

A Short Review of the 'DNSH' Principle in Romania, from a Sustainable Development Perspective – Theory-Based or Process Evaluation

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ABSTRACT:

The 'Do No Significant Harm' principle was applied, as an innovation 'created' by the European Commission and, further on, the European Council and Parliament ever since 2020-2021. In essence, the idea steamed from the European Ecological Pact and was further developed within the European Green Deal, as a mandatory assessment for national Recovery and Resilience Funds.

Looking back to the ecological and environmental assessments previously done for any European funded projects, this article aims to briefly present an analysis of the application of the 'DNSH' principle in Romania.

The context of the article starts from the PNNR (Planul National de Redresare si Rezilienta) – Romania's NRRP and then will shortly analyze the national 2021-2027 European Funded Programmes within the Cohesion Policy.

Furthermore, the article comprises of a short comparative analysis of how the DNSH principle was applied for the Cohesion Policy Programmes and NRRP in Romania, from a theory-based or process evaluation perspective.

As a short conclusion, the DNSH principle in Romania started from the National Recovery and Resilience Plan (NRRP) and, further on, continued for all Cohesion Policy Programmes in the 2021-2027 Cohesion Policy and will expand, in post-2027 European Policies to other funds, as an ex-ante or mandatory assessment.

Keywords: Do No Significant Harm principle, Romania, European institutions, Romanian national and regional programmes, NRRP, process evaluation, monitoring, assessment, theory-based evaluation

1. Introduction

The Do No Significant Harm (DNSH) principle represents an essential criterion for European funds in the 2021-2027 programming period, its assessment being introduced as a novelty for this financial exercise. Screening interventions with a potential negative environmental impact and using a specific framework for such an assessment proves a commitment from programme authorities to base all investments on pollution prevention and actions aimed at sustainable development, in general.

The scope of this paper is to analyze the literature which mentions the DNSH principle, in order to understand its linkages to sustainable development and position the principle within the wider environmental ethics theories.

Furthermore, the article will analyze how the principle was applied to Recovery and Resilience Facility in Romania and to European Cohesion Policy funding in Romania.

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The conclusions will highlight similarities and differences between the Recovery and Resilience Facility (RRF) DNSH application and Cohesion Policy DNSH application, in the wider context of ensuring more sustainable investments..

2. Literature review – the DNSH principle

The European Green Deal (European Council, 2019), “underlines the need for all policy areas to contribute to fighting climate change”, with the over-arching scope to reach climate neutrality by 2050. Within this package, Regulation (EU) 2019/2088 of the European Parliament and of the Council of 27 November 2019 on sustainability - related disclosures in the financial services sector (Official Journal of the European Union, 2019) and the Taxonomy Regulation (Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088) were approved.

One novelty introduced by these regulatory documents included the analysis of the “Do no significant harm” (DNSH) principle. In terms of definition, Reg. (EU) 2019/2088 mentions in recital 17 that “the precautionary principle of ‘do no significant harm’ is ensured, so that neither the environmental nor the social objective is significantly harmed”. In essence, as per article 6 of the Taxonomy Regulation, “The “do no significant harm” principle applies only to those investments underlying the financial product that take into account the EU criteria for environmentally sustainable economic activities”. Therefore, a first observation from the literature review consists in the DNSH particularity of not harming sustainable development criteria (either environmental or social), whereas the Taxonomy Regulation introduces the idea of covering economic criteria as well.

In 2021, Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (RRF) (Official Journal, 2021) was approved and published; shortly afterward Commission Notice Technical guidance on the application of ‘do no significant harm’ under the Recovery and Resilience Facility Regulation (2021/C 58/01) (European Commission, 2021) was released, focusing on the actual ways to ensure that reforms and investments included in the National Recovery and Resilience Plans (RRP’S) were assessed for the DNSH principle. In short, any reform or investment included in the National RRP’s should be checked and complied with six environmental objectives (as set in the Taxonomy Regulation), respectively: climate change mitigation, climate change adaptation, sustainable use and protection of water and marine resources, circular economy, pollution prevention and control, protection and restoration of biodiversity and ecosystems. A second observation stemming from the literature review is that the main focus of the six objectives is ecological, environmental.

