

Standard Summary Project Fiche for the Transition Facility

1. Basic Information

1.1. CRIS Number **2007/19343.04.04**
Twinning Light Contract RO/2007-IB/EN/01/TL

1.2. Title

Support to National Environmental Guard administration to ensure appropriate enforcement of the environmental legislation at EU border

1.3. Sector

Environment

1.4. Location: Romania

2. Objectives

2.1. Overall Objective

Better enforcement of the environment law at the EU border due to adequate measures of inspection and control on IPPC, nature protection and water management implemented by NEG's administration structures.

2.2. Project purpose

Increase the efficiency and effectiveness of National Environmental Guard inspection and control measures for enforcement the environmental legislation in the field on IPPC, water and nature protection areas at EU border.

2.3. Justification

The reference document that fundament to be financed under Transition Facility instrument are conclusions and recommendations of 2006 Comprehensive Monitoring Reports on Romania preparations for EU membership, Chapter 22 – Environment.

According to the **Monitoring Report on the state of preparedness for EU membership of Romania of 16th May, 2006:**

"Romania has continued to make progress in its preparations for membership. In many areas Romania is generally meeting the commitments or is on track to fulfill the acquis requirements. However, a number of outstanding issues still need to be addressed. Some of these require increased efforts, and in a few cases immediate action is needed."

*"The National Environment Guard needs reinforcement in order to carry out the **necessary inspections**. Implementation of commitments for **closing down landfills** and establishing new waste management facilities are on-going."*

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*"Concerning **industrial pollution**, good progress can be reported, but the momentum must be maintained. The National Environmental Guard should be further reinforced in order to be able to ensure appropriate enforcement of inter alia **Integrated Permits**".*

*"In the filed of **nature protection**...the national strategic approach as well as **coordination and cooperation** issues and the **clear allocation of responsibility** still need further attention as only few developments have taken place since October 2005."*

*"For the National Environment Guard the reinforcement of its institutional capacity is needed in order to fulfill the **required inspections** through supporting the **inspection and control activities**. To comply with these requirements, the NEG structures and staff need appropriate **equipment and instruction**.*

The National Environmental Guard should be able to ensure appropriate enforcement of environmental legislation.

*In particular, **strengthening of the administrative capacities**, of the **cooperation and coordination mechanisms** as well as the completion of the preparations for special nature protection areas are needed. All these areas required increased efforts and swift action."*

In its Monitoring Report on the state of preparedness for EU membership of Bulgaria and Romania of September 22nd, 2006, the European Commission confirms that Romania has made further progress to complete its preparations for membership, demonstrating the capacity to apply EU principles and legislation from 1st January 2007:

"Good progress can be noted as regards administrative capacity in general. Staff recruitment and training have been carried out. The division of responsibilities between different levels of the environment administration has been improved. However, the advisory role of the Ministry and the National Environmental Agency towards regional and local agencies remains to be strengthened. The remaining job vacancies be filled in before accession and training needs to be continued in order to ensure appropriate quantity and quality of staff."

3. Description

3.1. Background and justification

The management of public institutions has mainly been a political issue which frequently ignores the importance of strategic planning and management.

The lack of a modern public policy in Romania has been a concern of the donor Community, including European Commission, World Bank and other bilateral donors. The professional and technical knowledge and competences in these areas are limited and need to be strengthened.

In this respect, the environmental authorities from central level (National Environmental Guard – General Commissariat), regional level (Regional Commissariats) and local level (Local County Commissariats) need further assistance to continue strengthening their implementing, monitoring and enforcement capacities and capabilities to implement the EU environmental *acquis*.

It includes the **development of relevant structures, human resources and management skills** supported by **intensive training** and thus, equipping a wide range of civil servants with adequate **information, knowledge and skills**.

The national strategic and planning documents and EC regular Reports, missions and recommendations underlined that Romania still needs to continue his efforts to improve quality of environment most associated with human health status and life expectancy. Thus, legal

authorities have clear responsibilities to implement necessary measure/actions to insure that specific laws and regulations and adequate human/institutions and financial resources are addressed.

Actions will support the modernization of public authorities to facilitate the development of a knowledge-based activity, create the environment where the innovation is valued not stifled and make the effective use of "know-how" and new technologies.

Development of the public administrations human capital will be essential and structural reforms and administrative capability will have to change.

According to the **Romanian Government Programme 2005-2008** and policy upon environmental protection: 'Having as main objectives, strengthening the administrative structures, as basic element to build a solid system of environment management and the contribution to a durable development, the Romanian Government activity will rely on the following priorities:

- Inclusion of environment policy into the elaboration and implementation of sector and regional policies;
- Evaluation of the actual state of environment factors and founding a long term development strategy within the environment field, and within the field of regenerative and non regenerative resources;
- **Strengthening the institutional capacity within the environment field;**
- Improvement of environment factors quality within urban and rural areas;
- Expansion of the national network of protected areas and natural reservations, rehabilitation of the Romanian seaside infrastructure, ecological and economic resizing of the Danube Delta;
- **Strengthening the trans-border and international partnership with similar institutions from other countries in order to monitor the implementation stage of international agreements;**
- Elaboration of strategies to protect citizens against natural disasters, ecological accidents and exposure in areas with ecological risk;
- Strengthening the partnership with NGOs within the process of elaboration and implementation of public policies within the field.

According to the **Monitoring Report on the state of preparedness for EU membership of Bulgaria and Romania from May 2006:**

"The National Environment Guard needs reinforcement in order to carry out the necessary inspections. Implementation of commitments for closing down landfills and establishing new waste management facilities are on-going.

Concerning industrial pollution (...) the National Environmental Guard should be further reinforced in order to be able to ensure appropriate enforcement of inter alia Integrated Permits".

In its **Monitoring Report on the state of preparedness for EU membership of Bulgaria and Romania from September 22nd 2006**, the European Commission confirms that Romania have made further progress to complete their preparations for membership, demonstrating their capacity to apply EU principles and legislation from 1 January 2007:

"Good progress can be noted as regards administrative capacity in general. Staff recruitment and training have been carried out. The division of responsibilities between different levels of the environment administration has been improved. However, the advisory role of the Ministry and the National Environmental Agency towards regional and local agencies remains to be strengthened. The remaining job vacancies be filled in before accession and training needs to be continued in order to ensure appropriate quantity and quality of staff."

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Also, the restructuring of the Ministry for Environment and its subordinated bodies have been positively appreciated and the integration of the enforcement structure (National Environment Guard) has proved important. The report mentioned that very good progress as regards integration of environment into other sector policies, as well as a good participation by other ministries in the development of the environmental policy, was made. In some areas further delineation or reassignment of administrative responsibilities was required. Room for improvement in several areas was left regarding the division of responsibilities between different Ministries and between national, regional and local level.

Report on the conclusions of the last Peer Review Mission on Romania (7-10 February 2006)

The third *Peer Review Mission* scrutinized domains were: **air quality**, climate change and waste management, the implementation of the **IPPC Directive**, chemicals and genetically modified organisms (GMOs). Nine experts have participated: 4 from the Commission, 1 from DG Enlargement and 3 from DG Environment and 5 experts from the Member States, as follows: Italy – for the air quality sector, France – for the waste management sector, Sweden – for the chemicals sector, and Great Britain – for the IPPC Directive and climatic changes sector. The Mission evaluated:

- The general and sectoral institutional capacity for the protection of the environment (specific structures and collaboration relations with other ministries/institutions), the exact number of the employed personnel, the stage of the new staff recruitment, their qualifications, the trainings that had taken place, the specific budget allocated for the protection of the environment, strategies, short and medium term plans and programmes;
- On-the-spot visits to check stage of implementation and the law enforcement process for every sector (except for the climatic changes sector, where no on-the-spot visit was demanded).

For NEG, the missions' recommendation to implement IPPC Directive provisions was: "***The NEG representatives must disseminate their understanding of the IPPC concept***".

Starting from the findings and recommendation of the 2006 Comprehensive Monitoring Reports, Peer Review Mission and projects final reports and considering the Romanian Government Programme 2005-2008 and its objectives for the environmental sector, a series of interventions have been identified as necessary and were addressed by the projects proposed to be financed under the Transition Facility.

Identification, selection and prioritization of present projects

In order to identify and select most feasible, needed and sustainable projects to be financed from 2007 TF programme, a '**GAP analysis**' has been conducted and addressed to recommendations concerning NEG responsibilities for inspection and control in the environmental sector as 2006 May and September 2006 CMRs underline.

Environmental regulatory/legal aspects:

Directive 2001/331/EC related to the minimal criteria for inspection in Member States, published in Official Journal of European Community No. L118/41 from 27th April 2001 - **inspection and control activities in the field of environmental protection**), human resources, the procedural system, in-place or necessary equipment, regulatory and enforcement aspects have been judged when gap analysis was conducted.

Staffing:

Presently, about **720 persons** are employed at NEG and its country-spread territorial Commissariats.

Highly professional staff will be needed to produce relationships between various players and effective institutional and administrative framework developed. Unified and comprehensive actions are needed in this respect.

A comprehensive overall assessment on institutional capacity in the environmental sector in Romania - including NEG and its regional and local mandated bodies - has been carried out within **2004 Twinning project 2004/IB/EN/09 – “Implementation and enforcement of the environmental Acquis at national level and coordination of the other 8 regional twinning projects – NEPA Bucharest”**.

The **conclusions and recommendations of the above twinning project IB Assessment Report** were (details in Annex 7):

“Having in view the necessity of fulfilling all commitments taken regarding implementing and applying the new legislation on environment, the reinforcement of the administrative and institutional capacity is required by setting up departments for inspection and control in the field of waste, water, dangerous chemical substances, of a department of training and improving the professional quality, of a directorate of economic investigations, of a department of statistics and synthesis, and of a department of spreading the information related to the environment field.

The “GAP analysis” conclusions are listed below:

- The capacity of prevention, intervention, inspection and control of activities with impact on environment need reinforcement in terms of staff training/Guard commissioners;
- Surveillance and control at ultimate UE border areas with Ukraine, Moldova, Serbia and Montenegro;
- Adequate surveillance and control on implementation the environmental legislation.

The TF assistance is conceived to basically cover the following areas of interest related governmental structures responsible for enforcement the environmental legislation, especially at the ultimate EU frontier:

1. Human Resources development – information, knowledge and skills:
 - Evaluation of staff performances;
 - Enforcement environmental legislation at EU Border through inspection and control activities/juridical measure – to prepare **trainers** /”train-the-trainers” module;
 - Practical trials/field missions on EU ultimate border (Danube Delta and Black Sea) for enforcement of environmental legislation in IPPC, water management and nature protection.
2. To prepare **trainers** and cope them to further deliver training activities to NEG’s commissioners together with the TW short-term experts.
3. Information dissemination.

Present **twinning light project** is conceived to answer to gaps identified above and to improve institutional capacity and administration that has consistent responsibilities on enforcement environmental legislation in Romania in domains of Community interest like **protected area/border control** – including **Danube Delta, Danube River and Black Sea** in terms of either

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water quality or its flora/fauna and habitats protection - and IPPC installation with cross-border effect.

Precaution measures to avoid overlapping

Coordination measures:

1. The Romanian Ministry of Environment and Water Management is annually organizing the **'Donors' Coordination Meeting for the Environment Sector'** who aims for an efficient coordination of the financial-assistance donors in the environmental sector in order to avoid accidental overlapping that might occur when assistance is received from different sources like EU, World Bank, EBRD, EIB and/or IFIs and bilateral assistances.

Furthermore, the MESD designed, developed and is continuously up-dating a **Donors' Database** containing technical and financial information/data regarding assistances received from different financing interventions/sources in the environmental protection area. Database is up-dated and coordinated by the Ministry of Public Finance/National Aid Coordinator on a legally established base.

2. No overlap exists with **SOP Environment/Structural and Cohesion Funds** assistance and its priority axis (link to http://www.mmediu.ro/integrare/comp1/SOP_ENV_Oct.pdf). The TF projects do not fall under ERDF or CF operations.

According to Romanian SOP Environment for the programming period 2007-2013, the following **priority axes** were identified as follows:

Priority Axis 1 - Extension and modernization of water and wastewater systems;

Priority Axis 2 - Development of integrated waste management systems and rehabilitation of old ecological landfills;

Priority Axis 3 - Improvement of municipal heating systems in selected priority areas;

Priority Axis 4 - Implementation of adequate management systems for nature protection;

Priority Axis 5 - Implementation of adequate infrastructure of natural risk prevention in most vulnerable areas;

Priority Axis 6 - Technical Assistance

3.2. Linked Activities

Under the **Phare 2001 Programme**, the project *"Assistance for the implementation of IPPC Directive"* led, among other results to:

- **Training and workshops** delivered in order to present the IPPC Directive and path of implementation and organizational aspects, relationship inspection-economical and financial instruments (taxes, tariffs, **penalties**, environmental fund etc.)
- A **Guidance Manual** concerning **control methods** has been elaborated.

Under the **Phare 2004 Programme**, nine twinning projects are under implementation:

- RO 2004/IB/EN/01 - "Implementation and enforcement of the environmental acquis focused on air quality" – REPA Cluj;
- RO 2004/IB/EN/02 - "Implementation and enforcement of the environmental acquis focussed on nature protection – REPA Sibiu"

- RO 2004/IB/EN/03 - "Implementation and enforcement of the environmental acquis focussed on nature protection – REPA Timisoara"
- RO 2004/IB/EN/04 - "Implementation and enforcement of the environmental acquis focussed on IPPC – REPA Craiova"
- RO2004/IB/EN/05 - "Implementation and enforcement of the environmental acquis focussed on IPPC and risk management – REPA Pitesti"
- RO2004/IB/EN/06 - "Implementation and enforcement of the environmental acquis focussed on domestic waste management – REPA Bacau"
- RO2004/IB/EN/07 - "Implementation and enforcement of the environmental acquis focussed on industrial waste – REPA Galati"
- RO2004/IB0EN008 - "Implementation and enforcement of the environmental acquis focussed on VOCs and noise – REPA Bucharest"
- RO2004/IB/EN/09 - "Implementation and enforcement of the environmental acquis at national level and coordination of the other 8 regional twinning projects - NEPA"

The Beneficiaries of these projects are the 8 REPAs, 42 LEPAs, NEPA and NEG. It has to be stressed that, the **activities were designed mainly to cover the 8 REPAs' and NEPA's training needs**, being focused on implementation of the environmental *acquis* provisions.

A limited range of activities developed within Experts missions were related to enforcement of the environmental legislation, not enough to cover all training requirements of the NEG's commissars (about 700 persons).

Within **Phare 2004 twinning project RO 2004/IB/EN/09**, among other results obtained, those regarding NEG were:

- The NEG existing institutional capacity assessment carried-out;
- Recommendations for institutional developments drafted and approved;
- One programme elaborated for professional development of the required implementation of inspection EU minimum criteria in Romania;
- One national inspection guidelines for NEG was elaborated and discussed with the Romanian counterparts within the NEG and NEPA;
- One information exchange and network development programme was established on using the National Inspection Guidelines;
- One RO agenda set up for Romanian delegation in European enforcement networks;
- Inspection and enforcement guideline distributed to Romanian experts at all enforcement levels.

Following to NEG institutional assessment carried out within the Phare twinning project RO 2004/IB/EN/09, the need of a special dedicated training programme for this organization is required, in order to implement these recommendations and improve staff knowledge and skills.

Phare 2006 twinning projects – Strengthening the capacity of the Regional Environmental Protection Agencies (REPAs), Local Environmental Protection Agencies (LEPAs) and National Environmental Guard (NEG) in implementing, monitoring and enforcement of the transposed environmental legislation - Phase II (status: drafting of the twinning contracts)

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- Implementation and enforcement of the environmental *acquis* focussed on air quality and climate change – REPA Cluj
- Implementation and enforcement of the environmental *acquis* focussed on nature protection – REPA Sibiu
- Implementation and enforcement of the environmental *acquis* focused on soil & subsoil and ecological reconstruction – REPA Timisoara
- Implementation and enforcement of the environmental *acquis* focussed on IPPC – REPA Craiova
- Implementation and enforcement of the environmental *acquis* focussed on IPPC and risk management – REPA Pitesti
- Implementation and enforcement of the environmental *acquis* focussed on domestic waste management - REPA Bacau
- Implementation and enforcement of the environmental *acquis* focussed on industrial waste management – REPA Galati
- Implementation and enforcement of the environmental *acquis* focussed on environmental Noise – REPA Bucharest
- Implementation and enforcement of the environmental *acquis* at national level and coordination of the other 8 regional twinning projects – NEPA Bucharest.

Phare 2006 project – “*Support to the National Environmental Guard (NEG) to strengthening its capacity on inspection and control*” aims to develop the following activities:

- To strengthen the institutional capacities at national, regional and local levels, good institutional management and technical performances of staff;
- To train NEG commissioners involved in inspection and control activities related IPPC, SEVESO II, VOCs, WEEE management, chemicals, LCPs, nature protection, water management and GMOs.

