**Setting up the necessary stages for the assessement procedure of the environmental impact on the public and private projects (EIA)**

*Attention! This annex was drawn up as an indicative guidelines based on EIA legislation in force at the date of launching the call for project proposals. Therefore, the below information can be modified following possible legislative changes. Consequently, we ask you to check the applicable laws in the field before starting this procedure.*

* **Generalities**

Nowadays, the assessement of the environmental impact for public and private projects is regulated in Romania, by the Governmantal **Decision no. 445/2009** for assessement of the environmental impact of certain public and private projects and the **Order no. 135/76/84/1284 of 10 February 2010** for approval of the Methodology for applying the environmental impact assessementfor public and private projects.

The procedure for the environmental impact assessementfor public and private projects is carried out in compliance with the provisions of the methodological guidelines applicable to the environmental impact assessement, and as applicable, with the provisions of the methodological guidelines for the adequate assessementof the potential effects of plans or projects on the protected natural areas of community interest. The procedure for the environmental impact assessement and the adequate evaluation procedure are managed by competent authorities for environmental protection.

The fees for carrying out the framework procedure for the environmental impact assessement are established by the Order of the Minister of environment and sustainable development no.1.108/2007 for the approval of the Nomenclature for works and services which are provided by the public authorities for environmental protection within the tariff system and the amount of the related fees, including subsequent amendments and additions. The fees are paid in advance, by procedural stages, through bank transfer or at the office of the authority for the environmental protection, which has the responsibilities for applying this procedure.

*Attention! The environmental impact asessement cannot be carried out after starting the works or after the projectscompletion.*

* **Competences for going through the stages of the environmental impact assessement**

The County Agencies for the environmental protection are responsible for going through the stages of the assessement procedure forthe environmental impact and for the issue of the environmental agreement and for going through the stages of adequate evaluation procedure, for the projects whose sites are within the respective county territory, except for the projects falling under the incidence of laws on prevention and integrated control of pollution.

**The Regional Agencies for Environmental Protection** are responsible for all the projects which are subject to the environmental impact assessment and/or to the adequate evaluation, whose site is withintwo or more counties from the same development region.

**The National Agency for Environmental Protection** is responsible for all the projects which are subject to the environmental impact assessement and/or adequate evaluation, whose site is within two or more development regions.

For the projects proposed to be implemented in the perimeter of ”Danube Delta” Biosphere Reserve, the responsible authority is the **Administration of ”Danube Delta” Biosphere Reserve.**

**The Regional Agency for Environmental Protection Galati** is responsible for the projects whose site is both withina county from outside the perimeter of ”Danube Delta” Biosphere Reserve and within its perimeter.

**The public central authority for environmental protection** guides and coordinates the procedure for the environmental impact assessment for the projects which have a significant cross border impact, by applying the provisions of Law no. 22/2001 for ratification of the Convention on the environmental impact assessement in cross border context, adopted in Espoo on 25 February 2001.

In case of very complex projects, the competent authority for environmental protection can hire external experts for the analysis of report on the environmental impact, the adequate evaluation study and the security report, as applicable.

For carring out the initial assessement stage,the project holder requests the issue of the environmental agreement **to the county authority for environmental protection,** by submission of a notice regarding the intention to implement the project, accompanied by the urban planning certificate issued according to the law on authorization of the execution of the construction works, the annexed plans and the proof of payment of the corresponding fee for this stage.

Within 10 days from the receipt of the notice, the county agency for environmental protection informs the holder in writing regarding the competent authority for carrying out the procedure for the environmental impact assessement and the adequate evaluation procedure, as applicable.

Within 5 days from the submission of the technical report in hard copy and in electronic format, the county agencies for environmental protection send the whole documentation to the competent authority for the procedure.