Also in 2021, with the publishing of the Cohesion Policy package Regulations (Official Journal of the European Union, 2021a, Official Journal of the European Union, 2021b), an obligation to include a DNSH assessment for the Cohesion Policy programmes was adopted as per recital 10 and article 9 of the Common Provisions Regulation (CPR) (Reg. (EU) 2021/1060) and recital 6 of the European Regional Development Fund (ERDF) and Cohesion Fund (CF). [Article 9 point 4 of the CPR states: “The objectives of the Funds shall be pursued in line with the objective of promoting sustainable

development as set out in Article 11 TFEU, taking into account the UN Sustainable Development Goals, the Paris Agreement and the "do no significant harm" principle. The objectives of the Funds shall be pursued in full respect of the Union environmental acquis.”] It is therefore necessary to observe that the do no significant harm principles assessment is, thus, different from the other legislative requirements of climate change, ecological or environmental assessments. Although the DNSH assessment can rely on data from these environmental assessments, it needs to be included as a separate document in the programming stage for EU funds.

To conclude, the DNSH assessment is to be performed irrespective of the financing programmes (RRF, ERDF, CF or European Social Fund+ or other funds). In addition, as other authors foresaw (Suciu R., 2024) the assessment of the DNSH principle has been already approved to be part of the Social Climate Fund documents (European Commission, 2025). Also, the actual application of such an assessment is useful throughout the life cycle of a project or programme (Joita et al, 2023).

Therefore, it is of utmost importance to take into consideration the assessment of the DNSH principle for any project or programme and become convinced that it will remain a useful tool for all future European funded initiatives.

Furthermore, as to position the DNSH principle within the wider framework of sustainability, it is worth mentioning that one concept it relies on is that of environmental ethics, which offers a philosophical and moral support to the DNSH principle. Environmental ethics encompasses several schools of thought: anthropocentrism – centered on nature as a sole resource (Naess A., 1973), ecocentrism – moral concern expanded to land and ecosystems as a whole (Leopold A., 1949) and biocentrism – considers all living beings (Taylor P., 1986). The concept expanded to a definition similar to sustainable development by adding the intergenerational justice dimension (Barry B., 1999) and more recently developed into radical ecology – deep ecology, social ecology and ecofeminism (Cochrane A., 2006).

Among recent studies it is stressed that sustainable development should encompass the internalization of ecology within all public policies and individual decisions (Attfield R., 2022). Moreover, it is even argued that environmental responsibility should go beyond this level, to planetary ethics – especially in the context of changing demographics (Cafaro P., 2022) or trans-generational ethics – thinking of future generations (Thompson J., 2023).

In this context, the DNSH principle stresses that harming the environment is not acceptable for an ecosystem, no matter the benefits it brings for humans (from an eco-centric perspective), each organism has its own value and deserves protection (from a bio-centric perspective) and even though human interests come first, they must be fulfilled without harming future generations (from a responsible anthropocentric perspective).

However, it is clear that the future of environmental ethics will need to be normative and applicative, relying on strict legal criteria within the European Union (Palmer C., 2024) and, from this point of view, DNSH principle can contribute to this.

3 State of play – a process evaluation of the DNSH application under RRF Funds in Romania

The Romanian RRP includes 15 components (Water management, Forests and biodiversity protection, Waste management, Sustainable transport, Renovation Wave, Energy, Digital transformation, Fiscal reform and pension system reform, Support for the private sector and research, development and innovation, Local fund, Tourism and culture, Health, Social reforms, Good governance, Education) plus the REPowerEU chapter (component 16, aimed at green energy). (Ministry of Investments and European Projects, 2025)

The DNSH compliance checklist was included for each investment and reform of the 16 components in a detailed manner, as per the requirements of the Technical guidance of the European Commission (European Commission, 2021). Therefore, a first step was to conclude whether the six environmental objectives require a more substantive analysis and, as a second step, include details on the substantive assessment for each objective, on a case-by-case basis.