3.3. Results

1. **Human Resources Development measures** related to objective – including evaluation of staff performances carried out;
2. **Local trainers/commissioners** prepared through “train-the-trainers” module - for enforcement of environmental legislation at EU Border through inspection and control activities and juridical measure;
3. Based on TNA Report, **training courses** addressed to NEG’s commissioners, using joint teams of consultants and local trainers - prepared within “train-the-trainers” module - organized and delivered;
4. **Practical trials and field missions on EU border** (Danube Delta and Black Sea) for enforcement of environmental legislation performed;
5. **Information on NEG functions and commissioners’ role in inspection and control activities** disseminated to project stakeholders, industrial operators and mass-media – including legal framework and penalties.

3.4. Activities (including Means)

Activities	Means
<p>1. Establishing Human Resources Development measures related to objective – including evaluation of staff performances:</p> <p>a) Assessing in-place methods to evaluate NEG's commissioners activity and their harmonization with EU Member States;</p> <p>b) Establishing staff performance criteria/Methodology to assess NEG commissioners activity;</p> <p>2. To prepare local trainers through “train-the-trainer” module for enforcement of environmental legislation at EU Border through inspection and control activities and juridical measure:</p> <ul style="list-style-type: none"> • 2 modules of minimum 3 days each - “Train the trainer”- only for selected commissioners using questionnaires and testing procedure (target value: 22 local trainers); <p>3. Organizing and delivery of training courses using joint teams of consultants and local trainers, in line with TNA, Training Programme and Curricula provisions:</p> <ul style="list-style-type: none"> • Developing Training Needs Assessment, (TNA) Training Curricula, Training Strategy Training Plan and Programme for all NEG's structures; • 2 modules of 4 days each - Enforcement of environmental legislation – legal counsellors, commissars, teachers and judges; • 2 modules of 4 days each - Evaluation criteria for environmental prejudices: quantification in money; ○ 2 modules of 4 days each – Inspection/Controlling of the protected areas administrations/IPPC operators regarding the activities performed; ○ 2 modules of 4 days each – Inspection/Control regarding compliance with environmental requirements at border areas (Danube - Baziaș, Danube Delta, Prut); <p>Beneficiary's target group: commissioners from NEG central administration and its regional and local level Commissariats – about 200 persons.</p> <p>4. Performing two practical trials/field missions at EU border for enforcement of environmental legislation:</p> <p>a) <u>Missions in protected areas</u> – one mission in</p>	<ul style="list-style-type: none"> • <u>One Twinning light Contract for 6 months:</u> • One Project Leader and a pool of short and medium-term experts (3 key), international and/or local; • Twinning light specific contracting procedure is strictly followed; • TW Contract executed under EDIS technical/financial management and control procedures.

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<p>Danube Delta Biosphere Reservation and one in the Romanian's Black Sea territorial water and coast.</p> <p>5. Dissemination of information on NEG functions and commissioners role in inspection and control activities to project stakeholders, industrial operators and mass-media – including legal framework and penalties.</p>	
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Means:

The activities will be implemented through one Twinning Light Contract.

Required Input from experts:

1. Project Leader – Expert on environmental legislation enforcement (100 working-days)

A. ***Project Leader*** shall be assigned among the international short-terms experts in order to undertake the responsibilities arising from the twinning covenant. He/she supervises drafting of the TW contract, the project implementation – technical and financial issues -, participates to the achievement of the activities and the elaboration of the quarterly progress reports and ensures the ownership of the project, on behalf of the Member State partner.

Profile:

She/he will have the following profile:

- Civil servant/ technical expert status within project
- Appropriate university degree, preferably technical studies with focus on environmental/ environmental sciences;
- Solid professional experience on inspection and control activities and environmental legislation enforcement (minimum 8 years)
- Wide knowledge of related EC legislation/requirements
- Capacity to demonstrate innovative approach by abstracting from own experience and adapting to the needs, constraints and culture of the beneficiary
- Experience in cooperation with EU acceding countries/new member states would be an asset
- Previous experience as project coordinator/project management/contract execution
- Participation in similar Twinning/twinning light projects
- Very good command of English (oral and written)
- Communication skills
- Excellent computer skills (Word, Excel, Power Point)
- Very good interpersonal communication skills

Tasks:

- Project management and coordination of the activities of the team members in line with the agreed work programme to enable timely completion of project outputs.
- Member of the Project Steering Committee
- Enforcement of the environmental legislation based on EU Directive requirements for inspection and control activities
- Inspection and control missions in protected areas/industrial operators/polluters
- Preparation of quarterly project progress reports and final report - Supervision of the preparation and production of tasks reports.
- Counterpart to Training expert on enforcement legislation issues
- Dissemination of results among project stakeholders.

2. Short-term experts (5)

General profile of the STEs/mid-term experts:

- Deep going knowledge and relevant practical experience on international cooperation instruments
- Evidence of experience in the MS public administration – environment is a must
- At least 5 years of experience in enforcement of the law in the environmental sector with focus on border issues,
- Experience in preparing and delivering of training programmes;
- Capacity to demonstrate innovative approach by abstracting from own experience and adapting to the needs, constraints and culture of the beneficiary
- Experience in cooperation with EU acceding countries/new member states would be an asset
- Fluency in English (written and spoken)
- Very good communication skills
- Computer literacy

STE 1 and 1bis – Technical Experts on environmental protection issues focused on EU border issues/trainers

Time input: 2 x 22 working-days

Tasks:

- Development TNA, Training Curricula and Programme for the TF project, Training Strategy based on HR Strategy
- Delivering training and coaching activities together with local Commissioners selected as **trainers – protected areas and IPPC/industrial sector**
- Selection of trainers and developing “Train-the-trainer” module
- Counterpart to Project Leader and STE 3

Profile:

- Senior international expert
- International projects management skills and experience
- University degree in technical sciences/environmental sciences
- Minimum 8 years working experience in enforcement of environmental protection regulations
- At least 5 years working experience as trainer/coacher in administration/private bodies - training and coaching skills
- Wide knowledge and work experience on protected areas/border areas
- Very good command of English (oral and written)
- Excellent computer skills (Word, Excel, Power Point)
- Good communication skills

STE 2 and 2bis – Practitioners on enforcement the environment law/trainer – natural habitats, biodiversity and protected areas and IPPC/industrial pollution issues

(Commissioners’ homologues in MS)

Time input: 2 x 22 working-days

Tasks:

- Evaluation criteria for environmental prejudices evaluation/Quantification in money
- Support in HRD assessment/strategy elaboration

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- Supporting Expert in establishing Staff Performance Criteria/Methodology
- Inspection and control missions in protected areas/industrial operators (in-filed practical cases)
- Trainers/coaching

Profile:

- Senior international expert
- Minimum 8 years working experience in law/enforcement of legislation with accent on the environmental legislation enforcement
- Appropriate university degree in law/environmental sciences
- Wide knowledge and work experience on legal issues and enforcement of legislation
- Very good command of English (oral and written)
- Excellent computer skills (Word, Excel, Power Point)
- Good communication skills

STE 3 - Human Resource Expert

Time input: 22 working-days

Tasks:

- Elaboration of the **HR assessment** and **Strategy** for NEG commissioners – its adaptation to EU Member States requirements in the field of environmental legislation enforcement;
- Design and carrying out the **Work load analysis**
- Establishing staff performance criteria/Methodology to assess NEG commissioners activity
- Support in dissemination result of **HR Strategy and Staff Performance Criteria Methodology**.

Profile:

- Senior international expert
- Minimum 8 years working experience in HR development pertaining to a MS public administration/Environmental Guard is a plus
- Appropriate university degree in social sciences/HR and/or administration IB
- Wide knowledge and work experience on protected areas/border areas
- Very good command of English (oral and written)
- Excellent computer skills (Word, Excel, Power Point)
- Good communication skills

In line with Twinning Manual - **Institution building in the framework of European Union Policies**” May 2005, the financial contribution to the staff costs (short and medium-term missions) is **250€/day for civil servants or acting as civil servants**.

In case of STEs and mid-term experts staff from Mandated Bodies, it is allowed to choose experts from Class 1 - minimum 3 years of professional experience - preferably 5 to 8 years (rate of reimbursement per day worked in BC: 250€/day) and Class 2 - Senior experts (rate of reimbursement per day worked in BC: 350€/day) represented by individuals having experience in the implementation of institutional aspects targeted of minimum 8 years, preferably up to 15 years.

Activity	Twinning experts:	Costs (MEuro)
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<p><u>1. Assessing in-place methods to evaluate NEG commissioners activity and compare/adept them at the level of EU Member States</u></p> <p><i>It is envisaged that this activity will require the input of the PL and all 3 STEs. The experts are assumed to require in total 24 working days in delivering the specific output (i.e. about 6 working days per expert delivered through 1/2 mission each).</i></p> <p><i>Budget activity 1 – 30,000.00 Euro</i></p>	<p>PL: BC secondment on monthly base</p> <p>STE 1/1bis 3 working days</p> <p>STE 2/2bis: 6 working days</p> <p>STE 3: 15 working days</p>	<p><u>TOTAL: 0.03</u></p>
<p><u>2. To prepare local trainers through “train-the-trainer” module for enforcement of environmental legislation at EU Border through inspection and control activities and juridical measure:</u></p> <p><i>It is envisaged that this activity will require the input of the PL and 2/4 STEs. The experts are assumed to require in total 17 working days in preparing and delivery of specific output (i.e. a mean of 6 working days per expert delivered through 2 missions each).</i></p> <p><i>Budget activity 2 – 30,000.00 Euro</i></p>	<p>PL: BC secondment on monthly base</p> <p>STE 1 and/or 1bis 8 working days</p> <p>STE 2 and/or 2bis: 9 working days</p>	<p><u>TOTAL: 0.03</u></p>
<p><u>3. Organizing and delivery of training courses using joint teams of consultants and local trainers, in line with TNA, Training Programme and Curricula provisions</u></p> <p><i>It is envisaged that this activity will require the input of PL and 4 STEs. The experts are assumed to require in total 35 working days, including training courses preparation in delivering the specific output (i.e. a mean of 8 working days per expert delivered through 1 mission each).</i></p> <p><i>Budget activity 3 – 120,000.00 Euro</i></p>	<p>PL: BC secondment on monthly base</p> <p>STE 1 and 1bis 17 working days</p> <p>STE 2 and 2bis: 18 working days</p>	<p><u>TOTAL: 0.12</u></p>
<p><u>4. Performing two practical trials/field missions at EU border for enforcement of environmental legislation - missions in protected areas</u></p> <p><i>It is envisaged that this activity will require the input of PL and 4 STEs. The experts are assumed to require in total 20 working days, including preparation of the missions.</i></p> <p><i>Budget activity 4 – 50,000.00 Euro</i></p>	<p>PL: BC secondment on monthly base</p> <p>STE 1 and 1bis 12 working days</p> <p>STE 2 and 2bis: 8 working days</p>	<p><u>TOTAL: 0.04</u></p>
<p><u>5. Disseminating information on NEG role and commissioners activity in controlling and inspection activities to project stakeholders/ industrial operators/ mass-media – legal framework and</u></p>	<p>PL: BC secondment on monthly base</p>	<p><u>TOTAL: 0.02</u></p>

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<p>penalties</p> <p><i>It is envisaged that this activity will require the input of PL and 2 STEs.. The experts are assumed to require a total of 15 working days.</i></p> <p><i>Budget activity 5 – 20,000.00 Euro</i></p>	<p>STE 1 or 1bis 4 working days</p> <p>STE 2 or 2bis: 5 working days</p> <p>STE 3: 6 working days</p>	
<p>TOTAL (MEuro)</p>	<p>-</p>	<p>0.25</p>

The activities' budget globally includes salary/daily allowances for RTA and experts fees, travel costs and per-diems during missions on BC and project management costs, translation and interpretation where necessary.

All training running costs are covered by BC co-financing.

4.1. Lessons learned

The project proposal represents a priority for the National Environmental Guard. The proposed activities are interventions required in order to meet the European Commission recommendations in the Monitoring Report from May and September, 2006. For a more detailed description references are provided into Annex 5 – Lessons learnt.

5. Institutional Framework

The institutional framework comprises governmental public institutions belonging to central/NEG, regional and local Commissariat's administration. Each institution has sufficient ownership, counterpart and absorption capacity in terms of human and financial resources allocated to sustain the twinning project implementation.

The TW project financed under 2007 TF Programme will be implemented in the following institutional framework:

Ministry of Environment and Sustainable Development – Implementing Authority (IA)

The responsibility for the technical implementation of projects lies with the respective Senior Programming Officer (SPO). The Ministry of Environment and Sustainable Development, as public institution, recipient of EU post-accession support, has appointed the General Director of the General Directorate for Management of the Structural Instruments as Senior Programme Officer (SPO), responsible for technical implementation of all institutional capacity building and investment projects in the respective ministry.

The National Environmental Guard (NEG) – the Beneficiary

NEG and its regional and local administrative structures are the project's beneficiaries.

NEG has been legally established through Governmental Decision No. 440/2005 – Romanian Official Journal No. 448/26.05.2005 and is assigned as specialized body under the subordination of the MESD - Decision No.136/2006 modifying GD No.408/2004.

The National Environment Guard represents a public institution with juridical status, functioning as a body of the central public administration, specialized in specific control and inspections, entirely financed by the state budget. According to the Government Decision no. 440/2005 for organizing and functioning (transposed the Parliament and European Council recommendation No. 2001/331/EC on minimum criteria for environmental inspections in the Member States), the

National Environment Guard is under the authority of the Ministry of Environment and Sustainable Development.

The National Environment Guard is a specialized body for control and inspection responsible for an effective, professional, unitary and integrated implementation of the Government policy according to the European Union environment legislation, transposed into the Romanian related legislation.

The NEG also implements the Government policies for preventing, determining and sanctioning all the infringements of legal provisions in the field of environment, water, air, biodiversity protection, as well as of the ones provided in the specific legal framework related to the control of industrial pollution and the risk management, environment fund and to other domains provided in the related legislation in force, including the observance of legal procedures of issuing permits, agreements and licenses in the field of environment and water management issued by the competent authorities dealing with the specific projects, programs and activities in these domains.

The National Environment Guard ensures the fulfillment of the control strategy, monitors the activity of regional commissariats, and establishes all the operative measures for making more efficient the control tasks.

The County Commissariats, the Commissariat of Bucharest and the Commissariat of the Biosphere "Delta of Danube" have competencies to carry out thematic, operative and instant inspections within the covered area and they are lead by a chief commissar.

In the field of environmental protection, NEG has the following responsibilities:

- It organizes, coordinates, guides and controls the regional and county commissariats activity of inspection and control, with a view to develop it unitary at the national level;
- It issues, promotes and up-dates, together with the central public authorities for environmental protection, guides, technical norms in the field of inspection and control activity, that represent internal documents;
- It controls the activities with environmental impact and applies penalties in conformity with the environmental protection laws;
- It controls the respecting of the environmental regulation acts provisions, inclusive the measures stipulated on the conformity programs, for economic and social activities and the respecting of the legal steps in issuing the environmental regulation acts;
- It controls the import – export activities of the goods, products or other materials which have a special trade regime;
- It controls the major accidents risk activities and/or the major environment trans-boundary impact activities to prevent and limit pollution risks;
- It participates in the interventions for the elimination and limitation of major pollution effects, decides their causes and applies penalties stipulated in law;
- It controls the environmental investments in all execution stages and it has the access to all documents;
- It proposes to the issuing authorities the suspension and/or cancellation of the non-compliance issued regulation acts;
- It identifies the offences actions and applies the penalties in the environmental protection field, reports the offences to the criminal prosecutor and collaborates with its in order to

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identify the actions that in conformity with the environmental legislation are considered offences;

- It checks the complains in the environmental protection field;
- It plays and active role in the international and European inspection networks;
- It co-operates with all the environmental international bodies and participates at the projects and programs carried on the environmental protection field;
- It controls the hazardous waste export and transit in conformity with the provisions of the international conventions that Romania is part, as well as the import of some waste categories which are allowed to be imported in conformity with law;
- It checks the stage of the payment of the financial duties to the Environmental Fund Administration, according to the provisions of environmental fund law;
- It provides the information regarding the environmental estate to the public, according to the public access to the environmental information law.

The NEG duties in the field of control of the **natural habitats, biodiversity and protected areas** are:

- Controls the compliance with the environmental legislation concerning the natural protected areas, the maintenance of natural habitats, flora, wild fauna and fish breeding;
- Checks the compliance with the environmental permit provisions;
- Controls the works with the impact on natural habitat areas, for maintenance of ecosystems, flora, wild fauna and fish breeding;
- Controls the compliance with the measures for preservation disposed, with the view to maintain or to rehabilitate certain natural habitats, on certain terrestrial and water areas, especially in the "Danube's Delta";
- Controls the activities of capturing, harvesting, acquisitioning and marketing on the internal and external market of the plants and animals in the wild flora and fauna;
- controls the way and means to capitalize the flora and wild fauna biological resources, the fishery natural fund and the wild animals of hunting importance;
- controls the respecting of the protected areas management plans by its wardens;
- Checks the concordance between the customs acts and the export permits of the economical agents which market the natural resources from the spontaneous flora and the wild fauna;
- Organizes the prevention and fighting actions against the destruction of the natural habitats in the protected areas;
- Controls the compliance with the environmental legislation in the protected areas, parks and natural reservations, by organizing some common actions with its representatives in order to protect the natural habitats;
- It maintains the permanent relationship with the bodies with activity in the field of flora and wild fauna's protection.