* **Environmental impact assessement – procedural stages**
* **The project classification stage**

*Within 15 days from the submission ofthe technical report*, the competent authority for environmental protection carries out the following activities:

a) analyses the technical report submitted by the holder;

b) establishes the composition of TAC (technical analysis commission organized at the county level where the project site is);

c) evaluates the potential significant cross border impact for the projects which fall under the incidence of Law no. 22/2001, based on the criteria defined by this law and transmits the technical report to the central public authority for environmental protection, accompanied by the site checking report, and as applicable, by the supporting documents, for those projects for which a potential significant cross border impact was established or informs the central public authority for environmental protection about the projects which fall under the incidence of Law no. 22/2001 and for which no potential significant cross border impact was established;

d) completes the checklist for the projects set out in Annex no. 2 to the Governmental Decision no. 445/2009, according to the methodological guidelines applied to the environmental impact assessemnt and requests, as applicable, additional information for its finalization;

e) completes, as applicable, the checklist for classification stage, according to the methodological guidelines for adequate evaluation and requests additional information for its finalization, as applicable;

f) identifies the interested audience and announces the submission of the request for issue of environmental agreement for the projects which fall under the incidence of the Governmental Decision no. 445/2009, by publication of the announcement on the own webpage and at his headquarters;

g) transmits the holder the announcement template and informs him on the obligation of publication, within 3 days, in the national or local press and of the display at the own office/on his own website/at the headquarters of the authority or authorities of local public administration in the areawhere the project is proposed to be implemented;

h) sends the documents submitted by the holder in electronic format to the members of the technical analysis commission;

i) summons the members of the *technical analysis commission* and communicates the holder the date set for the project presentation in the technical analysis commission, in view of the participation of the holder in this meeting;

j) presents the checklists to the technical analysis commission; the authorities represented in the technical analysis commission express points of view regarding the potential impact of the project under analysis on the environment, on the natural area of community interest and on the development approval;

k) completes the checklists regarding the project classification stage based on the opinions received from the members of technical analysis commission;

l) makes the decision of project classification stage, by applying the provisions of article 9 paragraph (2) of Governmental Decision no. 445/2009, taking into account the opinions of the members of the technical analysis commission.

As a result of going through the classification stage in the environmental impact assessement procedures and adequate evaluation procedure, the competent authority for environmental protection decides, as applicable, to perform the environmental impact assessement, the performance of adequate evaluation or the continuation of the procedure regarding the issue of project development approval.

*Within 3 days from making the decision of classification stage,* the competent authority for environmental protection publishes on the website classification decision project and the announcement, informs the holder and sends him the public announcement in view of publication in the national or local press.

The interested public can forward comments to the project of classification stage decision within 5 days from the date of publication the announcement in the press.

*Within 10 days* from the receipt of comments/justified remarks from the interested public, the competent authority for environmental protection invites the members of the technical analysis commission to participate in the adoption of the classification decision.

* **Definition stage of evaluation field and preparation of environmental impact assessement report**

In order to go through the definition stage of evaluation field, the holder of the project submits to the competent authority for environmental protection the proof of payment of the fee for the definition stage of evaluation field.

*Within 10 days from the communication of* project classification decision, the competent authority for environmental protection carries out the definition stage of evaluation field as follows:

a) analyses the documents submitted by the holder, as applicable;

b) completes the checklist according to the methodological guidelines applicable to the environmental impact assessement;

c) transmits the documents submitted by the holder to the members of technical analysis commission, in electronic format;

d) summons the holder and members of technical analysis commission and presents them with the checklists for the two procedures, as applicable;

e) draws up and transmits the holder the guide regarding the environmental issues which need to be analyzed in the environmental impact assessement report and in the adequate evaluation study, as applicable, taking into account the justified proposals of the interested public regarding the content of the environmental impact assessement report;

f) makes the guide available to the public by display on website.

* **Analysis stage of quality of environmental impact report**

*Within 5 days from the receipt by the competent authority for environmental protection of the report on environmental impact, which integrates the reduction measures/alternative solution/ compensatory accepted* measures, as applicable, of the the results from the adequate evaluation study and when applicable, of the security report, on paper and in electronic format, as well as of the proof of payment of the fee corresponding to the analysis stage, the competent authority for environmental protection carries out the following activities:

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

b) draws up and transmits the public announcement about public debate to the project holder;

c) makes available the environmental impact report, the adequate evaluation study and as applicable, the security report to the public and members of technical analysis commission, for consultation, at his headquarters and by display on his website.

