

Summary Project Fiche for the Transition Facility

1. Basic Information

- 1.1 CRIS Number: 2007/019-303.04.04
- 1.2 Twinning contract BG/07/IB/EN /04
- 1.3 Title: **Implementation and Enforcement of the Directive 2006/21/EC Amending Directive 2004/35/EC on the Management of Waste from Extractive Industries.**
- 1.4 Sector: Environment
- 1.5 Location: Bulgaria / Ministry of Environment and Water, Sofia

2. Objectives

2.1 Overall Objective:

The overall objective of the project is to assist the Republic of Bulgaria, as a regular Member State to the European Union, in its efforts in achieving a healthier, safer and cleaner environment, for the general benefit and welfare of the public, through implementation and enforcement of the European legislation - *acquis communautaire*.

2.2 Project purpose:

The objective is to assist the Republic of Bulgaria and the Ministry of Environment and Water (MEW) and the other competent and control authorities, to strengthen and improve the existing administrative capacity for enforcement of the management of waste from extractive industries legislation - Directive 2006/21/EC, amending Directive 2004/35/EC, through:

- Improving the awareness of the industry and the level of knowledge of the competent authorities personnel;
- Setting up of rules for performing inspections;
- Developing the legal framework;
- Developing of technical means to assist defining of clear criteria on the assessment of documentation submitted by the mining waste facilities operators;
- Preparation of inventory, risk assessment and classification of the mining waste facilities;
- Drawing-up of technical and safety measures and requisite behaviour in the event of accidents.

2.3 Justification

The project focuses on some crucial aspects of the *ACQUIS* Bulgaria needs to deal with, and aims at enhancing the administrative capacity of competent authorities to implement and enforce the Directive 2006/21/EC, amending Directive 2004/35/EC on management of waste from extractive industries (the "mining waste directive"). The Directive was adopted and published in the EU Official Journal in the spring of 2006, which makes its implementation compulsory for all member states.

Moreover, in the latest Monitoring report on the state of preparedness for EU membership of Bulgaria and Romania, published on September 26, 2006, in Chapter 22 "Environment", on page 30 it is mentioned that waste management in Bulgaria in general has made little progress. This refers, in a way, to some extent to mining waste management, too.

3. Description

3.1 Background and justification:

At present there are many sites in Bulgaria – heaps and ponds, containing mining waste. Some of them have been closed down and rehabilitated in recent years, under Government Ordinances. This refers 100% to all uranium producing facilities. Cyanide technologies for gold extraction have not been used so far in Bulgaria, however, it is possible that in future they might be applied. New Regulations must be prepared and adopted regarding the Directive implementation, This concerns mainly granting of permits for waste

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facilities operation, for closure and after-closure procedures, etc. The prime task is to prepare an **Inventory, risk assessment and classification of mining waste facilities in Bulgaria.**

In Bulgaria, competent authorities for the Directive implementation are the Ministry of Environment and Water, as main coordinating body, the Ministry of Economy and Energy, and the Ministry of Regional Development and Public Works.

Further concern is control - preventive and systematic, in the context of Directive 2006/21/EC., This will be particularly challenging for new sites, covered by the Directive. As multiple authorities are involved in site inspection, each of different competencies, backgrounds, control practices, concepts, requirements and administrative capacity, So there is an imperative need for a comprehensive, structured and consistent guidance/methodology document for planning, performing and reporting inspections and follow-ups. The document should reflect all requirements of Directive 2006/21/EC.

In order to achieve these goals, Member State support is requested through a twinning or similar partnership with an institution, providing national and European expertise on management of waste facilities, environmental risk assessment and related administrative procedures.

The partnership would also support the Bulgarian Ministry of Environment and Water in the preparation of an electronic database on mining waste sites and facilities, open to Bulgarian competent authorities, public entities and enterprises.

3.2 *Linked activities:*

As, until recently, no specific guidance or directives of EU on mining waste management were presented, there are practically no linked activities.