Mostly, for the reforms included in the plan, a screening was conducted, while most of the investments included a substantive assessment.

As per the Commission Staff Working Document SWD(2021) 276 final (European Commission, 2021a), some of the interventions cannot be assessed directly (as they are not project based, but based on launching calls of proposals or using financial instruments), thus the insurance of compliance with the DNSH principle for grants lies upon certain criteria to be included in the public procurement tenders or call for proposals (evaluation criteria), while for financial instruments it lies upon sustainability proofing. In conclusion, for these types of investments, the DNSH assessment will have to be checked at the level of each project after the project is submitted or during implementation.

Moreover, for some interventions, such as the investments in TEN-T projects (road infrastructure), so-called “flanking” measures were implemented, like, for example: green taxation, incentives for green vehicles, scrapping of polluting vehicles.

As an exception, interventions for power and heat generation and related distribution infrastructure using natural gas were approved, while for some investments (such as water management) compliance was given under the responsibility to apply all measures indicated in the Environmental Impact Assessment (EIA), Water Framework Directive Studies (Directive 2000/60/EC) and Habitats Directive Studies (Directive 92/43/EEC).

For constructions, e.g. in the case of renovation of buildings, significant attention was given by the Commission to respecting circular economy (at least 70% (by weight) of the non-hazardous construction and demolition waste generated on the construction sites will be prepared for reuse, recycling and other material recovery) and the NZEB (Near Zero Energy Buildings) – for new constructions (Energy Performance of Buildings Directive EU/31/2010, with its 2018 amendments).

Following the submission of the REPowerEU chapter and RRP amendment in 2023, the European Commission (European Commission, 2023) issued a new SWD, which basically states that all measures are compliant with the DNSH principle.

4. State of play – a process evaluation of the DNSH application under Cohesion Policy Programmes in Romania

The governance system of the Cohesion Policy programmes in Romania includes 16 Managing Authorities and programmes, respectively: 8 regional programmes (North-East, North-West, West, Central region, South-East, South-West, South Muntenia and Bucharest-Ilfov) and 8 national programmes: Sustainable Development; Smart Growth, Digitalisation and Financial Instruments; Transport; Just Transition; Technical Assistance; Education and Occupation; Inclusion and Social Dignity; Health. (Ministry of Investments and European Projects, 2025a)

The assessment for DNSH principle was similar to the RRF guidelines in terms of filling-in the same checklist, but it was done at the level of each action within the programme (not at project level).

The Commission guidance on applying DHNSH for Cohesion Policy (European Commission, 2021b) included reference to four typologies of methodologies for the assessment:

“The types of actions have been assessed as compatible with the DNSH principle, since:

A. they are not expected to have any significant negative environmental impact due to their nature, or

B. they have been assessed as compatible under the RRF, or

C. there have been assessed as compatible under the RRF DNSH technical guidance, or

D. they have been assessed as compatible according to Member State’s methodology”

Therefore, we may state that the assessment for the Cohesion Policy programmes was handled in a more flexible manner, mostly stemming from the RRF comparison of the intervention.

However, separate extensive analyses were handled for each programme in Romania, apart from including in the programming documents various environmental documents such as: Environmental Report of the Programme or Strategic Environmental Assessment (apart from the Education and Employment Programme, which only includes “soft” measures, included under part A of the technical guidance).

For the 16 assessments, data was collected from the websites of the managing authorities and also from the IT system used for sending and reporting data to the European Commission (SFC2021).

From a documentary analysis of the 16 DNSH assessments, it was concluded that the majority of the programmes included typology B or C for their programme, with the exception of programmes including “soft” measures (such as education and occupation) which fall under typology A. Also, from observation and analysis of the DNSH assessments, the similarity with RRF interventions is high and the way the substantive assessment was conducted included references to basically the same national legislation in the respective fields.

