2. on the Natural Gas Market in the Region and the Possibilities of Natural Gas Supply as mentioned above, following the requests of the Ministry of Environmental Protection and Natural Resources of Ukraine.

At the same time, the Plan has been updated with information on the components of the National Transmission System, the total technical capacities of the cross-border interconnection pipelines, the schedule, value and estimated completion dates for some of the proposed major projects.

At project level, the Republic of Moldova and Hungary will be notified in accordance with Article 3 of the Espoo Convention on the procedures for environmental impact assessment of activities proposed in the Plan that are likely to have significant adverse environmental effects in a transboundary context. Accordingly, these countries will be able to consider on a case-by-case basis whether to participate as Affected Parties in the procedures applicable to these projects.

#### Information and consultation of authorities and the public at national level

The environmental assessment procedure was carried out in accordance with the provisions of Government Resolution 1076 of 8 July 2004, and the environmental considerations were integrated into the Plan.

All the steps provided for by Government Resolution 1076/2004 for consultation of the authorities, information and participation of the public have been taken.

The procedure started with the notification to the Ministry of Environment, Water and Forests (MMAF) by the National Natural Gas Transmission Company TRANSGAZ SA, on 10.09.2019 in order to start the environmental assessment for the National Natural Gas Transmission System Development Plan 2021- 2030.

The plan has been modified in the Working Group of authorities concerned by the effects of its implementation and has been assessed in terms of its impact on the environment and on sites of community importance in the Environmental Report and the Appropriate Assessment Study. The authorities participating in the Working Group were: Ministry of Environment, Water and Forests (DEICP, Biodiversity Department, Water Resources

Management Department, Climate Change Department, Waste and Hazardous Substances Department), Ministry of Energy, Ministry of Transport, Ministry of Health through the National Institute of Public Health and the General Department of Medical Assistance and Public Health, Ministry of Administration and Interior - Inspectorate for Emergency Situations, Ministry of Economy, Ministry of Regional Development and Public Administration as well as the Environmental Report Developer- SC Naturalnet SRL.

Four working group meetings were held in 2019-2021 and contributed to the finalisation of the draft plan, the environmental report and the appropriate assessment study prior to its submission for public debate at national and transboundary level. The 3 versions of the Plan (2019-2028, 2020-2029, 2021-2030) incorporated the proposals expressed by the authorities at the working group meetings.

Throughout the environmental assessment procedure, the public was informed in accordance with the obligations laid down in Government Resolution 1076/2004, through media announcements issued by the holder and by posting on the website of the Ministry of the Environment, Waters and Forests the specific documents of the environmental assessment procedure, the appropriate assessment procedure and the procedure in a transboundary context.

The plan was advertised/posted for public consultation on Transgaz and MMAP's website and the two announcements on the initiation of the environmental assessment procedure were published in the media, for comments and observations.

Throughout the duration of the environmental assessment procedure, the public was informed in accordance with the obligations set out in Government Resolution 1076/2004, through media announcements given by the holder and by posting on the website of the Ministry of Environment, Water and Forests the specific documents of the environmental assessment procedure.

The public debate took place on 25 May 2021, at 11.00 a.m., in videoconference system, with the participation of representatives of the Ministry of Environment, Water and Forests, National Agency for Protected Natural Areas, General Inspectorate for Emergency Situations, Ministry of Health - National Institute of Public Health, Depogaz Ploiești, Depomures Târgu Mureș, the developer of the Environmental Report and of the appropriate assessment study Pronatura Foundation, Naturalnet SRL and representatives of S.N.T.G.N. Transgaz S.A..

The announcement of the public debate was published in the central press, on 12 March 2021, and included the date, time and the fact that the meeting will be held via videoconference through the Cisco Webex platform. The deadline for registration and participation in the public debate was 24 May 2021, 4 p.m.

Public input into the environmental proceedings was provided through comments from Bankwatch Romania on the Plan.

