

## ANNEX 2

**ROMANIA – REPUBLIC MOLDOVA**  
**JOINT OPERATIONAL PROGRAMME 2014 ÷ 2020**  
**STRATEGIC ENVIRONMENTAL ASSESSMENT PROCEDURE**

**INTRODUCTION**

The ENI Implementing Regulation requires that “*information on fulfilment of regulatory requirements laid down in Directive 2011/42/EC of the European Parliament and of the Council*” shall be included in the Programme as part of the programme implementation description.

As the SEA Directive does not specifically address the issue of cross-border cooperation with the states that are EU members, a “*Guidance Note on Strategic Environment Assessment in the context of ENI CBC*” has been developed by INTERACT ENPI and validated by the relevant directorates of the EC. The note provides MAs with an interpretation of the SEA Directive in the context of ENI CBC, including the necessary legal steps to conduct the SEA process and the actors to be involved. It states that the Member State hosting the MA is responsible for determining whether a SEA is required or not, according to its legislation, and also to involve and consult the partner countries concerned at the appropriate level.

In order to comply with the requirements of the ENI Implementing Regulation, the Romania – Republic of Moldova Programme has gone through the necessary steps in compliance with Directive 2011/42/EC of the European Parliament and of the Council.

In Romania the regulations in force for the development of SEA for the cross-border cooperation Programmes are Directive 2001/42/EC (SEA Directive) and SEA Protocol. In Republic of Moldova there is no specific legislation for SEA in force yet and the *Law regarding the strategic environmental assessment* is currently in public debate. There are regulations for assessment of the environmental impact of activities.

An ***Inception Report*** was made in order to identify the environmental relevant legislation and the Environmental Authorities from the partner countries and to describe the methodology proposed by the European Commission. The report also included an indicative calendar on how to develop the SEA procedure. The relevant environmental authorities were identified: for Romania, the Ministry of Environment, Waters and Forests (MEWF) and for Republic of Moldova, the Ministry of Environment (ME).

On February 2<sup>nd</sup> 2015 the Management Authority (MRDPA) from Romania submitted the ***Inception Report*** to the Joint Programming Committee. The ***Inception Report*** was approved by Joint Programming Committee (JPC).

**SEA PROCEDURE**

The SEA procedure for the Romania - Republic Moldova Programme was guided by the **Ministry of Environment, Waters and Forests** (MEWF) from Romania based on the SEA Directive and on the Romanian Government Decision on the environmental assessment of plans and Programmes.

### ***Assessment Procedure Initiation***

The **Ministry of Regional Development and Public Administration** (MRDPA) from Romania acting as Managing Authority notified the **Ministry of Environment, Water and Forest** (MEWF) on February 11<sup>th</sup>, 2015 about the first draft of the Programme and requested the starting of the environmental assessment according to the Directive 2001/42/EC. The current practice in Romania for the environmental assessment of such Programmes is to publish twice an announcement in mass-media. This was made in a newspaper of national circulation, namely ***Evenimentul zilei***, first time on February 11<sup>th</sup> 2015 and the second time after 3 days on February 14<sup>th</sup> 2015.

The MEWF Romania communicated its decision regarding the SEA procedure for the Programme to the MA on March 5<sup>th</sup>: a fully SEA procedure has to be developed because the Programme defines the framework for the implementation of projects that are mentioned in Annex I and II of the Directive 2001/42/EC (EIA); also, the MEWF has decided that there is no need to elaborate a ***Screening Report***.

Following this decision, according to the SEA Directive, the procedure contains two phases:

- The completion of the Programme draft and the drafting of the Environmental Report;
- The quality analysis of the Environmental Report.