We can observe that flexibility was given by the European Commission mostly referring to:

- Inclusion of phased projects for which DNSH assessment was based on existing documentation and permits issued;

- Inclusion of county road infrastructure, as an exception (mostly in regional programmes).

Also, in terms of the way the assessment was carried out, attention was given from most of the programme authorities to infrastructure and constructions (including Research, Development and Innovation infrastructure or business incubators) and IT equipment purchase. Essentially, for these types of interventions a series of technical standards and elements for the reuse of electronic equipment need to be taken into consideration for project deployment.

Moreover, for part of the interventions it can be observed that managing authorities included references in the DNSH assessment towards specific requirements from the Strategic Environmental Assessment, Environmental Impact Assessment, Water Studies or National Agency for Natural Protected Areas permits, resulting in the need to thoroughly assess certain projects or areas of intervention (of particular strategic interest or taking place within natural protected areas). For this case, several permits and certificates will need to be issued for those projects/interventions or particular adapted environmental studies performed and all of the measures included within such documents will need to be complied with.

Regarding implementation, all of the managing authorities included in the guidelines for applicants a special reference in the financing application to how the DNSH principle was respected, as an obligation for the beneficiaries. Also, guidelines or instructions referencing how the DNSH principle can be applied at project level were issued for beneficiaries.

Three of the regional programmes included external evaluators to assess the DNSH principle requirements during project evaluation, while the other programme authorities rely on internal staff to deal with this process.

Also, the programme authorities included as a step within the monitoring reports to verify the compliance during implementation with the DNSH assessment.

The DNSH assessment state of play can also represent an important variable to be taken into consideration for programme evaluation (for example a separate evaluation question is included for DNSH within the evaluation plan for Sustainable Development Programme). (Ministry of Investments and European Projects, 2025b)

In the following paragraphs a matrix regarding the application of the DNSH principle at the level of the 16 programmes is presented, focusing on three domains: methodology, compliance enforcement, and monitoring practices.

Table 1. Matrix regarding the application of the DNSH principle at the level of the 16 programmes funded within the Cohesion Policy in Romania

Programme	Methodology	Compliance Enforcement	Monitoring Practices
Sustainable Development Programme	Sectoral DNSH screening (SEA/EIA based)	Strong: Environmental permits needed	Mid-term and end monitoring

Programme	Methodology	Compliance Enforcement	Monitoring Practices
Smart Growth, Digitalisation and Financial Instruments Programme	DNSH applied to R&D, Digital, Financial Instruments	Medium: Project DNSH declarations	Peer review, project checks
Transport Programme	Full SEA/EIA + DNSH technical standards	Strong: Environmental approvals required	On-site environmental inspections
Just Transition Programme	Detailed DNSH evaluations for carbon-intensive sectors	Strong: Specialized environmental audits	Periodic environmental audits
Technical Assistance Programme	DNSH declarations for administrative activities	Weak: Minimal environmental checks	Only final reports
Education and Occupation Programme	DNSH for construction (school infrastructure)	Weak: Construction standards only	Site visits (construction works only)
Inclusion and Social Dignity Programme	DNSH for building-related projects (e.g., housing)	Weak: Limited compliance mechanisms	Inspection at completion stage
Health Programme	DNSH for healthcare infrastructure	Medium: Construction phase compliance	Mid-term and final checks
Region North-East	DNSH infrastructure for (urban/rural)	Medium: DNSH at project appraisal	Monitoring visits for major projects
Region North=West	DNSH infrastructure for (urban/rural)	Medium: DNSH at project appraisal	Site visits (sample basis)
Region West	DNSH infrastructure for (urban/rural)	Medium: DNSH at project appraisal	Risk-based inspections
Central Region	DNSH infrastructure for (urban/rural)	Medium: DNSH at project appraisal	Site visits (sample basis)
Region South-East	DNSH infrastructure for (urban/rural)	Medium: DNSH at project appraisal	Random sample checks
Region South-West Oltenia	DNSH infrastructure for (urban/rural)	Medium: DNSH at project appraisal	On-site DNSH verification
Region South Muntenia	DNSH infrastructure for (urban/rural)	Medium: DNSH at project appraisal	Field monitoring