No institutional constraints and changes are foreseen in this respect.

6. Detailed Budget

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MEuro	Transition Facility Support			Co-financing			Total cost (TF plus co-financing)
Support to National Environmental Guard administration to ensure appropriate enforcement of the environmental legislation at EU border	Investment Support	Institution Building	Total Transition Facility (=I+IB)	National Public Funds (*)	Other Sources (**)	Total co-financing of the project	
Project 01 TWL Contract	0.00	0.25	0.25	0.00	0.00	0.00	0.25
Project 01 parallel cofin	0.00	0.00	0.00	0.08*	0.00	0.08*	0.08
TOTAL	0.00	0.25	0.25	0.08*	0.00	0.08*	0.33

(*) The parallel co-financing is to be provided from the budget of the National Environmental Guard (80,000 Euro) for training and in-filed missions at EU border

To ensure smooth implementation of the project, the Beneficiary/NEG shall provide an adequately equipped office space with telephone, PC (Internet) and fax. Photocopier and access to the necessary information as well as secretarial support will be ensured during the project life-time. In addition the beneficiary will provide space and facilities for workshops (training), consultations and seminars. The national co-financing will be specified in the twinning contract.

VAT is not an eligible expenditure under both the Transition Facility and national cofinancing funds indicated in the above budget table. Where contracts are subject to VAT due to provisions of national legislation, these funds have to be provided from national resource outside and in addition to the amounts indicated in the budget table.

7. Implementation Arrangements

7.1. Implementing Agency

The Implementing Agency (IAg) is the **Central Finance and Contracting Unit (CFCU)** which retains overall responsibility for the general, financial and administrative management of the project. CFCU that operates the European financial assistance within the Extended Decentralized Implementation System (EDIS) is authorized to carry out the following administrative and procedural functions:

- Co-ordination of financial resources and expenditures;
- Organization of tenders;
- Management of contracts;
- Management of payments/checking of Invoices and supporting documents;
- Procurement of goods and services;
- Execution of works and the performance of grant contracts;
- Monitoring and reporting to NAO and EC.

Programme Authorizing Officer (PAO)

Programme Authorizing Officer (PAO) is a high ranking representative of the national administration - Director of the CFCU. The PAO is appointed by the NAO in consultation with

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the NAC and is responsible to the NAO for the operations of the CFCU/IAg and for the sound financial management and control of the projects to be implemented.

Central Financing and Contracting Unit (CFCU)

Ministry of Economy and Finance
44, Mircea Voda Street, Bucharest 3, Romania
Phone: (0040-21) 326.87.33/326.55.55 extension 104
Fax (0040-21) 326.87.30

Contact person

Mrs. Carmen ROSU, Director, PAO

Phone: (0040-21) 326.87.33/326.55.55 extension 104
e-mail: carmenrosu@cfcu.ro

The Implementing Agency (CFCU) assigns a **Project/Twinning Manager** and a **Twinning Financial Officer** responsible for monitoring administrative and financial execution of the twinning Contracts.

7.2. The Implementing Authority

Ministry of Environment and Sustainable Development (MESD) which retains the overall responsibility regarding technical aspects related project implementation and the financial responsibility for providing parallel co-financing from the state budget for the INV component.

Senior Programme Officer (SPO)

The Senior Programme Officer (SPO) is the **General Director** of the **General Directorate for Management of the Structural instruments within the of Environment and Sustainable Development** – responsible to the PAO / CFCU for the technical implementation of the projects who gives approval on Reports and Invoices.

Mrs. Liliana CHIRILĂ, General Director, SPO

Ministry of Environment and Sustainable Development

General Directorate for Management of the Structural Instruments

Phone: +40.21.300.77.77

Fax: +40.21.316.07.78

liliana.chirila@mmediu.ro

Beneficiary:

The National Environmental Guard

78, Unirii Bvd, Bl. J2, Sector 3, Bucharest

Phone: +40-21-326.89.73

Fax: +40-21-326.89.71

Contact person:

Mr. Daniel BOGDAN

Deputy General Commissar

Phone: +40-0742-091 401

daniel.bogdan@gnm.ro

The Project Implementation Unit (PIU) operating under the MESD retains the technical responsibility for the implementation of the project activities under EDIS procedure rules. The

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PIU is responsible for the day-to-day monitoring activities and shall need approval only for major aspects of the project such as approval of reports and documents. The General Director of the MESD/GDMSI, assigned **Senior Programme Officer (SPO)** gives approval on Reports and Invoices.

A **Project Steering Committee** will be set-up to oversee the programme implementation with a defined number of members from all relevant stakeholders/NGOs. Prospective stakeholders will be consulted and have commented the drafted fiches.

The SC is to be established immediately after adoption of Commission Decision in order to monitor the progress of procurement and preparation of tender documentation.

It includes representatives of Ministry of the Environment and Sustainable Development – Phare/TF PIU and NEG, Ministry of Economy and Finance (CFCU), 2006 TW project “**Support to the National Environmental Guard (NEG) to strengthening its capacity on inspection and control**” (RTA and both MS Project Leaders), Policy Border representative and from the TF Consultant.

Synergy with Phare 2006 TW from NEG is carefully observed.

The Implementing Authority (MESD) will assign a **Project/Twinning Officer** responsible for day-by-day monitoring of implementation project’s activities strictly following EDIS procedure. The **Project Steering Committee (PSC)** is to be approved through **Minister Order**. The Steering Committee will **coordinate and supervise the implementation of activities** and shall meet, on a quarterly basis, in order to review project progress, during the preparation and implementation phase of the project.

In order to insure **project readiness and coherence with other linked projects and activities to directly benefit of know-how transfer**, as regards the implementation arrangement the following specifications have to be observed:

1. Programming of the twinning fiche/Evaluation of project results:

1.1 MESD - Structural Funds Directorate/PIU - 2 persons: the assigned Programming Officer (100%) and the **Programming - QA Controller*** and SPO;

1.2 NEG’s General Commissariat, 1 person, about 25% time-input;

** Details on EDIS QA/QC Procedure are provided into Annex 7.*

2. Preparation of the twinning Contract/its supervision from the Implementing Authority:

2.1 MESD - Structural Funds Directorate/PIU - 1 person/the assigned Project Officer, 75% time-allocation;

2.2 NEG’s General Commissariat, 2 persons/technical counterpart, about 50% time-allocation for each.

3. Monitoring project implementation:

3.1 MESD - Structural Funds Directorate/PIU - 2 persons/the assigned Project Officer and the Monitoring QA Controller and SPO, about 50% time allocation;

3.2 NEG’s General Commissariat, 2 persons, about 50% time allocation each – the Romanian counterpart to Project Leader;

4. Coordination issues:

4.1 - 2006 Phare TW project for NEG – 2 persons (RTAs and Team Leaders) - about 10 % time-allocation;

4.2 - 2006 Phare TWs from 8 REPAs and NEPA at the level of RTAs and TLs;

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4.3 - Romanian Policy Border representatives – 2 persons, PIU Director and Project Officer member, 5% time-allocation.

An indicative timetable for submission of the TD to the CFCU and on implementation schedule is provided in Annex 2 – Detailed Implementation Chart.

2007 Transition Facility will be implemented under the rules for **Extended Decentralized Implementation System** (EDIS) according to article 53 (1) b of the Financial Regulation - EC EURATOM No. 1605/2002, 25.6.2002, OJ L 248 16.9.2002, p.1.

Coordination issues:

Coordination with other 2006 Phare TW projects implemented at **8 REPAs and NEPA** and TA project **“Support to the National Environmental Guard (NEG) to strengthening its capacity on inspection and control”** is insured either during the TF programming phase and further measures took by MESD/IA along monitoring projects’ implementation, in terms of representation, frequency and internal control procedures:

1. Regular-base meetings/Reports:

- Monthly Meetings
- Project Steering Committee meetings
- Sector Monitoring Sub-Committee
- Joint Monitoring Committee

2. Broad representation:

- Implementing Agency/CFCU
- Implementing Authority – SPO and PIU members/Project Officers;
- NAC/MACSF
- Contractors of all projects
- MESD and NEG’s technical departments
- 2006 Phare TW projects for NEPA, 8 REPAs and NEG (RTAs and TLs)
- Romanian Policy Border representatives

3. Internal Control procedures/QA and QC measure:

- EDIS Programming and Monitoring Procedures
- Internal Audit trials
- Risks Registry and Risk mitigation measures
- External evaluators.

7.3. Twinning

The foreseen activities are to be implemented through a Twinning Light Contract.

BC Project Leader

Mr. Daniel BOGDAN, NEG Deputy General Commissioner

Phone: +40-0742-091 401

daniel.bogdan@gnm.ro

Additionally, the BC counterpart person responsible for twinning assign:

Mrs. Claudia PASCAL, Counselor

National Environmental Guard

European Integration and International Co-operation Service

78 Unirii Blvd., Bl. J2, 3-rd District, Bucharest, ROMANIA

e-mail: claudiapascal@gnm.ro, www.gnm.ro

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Phone: + 40 21 326 22 54
Fax: + 40 21 326 22 54
Mobile: + 40 749 06 44 26
6.3. Non-standard aspects

The twinning manual will be strictly followed.

7.4. Contracts

The adequate instrument to implement this project will be a **Twinning Light contract** which offers the advantage of a swift implementation and provides us with the possibility to have as partner in the project implementation a public institution, active in the field of law enforcement.

Project: Support to National Environmental Guard administration to ensure appropriate enforcement of the environmental legislation at EU border		
Contract	TF funds	Romanian contribution
TWL	250,000 Euro	80,000 Euro

8. Implementation Schedule

7.1. Start of call for proposals

January 2008

7.2. Start of project activities

June 2008 – after Contract is signed by MS and BC twinning administrations.

7.3. Project completion

November 2008

9. Sustainability

Resources in terms of staff and budget to secure the sustainability of the project after their completion will be ensured.

Relevant Government measures ensure project sustainability.

Beneficiary institutions are **public institutions** from centralized/decentralized Governmental administration as described under chapter 4 – Institutional Framework – legally established and financed from State Budget. The administrations' budget allocations are proposed by Government and approved - rectified if case - by Romanian Parliament (State Budget Law) on an annually base.

Following project completion, MESD undertake specific administrative measures to ensure **staff and budget resources** for the project sustainability:

1. The **cooperation agreements** between central administrations and mandated bodies are currently being drafted and will be finalized before 2007 TF project starts.

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2. Staff:

- The TF project requires full commitment, participation and cooperation of senior managing staff of the beneficiary institutions (MESD and NEG);
- MESD and NEG will insure the necessary human and technical resources/in-kind for an efficient and smooth implementation of projects;
- Staff, represented by **civil servants**, is permanently employed under Romanian Law no.188/1999 provisions;
- In place **HR Strategy and Recruitment Plan**;
- The **trainers** prepared within “train the trainers” module will develop further training activities to central and local administration operational personnel/dissemination;
- **The National Environment Training Centre (NETC)** - adequately equipped with ITC facilities through Phare 2006 INV project - will allow further organize and develop training activities on general environmental protection issues and specific *topics related inspection and control activities/enforcement environmental legislation* to attain sustainability of the learning process. NETC will allow integration, coordination of training activities for all environmental authorities’ staff.
- The cooperation agreements between central administrations and mandated bodies are currently being drafted and will be finalized latest by the beginning of the 2007 TF projects;
- The knowledge and practical experience acquired during training/exchange of experience/international exercises will be conveyed to other staff dealing with similar responsibilities in their respective authorities in Romania using shared webpage documents;

3. Financial resources/State Budget:

- In line with Governmental Decision No.188/1999, compulsory training activities are foreseen and covered from State Budget for all civil servants – at least 7 days/year/civil servant on general and specific technical issues - in line with staff Job Description Fiches;
- A distinct budgetary line is allocated from MESD budget to properly operate and maintenance of in place equipment and develop filed missions/controls ;
- MESD and NEG are committed to undertake all measures to finance additional costs/in-cash that may arise in order to ensure timely completion of project.

The knowledge and practical experience acquired during training/coaching/in-filed missions in protected areas and to industrial operators will be conveyed to new employed staff coming after projects is ended. All presentations materials/hand-outs/CDs/legislation shall be shared on NEG’s electronic internal network as reference documents and support for commissioners in their daily activities.

The beneficiaries undertake to ensure the sustainability of the results.

The training materials provided to the NEG’s staff could support the delivery of future training activities.

10. Conditionality and sequencing

The adequate human resources will be ensured before the start of the project.

Sequencing:

- MS administration will present their offers
- Beneficiary prepared to jointly work with selected MS twinning partner – office adequacy

- The twinning light Contract will be prepared in due time and according to the project fiche. The twinning Contract is planned to be signed by the end of **May, 2008**
- The project will be implemented in compliance with the schedule provisioned in the contract and following EDIS rules – technical and financial issues
- TF Steering Committee will be established and first meeting will take place in **July, 2008**
- Quarterly Reports submitted and approved by the IA and Beneficiary – milestones to release payments
- Project activities will be carried out by the end of **November, 2008**

ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format
2. Detailed implementation chart
3. Contracting and disbursement schedule by quarter for full duration of programme (including disbursement period)
4. List of relevant Laws and Regulations
5. Lessons learnt from previous years
6. NEG – IB Assessment Report - Phare 2004 TW project, NEPA
7. EDIS QA/QC Procedure
8. Detailed budget

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Annex 1 - Log frame

Logframe Planning Matrix For Project Fiche		Programme name and number	2007/19343.04.04
Title of the project		Contracting period expires in 15 12 2009	Disbursement period expires in 15 12 2010
Support to National Environmental Guard administration to ensure appropriate enforcement of the environmental legislation at EU border			
Overall objective		Total budget: 0.33 MEuro	TF budget: 0.25MEuro
<p>Better enforcement of the environment law at the EU border due to adequate measures of inspection and control on IPPC, nature protection and water management implemented by NEG's administration structures.</p>	<p>Relates to Copenhagen criterion and acquis chapter</p> <p>16th of May, 2006 CMR:</p> <p>Romania has continued to make progress in their preparations for membership. In many areas the countries are generally meeting their commitments or are on track to fulfill the <i>acquis</i> requirements. However, a number of outstanding issues still need to be addressed. Some of these require increased efforts, and in a few cases immediate action is needed.</p>	<p>List of other projects with same objective</p> <ul style="list-style-type: none"> • <u>Phare 2004 twinning project</u> RO 2004/IB/EN/01 - 'Implementation and enforcement of the environmental <i>acquis</i> focussed on air quality' - REPA Cluj; • <u>Phare 2004 twinning project</u> RO 2004/IB/EN/02 - 'Implementation and enforcement of the environmental <i>acquis</i> focussed on nature protection' - REPA Sibiu; • <u>Phare 2004 twinning project</u> RO 2004/IB/EN/03 - 'Implementation and enforcement of the environmental <i>acquis</i> focussed on nature protection' - REPA Timișoara; • <u>Phare 2004 twinning project</u> RO 2004/IB/EN/04 - 'Implementation and enforcement of the environmental <i>acquis</i> focussed on IPPC - REPA Craiova; • <u>Phare 2004 twinning project</u> RO 2004/IB/EN/05 - 'Implementation and enforcement of the environmental <i>acquis</i> focussed IPPC and Risk management' - REPA Pitești; • <u>Phare 2004 twinning project</u> RO 	
	<p>Regular Report on Romania of European Commission from 16th May 2006, Chapter 22 - Environment - National Environment Guard - the reinforcement of its institutional capacity is needed in order to fulfil the required inspections through supporting the inspection and control activities. To comply with these requirements, the NEG structures and staff need appropriate equipment and</p>		

	instruction".	<p>2004/IB/EN/06 - 'Implementation and enforcement of the environmental <i>acquis</i> focussed on domestic waste management' – REPA Bacau;</p> <ul style="list-style-type: none"> • <u>Phare 2004 twinning project</u> RO 2004/IB/EN/07 - 'Implementation and enforcement of the environmental <i>acquis</i> focussed on industrial waste management' – REPA Galati; • <u>Phare 2004 twinning project</u> RO 2004/IB/EN/08 - 'Implementation and enforcement of the environmental <i>acquis</i> s focussed on noise' – REPA Bucharest; • <u>Phare 2004/IB/EN/09 twinning</u> - Implementation and enforcement of the environmental <i>acquis</i> at national level and coordination of the other 8 regional twinning projects – NEPA Bucharest; • <u>Phare 2006 twinning project</u> RO 2006/IB/EN/01 - 'Implementation and enforcement of the environmental <i>acquis</i> focussed on air quality and climate change' – REPA Cluj; • <u>Phare 2006 twinning project</u> RO 2006/IB/EN/02 - 'Implementation and enforcement of the environmental <i>acquis</i> focussed on nature protection' – REPA Sibiu; • <u>Phare 2006 twinning project</u> RO 2006/IB/EN/03 - 'Implementation and enforcement of the environmental <i>acquis</i> focussed on soil/subsoil and ecological rehabilitation' – REPA Timișoara; • <u>Phare 2006 twinning project</u> RO 2006/IB/EN/04 - 'Implementation and enforcement of the environmental <i>acquis</i> focussed on IPPC – REPA Craiova; • <u>Phare 2006 twinning project</u> RO 2006/IB/EN/05 - 'Implementation and enforcement of the 2006 environmental <i>acquis</i> focussed IPPC and Risk
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		<p>management' – REPA Pitesti phase II;</p> <ul style="list-style-type: none"> • Phare 2006 twinning project RO 2006/IB/EN/06 - 'Implementation and enforcement of the environmental <i>acquis</i> focussed on industrial waste management' – REPA Galati, phase II; • Phare 2006 twinning project RO 2006/IB/EN/07 - 'Implementation and enforcement of the environmental <i>acquis</i> focussed on municipal waste' – REPA Bacau, phase II; • Phare 2006 twinning project RO 2006/IB/EN/08 - 'Implementation and enforcement of the environmental <i>acquis</i> focussed on environmental noise' – REPA Bucharest, phase II; • Phare 2006 twinning project 2006/IB/EN/09 - Implementation and enforcement of the environmental <i>acquis</i> at national level and coordination of the other 8 regional twinning projects – NEPA Bucharest, phase II; • Phare 2006 twinning project - Support to the National Environmental Guard (NEG) by strengthening its capacity on inspection and control. 	
<p>Project purpose</p> <p>Increase the efficiency and effectiveness of National Environmental Guard inspection and control measures for enforcement the environmental legislation in the field on IPPC, water and nature protection areas at EU ultimate border.</p>	<p>Indicators</p> <p>The quality of the environmental factors improved comparatively with reference year 2006 due to more efficient NEG's inspection and control missions regarding water quality and protected areas at EU ultimate frontier.</p>	<p>Sources of Verification</p> <ul style="list-style-type: none"> • Programme evaluation reports; • Peer Review Mission Reports; • Monitoring Reports prepared for Sector Monitoring Sub-Committees (SMSC no.9); • Annual Reports prepared for Joint Monitoring Committee (JMC); • Regular reports of international environmental cooperative programmes. 	<p>Assumptions</p> <ul style="list-style-type: none"> • National legislation compliant with EU <i>acquis</i>; • Implementation and enforcement of EU ENV Directives and their Implementation Plans is continued in a pro-active way; • Adequate yearly

Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<p>allocation from state budget to support authorities in their current activities;</p> <ul style="list-style-type: none"> Operational personnel from different levels - central/regional/local - working in IPPC and protected areas sectors recruited and regularly trained; Successful implementation of Tasks under Phase 2004-2006 multi-annual programming exercise. 			
<ol style="list-style-type: none"> Human Resources Development measures related to objective – including evaluation of staff performances carried out; Local trainers/commissioners prepared through “train-the-trainers” module - for enforcement of environmental legislation at EU Border through inspection and control activities and juridical measure; Based on TNA Report, training courses addressed to NEG’s commissioners, using joint teams of consultants and local trainers - prepared within “train-the-trainers” module - organized and delivered; Two practical trial/field missions on EU border (Danube Delta and Black Sea) for enforcement of environmental legislation performed; Information on NEG functions and commissioners’ role in inspection and control activities disseminated to project stakeholders, industrial operators and mass-media – including legal framework and penalties. 	<p>The Report of in-place Commissioner’s Performance Evaluation Methodology submitted to Beneficiary for comments.</p> <p>New/revised Staff Performance Methodology for NEG commissioners established by the Consultant and applied during annual evaluation of commissioners’ job performance, in 2008.</p> <p>Training Needs Assessment, (TNA) Training Curricula, Training Programme and Strategy prepared by Contractor were</p>	<ul style="list-style-type: none"> Monthly Technical Progress Reports (TPRs); Minutes of the PTU Monthly Meetings; Minutes of the Project Steering Committee meetings; TA project reports (inception/interim quarterly/final) and documentation; Minutes of the PTU weekly Working-Meeting developed acc. to EDIS monitoring procedure requirements; Training reports; EU/national experts mission reports; Guidelines and procedure manuals of similar programs in EU member states as example; Internal/external Audit Reports and 	<ul style="list-style-type: none"> Horizontal and transparent co-operation between Implementing Authority, Consultant/ Contractor, Implementing Agency and other project key stakeholders; Interest of beneficiary institutions for training component is obvious; Trained staff will continue activities

	enclosed and approved by Inception Report. o. of trainees from NEG and its regional/local level Commissariats participated in training courses before Consultant is issuing the 2 nd Quarterly Report. Training Programme Report submitted to Beneficiary and approved by Final Report. Stakeholders and mass media representatives informed about National Environmental Guard responsibilities in environmental protection/inspection and control at UE/Romanian borders.	recommendations;	at respective institutions.
Activities	Means		Assumptions
<p>1. Establishing Human Resources Development measures related to objective – including evaluation of staff performances:</p> <ul style="list-style-type: none"> a) Assessing in-place methods to evaluate NEG's commissioners activity and their harmonization with EU Member States; b) Establishing staff performance criteria/Methodology to assess NEG commissioners activity; <p>2. To prepare local trainers through “train-the-trainer” module for enforcement of environmental legislation at EU Border through inspection and control activities and juridical measure:</p> <ul style="list-style-type: none"> • 2 Modules of minimum 3 days each - “Train the trainer”- only for selected commissioners using Questionnaires and testing procedure (target value: 22 local trainers); 	<p>1 Twinning Light Contract 1 Project Leader</p> <p>5 STEs</p> <p>STE 1 and 1 bis – 2 x 22 working days</p> <p>STE 2 and 2 bis – 2 x 22 working days</p> <p>STE 3 - 22 working days</p>		<ul style="list-style-type: none"> • Horizontal and co-operation between Implementing Authority, Consultant/ Contractor, Implementing Agency and other project key stakeholders; • Interest of beneficiary institutions for training component is obvious; • Trained staff will continue activities at respective institutions; • Mass media interest on NEG activity is largely

<p>3. Organizing and delivery of training courses using joint teams of consultants and local trainers, in line with TNA, Training Programme and Curricula provisions:</p> <ul style="list-style-type: none"> • Developing Training Needs Assessment, (TNA) Training Curricula, Training Strategy Training Plan and Programme for all NEG's structures; • 2 modules of 4 days each - Enforcement of environmental legislation – legal counselors, commissars, teachers and judges; 4 modules of 4 days each - Evaluation criteria for environmental prejudices; Quantification in money; ○ 2 modules of 4 days each – Inspection/Controlling of the protected areas administrations/IPPC operators regarding the activities performed; ○ 2 modules of 4 days each – Inspection/Control regarding compliance with environmental requirements at border areas (Danube - Baziaș, Danube Delta, Prut); <p>4. Performing two practical trials/field missions at EU border for enforcement of environmental legislation:</p> <ul style="list-style-type: none"> - <u>Missions in protected areas</u> – one mission in Danube Delta Biosphere Reservation/ and one in the Romanian's Black Sea territorial water and coast. <p>5. Dissemination of information on NEG functions and commissioners role in inspection and control activities to project stakeholders, industrial operators and mass-media – including legal framework and penalties.</p>		<p>promoted in press and radio/TV.</p>
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2007 TF Project - Support to National Environmental Guard administration to ensure appropriate enforcement of environmental legislation at EU border

D = Design
C = Contracting
I = Implementation

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Annex 3 – Cumulative and disbursement schedule

Annex 3a - Cumulative contracting schedule MEuro

	31/03/07	30/06/07	30/09/07	31/12/07	31/03/08	30/06/08	30/09/08	31/12/08	31/03/09	30/06/09	30/09/09	31/12/09
CONTRACTED Twinning light						0.25						
NB: All contracting should normally be completed within 6-12 months and must be completed within 24 months of signature of the FA.												

Annex 3b - Cumulative disbursement schedule

	31/03/08	30/06/08	30/09/08	31/12/08	31/03/09	30/06/09	30/09/09	31/12/09	31/03/01	30/06/01	30/09/01
DISBURSEMENT Twinning light		0.07	0.14	0.25					0	0	0
NB: All disbursements must be completed within 36 months of signature of the FA.											

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Annex 4

LIST OF RELEVANT LAWS AND REGULATIONS

1. Legislation

HORIZONTAL LEGISLATION

Council Directive No 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, amended by Council Directive No 97/11/EC

Law No. 294/2003 (OJ 505/14.07.2003) on the approval of the Governmental Emergency Ordinance N^o 91/2002 (OJ no 465/ 28.06.2002) amending the framework-Law on environmental protection n^o 137/1995, republished

Law N^o 22/2001 (OJ 105/ 1.03.2001) for the ratification of the Convention on the environment cross border impact assessment (**Espoo Convention**)

Governmental Decision No. 918/2002 on the establishing of the assessment framework procedure of the impact on the environment and for approval of the list of the public and private projects subject to this procedure – (OJ 686/17.09.2002)

Order of Minister of Waters and Environmental Protection No. 860/2002 for the approval of the assessment procedure of the impact on the environment and of the issuing of the environmental permit – (OJ 52/31.01.2003)

Order of the Minister of Waters and Environmental Protection No. 863/2002 for the approval of the methodological Guidance applicable to the stages of the assessment framework procedure of the impact on the environment – (OJ 52/31.01.2003)

Order of the Minister of Waters and Environmental Protection No. 864/2002 on the approval Procedure for environmental impact assessment in transboundary context and for public participation in decision making for projects with transboundary impact (OJ 397/9.06.2003)

The Order of the Minister of Agriculture, Forests, Waters and Environment No. 978/2003 on the Regulation of certification of the natural and legal persons which elaborate environmental impact assessment studies and environmental audits (OJ 3/5.01.2004)

Council Regulation N^o 1210/90/EEC on the establishment of the European Environment Agency and of the European Environment Information and Observation Network (EIONET), amended by Council Regulation N^o 933/1999/EC

Law N^o 622/2001 ratifying the agreement between the European Community and Romania concerning Romania's participation to the European Environment Agency and to the European Environment Information and Observation Network (EIONET) - (OJ 770/3.12.2001)

Council Regulation N^o 1973/92/EEC establishing a Financial Instrument for the Environment (LIFE), amended by Council Regulation N^o 1404/96/EC

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Governmental Decision N° 643/2001 regarding Romania's financial contribution in order to participate to the EU LIFE Programme - (OJ 388/ 16.07.2001)

Governmental Decision N° 80/2002 regarding the approval of the financial support granted to Romanian participants to LIFE – Environment Program from Romania's state budget - (OJ 116/ 12.02.2002)

Council Directive 90/313/EEC on the freedom of access to information on the environment

Governmental Decision No. 1115/2002 on the free access to information on the environment – (OJ 781/28.10.2002).

Order of the Minister of Waters and Environmental Protection No. 1182/2002 for the approval of the methodology of the management and the supplement of the information on environment held by the public authorities for the environmental protection – (OJ 331/15.05.2003) .

Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment .

Governmental Decision No. 1076/08.07.2004 (OJ No. 707/05.08.2004) for setting up the environmental assessment procedure of certain plans and programmes.

Commission Recommendation of 10 July 2003 on guidance for the implementation of Regulation (EC) No. 761/2001 of the European Parliament and of Council allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) concerning the selection and use of environmental performance indicators.

Mo No. 1285/16.12.2005 (OJ No. 1157/21.12.2005) on Regulation for organizing and functioning of National Organism EMAS.

AIR QUALITY AND CLIMATE CHANGE

Council Directive N° 96/62/EC on ambient air quality assessment and management;
Council Directive N° 99/30/EC relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air;
Council Directive N° 2000/69/EC relating to limit values for benzene and carbon monoxide in ambient air
Directive 2002/3/EC relating to ozone in ambient air

Law N° 655/2001 (OJ 773/ 4.12.2001) approving the Governmental Emergency Ordinance N° 243/2000 on atmosphere protection;

The Order of The Minister of Waters and Environmental Protection No. 592/2002 on the approval of the Norm regarding the establishing of the limit values, of the thresholds values and of criteria and methods of assessment of sulphur dioxide, nitrogen dioxide and nitrogen oxides, particulate

matter, (PM10 and PM 2,5) lead, benzene, carbon monoxide and ozone in ambient air – (OJ 765/21.10.2002) (partial transposition)

The Order of the Minister of Waters and Environmental Protection No. 745/2002 establishing the agglomerations and the classification of the agglomerations and of the areas for the assessment of the air quality in Romania - (O.J. 739/09.10.2002) (partial transposition)

Governmental Emergency Ordinance No. 86/2003 (OJ 694/3.10.2003) on the modification and completion of the Law No. 73/2003 on the Environmental Fund

European Parliament and Council Directive N° 94/63/EC on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations.

Governmental Decision N° 568/ 2001 setting up the technical requirements for limiting the VOC emissions resulting from storing, loading, unloading and distribution of petrol from terminals to service stations - (OJ 348/16.06.2001)

Order of the Minister of Waters and Environmental Protection N° 1103/2002 on the approval of methodological norms regarding the measurement and analyses of volatile organic compounds resulted from storage and distribution of petrol from terminals and service stations - (OJ 77/31.01.2002)

Order of the minister of industry and resources N° 337/2001 approving the Norms regarding the technical inspection of installations, equipment and devices used for reducing VOC emissions resulted from storing, loading, unloading and distribution of petrol from terminals and service stations - (OJ 10/10.01.2002)

Council Directive N° 98/70/EC relating to the quality of petrol and diesel fuels

Governmental Decision N° 732/2001 establishing the requirements for placing on the market of the petrol and diesel fuel - (OJ 461/13.08.2001)

Governmental Decision No. 897/2003 (OJ 588/19.08.2003) for the modification and completion of the Governmental Decision No. 732/2001 establishing the requirements for placing on the market of the petrol and diesel fuel

Council Decision N° 93/389/EEC for a monitoring mechanism of Community CO₂ and other greenhouse gas emissions, amended by Directive N° 99/296/EEC

Law N° 3/2001 ratifying the Protocol to United Nations Framework Convention on Climate Change, adopted at Kyoto, in 11 December 1997 - (OJ 81/16.02.2001)

Council Directive No 97/68/EC on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery

Commission Directive 2001/63/EC adapting to technical progress Directive 97/68/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery

Governmental Decision No 743/11.07.2002 on the establishment of the type approval procedure for the internal combustion engines to be installed in non-road mobile machinery and establishment of measures for reducing gaseous and pollutant particulate emissions from these engines - (O.J. 623/22.08.2002)

Order of the Minister of the Industry and Resources No. 636/2002 on the designation of the technical service for the issuing of type approval for internal combustion engines to be installed in non-road mobile machinery – (OJ 947/23.12.2002)

Council Directive 93/12/EEC relating to the sulphur content of certain liquid fuels amended by Directive 99/32/EC

Governmental Decision No. 142/2003 relating to the sulphur limit from liquid fuels (OJ 112/21.02.2003)

The Order of the minister of economy and trade no.115/2004 on the approval of the Procedure for sampling system for control of the compliance with the conditions concerning the sulphur content of liquid fuels (OJ 115/2004)

Council Decision 2003/507/EC on the accession of the European Community, to the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-Level Ozone

Law 271/2003 for the ratifying of the Protocols of the Convention on long range cross-border atmospheric pollution, done in Geneva at November 13, 1979, adopted in Aarhus, June 24, 1998 and in Gothenburg at December 1, 1999 (OJ 470/1.07.2003)

WASTE MANAGEMENT

Framework Directive N° 75/442/EEC on Waste, amended by Council Directive N° 91/156/EEC

Law N° 426/2001(OJ 411/25.07.2001) for the approval of Governmental Emergency Ordinance N° 78/2000 on waste regime

Governmental Decision No. 123/2003 on the approval of the National Plan for the waste management – stage national plan (OJ 113/24.02.2003)

Council Directive 91/689/EEC of 12 December 1991 on hazardous waste

Law N° 426/2001(OJ 411/25.07.2001) for the approval of Governmental Emergency Ordinance N° 78/2000 on waste regime

Directive N° 75/439/EEC on the disposal of waste oils, amended by Directive N° 87/101/EEC and Directive No 91/692/EEC

Governmental Decision N° 662/2001 on waste oils management (OJ 446/8.08.2001)

Governmental Decision 441/2002 (OJ 325/16.05.2002) on the completion and modification of the Governmental Decision No. 662/2001 on waste oils management (OJ 446/8.08.2001)

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Governmental Decision No. 1159/2003 (OJ 715/14.10.2003) on the modification of the Governmental Decision No. 662/2001 on waste oils management (OJ 446/8.08.2001)

Directive N° 91/157/EEC on batteries and accumulators containing certain dangerous substances and Directive N° 93/86/EC adapting to technical progress Council Directive N° 91/157/EEC on batteries and accumulators containing certain dangerous substances

Governmental Decision N° 1057/2001 on batteries and accumulators containing certain dangerous substances - (OJ 700/5.11.2001)

Council Directive N° 99/31/EC on the landfill of waste

Governmental Decision N° 162/2002 on the landfill of waste - (OJ 164/ 7.03.2002)

Order of the Minister of Waters and Environmental Protection No. 867/2002 on the defining of the criteria which must be fulfilled by waste in order to be found on the specific list of a landfill and the national list of accepted waste in every class of waste landfill – (OJ 848/25.11.2002)

Order of the Ministry of Waters and Environmental Protection No. 1147/2002 on the approval of the Technical Norm regarding the landfill of waste – the building, the exploitation, the monitoring and the closing up of the landfill of waste (OJ 150/7.03.2003)

