



MINISTERUL FONDURILOR EUROPENE
DIRECTIA GENERALA PROGRAME
EUROPENE INFRASTRUCTURA MARE



Nr. 40852/CG/ 04.06.2019

Attn.: Beneficiaries of projects financed by the Large Infrastructure Operational Programme
Ref.: compliance with the provisions of the Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment

Dear collaborators,

Having regard to the provisions of Article 7 of Law No 50/1991 on the authorisation of construction works, republished, as amended, as follows,

„(21) The construction permit and its annexes are public and shall be made available to the public for information on the issuing public administration authority's own website or by display at its premises, as the case may be.

(21^{A1}) Exceptions to the provisions of paragraph. (21) are construction permits for construction works which have a special status if they are subject to the classified information regime.

(22) in applying the provisions of paragraph. (21), the authorities referred to in Article 4 shall comply with the restrictions imposed by the legislation in force in relation to commercial and industrial secret, intellectual property, the protection of the public and private interest, and without prejudice to the guarantee and protection of the fundamental rights and freedoms of natural persons with regard to the right to privacy, family and private life, in accordance with the law.

(23) The authorities referred to in Article 4 shall make public the issue of the construction permit or, where appropriate, the act rejecting the application for authorisation to carry out construction works and shall make the following information available to the public:

a) the content of the construction permit and its annexes, which shall include all conditions required to be fulfilled by the applicant, or, where applicable, the content of the act rejecting the application for authorisation to carry out construction works;

b) the main reasons and considerations on which the construction permit or, where appropriate, the act rejecting the application for authorisation to carry out the construction works, following consideration of the comments and opinions expressed by the public, including information on the public consultation process;



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c) description, where applicable, of the main measures to avoid, reduce and, where possible, offset major adverse effects, as set out in the administrative act issued by the competent authority for environmental protection."

and in order to comply with Article 9(1) of the EIA Directive, as revised, in view of proving that the decision issued by the competent authority for the environment - final act and the construction permit - contents + annexes - are actively made available to the public, in order to avoid delays in the approval of projects at EC (JÂSPERS) level caused by non-compliance or other penalties, we request the following:

- in the case of projects financed by the Large Infrastructure Operational Programme for which one or more construction authorisations (different TAUs) are issued, the documents in question must be displayed in full on the beneficiaries' websites in a section specially created for this purpose;

- for projects in preparation (irrespective of their eligible value) and where permits/part of the construction permits have been issued, the link where these documents can be accessed should be provided. The JÂSPERS representatives indicated that the Guidance Note will include this request.

Therefore, please take the necessary steps to ensure that by the end of June this year the relevant sections of the beneficiaries' websites are functional and easy to access.

Sincerely,

Sincerely,

Catalin Gheran
Director General
General Department for Large Infrastructure Operational Programme