Programme	Methodology	Compliance Enforcement	Monitoring Practices
Region Buharest-Ilfov	DNSH for infrastructure (urban/rural)	Medium: DNSH at project appraisal	DNSH checks during field visits

The analysis shows a differentiated application of the DNSH principle. National programs dealing directly with environmental or infrastructure projects included strong methodologies and enforcement mechanisms, while administrative and social programs demonstrated a weaker application, including for monitoring practices. Regional Programmes apply DNSH moderately, with checks which are mainly focused on construction and urban development projects.

5. Survey regarding the application of the DNSH principle at the level of regional programmes in Romania

In order to get in-depth knowledge regarding the way in which DNSH was applied, a survey was launched in April 2025 at the level of the eight regional programmes in Romania. The scope was to understand how DNSH is perceived in practice, how it is integrated within project stages and how orientation works at programme level.

The survey comprised of 11 questions, respectively:

1. At what level is the DNSH principle embedded in the programme documents:
 - Programming documents
 - Strategic environmental assessment
 - Guidelines for beneficiaries
 - Selection criteria for projects
 - Financing agreements
 - Monitoring and reporting
 - Other (please specify)
2. What type of instruments do you use to evaluate the conformity with the DNSH principle (tick all that apply):
 - Self-assessment by the beneficiary
 - Checklists
 - Internal approval/avis from the Managing Authority staff
 - External expertise
 - Other (please specify)
3. How difficult do you consider DNSH application was during the selection phase?
 - Very difficult
 - Difficult

- Manageable
- Easy to apply
- Not applicable

4. How difficult do you consider DNSH application was during the implementation / monitoring phase of the projects?

- Very difficult
- Difficult
- Manageable
- Easy to apply
- Not applicable

5. Did you elaborate or adapted the DNSH methodology or guidelines at programme level?

- Yes
- No
- Under elaboration

6. Did you identify best practices examples at the level of the programme/Managing Authority? If yes, please include details on these.

7. What instruments would be useful to support the application of the DNSH principle in the future (tick all that apply)?

- Technical guidelines adapted for each type of investment
- Training for the Managing Authority staff
- Examples of compliant projects
- Technical assistance (consulting)
- Other (please specify)

8. How do you evaluate the level of knowledge regarding DNSH at the level of the Managing Authority?

- Very good
- Good
- Medium
- Low
- Unsatisfactory

9. DNSH is perceived within the Managing Authority as:

- A bureaucratic requirement
- An instrument for excluding non-compliant projects
- A way to improve environmental performance
- Other (please specify)

10. Which are the challenges encountered regarding DNSH at the level of the programming, selection, implementation or monitoring stages?
11. Do you have any other comments, suggestions or recommendations regarding the application of DNSH?

6. Findings

The response rate of the survey was 100% and the results are presented in the following paragraphs.

In terms of the types of documents where DNSH is embedded, all programme authorities reported all documents mentioned in the survey (programme, guidelines for beneficiaries, strategic environmental assessment - SEA, selection criteria, financing agreement, monitoring and reporting), except for two programmes which did not include SEA, one which did not include monitoring and report and one programme which only included programme, guidelines for beneficiaries and selection criteria.

Regarding the instruments used to evaluate conformity with DNSH, the situation varies. The most popular instrument used is represented by checklists (6 programmes), but authorities also reported using self-assessment by the beneficiary (3 programmes), internal staff checks (5 programmes), external expertise (3 programmes), eligibility criteria used to also monitor projects during implementation (used for both DNSH and climate proofing for 1 programme).

The degree of difficulty of applying DNSH during project selection is considered to be manageable.

Whereas the degree of difficulty of applying DNSH in the implementation/monitoring stage is considered to be manageable by the majority of authorities, only two considering it to be difficult.

All Managing Authorities approved dedicate programme level guidelines or specific methodologies for applying DNSH.