Council Directive N° 2000/76/EC on the incineration of waste

Governmental Decision N° 128/2002 on the incineration of waste - (OJ 160/6.03. 2002)

Order of the Minister of Waters and Environmental Protection No. 1215/2003 for the approval of the Norm on incineration of waste – (OJ 150/7.03.2003)

Council Directive N° 94/62/EC on packaging and packaging waste

Governmental Decision N° 349/2002 (OJ 269/ 23.04.2002) on packaging and waste packaging - (OJ 269/ 23.04.2002)

Order of the Minister of Waters and Environmental Protection No. 1190/2002 on the reporting procedure of the data referring to packaging and packaging waste – (OJ 2/07.01.2003)

Council Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)

Order of the Minister of Waters and Environmental Protection No. 279/2002 on the setting of the Technical Secretariat for the management and the control of the designated compounds within the Waste and Dangerous Chemical Substances Management Directorate - (OJ 459/27.06.2002)

Decision 2000/532/EC replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste

Governmental Decision 856/2002 on the evidence of the waste management and for the approval of the list of waste including hazardous waste (OJ 659/5.09.2002)

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Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community

Governmental Decision No. 1357/2002 for the establishing of the public authorities responsible with the control and the supervision of the import, export and shipment of waste – (OJ 893/10.12.2002)

Governmental Decision No. 228/2004 on the control of the introduction into the country of the non –hazardous waste, for the import, active perfecting and the transit (OJ 189/4.03.2004)

Directive 86/278/EEC on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture

Order of the Minister of Agriculture, Forests, Waters and Environment No. 49/2004 on the approval of the Technical Norms concerning the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (OJ 66/27.01.2004)

WATER QUALITY

Council Directive N° 91/271/EEC concerning urban waste-water treatment

GD No. 352/21.04.2005 amending GD no. 188/2002 for the approval of certain norms concerning the conditions of discharging the wastewater into aquatic environment (OJ No. 398/11.05.2005)

Governmental Decision N° 188/2002 for the approval of the norms regarding the discharging of waste waters into the aquatic environment - (OJ 187/ 20.03.2002)

Council Directive N° 75/440/EEC concerning the quality required of surface water intended for the abstraction of drinking water in the Member States

Order of the Minister of Waters and Environmental Protection No 377/2001 on the approval of the reference objectives for the quality of surface waters

Governmental Decision N° 100/2002 for the approving of the quality standards for surface waters intended for the abstraction of drinking water and the Norms concerning the methods of measurement and frequencies of sampling and analysis of surface water intended for the abstraction of drinking water - (OJ 130/19.02.2002)

Order of the Minister of Waters and Environmental Protection N°. 1146/2002 on the approval of the Norm regarding the reference objectives for the classification of the quality of the surface waters (OJ 197/27.03.2003).

Council Directive N° 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources

Order of the minister of waters and environment protection N° 740/08.08.2001 on the approval of the composition of the Commission for enforcement of the Action Plan to protect waters against the pollution with nitrates from agriculture

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Joint Ministerial Order between MWEF and MAFF N° 452/2001 and 105951/2001 on the approval of the Regulation concerning the functioning and operating of the Commission and Supportive Group to enforce this plan - (OJ 296/06.06.2001)

The Order of the Ministry of Waters and Environmental Protection No.918/08.10.2002 for the approval of the Code of the good agricultural practices for the farmers' use

The Order of the Minister of Agriculture, Forests, Waters and Environment nr. 1072/2003 on the approval of the organisation of the Monitoring Surveillance Integrated National Support, control and decisions on the reduction of the pollutants nitrates from agricultural sources into the surface waters and into ground waters and for the approval of the surveillance and appropriate control program and of the assessment procedure of the monitoring data of the surface waters and ground waters – (OJ 71/28.01.2004)

Council Directive N° 76/464/EEC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community (and the Daughter Directives)

Governmental Decision N° 118/2002 approving the Action Plan for reducing pollution of aquatic environment and ground waters caused by the discharge of certain dangerous substances (OJ 132/20.02.2002)

Order of the Minister of Waters and Environmental Protection No. 35/2003 on the approval of the Measurement and Analysis Methods used in the determining of the priority/dangerous substances from the discharged used waters and from the surfaced waters (OJ 305/7.05.2003) – order issued for the implementation

Order of the Minister of Agriculture, Forests, Waters and Environment No. 501/2003 on the approval of the Regulation for the drawing –up of the initial inventory of the pollution sources of the aquatic environment and of the ground waters (OJ 591/20.08.2003) - order issued for the implementation

Joint Order of the Minister of Waters and Environmental Protection and of the Minister of Health and Family No. 1406/03.03.2003/191/07.03.2003 (OJ 213/01.02.2003) for the approval of the assessment methodology of the risk and impact of the dangerous substances in the aquatic environment in case of accidental discharges

Order of the Minister of Agriculture, Forests, Waters and Environment No. 370/2003 on the approval of the list containing the notified reference laboratories (OJ 756/29.10.2003)

Order of the Minister of Agriculture, Forests, Waters and Environment No. 44/2004 on the approval of the Regulation on the accomplishment of the monitoring of the water quality for priority/dangerous substances (OJ 154/23.02.2004)

MO No. 31/13.01.2006 on approval of the Manual for modernizing and development of the Romanian Waters Integrated Monitoring System which repeals MO No. 35/2003.

MO No 245/26.03.2005 (OJ No. 565/01.07.2005) on the approval of the Methodology for risk assessment of dangerous substances.

Council Directive N° 76/160/EEC concerning the quality of bathing water

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Governmental Decision N° 459/2002 for the approval of quality norms for waters in natural areas planned for bathing - (OJ 350/27.05.2002)

Council Directive N° 78/659/EEC on the quality of fresh waters needing protection or improvement in order to support fish life

Governmental Decision N° 202/2002 approving the technical norms for the quality of surface waters needing protection or improvement in order to support fish life - (OJ 196/22.03.2002)

Council Directive N° 79/923/EEC on the quality required of shellfish waters

Governmental Decision N° 201/2002 approving the technical norms regarding the quality of waters for shellfish - (OJ 196/22.03.2002)

Law No. 280/2003 (OJ 454/26.06.2003) on the approval of the Governmental Emergency Ordinance No. 202/2002 on the integrated management of the shore area – (OJ 965/28.12.2002)

Council Directive N° 98/83/EC on the quality of water intended for human consumption

Law N° 458/2002 on the quality of water intended for human consumption (OJ 552/29.07.2002)

GD No 662/07.07.2005 (OJ No 616/15.07.2005) regarding the modification of GD No 100/2002 for the approval of Norms of Quality that have to be fulfilled by the surface waters used for human consumption.

GD No 960/11.08.2005 (OJ N0 800/02.09.2005) on approval of special Norms on the type and the size of protected sanitary and hydro-geological areas.

Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy

Order of the Minister of Waters and Environmental Protection No. 913/15.10.2001 regarding the approval of the framework content of the Water Management Plan on the hydro graphic basin

Order of the Minister of Waters and Environmental Protection No. 1125/03.12.2002 for the approval of the Committee for the Co-ordination and the Monitoring of the implementation of the Directive 2000/60/EC and of the other directives from the field of water – order issued for the implementation of the directive

MO No 589/27.06.2005 (OJ No 636/20.07.2005) for the approval of the organization of certification activity for specialized units in elaboration of studies, projects, work execution, consultancy in water management and technical documentation.

Council Directive 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances

Governmental Decision N° 118/2002 approving the Action Plan for reducing pollution of aquatic environment and ground waters caused by the discharge of harmful substances (OJ 132/20.02.2002)

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Order of the Ministry of Waters and Environmental Protection No. 1049/13.11.2002 for the approval of the plan of measures for the elimination and reduction of the pollution risk of groundwater – order issued for the implementation

NATURE PROTECTION

Council Regulation No 338/97/EC on the protection of species of wild fauna and flora by regulating trade therein, and subsequent amendments;

Council Directive No 83/129/EEC concerning the importation into Member States of skins of certain seal pups and products derived there from;

Council Regulation No 348/81/EEC on common rules for imports of whales or other cetacean products;

Council Regulation no 3254/91/EEC prohibiting the use of leg holds traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leg hold traps or trapping methods which do not meet international humane trapping standards

Order No 647/2001 for the approval of the authorization procedure for the cropping, seizing, and/or acquisition and trading on the domestic market and export/import of the plants and animals from the wild flora and fauna, clarifying some procedural aspects concerning the trading activity with CITES wild species (endangered) and not endangered - (OJ 416/06.06.2001)

Order of Minister of Waters and Environmental Protection N° 117/2003 (OJ 326/14.05.2003) for the modification of the Annex No. 12 at the Authorization Procedure of the activities of harvesting, seizing, and/or acquisition and trading on the domestic market of the plants and animals from the wild flora and fauna as well as their import, approved through the Order No 647/2001

Council Directive N° 92/43/EEC on the conservation of natural habitats and of wild fauna and flora

Council Directive N° 79/409/EEC on the conservation of wild birds

Law N° 462/2001 for the approval of Emergency Government Ordinance N° 236/2000 on the status of natural protected area, natural habitats and species of wild flora and fauna conservation - (OJ 433/2.08.2001)

Order of Minister of Waters and Environmental Protection N° 647/2001 for the harvesting, seizing, and/or acquisition and trading on the domestic market and export/import of the plants and animals from the wild flora and fauna - (OJ 416/ 26.07.2001)

Order of Minister of Waters and Environmental Protection N° 117/2003 (OJ 326/14.05.2003) for the modification of the Annex No. 12 at the Authorization Procedure of the activities of harvesting, seizing, and/or acquisition and trading on the domestic market of the plants and animals from the wild flora and fauna as well as their import, approved through the Order No 647/2001

GD No 1078/15.09.2005 (OJ No 853/21.09.2005) on financial support for Romanian participants to LIFE-Natura Programme of European Community 2005-2006

MO No 1198/25.11.2005 (OJ No 1097/06.12.2005) regarding the protected natural area regime, conservation of natural habitats

EGO No 195/22.12.2005 (OJ No 1196/30.12.2005) on Environmental Protection
EGD No 82/14.07.2005 (OJ No 627/19.07.2005) on approval of the number of the animals belonging to the species: bear, wolf, lynx and wild cats, which can be hunted during 2005-2006 hunting season

Law No 45/08.07.2002 (OJ No 536/23.07.2002) ratification of the Landscape European Convention - Florence 20.10.2002

MO No 494/30.05.2005 (OJ No 487/09.06.2005) on approval of procedures for instruments of administration and custody of the protected natural areas

Council Directive N° 99/22/EC relating to the keeping of wild animals in zoos
Law N° 191/2002 regarding zoos and public aquarium - (OJ 271/23.04.2002)

MO No 742/22.02.2004 (OJ No 115 bis/04.02.2005) on approval of the instructions regarding authorization, stock-taking and inscription of the public aquarium and zoos

INDUSTRIAL POLLUTION CONTROL AND RISK MANAGEMENT

Council Directive 96/61/EC concerning integrated pollution prevention and control (IPPC)

Law No. 645/2002 (OJ 901/12.12.2002) for the approval of Governmental Emergency

Ordinance N° 34/2002 (OJ 223/3.04.2002) on the integrated pollution prevention, reduction and control

Order of the Minister of Waters and Environmental Protection No. 890/03.10.2002 on the setting of the Service of Industrial Pollution Control

Order of the Minister of Waters and Environmental Protection No. 1133/05.12.2002 on the modifying and completion of the Order No. 184/1997 for the approval of the Procedure of the realization of the environmental balances

Order of the Minister of Waters and Environmental Protection No. 1144/2002 on the setting of the Register of the emitted pollutants in the activities which fall under the provision of the article 3, alin.1, letters (g) and (h) from the Governmental Emergency Ordinance N° 34/2002 on the integrated pollution prevention, reduction and control and the manner of their reporting (amending the Order 756/1997) - (OJ 35/22.01.2003)

Order of the Minister of the Waters and Environmental Protection No. 1440/2003 (OJ 177/20.03.2003) on the approval of the Implementation National Guide of the Register of the Emitted Pollutants by the activities which are under the incidence of the provisions of the Emergency Governmental Ordinance 34/2002 on the integrated pollution prevention, reduction and control, approved and modified by the Law 645/2002 and the manner of their reporting

Order of the Minister of Agriculture, Forests, Waters and Environment No. 818/2003 on the approval of the Issuing Procedure of the integrated environmental permit (OJ 800/13.11.2003)
Order of the Minister of Waters and Environmental Protection No. 37/2003 on the approval of the Reference Document on the Best Available Techniques (BAT) for the cellulose and paper industry (OJ 247/10.04.2003) – order issued for the implementation

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Order of the Minister of Agriculture, Forests, Waters and Environment No. 566/2003 on the approval of the Reference Document on the Best Available Techniques (BAT) for the cement and lime industry (OJ 689/1.10.2003) – order issued for the implementation

EGO No 152/10.11.2005 (OJ No 1078/30.11.2005) concerning integrated pollution prevention and control which transposes the amendment of Directive 96/61/EC

MO No 1037/25.10.2005 (OJ No 985/07.11.2005) for approval on the procedure for the environmental impact assessment and the environmental permit issuing

Council Directive 96/82/EC of 9 December on the control of major-accident hazards involving dangerous substances

Governmental Decision No. 95/2003 on the control of the activities that involve major-accident hazards involving dangerous substances – (OJ 120/25.02.2003)

Order of the Minister of Waters and Environmental Protection No. 1441/2003 on the setting –up of the Risk Secretariat for the control of the activities which involve major-accident hazards involving dangerous substances (OJ 196/26.03.2003)

Order of the Minister of Agriculture, Forests, Waters and Environment No. 1084/2003 on the approval of the notification procedures of the activities which involve major-accident hazards involving dangerous substances, and respectively of the major produced accidents (OJ 118/10/02.2004)

Order of the Minister of Agriculture, Forests, Waters and Environment No. 142/2004 on the approval of the Assessment procedure of the safety report on the activities which involve major-accident hazards involving dangerous substances (OJ 191/4.03.2004)

Council Regulation (EC) N° 1980/2000 on a Community eco-label award scheme

Governmental Decision N° 189/2002 establishing the procedure for the award of eco-label - (OJ 166/ 8.03.2002)

Order of the Minister of Waters and Environmental Protection No. 1010/2002 on the approval of nominal composition of the National Commission for the award of the Eco-Label – (OJ 851/26.11.2002)

Order of the Minister of Waters and Environmental Protection No. 1327/2003 (OJ 172/19.03.2003) modifying the Order of the Minister of Waters and Environmental Protection No. 1010/2002 on the approval of nominal composition of the National Commission for the award of the Eco-Label

Decision 2000/40/EC establishing the ecological criteria for the award of the Community eco-label to refrigerators

Governmental Decision No 827/2002 establishing the ecological criteria for the award of the eco-label to refrigerator - (OJ 638/29.08.2002)

Commission Decision 2000/45/EC establishing the ecological criteria for the award of the Community eco-label to washing machines

Governmental Decision No. 40/2003 establishing the criteria for the award of the ecological label for the laundry washing machines for domestic use (OJ 82/10.02.2003)

Commission Decision 2001/689/EC establishing ecological criteria for the award of the Community eco-label to dishwashers

Governmental Decision 325/2003 on the establishing of the criteria for the award of the ecological label for the dishes washing machines for domestic use (OJ 223/03.04.2003)

Directive 2001/80/EC on the limitation of emissions of certain pollutants into the air from large combustion plants

Governmental Decision 541/2002 on the establishing of some measures on the limitation of emissions of certain pollutants into the air from large combustion plants (OJ 365/29.05.2003)

Order of the Minister of Agriculture, Forests, Waters and Environment No. 1052/2003 on the organizing and functioning of the Technical Secretariat for the control of the activities of the large combustion plants (OJ 32/15.01.2004)

Joint Order no. 712/199/2003–126/2004 of the Minister of Agriculture, Forestry, Water and Environment, Minister of Economy and Trade, Minister of Administration and Interior for approval the Guide on Designing Proposal Programmes to progressively reduction of annual emissions of sulphur dioxide, nitrogen oxides and particulate matters from LCP facilities – (Official Journal no.145 .18 February, 2004).