### ***Setting up the working group***

The MEWF decided, based on Article 6 (3) of the Directive, that a Working Group should be established in Romania in order to analyse and finalize the Environmental Report. The MEWF, Romania communicated to the MA the composition of the Working Group set in accordance to the specific activities of the Programme as follows: *Ministry of Health, Ministry of Economy, Trading and Tourism, Ministry of European Funds, Ministry of Transport, Ministry of Internal Affairs, General Inspectorate for Emergency Situations, Ministry of Culture, Ministry of Education and Scientific Research, Ministry for Information Society, Ministry of Environment, Water and Forest, General Directorate of Impact Assessment and Pollution Control – Service of Air Protection and Pollution Control, General Directorate of Climate Change, Direction of Biodiversity, General Directorate of Waste, Contamination Sites and Hazardous Substances, General Directorate of Water and General Direction of Forest, National Administration of Romanian Waters.*

### ***Working Group Meetings***

The **Working Group** was organised in Romania in order to discuss the impact of each indicative activity of the thematic objectives proposed by the Programme on the relevant environmental

aspects and how the impact should be monitored during the implementation period. There were three meetings of WG on: 30<sup>th</sup> March of 2015, 20<sup>th</sup> April of 2015 and 11<sup>th</sup> May of 2015.

In the first Working Group was presented the Programme draft, the description of the SEA methodology, the key aspects of assessment and a proposal for the progress timetable. The environmental aspects that have to be considered for the impact assessment of the Programme were agreed during the Working Group meeting. The following meetings included presentation of: the Programme, the environmental report drafts, the integration of the working group comments into the report drafts, documents that were submitted for public consultation.

### **The development of the Environmental Report**

In order to develop the SEA procedure, the Preliminary Environmental Report was drafted and sent for consultation to the Working Group in Romania and to the National Authority and ME in Republic Moldova. In Romania, according to the working procedures of the MEWF, setting the scope of the SEA is part of the procedure of drafting the environmental report. As a request of the National Authority and with the scope of facilitating the SEA procedure in Republic Moldova, a Scoping Report was also drafted and sent, together with the Preliminary Environmental Report to the relevant authorities from Republic Moldova.

The framework content of the Environmental Report is as provided in Annex 2 of SEA Directive and includes:

- A description of the Programme and relationship with other relevant plans and programmes;
- The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the Programme;
- The environmental characteristics of areas likely to be significantly affected and any existing environmental problems, in particular, those relating to areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;
- The environmental protection objectives, established at international, Community or Member State level, which are relevant to the Programme and the way in which they were taken into consideration;
- The likely significant effects on the environment;
- The measures envisaged to prevent, mitigate and compensate the significant environmental effects;
- The measures envisaged concerning monitoring in accordance with Article 10.

The Environmental Report identifies, describes and assesses the potentially significant environmental effects of implementing the Programme, considering its objectives and geographical scope, as well as the alternative of not implementing it.

In preparing the Environmental Report, the information and recommendations obtained in the Working Group were taken into consideration as is presented in Table 1 – *Comments and observations to the SEA Preliminary Environmental Report*.

The Working Group in Romania and the ME in Republic of Moldova analysed the **Preliminary Environmental Report** in order to point out the environmental aspects that can be influenced by the possible future projects financed by the Programme together with the measures to be taken in order to minimise their impact.

On April 27<sup>th</sup>, 2015 the Ministry of Environment from Republic of Moldova sent its opinion on the submitted documents i.e. to include in the list of relevant politics for the priorities identified (chapter 6 of the ER) the *Environmental Strategy for the years 2014 ÷ 2023*, approved by the Government Decision no. 301/24.04.2014.

The **Final Environmental Report** prepared in accordance with Annex I of the SEA Directive and including all the views of the relevant authorities was submitted to the MEWF from Romania and to National Authority from Republic Moldova on May 18<sup>th</sup> 2015 and made available for the public on the websites of the Managing Authority, JTS, Ro-Ua-Md Programme and MEWF.

### **Monitoring indicators**

According to Article 10 of SEA Directive, the significant effects on the environment due to the implementation of the Programme have to be monitored.

The monitoring indicators recommended for the indicative activities of the Programme, under which there can be a possibility to finance projects having an impact on the environment were established through the following steps:

- Some of these indicators are the same as those monitoring the implementation of the Programme, and as such, they can also monitor the impact on the environment;
- For certain indicative activities under some priorities and large infrastructure projects (LIPs), specific environmental indicators were recommended;
- Other Programme indicators were modified as to reflect also the impact on the environment.