*The Environmental Approval No.59/15.10.2021 has been transmitted to all Party involved in the transboundary SEA procedure (Hungary, Bulgaria, Ukraine, Serbia, Moldova).*

### **III. Procedure under the protocol on strategic environmental assessment and elements of good practice**

Please describe, in more detail, the procedural step/steps that is/are considered to represent good practice and then explain why that is:

### **III.1. Field of application (art. 4)**

### **III. 2. Screening (art. 5)**

### **III. 3. Scoping (art. 6)**

### **III.4. Environmental report (art. 7)**

### **III.5. Public participation (art. 8)**

### **III.6. Consultation with environmental and health authorities (art. 9)**

Consultation with health authorities led to a focus on environmental aspect population and human health, such as: introduction of a new relevant environmental objective: "Reduction of noise generated by the operation of specific equipment of gas storage facilities (compressors, pumps, fans)/construction works and traffic of means of transport during project implementation periods", with the target: "Implementation of insulation in areas where noise generating equipment is located".

Also, including a new objective: "Preventing the risks of major accidents and limiting the consequences of major accidents on the health of the population and the quality of the environment", and "Protection of human health by maintaining or limiting the impact of the natural gas transport activity on the quality of environmental factors" with the target "Maintain the level of emissions within the limits allowed by the legislation in force" and detailing for each environmental factor (water, air, soil, etc.).

### **III.7. Transboundary consultations (art. 10)**

### **III.8. Decision (art. 11)**

### **III.9. Monitoring (art. 12)**

## **IV. Lessons learned and advice to other parties:**

### **IV.1. Please indicate:**

- (a) Challenges in carrying out the procedure, if any, and how those were tackled
- (b) Lessons learned

The transboundary SEA procedure/transboundary consultations have led to an improvement in the quality of the documents (environmental report and Plan) and implicitly to environmental protection through the conditions imposed by the Affected Parties as well as measures taken to reduce environmental impacts.

### **IV.2. As relevant, please also refer to the contribution of the above application of strategic environmental assessment towards the attainment of Sustainable Development Goals<sup>1</sup> or climate objectives.**

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<sup>1</sup> In 2017, the Meetings of the Parties acknowledged that the Convention and, in particular, the Protocol, contribute to the achievement of the Sustainable Development Goals (ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1, decision VII/7–III/6, Minsk Declaration, para. 7). Selected examples of targets of the Sustainable Development Goals that strategic environmental assessment could help to implement include the following (see informal document to the fifth meeting of the Working Group (Geneva, 11–15 April 2016):

(a) Sustainable Development Goal 3 – Ensure healthy lives and promote well-being for all at all ages (targets 3.9 and 3.d);

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- (b) Sustainable Development Goal 6 – Ensure availability and sustainable management of water and sanitation for all (targets 6.3, 6.5–6.6 and 6.a–6.b);
  - (c) Sustainable Development Goal 7 – Ensure access to affordable, reliable, sustainable and modern energy for all (targets 7.2 and 7.a);
  - (d) Sustainable Development Goal 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (target 8.4)
  - (e) Sustainable Development Goal 9 – Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation (targets 9.1 and 9.4);
  - (f) Sustainable Development Goal 11 – Make cities and human settlements inclusive, safe, resilient and sustainable (targets 11.3–11.4, 11.6 and 11.a–11.b);
  - (g) Sustainable Development Goal 12 – Ensure sustainable consumption and production patterns (targets 12.2 and 12.4–12.5);
  - (h) Sustainable Development Goal 13 – Take urgent action to combat climate change and its impacts (targets 13.1–13.3);
  - (i) Sustainable Development Goal 14 – Conserve and sustainably use the oceans, seas and marine resources for sustainable development (target 14.1);
  - (j) Sustainable Development Goal 15 – Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss (targets 15.1 and 15.4);
  - (k) Sustainable Development Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (targets 16.6–16.7 and 16.10);
  - (l) Sustainable Development Goal 17 – Strengthen the means of implementation and revitalize the global partnership for sustainable development (targets 17.13 and 17.16–17.17).  
For more details see informal document ECE/MP.EIA/WG.2/2016/5/INF.16, available at [http://staging2.unece.org.net4all.ch/fileadmin/DAM/env/cia/documents/WG2.5\\_April2016/Informal\\_document\\_16\\_ece.mp.eia.wg.2.2016.INF.16\\_\\_SDG\\_Mapping.pdf](http://staging2.unece.org.net4all.ch/fileadmin/DAM/env/cia/documents/WG2.5_April2016/Informal_document_16_ece.mp.eia.wg.2.2016.INF.16__SDG_Mapping.pdf).