Joint Order 712/199/2003–126/2004 of the Minister of Agriculture, Forests, Waters and Environment, of the Minister of Economy and Trade and of the Minister of Administration and Internal Affairs for the approval of the Guide on the drawing-up of the proposals of the progressive reduction programmes of the annual emission of sulphur dioxide, and dust from large combustion plants (OJ No. 145/18.02.2004)

Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants

GD No 1856/22.12.2005 (OJ No 23/11.01.2006) on national emission ceilings for certain atmospheric pollutants

Directive 1999/13/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations

Governmental Decision No. 699/2003 on the establishing of certain measures on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations (OJ 489/8.07.2003)

MO No 859/26.09.2005 (OJ No 888/04.10.2005) on approval of guides

Regulation 761/2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)

Order of the Minister of Agriculture, Forests, Waters and Environment no. 50/2004 on the establishment of the organising and co-ordination procedure of the environmental management and

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audit scheme (EMAS) with a view of voluntary participation of the organization at these scheme (OJ 81/30.01.2004)

2001/688/EC: Commission Decision of 28 August 2001 establishing ecological criteria for the award of the Community eco-label to soil improvers and growing media

Governmental Decision No. 176/2004 establishing the criteria for the award of the eco-label to soil improvers and growing media (OJ 169/26.02.2004)

Commission Decision 2001/687/EC on establishing ecological criteria for the award of the Community eco-label to portable computers

Governmental Decision No. 175/2004 on establishing Criteria for the award of eco-label to portable computers – (OJ 170/26.02.2004)

Commission Decision 2003/31/EC establishing revised ecological criteria for the award of the Community eco-label to detergents for dishwashers and amending Decision 1999/427/EC

Governmental Decision N° 253/2004 establishing ecological criteria for the award of the eco-label to detergents for dishwashers (OJ 185/3.03.2004)

2002/231/EC: Commission Decision establishing revised ecological criteria for the award of the Community eco-label to footwear and amending Decision 1999/179/EC

Governmental Decision N° 254/2004 establishing ecological criteria for the award of the eco-label to footwear (OJ 185/3.03.2004)

Commission Decision 2002/371/EC establishing the ecological criteria for the award of the Community eco-label to textile products and amending Decision 1999/178/EC

Governmental Decision N° 177/2004 establishing criteria for the award of the eco-label to textile products (OJ 198/5.03.2004)

Commission Decision 2002/739/EC establishing revised ecological criteria for the award of the Community eco-label to indoor paints and varnishes and amending Decision 1999/10/EC

Governmental Decision N° 259/2004 establishing Criteria for the award of the eco-label to indoor paints and varnishes (OJ 219/12.03.2004)

Commission Decision 2002/740/EC establishing revised ecological criteria for the award of the Community eco-label to bed mattresses and amending Decision 98/634/EC

Governmental Decision N° 284/2004 establishing Criteria for the award of the eco-label to bed mattresses (OJ 225/15.03.2004)

Directive 2002/95/EC of the European Parliament and of the council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic.

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GD No 992/25.08.2005 (OJ No 822/12.09.2005) which transposes Directive 2002/95/EC of the European Parliament and of the restriction of the use of certain hazardous substances in electrical and electronic equipment

Commission Decision 2001/405/EC of 4 may 2001 establishing the ecological criteria for the award of the Community eco-label

GD No 522/09.06.2005 (OJ No 533/23.06.2005) on establishing the criteria for the award of Community eco-label

NOISE

Council Directive N° 86/594/EEC on airborne noise emitted by household appliances

Governmental Decision N° 672/2001 on setting up the conditions for placing on the market of household appliances, depending on the level of airborne noise - (OJ 445/8.08.2001)

Council Directive N° 2000/14/EC on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors

Law N° 608/2001 on the assessment of product conformity - (OJ 712/8.11.2001)

Governmental Ordinance N° 71/2003 on the modification and completion of the Law No. 608/2001 on the assessment of product conformity (OJ 621/30.08.2003)

Law 503/2003 (OJ 876/10.12.2003) on the approval Governmental Ordinance No. 71/2003 on the modification and completion of the Law No. 608/2001 on the assessment of product conformity

Governmental Decision N° 71/2002 (OJ 119/14.01.2002) for the approval of the Methodological Norms regarding setting-up of the procedures used in the assessment of the product conformity process from the regulated fields, foreseen in the Law 608/2001 on the assessment of the product conformity and of the rules of enforcement and use of the national conformity mark CS.

Governmental Decision N° 487/2002 (OJ 388/06.06.2002) for the approval of the Methodological Norm on the national designation and notification of the testing laboratories, as well as of certification and inspection organisms which accomplish the assessment of the conformity of the products from the regulated fields, foreseen in Law 608/2001, on the assessment of product conformity.

Governmental Decision No. 195/22.12.2005 (OJ No. 1196/30.12.2005) which repeals and replaced Law no. 1372005, with its further modifications and completions.

Governmental Decision No. 539/07.04.2004 (OJ No. 398/05.05.2004), on the limitation of noise emission in the environment by equipment for use outdoors.

Governmental Decision No. 482/01.04.2004 (OJ No. 348/21.04.2004), on the conditions for placing on the market the household appliances depending on airborne noise (repealing GD No. 672/2001).

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Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise – Declaration by the Commission in the Conciliation Committee on the Directive relating to the assessment and management of environmental noise

GD No. 321/14.04.2005 on assessment and management of the environmental noise (OJ No. 358/27.04.2005)

NUCLEAR SAFETY AND RADIATION PROTECTION

Council Directive 97/43/Euratom on health protection of individuals against the dangers of ionising radiation in relation to medical exposure

Order of Minister Health No 381/05.04.2004 (OJ No 527/11.06.2004) approving the Sanitary Basis Norms on safe deployment of nuclear activities

Joint Order No 79/04.03.2002 of CNCAN President and Order No 285/19.04.2002 of Minister of Health (OJ No 446/25.06.2002) approving the Norms on radiation protection of individuals in case of professionals exposure to ionizing radiation

Commission Regulation 1627/2000 amending Regulation (EC) No 1661/999 laying down detailed rules for the application of Council Regulation No 737/90 on the conditions governing imports of agricultural products

Joint Orders No 91/14.03.2002 of CNCAN President, Order of Minister of Health No 856/23.11.2001 and order No 112/04.03.2002 of the MAFF approving the Norms on radioactive contamination of foodstuffs and feedstuffs following a nuclear accident or other radiological emergency situation

Council Directive 96/29/Euratom, laying down basic safety standards for the protection of the health of workers and the general public against dangers arising from ionizing radiation

Order No 94/14.04.2004 (OJ No 532/14.06.2004) of the CNCAN President approving the Norms on radiological safety in the radiotherapy practice

Order No 381/05.04.2004 (OJ No 527/11.06.2004) of Minister of Health approving the sanitary basis norms on safe deployment of nuclear activities

Council Directive 89/618/Euratom on informing the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency

Law No 15/28.02.2005 for approving MO No 21/2004 related to the National System for the Management of Emergency Situations (OJ No 190/07.03.2005)

Council Directive 2003/122/Euratom of 22 December 2003 on the control of high-activity sealed radioactive sources and orphan sources

Order of CNCAN President No 356/21.11.2005 (OJ No 1109/08.12.2005) on approval of Norms for orphan sources and high activity closed sources

Chemicals and Genetically Modified Organisms (GMOs)

Council Directive 90/219/EEC of 23 April 1990 on the contained use of genetically modified micro-organisms

Law No 214/19.04.2002 (OJ 316/14.05.2002) for approval of GO No 49/30.01.2000 (OJ No 48/31.01.2000)

Commission Decision 2000/608/EC of 27 September 2000 concerning the guidance notes for risk assessment outlined in Annex III of Directive 90/219/EEC

Law No 214/19.04.2002 (OJ 316/14.05.2002) for approval of GO No 49/30.01.2000 (OJ No 48/31.01.2000)

Council Directive 87/217/EEC of 19 march 1987 on the prevention and reduction of environmental pollution by asbestos

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OM No 108/16.02.2005 (OJ No 217/15.03.2005) on the methods of sampling and determinations of the quantities of asbestos into environment

Directive 2001/18/EC of the European Parliament and of 12 march 2001 on the deliberate release into environment of genetically modified organisms and repealing Council directive 90/220/EEC

Law No 214/19.04.2002 (OJ 316/14.05.2002) for approval GO No 49/30.01.2000 (OJ No 48/31.01.2000)

MO No 923/2005 (OJ No 937/20.10.2005) on the summary information format relating to the placing on the market of genetically modified organisms as or in products

MO No 606/06.07.2005 (OJ No 704/04.08.2005) regarding the approval of the format for presenting the results of the deliberate release into environment of genetically modified higher plants for purposes other than placing on the market

MO No 838/2005 (OJ No 864/26.09.2005) for the approval of guidance notes on the implementation of the Annex of the Monitoring Plan

Montreal Protocol on substances that deplete the ozone layer-Declaration by the European Economic Community

Law No 281/05.10.2005 (OJ No 914/12.10.2005)

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Annex 5 - Lessons learnt from previous years

2007 TRANSITION FACILITY

Identified Gaps or Recommended courses of intervention	Action for covering the Gap or implement the recommended intervention	Phare programming (Project Reference) 2004 – 2006			Transition Facility
		2004	2005	2006	
<p>NATIONAL ENVIRONMENTAL GUARD</p> <p>The strategy presented during the negotiations at Chapter 22 – Environment, as regards the activity of inspection and control for environment protection – is developing according to the Recommendation 2001/331/EC related to the minimal criteria for inspection in Member States, published in Official Journal of European Community, no. L118/41 from 27th of April 2001, and in the Regular Report on Romania of European Commission from 16th May 2006, Chapter 22 – Environment, it is concluded that for the National Environment Guard the reinforcement of institutional capacity is needed in order to fulfil the required inspections through supporting the inspection and control activities.</p> <p>The reinforcement of institutional capacity in order to fulfil the required inspections through supporting the inspection and control activities was also recommended by the representatives of the European Commission and EU experts assigned</p>		<p>- PHARE 2004/IB/EN/01 twinning project - 'Implementation of the environmental Acquis focussed on air quality' – REPA Cluj phase I (TW);</p> <p>- PHARE 2004 twinning project RO – 2004/IB/EN/02 – "Implementation of the environmental Acquis focussed on Nature protection – REPA Sibiu TW);</p> <p>- PHARE 2004 twinning project RO – 2004/IB/EN/03 – 'Implementation of the environmental Acquis focussed on Nature protection – REPA Timisoara (TW);</p>		<p>- PHARE 2006 twinning project RO/IB/EN/01 - Implementation of the environmental Acquis focussed on air quality and climate change – REPA Cluj, phase II (TW)</p> <p>- PHARE 2006 twinning project RO 2006/IB/EN/02 Implementation and enforcement of the environmental Acquis focussed on nature protection – REPA Sibiu, phase II (TW)</p> <p>- PHARE 2006 twinning project RO 2006/IB/EN/03 Implementation and enforcement of the environmental Acquis focussed on soil/subsoil and ecological rehabilitation – REPA Timisoara, phase II (TW)</p> <p>- PHARE 2006 twinning project RO 2006/IB/EN/04 Implementation and</p>	<p>2007 TF project - Support to National Environmental Guard administration to ensure appropriate enforcement of environmental legislation at EU border</p>

Identified Gaps or Recommended courses of intervention	Action for covering the Gap or implement the recommended intervention	Phare programming (Project Reference) 2004 – 2006			Transition Facility
		2004	2005	2006	
<p>within Phare twinning project RO 2004/IB/EN-09 - NEPA”.</p> <p>Having in view the necessity of fulfilling all commitments taken regarding implementing and applying the new legislation on environment, the reinforcement of the administrative and institutional capacity is required by setting up departments for inspection and control in the field of waste, water, dangerous chemical substances, of a department of training and improving the professional quality, of a directorate of economic investigations, of a department of statistics and synthesis, and of a department of spreading the information related to the environment field.</p>	<ul style="list-style-type: none"> - To establish Staff performance criteria/ Methodology to evaluate commissioners activity within NEG; - Organize and deliver training programme for staff based on TNA/Programme and Strategy; - To disseminate information and methodology to be applied in Romania as EU Member State. 	<ul style="list-style-type: none"> - PHARE 2004 twinning project RO 2004/IB/EN/04 - Implementation and enforcement of the environmental Acquis focussed on IPPC” - REPA Craiova (TW); - PHARE 2004 twinning project RO 2004/IB/EN/05 - Implementation and enforcement of the environmental Acquis focussed on IPPC and risk management” - REPA Pitesti (TW); - Phare 2004 twinning project RO 2004/IB/EN/06 - Implementation and enforcement of the environmental Acquis focussed on domestic waste management - REPA Bacau (TW); - Phare 2004 twinning project RO 2004/IB/EN/07 - Implementation and enforcement of the environmental Acquis focussed on industrial waste management - REPA Galati, phase II (TW); - Phare 2004 twinning project RO 2004/IB/EN/08 - Implementation and 		<p>enforcement of the environmental Acquis focussed on IPPC – REPA Craiova, phase II (TW)</p> <p>- PHARE 2006 twinning project RO 2006/IB/EN/05 - Implementation and enforcement of the environmental Acquis focussed on IPPC and risk management – REPA Pitesti, phase II (TW)</p> <p>- Phare 2006 twinning project RO 2006/IB/EN/06 - Implementation and enforcement of the environmental Acquis focussed on domestic waste management - REPA Bacau, phase II (TW)</p> <p>- Phare 2006 twinning project RO 2006/IB/EN/07 - Implementation and enforcement of the environmental Acquis focussed on industrial waste management – REPA Galati, phase II (TW)</p> <p>PHARE 2006 twinning project RO 2004/IB/EN/08 - Implementation and</p>	
<p>Regular Report on Romania of European Commission from 16th May 2006, Chapter 22 - Environment - National Environment Guard - the reinforcement of its institutional capacity is needed in order to fulfil</p>					

Identified Gaps or Recommended courses of intervention	Action for covering the Gap or implement the recommended intervention	Phare programming (Project Reference) 2004 – 2006			Transition Facility
		2004	2005	2006	
<p><i>the required inspections through supporting the inspection and control activities. To comply with these requirements, the NEG structures and staff need appropriate equipment and instruction".</i></p> <p>According to May 16th, 2006 CMR recommendations: "[...] the National Environment Guard needs reinforcement in order to carry out the necessary inspections in the field of waste management. The National Environmental Guard should be further reinforced in order to be able to ensure appropriate enforcement of inter alia Integrated Permits.</p> <p><i>"For the National Environment Guard the reinforcement of its institutional capacity is needed in order to fulfil the required inspections through supporting the inspection and control activities. To comply with these requirements, the NEG structures and staff need appropriate equipment and instruction.</i></p> <p>"The National Environmental Guard should be able to ensure appropriate enforcement of environmental legislation."</p> <p><u>Monitoring Report on the state of preparedness for EU membership</u></p>		<p>project RO 2004/IB/EN/07 - Implementation of the environmental Acquis focussed on industrial waste management - REPA Galati (TW);</p> <p>- PHARE 2004 twinning project RO2004/IB/EN/08 - Implementation and enforcement of the environmental Acquis focussed on VOCs and Noise - REPA Bucharest (TW);</p> <p>- PHARE 2004 twinning project RO2004/IB/EN/09 - Implementation and enforcement of the environmental Acquis at national level and coordination of the other 8 regional twinning projects - NEPA Bucharest, phase II</p> <p><u>Task 1.19</u> Support to the National Environmental Guard (NEG) by strengthening its capacity on inspection and control (TA)</p>		<p>enforcement of the environmental Acquis focussed on environmental noise - REPA Bucharest, phase II (TW)</p> <p>- PHARE 2004 twinning project RO2004/IB/EN/09 - Implementation and enforcement of the environmental Acquis at national level and coordination of the other 8 regional twinning projects - NEPA Bucharest, phase II</p> <p><u>Task 1.19</u> Support to the National Environmental Guard (NEG) by strengthening its capacity on inspection and control (TA)</p>	

Identified Gaps or Recommended courses of intervention	Action for covering the Gap or implement the recommended intervention	Phare programming (Project Reference) 2004 – 2006			Transition Facility
		2004	2005	2006	
<p>of Bulgaria and Romania of September 22nd, 2006:</p> <p>"Good progress can be noted as regards administrative capacity in general. Staff recruitment and training have been carried out. The division of responsibilities between different levels of the environment administration has been improved. However, the advisory role of the Ministry and the National Environmental Agency towards regional and local agencies remains to be strengthened. The remaining job vacancies be filled in before accession and training needs to be continued in order to ensure appropriate quantity and quality of staff."</p>					

Note: The table should summarize all the interventions aimed at the application of the recommendations of the comprehensive Monitoring Report, SIGMA (financial control, procurement, Peer Reviews, Evaluation reports, Final reports of TW projects, specifying the sources of financing of the intervention, i.e. IFIs or state budget (see the examples in the table).

Please insert in the table only those gaps/recommendations relevant for the interventions planned for current exercise, in a most synthetic way.

Obviously, the column for PHARE 2004-2006 will be completed only if the intervention spans over all the three programming years – i.e. there are projects to be financed from Phare 2004, respectively 2005 and 2006 under the same recommendation.

¹ Specify the source: Interim Evaluation Report, Thematic Evaluation Reports (published on DG ELARG website), Peer Reviews, Country Progress Report.

² The action will be financed from the state budget.