Regarding the best practices identified, several authorities reported that they have a dedicated methodology or guidelines for verifying DNSH, which is considered to be a best practice. Also, among best practices, the following were included: peer-to-peer support at the European level, workshops with beneficiaries regarding the application of DNSH principle, public procurement implications, project level examples of compliance with the DNSH (using recycled materials, non-toxic products, etc.).

In terms of future actions to be taken to foster a better application of the DNSH principle, the most popular measures are considered to be training the Managing Authorities staff (7 authorities) and technical guidance (7 authorities). In addition, four authorities consider that compliant examples would be of interest, four consider that technical assistance is required, while one authority considers that merging the requirements for climate proofing and DNSH compliance would be of much help, since it would provide a smoother implementation, selection of projects, reduce bureaucracy and ensure that environmental objectives are fulfilled in practice.

The survey shows much variety regarding the knowledge level within the Managing Authority in terms of understanding and applying the DNSH principle: five consider that the level is good, one very good and two medium.

For the way DNSH is perceived, the survey shows that the majority of programmes consider it to be a way to enhance environmental performance, whereas three authorities consider it to be a way to exclude non-compliant projects and one also considers that evaluation should not be done at project level (it should be merged with the SEA and evaluated only at programme level, thus reducing bureaucracy and the risk of it to become only an administrative check with no added-value.

The challenges identified can be clustered as follows:

- Lack of expertise or of training;
- Insufficient staff;
- Lack of clear and unitary guidelines or unitary monitoring tools/techniques;
- Complexity and novelty of the subject;
- Overlaps with climate proofing or other environmental documents required;
- Beneficiaries understanding and acceptance;
- Ways to address compliance measures;
- Increasing communication with beneficiaries and raising awareness on the matter;
- Identifying clear and efficient mechanisms for verifying compliance during the implementation stage;
- The need to approve national legislation in the area.

Moreover, a series of recommendations were highlighted, respectively:

- Harmonization between climate proofing and DNSH assessments;
- Harmonization of the DNSH assessment and environmental compliance mechanism/documents at project level;
- Updating the national legislation so that the DNSH assessment can be performed by the environmental agencies' structures in the field, easing the process and making it more efficient;
- Performing specialized training for the Managing Authorities' staff and providing checklists for the implementation so that it is handled in a unitary manner.

7. Conclusion

As demonstrated from the analysis of the DNSH application for the Cohesion Policy funded programmes, the implementation of the DNSH principle is a learning by doing process, based on the previous experience of the RRP.

Also, it is clearly demonstrated that the Commission offered some flexibility for Cohesion Policy, as opposed to the mandatory assessment for each reform and investment under the RRP.

Moreover, it can be argued that the DNSH assessment, although not mandatory for all projects, provides important information regarding the six environmental objectives throughout the life cycle of a project, starting with programme planning and design, continuing with programme implementation, programme monitoring and evaluation and finalizing with the institutional arrangements and capacities.

As Beltran Miralles et al. mention in their study (Beltran Miralles et al., 2023, p. 41), one important role of the DNSH principle is to improving the climate/environmental performance of projects or investments, going beyond compliance with EU legislation.

Thus, as reflected within the state of play analyses, it is clear that imposing certain conditions to be met at action level in the programming stage can significantly contribute to the sustainable development performance of each and every project within the Cohesion Policy.

In this sense, the DNSH assessment paves the way for an increased selection of greener projects, for imposing green public procurement criteria, criteria for selection of projects based on their sustainable development potential and the possibility to enhance the use of green and blue infrastructure. At least there is a raised awareness that for investments characterized by a higher pollution or less sustainable profile, mitigating or flanking measures need to be applied, in order to show compensation for the harm provided with the implementation of such an initiative.

As can be observed from the survey findings, there is a strong need for further guidance and expertise, in order to ensure a harmonized approach, especially for the monitoring and implementation stage of the projects.

Looking forward to how research can be further applied in the area, I consider that an interesting approach would be to develop a study analyzing the DNSH assessment in the project evaluation and during the verification phase in Romania.

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