3.3 *Results:*

1. Enhancing of the administrative capacity and improvement of the knowledge and experience of the staff, responsible for evaluation of documentation, submitted by the operators of mining waste facilities.
2. Inventory of the mining waste facilities in Bulgaria and determination of their current technical and operational status.
3. Preparation of Guidance for technical assessment of the documentation submitted by the operators of mining waste facilities (Major Accident Prevention Policy, Safety Management System, Internal and External Emergency plans).
4. Guidance establishing a fully operational inspection scheme developed according to the criteria for inspections for the sites under the scope of the Directive 2006/21/EC, adapted to the specific situation for implementation in Bulgaria.
5. Achieving high level of performance of the control bodies carrying out effective on-site inspections of the operators checking compliance with the requirements set and prescriptions given by the competent authorities.
6. Electronic database of all mining waste facilities/sites covered by Directive 2006/21/EC, amending Directive 2004/35/EC on the management of waste from extractive industries, which will support the competent and control authorities in fulfilling their responsibilities and will help the industry being in compliance with national legislation.
7. Technical guidance materials and development of software for risk assessment.
8. Improving of the awareness, knowledge and experience of the industry in preparing leaflets and/or brochures containing information on safety measures and on the requisite behavior in the event of an accident and further supplying to all persons liable to be affected by a major accident.

3.4 *Activities:*

The following twinning activities are foreseen:

1. Carrying out of a number of introductory workshops and training sessions for different competent authorities on evaluation of the documents submitted by the operators covered by mining waste

facilities/sites legislation.

2. Collecting and systematization of primary fund, archive and field data, needed for the Inventory of mining waste sites and facilities;
3. Assessment and estimation of categories and levels of risk of mining waste sites and facilities, as per Directive 2006/21/EC, amending Directive 2004/35/EC.
4. Preparation of Inventory of all mining waste sites and facilities as per the categories and level of risk, stated in Directive 2006/21/EC, amending Directive 2004/35/EC.
5. Preparation of uniform criteria for the Mining Waste Management Plan and for the technical assessment of the documentation, submitted by the operators of waste facilities
6. Preparation of Regulations on closure and after-closure procedures for waste facilities.
7. Preparation and implementation of a training program for representatives of governmental authorities and control entities at regional level (workshops and training sessions, documentary, on-site inspections)
8. Preparation of electronic database of all mining waste facilities/sites, covered by Directive 2006/21/EC, amending Directive 2004/35/EC.
9. Elaboration of exemplary leaflets and/or brochures containing information on safety measures and on the requisite behavior in the event of an accident, which to be spread over the mining waste facilities/sites operators.

3.5 *Lessons learned:*

In general, a major problem in Bulgaria is the correct implementation and enforcement of European legislation. Bulgaria has to make serious efforts in the implementation of the EU legislation in the field of mining waste management. Moreover, this is the first project in this area.

It is obvious, that overall control and monitoring should be strengthened. This process could be supported by experts from other EU – member states to ensure the efficient enforcement of the *acquis communautaire*.

In regard to the implementation of Directive 2006/21/EC, amending Directive 2004/35/EC, new Regulations must be prepared and adopted, and older ones revised, especially in granting of permits for operation of mining waste facilities, for closure and after-closure procedures, etc. Among the prime tasks is to prepare the Inventory, risk assessment and classification of mining waste facilities in Bulgaria.

4. Institutional Framework

The project shall operate under the surveillance of the Mining Environment and Underground Resources Directorate in the Ministry of Environment and Water /MEW/ and its subsidiaries over the country – Regional Inspections on Environment and Water /RIEW/. The Directorate is in charge with the co-ordination, the leading and the monitoring of the implementation process of the Directive 2006/21/EC, namely the Department of Mining Environment and Balance of Reserves, the last being the beneficiary of the project. The work will be coordinated with the Ministry of Economy and Energy and the Ministry of Regional Development and Public Works which exercise control over the extracting industries. The implementation of the developed instruments and procedures subject to this project on-site shall be executed by 15 Regional Inspectorates on Environment and Water. All the competent and control authorities above mentioned will be involved in the implementation of the project.

5. Detailed Budget

€M	Transition Facility support			Co-financing			Total cost
	Investment	Institution Building	Total Transition Facility	National Public Funds (*)	Other Sources (**)	Total co-financing of the project	TF plus co-financing

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Twinning		0.660	0.660				0.660
Total	0.000	0.660	0.660				0.660

(*) contributions from National, Regional, Local, Municipal authorities, FIs loans to public entities, funds from public enterprises. All the co-financing is joint co-financing and will be provided from the state budget. In the case where the final overall cost is lower than foreseen in the project fiche, the national public and Transition Facility co-financing shall be reduced proportionally so as to maintain the agreed rate of co-financing.

(**) private funds, FIs loans to private entities

Contributions from the Bulgarian administration for effective implementation of the twinning/twinning light/TA may be further detailed in the twinning contract/terms of references.

To ensure smooth implementation of the project, the beneficiary will provide 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.

The national co-financing for the Twinning project should be up to 10 % from the State budget through the national fund.