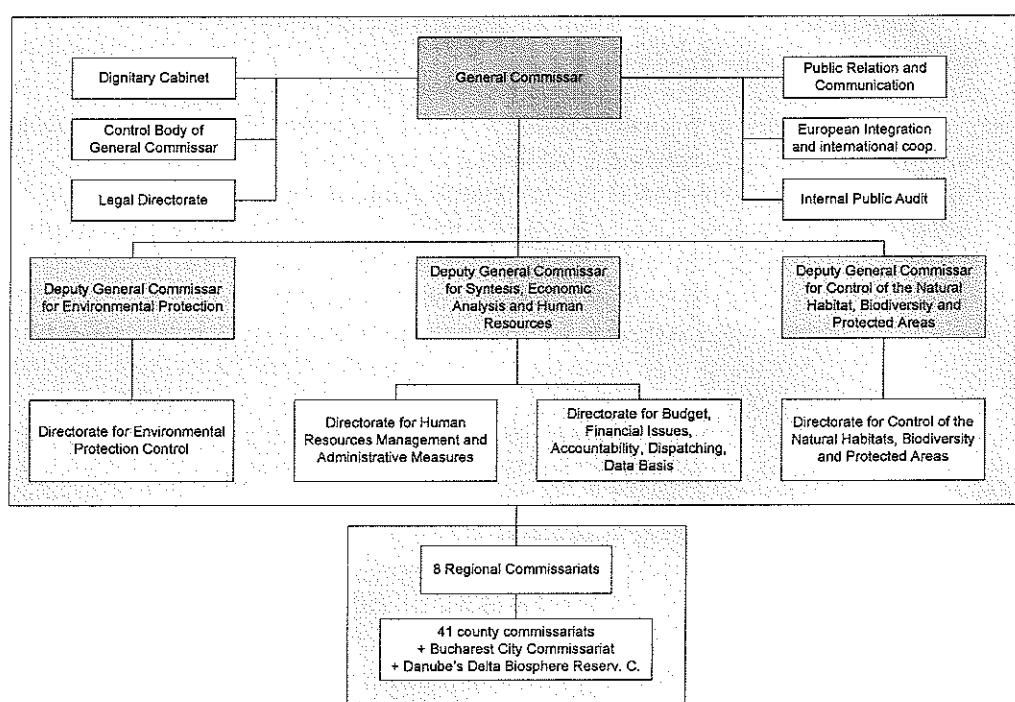
³ The action will be financed by an IFI e.g. World Bank etc

Annex 6

NEG – IB assessment – deliverable from Phare 2004 twinning project at NEPA, Romania

National Environmental Guard (NEG)

By means of the GD 440/2005 the National Environmental Guard was re-organized. It is subordinated to the Ministry for Environment and Water Management and has the internal structure² as shown in the figure below. The General Commissariat represents the central board of NEG and directly coordinates the activity of the 8 regional commissariats. The regional commissariats are institutions with legal status, which include in their structure 41 county commissariats, Bucharest City Commissariat and Danube's Delta Biosphere Reservation Commissariat. These local institutions are organized as services without legal status within the regional commissariat to which they belong.



Structure of National Environmental Guard

The National Environmental Guard is a specialized body for inspection and control and ensures compliance with legal provisions, prevention and enforcement of the legislation for environmental protection and related policy fields. Its main tasks in the field of environmental protection are as follows:

- organizes, coordinates, guides and controls the regional and county commissariats activity of inspection and control, with a view to develop it unitary at the national level;
- issues, promotes and brings up to date, together with the central public authorities for environmental protection, regulations, guides and technical norms in the field of inspection and control activity, that represent internal documents;

² see "Progresses registered on the strengthening of the institutional and administrative capacity for the implementation of environmental legislation at national, regional and local level"

- elaborates the annual plan of inspection, through the setting up of goals, tasks and concrete ways of action;
- controls the activities with environmental impact and applies penalties in conformity with the environmental protection laws;
- controls the compliance to the environmental regulation acts provisions, including the measures stipulated on the conformity programs for economic and social activities;
- controls the compliance to the legal provisions for issuing regulation papers – notices, agreements, environmental and water management authorizations – as well as the ones referring to the protected areas regime and has access to the entire documentation underlying their issuance;
- controls the import – export activities of the goods, products or other materials which have a special trade regime, according to the laws regulating international trade with such products, goods or materials, for which it cooperates with all competent territorial authorities and enforces the measures foresaw by law;
- controls the activities presenting major accidents risk and/or major cross-border impact on environment, in order to prevent and limit pollution risks;
- participates in the interventions for the elimination or limitation of major pollution effects on environmental factors, decides their causes and applies penalties stipulated by law, including several installations turning off and/or the stopping of several activities during determined periods of time if the population's health is at risk or if the concentration of pollutants is higher than endorsed by environmental laws;
- controls the environmental investments in all execution stages and has access to all documents;
- proposes to the issuing authority the suspension and/or cancellation of the regulation acts issued by non-compliance to the legal provisions;
- identifies the offences actions and applies the penalties in the environmental protection field, reports the offences to the criminal prosecutor and collaborates with this in order to identify the actions that in conformity with the environmental legislation are considered offences;
- checks the complaints in the environmental protection field;
- issues points of view in order to notice the projects of normative acts initiated in the area of environment protection;
- fulfils any other duties of inspection and control provided by law and applies the corresponding measures;
- plays an active role in the international and European inspection networks;
- co-operates with all the environmental international bodies and participates at the projects and programs carried on the environmental protection field;
- controls the hazardous waste export and transit in conformity with the provisions of the international conventions on which Romania is a part, as well as the import of some waste categories which are allowed to be imported in conformity with law;
- checks the stage of the financial duties' payment to the Environmental Fund Administration, according to the provisions of environmental fund law;
- provides to the public information regarding the environmental state, according to the law of public access to the environmental information.

In the field of the control of the natural habitats, biodiversity and protected areas, the NEG has the following tasks:

- elaborates the annual plan of inspection and control, through the setting up of goals, tasks and concrete ways of action in the area;
- makes the activity report;

- controls the investments needing environment notice/agreement in all execution stages, having access to all documents, monitoring these until their completion;
- proposes to the issuing body the suspension or cancellation of the environment notice/agreement, in the case of infringement of legal provisions;
- identifies the offences actions and applies the penalties in the activity field, reports the offences to the criminal prosecutor and collaborates with this in order to identify the actions that in conformity with the environmental legislation are considered offences;
- controls the compliance with the environmental legislation concerning the natural protected areas, the maintenance of natural habitats, flora, wild fauna and fish breeding, in order to fulfil the specific functions;
- checks the compliance with the environmental permit provisions;
- controls the works with impact on natural habitat areas, for maintenance of ecosystems, flora, wild fauna and fish breeding;
- controls the compliance with the disposed measures for preservation, with the view to maintain or to rehabilitate certain natural habitats, on certain terrestrial and water areas, especially in the "Danube's Delta";
- controls the activities of capturing, harvesting, acquisitioning and trading on the internal and external market of the plants and animals in the wild flora and fauna;
- controls the legal status of keeping in captivity wild animals by individuals or firms, as well as their living conditions;
- controls the way of administration of toxic substances harmful for the flora, fauna and fishery, as well as the way of harvesting the plants in agricultural sector;
- organizes, coordinates and participate directly to actions for prevention and fighting against offences, in its activity area, together with the competent bodies, through the stuff enforced for this based on concluded collaboration protocols;
- checks the complaints regarding the infringement of specific normative acts by individuals and firms, as well as the penalties according to the law;
- controls the way and means to capitalize the flora and wild fauna biological resources, the fishery fund from the natural waters and the wild animals of hunting importance;
- organizes the actions for prevention and fighting against the destruction of the natural habitats, by burning out the stubble fields, reed, forestry vegetation, drains and water flows deviations, as well as other actions for wild fauna health and quiet insurance;
- controls the observance of duties by the owners with any title and by the forest administrators having forestry vegetation outside the forestry fund and stubble fields, according to the laws in force;
- controls the observance of legal provisions regarding the waste deposits following the wood processing;
- controls the putting into practice of the measures needed for maintaining the ecological balance of land and water environment;
- controls the compliance with the environmental legislation in the protected areas, parks and natural reservations, by organizing some common actions with their representatives in order to protect the natural habitats;
- organizes promotion actions toward population for the environment laws in its activity field;
- maintains the permanent relationship with the bodies with activity in the field of flora and wild fauna's protection

The regional areas of responsibility are comparable to those of the Regional Environmental Protection Agencies though some of the commissariats are placed in different cities. In addition to this, regional responsibility of the REPAs Bucharest and Pitesti is separated in an Eastern and Western Commissariat, i.e. Bucharest and Arges.

Results of the Administrative and Institutional Assessment of the National Environmental Guard

Management of Tasks

Harmonization of Permitting and Inspection Activities

There is a clear separation of permitting and enforcement tasks. Permitting is done by the relevant REPA and LEPA while inspection and enforcement is done by the NEG. For both tasks different kinds of staff and structures are needed. A construction like this can therefore be preferred under the condition that there are clear and workable agreements between the organisations with respect to cooperation and information exchange. It is of importance that the administration for environmental protection as a whole has the same targets and goals set when dealing with the same activities. To deal with this a protocol has been signed between the organisations on these topics.

The experts recommend to evaluate how the agreements in the protocol on cooperation and information exchange work in practise between NEPA, REPA, LEPA and NEG and to make adjustments where necessary.

IPPC Permitting

Today, there are 716 IPPC installations in Romania. 177 of these have a transition period in the permit. 30 installations have already an integrated permit. 350 have already applied for an integrated permit.

The REPA announces if an economical agent (operator) handed in an application for permit. The NEG participates e.g. during public debates and in the technical commission. Enforceability of permitting conditions is looked at.

Considering the former environmental permits, most of the today's requirements from European law have been already implemented. It is expected that inspection will not change significantly.

The Environmental Guard also inspects the water area (integrated approach) together with other relevant environmental fields so far being separately handled in the Romanian administrative structure (EPAs).

For new installations that are subject to permitting, inspections are compulsory.

For enforcement actions the inspector can request the NEPA laboratory to perform the measurements.

Budget

The Regional Commissariats have authorisation regarding budgeting, personnel and inspection issues. Big investments need approval of the head office. Investments can be coordinated from the head office in case of quantum discount.

Strategy and Planning

The NEG makes an annual planning. A copy of the 2006 planning was given to the short term experts. The document gives the following information on

- how many hours are allocated to different regional commissariats per inspection type
- the theme inspections of this year will be
- the type of object that will be inspected (A1-A3 and B1-B7)

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The number of inspectors needed per county depends on the objects to be inspected and can be derived from the planning. The hours that are allocated are figures from experience.

Weekly plans are also available. It shows the name of the inspector, the date and the company or object that they will inspect.

To be able to plan inspection activities a system for prioritising the work is necessary. For this it is recommended to develop a more enhanced method to prioritize the inspections and to define the frequencies. The short term experts advise to examine the systems that are currently used in other Member States (e.g. OPRA in the UK) to see what can be best used for the NEG.

As a general scheme for prioritising inspection work, the following elements need to be considered:

- environmental impact of the activity
- compliance behavior of the operator
- risk of non-compliance (how big is the financial profit for non-compliance)
- implementation of environmental management system
- complaints
- accidents
- size and complexity of the installation/activity/company

Depending on the system used for considering/assessing the above listed issues a list of prioritised activities is prepared that specifies the need of attention by the authority. In combination with the estimation of the required inspection hours a general planning of inspection activities can be realised.

Sanctions and Court Cases

The enforcement strategy knows 2 types of sanctions, i.e. main and complementary sanctions. The main sanctions (sanctions 1) cover

- warning,
- fine,
- confiscation, and
- community work as punishment,

whereas the complementary sanctions (sanctions 2) cover

- proposal for suspension of license,
- closing the activity temporarily,
- closing the activity permanently, and
- blocking the bank account.

Sanction 1 has to come before starting with sanctions 2.

Since February 2006 the fines have been increased significantly. 25% of the fines can be used to "stimulate" the staff of the NEG concerning inspection (extra salary).

The NEG keeps record of a detailed list with companies that have a bad compliance record (black list).

The National Environmental Guard priorities a closer link and collaboration with the court of law. The staff of the court of law needs to be trained more on environmental law. In each regional commissariat there is one juridical counsellor representing the cases in court.

Work Process

The recommendations of the EU on the minimum criteria of environmental inspections are transposed into law. See "Technical norm on the organization and development of inspection and control activities in the environment protection field".

There exist the following types of inspections:

- A. Planned – according to the inspections plan in order to check the compliance of the controlled objectives types A and B according to the legal stipulations in the environmental protection field.
- B. Unplanned, such as:
 - 1. thematic - inspections conducted in order to check the compliance of the controlled objectives types A and B according to the legal stipulations in the environmental protection field, in conformity with the methodology and time established by the General Commissariat of NEG.
 - 2. notifications settlement – inspections conducted in order to verify if the notifications for all kind of objectives and activities are grounded and closing those activities which are not complying with the legal stipulations.
 - 3. issue, prolong or update the regulation documents - inspections of the controlled objectives types A and B conducted commonly or separated with the regulation authority in the environmental protection field, in order to elaborate regulation documents in accordance with the legal stipulations.
 - 4. incidents or accidents investigation with a significant impact on the environment - inspections conducted to all kind of objectives, which are pursuing the following:
 - a. to elucidate the causes of the incident and the impact on the environment, the responsibilities, the consequences of the incident and if necessary to transmit the conclusions at the authorities if penalties needed;
 - b. to minimize the impact on the environment the owner should take rehabilitation measures;
 - c. to prevent the future accidents/ incidents with a negative impact on the environment the owner should take rehabilitation measures;
 - d. contravention penalties depending on situation;
 - e. Checking the solutions and the activity taken by the owner of the objective for the limitation of the impact and for remediation.
 - 5. in order to verify the conditions imposed by the regulation documents – inspections for the objectives type A and B, in order to pursue the achievement conditions of a new project/activity, from designing up to starting the activity or inspections in order to verify some specific conditions imposed in other regulation documents in the environmental protection field.
 - 6. checking the activities which determined nonconformities in the environmental protection field - inspections to all kind of objectives or activities, investigating some actions denounced to NEG, in order to verify and stop the nonconformities

Object types for inspections

- A1 - industrial activities stipulated in Appendix 1 of the Governmental Emergency Decision no. 34/2002 for prevention, reducing and control of pollution, approved with modifications by Law no. 645/2002, (Directive 96/61/EC-IPPC);
- A2 - objectives who own/hold dangerous substances in quantities specified in Appendix no. 2 from Governmental Decision no. 95/2003 on the control of activities which may generate major-accident hazards involving dangerous substance (Directive 96/82/EC- SEVESO II);

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- A3 - objectives with large combustion plants, bigger than 50 MW, except the installations mentioned in Art.3, paragraph (2) from G.D. no. 541/2003 on the establishing of some measures on the limitation of emissions of certain pollutants into the air from large combustion plants, amended by GD No 322 (Directive 2001/80/EC- Large Combustion Plants).
- B1 - economical objectives that are under the provisions GD No 699/2003 on establishing of certain measures on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations, with all the subsequent modifications (Directive COV)
- B2 - waste waters treatment plants for >2000 i.e. (inhabitant equivalent) which are under the provisions of GD No 188/2002 for the approval of the norms regarding the discharging conditions of waste water into the aquatic environment, table 4, with all the subsequent modifications (Directive 91/271/EEC)
- B3 - activities stipulated in Annex No. 1 of GD No 188/2002 for the approval of the norms regarding the discharging conditions of waste water into the aquatic environment, table 4, with all the subsequent modifications (Directive 91/271/EEC)
- B4 - activities that discharge into the surface and underground waters some compounds stipulated in Annex No. 1 of GD No 351/2005 on the approval of a Program for the gradual elimination of discharges, emissions and losses of most significant dangerous substances, which repeals GD No 118/2002 (Directive 76/464/EEC)
- B5 - Depositing, recovering and processing activities on hazardous waste with capacities <10t/day (Directive 91/689/EEC on hazardous waste)
- B6 - Incineration installations excepting the ones stipulated in Art.3 from GD 128/2002 regarding waste incineration, with all the subsequent modifications (Directive 2000/76/EC)
- B7 - Other objectives type "B" than the ones classified according to the EU Directives above-mentioned criteria.

Inspections at site are executed by a team of 2 inspectors. The motivation for working in a team is for corruption reasons. At the end of each inspection a report is written at the site. Writing the report at site is a legal requirement. Both inspector and operator need to sign the report.

It is recommended to examine the process how inspections are executed to see how the output of the resources can be made most efficient. Examples for this could be found in defining the categories of activities where there is a low risk of corruption and only one inspector is necessary to execute the inspection alone. Further examples might be to reduce the time that is needed for the administrative part during the inspections, the way reports are written and the input of IT in this could be look in.

Human Resources in NEG

The Regional Commissariats have generally three to seven persons of staff. Therefore they only can have control and managing functions. They are described as being the most experienced staff, so commissariats of the county can contact them when having questions, or being used as backup for difficult cases and needing assistance.

Maximal staff number is 748 (set by law). Today the total number of positions occupied is 635, this means, that 133 positions are still vacant. Thus, the effort in finding new qualified staff has to be maintained and even intensified by NEG.

Key qualifications and skills of the different functions of the NEG staff are laid down in job requirements. The Directorate for Human Resource Management keeps the personal records and the training needs of the staff.

The process of employing new staff has been advanced. In the past it could have lasted 90 days until new staff would be hired. The National Agency for Public Servants needs to give approval before a contest can start. It was mentioned that the salary is a problem for getting good staff. The level of salary for civil servants is one important issue that has to be changed on governmental level.

Technical Infrastructure

Working Places

The rooms used for the NEG are mostly no "real" offices. They are more alike corridors, meaning loud and narrow working areas for the staff. All directorates consist of maximum eight to nine persons, meaning that all persons sit in one room. This offers close information exchange, but again this means also narrow working area for the staff (small desk, no shelf etc.). It is recommended to analyse in how far the possibility exists to improve the working area for the staff, i.e. the establishment of required offices, within the head office building of the NEG.