The announcement regarding the opportunities of public participation in decision-making of the project is published on the websites of the competent authority for environmental protection and the public authority which issued the development approval and displayed at their headquarters at least 20 days before the date set for the public debate meeting.

*Within 3 days from the receipt of the announcement, the holder has the obligation* to publish in the national or local press and display at his headquarters/on own website/at the office of the local public authority and/or on the notice board at the site, the announcement communicated by the competent authority for environmental protection at least *20 days before the date set for the public debate meeting.*

The interested public can send to the competent authority for environmental protection comments/opinions on the environmental impact report and as applicable, on the security report until the date when the public debate takes place.

The project holder organizes the public debate under the guidance of the competent authority for environmental protection and covers his costs.

During the public debate meeting, the project holder presents the environmental impact report and security report, as applicable, and answers to the comments/opinions of the participants.

*Within 20 days from the public debate meeting, the competent authority for environmental protection carries out the following activities*:

a) analyses the comments/opinions/observations of the interested public ;

b) transmits the project holder a form and requests him to complete it with solutions for the reported problems; the form thus completed is annexed to the environmental impact report;

c) completes the checklist of analysis stage of report quality, taking into account the provisions of the methodological guidelines applicable to evaluation of environmental impact.

*Within 10 days from the receipt* on paper and in electronic format of the answers from the project holder, to the comments/opinions of the interested public, the competent authority for environmental protection carries out the following activities:

a) transmits a completed form to the members of technical analysis commission ;

b) summons and presents the technical analysis commission with the checklist for the analysis stage, and analyses the form mentioned at point a)together with its members;

c) completes the checklist for the analysis stage of the environmental impact report;

d) writes the opinions of the technical analysis commission on the quality of environmental impact report and the answers to the problems raised by the interested public, including the selection of the alternative for the project implementation and establishes the necessity for completions/changes of environmental impact report and/or security report, as applicable, or their rejection;

e) communicates in writing to the project holder the necessity for completion/change of the environmental impact report and/or security report, as applicable, or its/their motivated rejection;

f) decides the issue of environmental agreement or rejection of the request, taking into account the opinion of European Commission, as applicable.

*Within 15 days from making the decision, the competent authority for environmental protection*:

a) communicates the holder the decision made and transmits him the public announcement

b) publishes on the website the announcement regarding the issue of the environmental agreement/rejection decision of the request for environmental agreement, as well as the draft environmental agreement.

*Within 3 days from the receipt of the announcement, the holder of the project informs the public on the issue of environmental agreement or decision of rejection of the request for environmental agreement by publication in the national or local press,* by display at the own headquarters and on the own website and at the headquarters of the authority/authorities of local public administration in the area of which the project is proposed to be implemented.

*The comments of the interested public are received within 5 days from the publication of announcement in the press.*

In all the situations when the comments received from the interested public justify a deeper evaluation and the request for new information or further investigations, the competent authority for environmental protection decides to resume the procedure from the stage of requesting this information, with the payment of the fees for the stages of re-evaluation.

If the decision regarding the project implementation was not concluded during the meeting of the technical analysis commission, the participant authorities in the meeting transmit in writing to the competent authority for environmental protection the opinion on the quality analysis stage of the environmental impact report within 5 days from the date of analysis meeting.

The non-receipt within the specified deadline of the opinion from the public authorities involved in the technical analysis commission is equivalent to the lack of objections to the project implementation.

If the conclusions of the authorities involved in the technical analysis commission regarding the opportunity of carrying out the project are discordant, the competent authority for environmental protection, before the issue of the final decision, invites the interested Parties to a meeting for reconsideration of their opinion.

The competent authority for environmental protection makes available to the public the revised environmental impact and, as applicable, the security report, by publication on website, for a period of 15 days.

*Within 5 days from the expiry of the set deadline, the* competent authority for environmental protection *issues the environmental agreement or notifies the project holder about the rejection of the request for environmental agreement.*

We mention that the duration of this procedure, observing the legal deadlines is about 120 days.