6. Implementation Arrangements

6.1. Implementing Agency

The CFCU - Ministry of Finance of Republic of Bulgaria is the Implementing Agency (IA) for this project. The financial management of the TF arrangements will be the responsibility of CFCU:

Mr. Gergana Beremska
Ministry of Finance
102, Rakovski Str. , 1000 Sofia, Bulgaria
Tel. +359 2 9859 2772; Fax +359 2 9859 2773

The Beneficiary of the project will be the Ministry of Environment and Water.

6.2 Twinning

The Twinning Manual will apply for this project

The responsible person for twinning arrangement at the MEW is:

Mr. Atanas Kostadinov - SPO

Deputy Minister of Environment and Water
Ministry of Environment and Water
67, William Gladstone Str. 1000 Sofia, Bulgaria
Tel.: + 359 2 940 62 57 Fax: + 359 2 981 66 10
E-mail: Jordan.Dardov@moew.government.bg

BC Project leader
Mrs Julia Makedoncheva - BC Project leader
Head of. the Department of the Subsurface and Balance of Reserves,
Subsurface and Underground Resources Office
Ministry of Environment and Water
22, Princess Marie – Louise Blvd. Sofia 1000, Bulgaria
Tel.: + 359 2 940 65 07 Fax: + 359 2 981 44 09

The Bulgarian Project Leader shall direct the implementation of the project and shall be responsible for the substance and the progress of the project.

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BC Project implementation manager and RTA counterpart

RTA counterpart shall be Mr. Mr Angel Todorov. He will work on a day-to day basis with the RTA.

Mr Angel Todorov – RTA counterpart
Senior Expert
Department of the Subsurface and Balance of Reserves
Ministry of Environment and Water
22, Princess Marie – Louise Blvd. Sofia 1000, Bulgaria
Tel.: + 359 2 940 65 95 Fax: + 359 2 981 44 09

The steering committee of the project shall consist of representatives from the following institutions:

1. Ministry of Environment and Water
2. Ministry of Finance – Management of EU Funds Directorate
3. Ministry of Economy and Energy
4. Ministry of Public Works and Regional Development
5. Executive Agency on the Environment and Water
6. Bulgarian Industrial Association
7. Bulgarian Chamber of Mining and Geology

This project implementation requires the provision of twinning experts for the following periods:
The exact number of experts will be determined by the twinning partners.

Category	No. of Experts	Duration of assignment (Man-month)
Resident Twinning Advisor (RTA)	1	18
RTA Assistant	1	18
Short term experts:		
Mining expert	1	1
Geologist	1	1
Hydrogeologist	1	1
Risk assessment	1	1

The RTA should have acquired at least 7 years of experience in a relevant central administrative structure of a Member State (M.S.) as legal expert, and preferably at least three years' experience in the organization of the practical application of the *acquis communautaire*, legislative process, i.e. a civil servant. The RTA should have knowledge and/or experience in organizing the implementation of legislation on mining industry, the relevant documentation and exchange of information, supplemented by skills in project management as well as ability to lead a process, communicate clearly and train staff. International practice and fluency in English are also required.

The expertise of Member State short-term experts should cover the areas of open pit and underground mining, concentration of ores, management and closure of waste facilities, rehabilitation – technical and biological - of land, and related administrative procedures. They should have at least five to eight years of practical experience and more than three years service as public sector experts.

6.3 Non – standard aspects

Not applicable

6.4 Contracts

The project will be implemented through 1 contract: Institutional building contract

7. Implementation Schedule

7.1 Start of tendering	December 2007
7.2 Start of project activity	June 2008
7.3 Project completion	December 2009

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The whole project duration is 18 calendar months. Activities are planned to start in the second quarter of 2008.

8. Sustainability

The improving of the awareness, knowledge and experience of the State and Local Administration and the management of industry, as the major goal of the project, will provide an overall positive impact in a number of instances. First, a better understanding must be achieved by the Administration and the management of industry, of the rules and ways to operate under the EU – which is among the basic challenges, facing Bulgaria at present. Second, the improvement of the knowledge and experience, and the enhancement of the administrative capacity of the staff, participating in drafting and elaboration of the legal basis for the industry will be of great importance. Third, a number of practical initiatives may be expected to arise, following the implementation of the project, for improving the state and condition of the mining waste storage facilities.

The experts participating in a study visit will compile a report that will be distributed within the administration and train the colleagues on the newly acquired skills as appropriate.