Besides, there seems to be no access to adequate meeting rooms. The experts recommend the realisation of more and better meeting facilities at the head office.

Equipment of Inspectors

In the Governmental Decision 440 it is written that inspectors should get the following equipment:

- 1 car for 2 inspectors (inspectors always operate as a team)
- protective clothing
- mobile phones
- sampling equipment in case of emergency response (this equipment is not an overlap with the laboratory)
- 1 computer for 3 inspectors

As understood during the interviews the inspectors have access to this equipment.

Overall IT-system

At the moment there is a local network within the offices in Bucharest (head quarter, regional and county office of Bucharest). However there is no intranet for the whole organisation of the NEG but this is expected to be established very soon. The existing activities in this area are needed to be continued and, where/if possible, even enhanced.

Information Management

Communication Management

Internal Communication

The NEG is a large organisation with a lot of staff. For a professional organisation it is of importance to provide all staff with information that is necessary to do their work. Although there are some good initiatives there is no clear policy how information is exchanged within the NEG. Examples of such initiatives are that inspectors participating in a workshop or training he/she has to report and disseminate about what he/she learned at the Monday meetings. Also periodical meetings with inspectors to exchange information are being held, although not as often as necessary.

The experts recommend developing a policy on information exchange and knowledge management

External Communication

Information is exchanged with different partners in the environmental protection field. Protocols are the legal bases for this.

The NEG with its regional structures collaborates for inspection and control activities with all institutions currently under the Ministry of Environment and Water Management subordination. For this a protocol has been signed with the National Environmental Protection Agency.

The NEG has also been signing protocols of collaboration with other authorities of the public administration such as:

- Protocol of collaboration signed with the Health Ministry regarding the collaboration between authorities involved in the elimination of dangerous waste coming from medical facilities;
- Protocol of collaboration signed with The Ministry of Internal Affairs including The Romanian Gendarmerie regarding completion of some missions and attributions in their responsibility.

For the year 2005 there are in course of signing:

- Protocol of collaboration with The Ministry of Research and Education concerning the application of Environmental promotion programs in the teaching process
- Protocol of collaboration with the General Police Inspectorate regarding hunting and water poaching
- Protocol of collaboration with the Cadastral office

As understood during the interviews the cooperation with the Environmental Protection Agency on all 3 levels (national, regional and local) is working satisfactory.

Communication with the public is done by internet (website of NEG) and other communication means. Information that is given to the public is the following:

- information regarding the institutional capacity and NEG resources
- details about NEG tasks and its performances
- general information regarding the inspections (number of field inspections, controlled objectives, previous inspection)
- general information regarding the conformity of the controlled objectives to the legal stipulations
- a summary of actions and their number, carried on following notifications or for investigations of nonconformities to the legal stipulations
- evaluations of the inspections and recommendations for the future inspections

International Networking

The National Environmental Guard is active on different international and European platforms and networks (e.g. IMPEL and BERCEN). At the moment the NEG is organizing a meeting for the inspectorates from all EU countries to discuss the EU recommendation on the minimum criteria of inspections, to discuss an enhanced EU networking for inspectors and to demonstrate the present functioning of the Romanian NEG.

The Commissar General stressed that he would like this project to support the NEG in the enhanced EU networking for inspectors and to get an overview of different organizational inspection structures in Europe.

Reporting

The NEG reports annually on their inspection activities. The report of 2005 was given to the experts. The report is also sent to their partners. The report gives the following information:

- How many inspections per region per inspection object or inspection type has been executed
- How many sanctions and fines has been issued (in numbers and in money) per region per inspection object or inspection type
- How many inspections has been executed per region planned or unplanned

Knowledge Management

The NEG is a large organisation covering a lot of environmental fields. Within the organisation, different kinds of expertise and knowledge are needed for introduction to knowledge management. Expertise and knowledge is present or is to be developed by trainings. A clear policy on how the NEG would like to deal with knowledge management is not present.

The experts recommend to develop a policy on knowledge management and information exchange in which a network of expertise will get a place. A network of expertise can contain experts from in and outside the NEG organisation.

Guidelines and Manuals

The National Environment Guard decided in August 2005 to design, develop and implement a Quality Management System based on the international standard ISO 9001:2000. The QMS was audited in February 2006 by TÜV. The certificate will be handed out at the 3rd of April 2006. This decision of the General Commissioner of NEG made NEG one of the first public administration organizations in Romania which will operate a modern quality management system.

The QMS covers all the activities in the NEG (including the regional and county commissariats). The procedures (who, when, what, how) include the planning and programming, all different type of inspections, how to prepare, how to execute and how to report. The QMS is available for all the 635 staff. In the beginning there was some resistant from inspectors, working by strict procedures but they are getting more and more used to it.

Technical Infrastructure for Information Management

A new database has been developed. Begin of April 2006 the office in Bucharest will be involved in a pilot. After the pilot (and possible modifications) the database will be introduced in all the regional and county offices. The database will contain the inspections done by the County Commissariats. It is to be used as archive and documentary and information exchange (inter-administrative). The database is seen as one module in a whole environmental database surrounding headed by the system of the Ministry accompanied by those of e.g. EPA's (RESA GIN) and other relevant authorities. The following items will be stored:

- Region Commissariat
- Inspection number
- Inspection date
- Inspection period
- Inspection type
- Objective type (e.g. type of company / installation)
- Id code of Chamber of Commerce
- Company name and address
- Name and data of representative of company

- Name and data of person in charge on environmental matters
- Name and data of contact person
- Date and time of entering and leaving the site
- Activities and environmental areas that have been controlled during the inspection
- Conclusions or results of the inspection
- Analyze of previous recommended measures
- Penalties during inspection
- Established measures
- Evaluation of controlled installation (conformities with the regulation)

The software will help the inspector with writing his or her report. Reports are written manually at the site. There is a need to make this task more efficient.

Further, the software will provide the option for information management and help with informing the public. Reporting modules are included in the software.

Training Plan

In the past year (2005) staff of the NEG has participated in the following trainings:

- During January-May 2005 the third stage of training within the PHARE project "Twinning in the field of chemical substances for improvement of legislation and its enforcement" has been organized, in the periods of: 20-24 February, 13-17 March, 3-7 April, 5-6 May, 26-27 May, 10-15 June.
- During the period of 1-5 June 2005, the representatives of NEG have participated at a training program organized in Ireland by the ECENA (Environmental Compliance and Enforcement Network for Accession).
- During 18-22 April 2005, the representative of NEG has participated to the "Study Visit" regarding the implementation of LCP Directive, in Germany, organized as an activity of the Twinning RO 2002 IB/EN -02 for implementing directives COV, LCP and SEVESO II;
- During 29 May – 3 June 2005, the NEG representative has participated to the „Individual Study Visit" regarding the implementation of the SEVESO II Directive in Germany, organized as an activity of the Twinning RO 2002 IB/EN -02 for implementing directives COV, LCP and SEVESO II;
- During the period 10-15 July 2005 the NEG representative has participated in the "Individual Study Visit" within the PHARE project "Twinning in the field of chemical substances for improvement of legislation and its enforcement" package no.3 "ENFORCEMENT".
- An exchange program, under ECENA network, was organized in Romania during 19-22 October 2005. This program consisted out of sharing the Romanian experience regarding the implementation and enforcement of environmental legislation, focused on the directives included into „Industrial Pollution Control Sector" especially on IPPC Directive and on the site visits at the economical objectives under of its provisions.
- Further the NEG commissars have participated in activities of transposition and implementation of EU environmental legislation within inter-ministerial working groups.

Issues that are of interest for training at this moment are:

- Technical details and experiences: what kind of equipment, labs, (self) monitoring, limits, indicators to be used within inspections – any guides possible?
- Getting an overview of different organizational inspection structures in Europe (Spain, Netherlands, Germany, France, Italy etc.) How is the minimum criteria implemented in these countries?

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- Training together with courts of law, public prosecutor and judges concerning environmental law in general (learning how to plea in court, many cases 40% are lost in court at the moment)
- together with EPAs on respective relevant directives in detail

Besides these interests the NEG drafted a training program to be funded by Phare. The program has some overlap with this project. It can be used as input for the training programs to be composed in activity 1.3.

Training plan has the following objectives:

- accomplishment of the control plans for 2006
- management of programmes and projects
- judicial correctitude of the NEG in their control actions
- accomplishment of good relationship between public and authorities
- management of human resources
- improvement of knowledge management and information management
- evaluation of the results in the inspection activity
- participation in international networks on best practices
- educative activities
- budget and accountancy at EU level

The experts recommend to decide on the training issues that can be done within this project under activity 4.6. The “Improvement of knowledge management and information management”, chain inspections, border control and social aspects enforcement could be subjects for this.

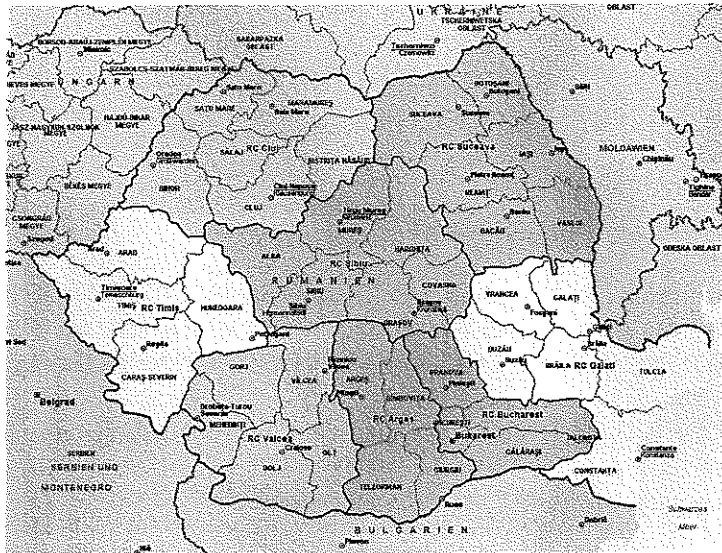
List of Recommendations for NEG

The following compilation of recommendations are basing on the previous discussion. It is planned to discuss various aspects in more detail as well as to further elaborate the listed recommendations in the frame of the ongoing PHARE project. Again, none of the recommendations is meant as a criticism. Moreover, the project partners appreciate any comment and suggestion from the Romanian side for reaching the joint objective: strengthening NEG as well as the whole Romanian environmental administrative body.

The following recommendations are listed in order of occurrence in this chapter. Each of the recommendations has been discussed in more detail in the respective paragraphs.

Internal Issues of NEG:

- Development of a more enhanced method for **prioritizing inspection activities**
- Analysis of execution of inspections for a more efficient output for resources
- Maintaining and intensifying of the **recruitment process**
- Improvement of working areas for NEG staff
- Realization of better meeting facilities in the head office
- Maintaining/enhancing of activities for establishment of NEG intranet
- Development of a **policy on information exchange**
- Development of a policy on knowledge management
- **Training of NEG staff**



Reg. Comm.	REPA
Suceava	Bacau
Galati	Galati
Arges	Pitesti
Valcea	Craiova
Timiş	Timisoara
Cluj	Cluj-Napoca
Sibiu	Sibiu
Bucharest	Bucharest

Geographic areas of responsibilities of the Regional Commissariats

The National Environment Guard decided in August 2005 to design, develop and implement a Quality Management System based on the international standard ISO 9001:2000. The organization was given the certificate by TUEV Thuringen on 3 April 2006. Thus, the NEG is one of the first public administration organizations in Romania which will operate a modern quality management system.

Annex 7

EDIS QA/QC Procedures

The Romanian Ministry of Environment and Sustainable Development (MESD) operates Phare Programmes (2004-2006)/ projects under EDIS Procedure/Manul which includes also a special dedicated chapter on "QUALITY ASSURANCE and QUALITY CONTROL" in all PCM phases.

The QUALITY ASSURANCE PROCEDURES describes functions & procedures for the Management of the Community assistance under EDIS (PHARE). The procedure applies to all PHARE projects over the entire period of time of their development.

Responsibility and authority

The responsibility for applying and implementing current procedure rests with the Head of PIU - DSPO.

General principles

The Internal technical quality and conformity control should not be looked upon as a separate, specialized system within the Implementing Authority. This unit should be recognized as an **integral part of the system** that is to be used as a **management tool to regulate and guide operations**.

The purpose of this internal procedure is to **provide guidance to operational staff on the technical quality and conformity assurance and control functions for the PHARE programmes**.

The techniques are the mechanism by which control and conformity objectives are achieved and they must be reviewed to be effective and efficient in accomplishing the objectives. Techniques include such things as specific policies, procedures, plans of organisation etc.

Programming QA Procedures

The quality assurance procedures related to the programming phase of the projects are detailed below.

Identification & selection of projects

The Project Officers collect the relevant data in order to identify the major problems and needs within environment and water sectors, as well as problem/ need analysis and present the results to the Programming - QA Controller.

The Project Officers identify the thematic sectors to be supported by Phare assistance within environmental sectors and based on the national environmental policy documents and present the results to the Programming - QA Controller.

The Project Officers select specific project ideas and present the results to the Programming - QA Controller.

The **Programming - QA Controller** informs the DSPO and the SPO about the selection of the future projects.

Preparation of Standard Project Fiches

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The Project Officer(s) prepare the Standard Project Fiches and present them to the **Programming- QA Controller**.

The Programming - QA Controller controls the conformity with the EC requirements for the content of the project fiches and gives recommendations for improvement.

The Project Officers up-date and revise the project fiches.

The final versions are sent to the Programming - QA Controller.

The Programming - QA Controller informs the DSPO - Senior QA Controller and the SPO about the final project fiches and their conformity.

The DSPO - Senior QA Controller and the SPO perform the final QA of the project fiches, respecting the “four eyes” principle.

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Annex 8 – Detailed budget

Actions to be undertaken under the Twinning Light project	Responsibility		Cost		
	<i>tick as appropriate</i>				
	BC	MS	Unit Cost	No of Units	total MS Cost
Activity 1 - Establishing Human Resources Development measures related to objective – including evaluation of staff performances					
2 MS Experts		X	250,00	20	5.000,00
Project management costs		X	3.500,00	150%	5.250,00
Per diems		X	228,00	20	4.560,00
Air tickets		X	800,00	2	1.600,00
Coffee breaks	X				
Incidental costs		X	20,00	20	400,00
Total activity 1					16.810,00

Activity 2 - To prepare local trainers through “train-the-trainer” module for enforcement of environmental legislation at EU Border through inspection and control activities and juridical measure					
3 MS Expert		X	250,00	40	10.00,00
Project management costs		X	6.000,00	150%	9.000,00
Per diems		X	228,00	28	6.384,00
Air tickets		X	800,00	2	1.600,00
Coffee breaks	X				
Incidental costs		X	20,00	20	400,00
Total activity 2					27.384,00

Activity 3 - Organizing and delivery of training courses using joint teams of consultants and local trainers, in line with TNA, Training Programme and Curricula provisions					
6 MS Experts		X	250,00	100	25.000,00
Project management costs		X	20.000,00	150%	30.000,00
Per diems		X	228,00	90	20.520,00
Air tickets		X	800,00	10	8.000,00
Incidental costs		X	20,00	200	4.000,00
Accommodation participants	X				
Transport participants	X				
Coffee breaks	X				

Costs related to training venue	X				
Seminars materials	X				
Total activity 3					87.520,00

Activity 4 - Performing two practical trials/field missions at EU border for enforcement of environmental legislation - missions in protected areas					
4 MS Experts		X	250,00	22	5.500,00
Project management costs		X	3.000,00	150%	4.500,00
Per diems		X	228,00	20	4.560,00
Air tickets		X	800,00	8	6.400,00
Incidental costs		X	20,00	40	800,00
Accommodation participants	X				
Transport participants	X				
Coffee breaks	X				
Costs related to training venue	X				
Seminars materials	X				
Total activity 4					21.760,00

Activity 5 - Dissemination of information on NEG functions and commissioners role in inspection and control activities to project stakeholders, industrial operators and mass-media – including legal framework and penalties					
2 MS Experts		X	250,00	20	5.000,00
Project management costs		X	3.000,00	150%	4.500,00
Per diems		X	228,00	16	3.648,00
Air tickets		X	800,00	4	3.200,00
Incidental costs		X	20,00	40	800,00
Accommodation participants	X				
Transport participants	X				
Coffee breaks	X				
Costs related to training venue	X				
Seminars materials	X				
Total activity 5					17.148,00

MS Project Leader					
Fees		X	350,00	100	35.000,00
Travel		X	800,00	3	2.400,00
Per diems		X	228,00	50	11.400,00

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Project management costs		X	2.250,00	2	4.500,00
Total Project Leader Costs	53.300,00				

Operational Costs					
Kick off meeting costs		X	2.500,00	1	2.500,00
Final meeting costs		X	2.500,00	1	2.500,00
Visibility costs		X	3.500,00	1	3.500,00
Audit certificate costs		X	3.500,00	1	3.500,00
Interpretation costs		X		lump sum	5.000,00
Translation costs		X		lump sum	3.500,00
Printing materials		X		lump sum	2.500,00
Travel within the country		X		lump sum	2.000,00
Total operational costs	24.000,00				
Provision for changes in prices (at maximum 2,5% of sub-total)	2.000,00				

TOTAL BUDGET (Euro)	250.000,00 (249.992,00)
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