## **PUBLIC CONSULTATION**

### **Romania**

Following the notification of the MA, the MEWF Romania published the draft of the Programme on its website: <http://www.mmediu.ro/categorie/evaluare-de-mediu-pentru-strategii-planuri-programmee/60>). The Managing Authority also announced on their website [www.mdrap.ro](http://www.mdrap.ro) and on the Programme website [www.ro-ua-md.net](http://www.ro-ua-md.net) that the SEA procedure has started.

Also, the **Working Group decided in its third meeting** to make available the **Environmental Report** for the public consultation for 30 days, starting with March 18<sup>th</sup>, 2015. The **Environmental Report** and the **Programme** were published on the websites of the Managing Authority, JTS, Ro-Ua-Md Programme and MEWF.

### **Republic Moldova**

The Final Environmental Report was sent to the National Authority of Republic of Moldova at the same time it was made available for the public in Romania in order to allow the Moldavian side to carry on its own procedures. Moreover, on 21<sup>st</sup> of May 2015 a public consultation was organized in Chişinău, Republic of Moldova where a presentation of the Final Environment Report was made in front of relevant local authorities from Republic of Moldova.

**Table 1** Comments and observation to the SEA Environmental Report

Item	AUTHORITY	COMMENT	SEA EVALUATORS COMMENTS	ACTIONS RECOMMENDED BY THE SEA EVALUATORS	MA REACTION
	1	2	3	4	5
1.	National Administration "Romanian Waters"	<p>Proposals:</p> <p>a) In chapter 4 to be used the information and data related to the "water resources and quality" from the first Prut - Barlad River Area Management Plan for 2009 ÷ 2015 (approved through Government Decision no. 80/2011) and the second Prut - Barlad River Area Management Plan for 2016 ÷ 2021. These plans were published on the websites of Romanian Waters National Administration Prut – Bârlad;</p> <p>b) To add in <i>chapter 6 related to relevant plans/programmes</i>:</p> <ul style="list-style-type: none"> <li>- National Strategy for Risk management regarding the medium and long term floods (period 2010 ÷ 2035);</li> <li>- Agreement between Romania and the Republic of Moldova on cooperation for the protection and sustainable use of waters of Prut and Danube;</li> </ul> <p>c) In the case of projects relating to water resources, obtaining the relevant agreements according to national legislation in force (for Romania- the agreements from the National Administration of Romanian Waters, or of the relevant Basin Administrations from the area of the projects) and in the case of cross border waters the agreements from the authorities from Romania/Republic Moldova;</p> <p>d) Modification of the indicative activities of TO7, priority 3.1 "<i>Improvements of multimode transport (road/water) facilities of cross-border interest</i>" if it is considered road transport and navy transport. As is presented, the</p>	Proposals fully accepted	Appropriate changes to the report	Agreed with recommended action

		<p>activity can be confusion related to water;</p> <p>e) To mention only the sites of community importance existing for the relevant zone in line with the Agreement between <i>Romania and the Republic of Moldova on cooperation for the protection and sustainable use of waters of Prut and Danube</i>.</p>			
2.	Ministry of Environment, Water and Forest – Department for Climate Change	<p>Proposal:</p> <p>f) To add in <i>chapter 6 related to relevant plans/programmes</i> the “National Strategy on Climate Change 2013-2020”.</p>	Proposals fully accepted.	Appropriate changes to the report.	Agreed with recommended action.
3.	Ministry of Culture	<p>Proposals:</p> <p>g) To introduce „archaeological sites” in the indicative activity with possible impact on the environment under Priority 2.1;</p> <p>h) To introduce, due to reasons related to Priority 2.1 a short description of the historical and cultural sites existing on the Programme Area.</p>	Proposals fully accepted.	Appropriate changes to the report.	Agreed with recommended action.
4.	Ministry of Health	<p>Proposal:</p> <p>i) Modification of the terminology related to public medical services – emergency room facilities and hospitals.</p>	Proposals fully accepted.	Appropriate changes to the report.	Agreed with recommended action.
5.	Ministry of European Funds	<p>Proposal:</p> <p>j) To correct some inconsistencies in description of Partnership Agreement with EU and Danube Strategy.</p>	Proposals fully accepted.	Appropriate changes to the report.	Agreed with recommended action.
6.	Ministry of Internal Affairs/General Inspectorate for Emergency Situations	<p>Proposal:</p> <p>k) The indicator proposed for the LIP “<i>A safer Romanian – Moldavian cross border area infrastructure through the improvement of the operating infrastructure of the Mobile Emergency Service for Resuscitation and Extrication (SMURD)</i>” is not proper for what kind of project was thought.</p>	Proposals fully accepted.	Appropriate changes to the report.	Agreed with recommended action.