9. Conditionality and sequencing

This project does not depend upon and is not conditioned by any other activity or project. The activities planned for this project are scheduled as shown in Annex 2. The administrative unit at the MEW which will be in charge of the Project is the “the Department of the Subsurface and Balance of Reserves”, with the relevant staff.

- The implementation of the project will require a close co-ordination between the competent and control authorities in Bulgaria, within their responsibilities under Bulgarian legislation. The responsibilities will be defined in detail in a written agreement between the institutions prior to the start of the project.
- The MEW will follow and respectively amend the fiche in order to conform to the new tendencies in the EU legislation in connection with mining waste legislation.
- Start of tendering is expected to begin in December 2007.

ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format (compulsory)
2. Detailed implementation chart (compulsory)
3. Contracting and disbursement schedule by quarter for full duration of programme (including disbursement period) (compulsory)
4. List of relevant Laws and Regulations (optional)

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LOGFRAME PLANNING MATRIX FOR Project Implementing Directive 2006/21/EC				Contracting period expires 15 December 2009	End of execution of contract period: 15 December 2010
Overall Objective(s)				Transition facility: 0.660 M Euro	Total budget: 0.660 M Euro
Overall Objective(s)	Objectively Verifiable Indicators	Sources of Verification			
The overall objective of the project is to assist the Republic of Bulgaria, as a regular Member State to the European Union, in its efforts in achieving a healthier, safer and cleaner environment, for the general benefit and welfare of the public, through implementation and enforcement of the European legislation - <i>ACQUIS COMMUNAUTAIRE</i> .	Implementation and enforcement of institutional and procedural changes in line with the requirements of EU Regulations.	MEW Project Reports under the Twinning Government documents. Studies and analyses. Project reports and documentation sent to European Commission.			
Project Purpose	Objectively Verifiable Indicators	Sources of Verification	Assumptions		
The objective is to assist the Republic of Bulgaria and the Ministry of Environment and Water (MEW) and the other competent and control authorities, to strengthen and improve the existing administrative capacity for enforcement of the management of waste from extractive industries legislation - Directive 2006/21/EC, amending Directive 2004/35/EC, through: <ul style="list-style-type: none"> Improving the awareness and level of knowledge of the industry and the competent authorities personal Setting up of rules for performing inspections; Developing the legal framework; Developing of technical means in order to define clear criteria on the assessment of the documentation submitted by the mining waste facilities operators; Preparation of inventory, risk assessment and classification of the mining waste facilities; Drawing-up of technical and safety measures and 	<ul style="list-style-type: none"> Certificates of training. Publication of a manual (handbook) Guidance on mining waste facilities/sites inspections. Software tools to be available in order to support the operators in preparing their risk assessment. Agreements prepared. Recommendations 	MEW Project Reports under the Twinning Studies and analyses. Reports of PAA Reports of relevant central, regional and local institutions.			

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Results	requisite behaviour in the event of accidents.		
<p>1. Enhancing of the administrative capacity and improvement of the knowledge and experience of the staff; responsible for evaluation of the documentation submitted by the operators of mining waste facilities.</p> <p>2. Inventory of the mining waste facilities in Bulgaria and determination of their current technical and operating status.</p> <p>3. Preparation of Guidance for technical assessment of the documentation submitted by the operators of mining waste facilities (Annual and Safety report, Major Accident Prevention Policy, Risk Assessment, Emergency plans).</p> <p>4. Guidance establishing a fully operational inspection scheme developed according to the criteria for inspections for the sites under the scope of the Directive 2006/21/EC, adapted to the specific situation for implementation in Bulgaria.</p> <p>5. Achieving high level of performance of the control bodies carrying out effective on-site inspections of the operators checking compliance with the requirements set and prescriptions given by the competent authorities.</p> <p>6. Electronic database of all mining waste facilities/sites covered by Directive 2006/21/EC, amending Directive 2004/35/EC on the management of waste from extractive industries, which will support the competent and control authorities in fulfilling their responsibilities and will help the industry being in compliance with national legislation.</p> <p>7. Technical guidance materials on different quantitative and qualitative risk assessment methods and development of software for risk assessment</p> <p>8. Improving the awareness, knowledge and experience of the industry in preparing leaflets and/or brochures containing information on safety measures and on the requisite behavior in the event of an accident and further supplying to all persons liable to be affected by a major accident</p>	<ul style="list-style-type: none"> - Trained staff --- 50 - 70 officials and specialists - Published manual - Technical reports and studies - Number of joint training inspections by the experts of the RIEWs - Agreements prepared - Recommendations elaborated 	<p>MEW</p> <p>Twinning reports</p> <p>Independent Monitoring Reports</p>	<p>Twinning covenant prepared without delay</p> <p>Adequate expertise provided</p> <p>Effectiveness and professionalism of all concerned</p>