7.	Ministry of Environment, Water and Forest – Department of Waste, Contaminated Sites and Hazardous Substances	<p>Proposals:</p> <p>l) To add in <i>chapter 6 related to relevant plans/programmes</i>:</p> <ul style="list-style-type: none"> <li>- The National Waste Management Strategy;</li> <li>- The National/Regional Waste Management Plan;</li> </ul> <p>m) To mention that the future projects financed by the Programme has to comply with the principles and directions regarding waste management from NWMS, NWMP, RWMP.</p>	Proposals fully accepted.	Appropriate changes to the report.	Agreed with recommended action.
8.	Ministry of Environment, Water and Forest – Department for Impact Assessment and Pollution Control	<p>Requests:</p> <p>n) To modify the environmental aspects for the indicative activities of TO7 – P3.1, TO8 – P4.1, P4.3 and for four LIPs to reflect more accurately their impact.</p>	Proposals fully accepted.	Appropriate changes to the report.	Agreed with recommended action.



9.	Ministry of Environment, Water and Forest – Department of Biodiversity	<p>Proposals:</p> <p>p) In chapter 3 to reformulate what can be the impact on biodiversity when the Programme is not implemented;</p> <p>q) To mention and describe the area of national and international interest, too;</p> <p>r) The indicative activities 1-5, Priority 3.1 the indicative activity 1, Priority 4.2 and 4.3 and the second LIP don't have a positive impact on biodiversity;</p> <p>s) To made a more detailed description of the methodology used for the assessment of the impact of the indicative activities on each environmental aspects (table 7.2);</p> <p>t) The large infrastructure project <i>“Rehabilitation of the facilities from hydro node Stânca - Costești Phase I”</i> is situated in an important site on national interest and a NATURA 2000 site. Special measures are needed in order to protect flora, fauna and natural habitats;</p> <p>u) The selection of the alternative (chapter 9.1) of the Programme has to consider a criteria related to the minimum impact on biodiversity;</p> <p>v) Regarding chapter 8 <i>“choosing the solutions that not should affect the flora and fauna in the area”</i>. The solutions should be mentioned.</p>	<p>Proposals fully accepted, with the exception on point s) – the impact on biodiversity is negative according to the impact assessment presented in table no. 7.2 of the SEA Environmental Report. On the other environmental aspects that were taken into consideration the impact is neutral or positive.</p>	Appropriate changes to the report	Agreed with recommended action
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10.	Council of Galati County	<p>Proposals:</p> <p>w) Modification of the description of historical heritage for Galati County – to integrate the information given by the Council related to the existing situation;</p> <p>x) The methodology used to evaluate the impact of the indicative activities in chapter 7 has two criteria that can create confusion in some cases (Table no.7.1);</p> <p>y) The impact assessment on some different environmental aspects is not very well appreciated (Priority 1.1 and 1.2 - Table no. 7.2).</p>	<p>Proposals w) accepted</p> <p>Proposals x) and y) not accepted.</p>	<p>Appropriate changes to the report</p> <p>No changes to the report. Supplementary explications were done for a better understanding of how the evaluation was made.</p>	<p>Agreed with recommended action</p> <p>Not accepted because the methodology used to estimate the impact of the indicative activities on environmental aspects and the impact assessment itself, presented in Table no. 7.1 and 7.2 were discussed and finalized during the three meetings of the Working Group</p>
11.	Ministry of Environment (ME)	<p>Proposals:</p> <p>z) To include in chapter 6 the <i>Environmental Strategy for 2014 ÷ 2020 of Republic of Moldova</i>, approved by Government Decision no. 301/2014.</p>	Proposals fully accepted.	Appropriate changes to the report.	Agreed with recommended action.