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Activities	Means	Project / training level monitoring data and information. Documents and reports of regional and local authorities and institutions.	Assumptions
<p>1. Carrying out of number of introductory workshops and training sessions for different competent authorities on evaluation of the documents submitted by the operators covered by mining waste facilities/sites legislation.</p> <p>2. Collecting and systematization of primary fund, archive and field data, needed for the Inventory of mining waste sites and facilities;</p> <p>3. Assessment and estimation of categories and levels of risk of mining waste sites and facilities, as per Directive 2006/21/EC, amending Directive 2004/35/EC.</p> <p>4. Preparation of Inventory of all mining waste sites and facilities as per the categories and level of risk, stated in Directive 2006/21/EC, amending Directive 2004/35/EC.</p> <p>5. Preparation of uniform criteria for the Mining Waste Management Plan and for the technical assessment of the documentation, submitted by the operators of waste facilities</p> <p>6. Preparation of Regulations on closure and after-closure procedures for waste facilities.</p> <p>7. Preparation and implementation of a training program for representatives of governmental authorities and control entities at regional level (workshops and training sessions, documentary, on-site inspections)</p> <p>8. Preparation of electronic database of all mining waste facilities/sites, covered by Directive 2006/21/EC, amending Directive 2004/35/EC.</p> <p>9. Elaboration of exemplary leaflets and/or brochures containing information on safety measures and on the requisite behavior in the event of an accident, which to be spread over the mining waste facilities/sites operators.</p>	<p>A twinning contract: RTA</p> <p>Short Term Experts</p>		

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ANNEX 2

IMPLEMENTATION CHART

The project's time schedule is given below:

Task	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Carrying out of number of introductory workshops and training sessions for different competent authorities on evaluation of the documents submitted by the operators covered by mining waste facilities/sites legislation.																		
Collecting and systematization of primary fund, archive and field data, needed for the Inventory of mining waste sites and facilities;																		
Assessment and estimation of categories and levels of risk of mining waste sites and facilities, as per Directive 2006/21/EC, amending Directive 2004/35/EC.																		
Preparation of Inventory of all mining waste sites and facilities as per the categories and level of risk, stated in Directive 2006/21/EC, amending Directive 2004/35/EC.																		
Preparation of uniform criteria for the Mining Waste Management Plan and for the technical assessment of the documentation, submitted by the operators of waste facilities																		
Preparation of Regulations on closure and after-closure procedures for waste facilities, under Directive 2006/21/EC, amending Directive 2004/35/EC.																		
Preparation and implementation of a training program for representatives of governmental authorities and control entities at regional level (workshops and training sessions, documentary, on-site inspections)																		
Preparation of electronic database of all mining waste facilities/sites covered by Directive 2006/21/EC, amending Directive 2004/35/EC.																		
Elaboration of exemplary leaflets and/or brochures containing information on safety measures and on the requisite behavior in the event of an accident, which to be spread over the mining waste facilities/sites operators.																		
<i>Reports</i>																		

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ANNEX 3.

CUMULATIVE CONTRACTING and DISBURSEMENT SCHEDULE (Million euro)

Date	30/09/08	01/01/09	30/04/09	31/07/09	31/10/09	30/01/10	30/04/10	31/07/10	31/10/10
Contract 1 Tw									
Contracted	0.66	0.66	0.66	0.66	0.66	0.66	0.66	0.66	0.66
Disbursed	0.000	0.593	0.593	0.593	0.593	0.593	0.593	0.66	0.66

(*) The national co-financing for the Twinning project should be up to 10 % from the State budget through the national fund.

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ANNEX 4

List of relevant laws and regulations

1. Regulation No 18/07.01.2000 on the conditions and order of approval of annual plans for prospecting and exploration, extraction and primary treatment of underground resources and the plans for closure and conservation of exploration and mining sites.
2. Regulation No 26 / 2.10.1996 on recultivation of damaged terrains, improvement of low fertile soils, removing and reuse of humus layer
3. Government Ordinances No 74/1998 on closure of uranium mining and primary treatment sites, No140/1992 on closure of ore mining sites and No173/2004 on the responsibility of the State for past damage on the environment caused by state-owned extracting industries.
4. Underground Resources Act, as published in the State Gazette of the Republic of Bulgaria on 12.03.1999, Environmental Act - 25.09.2002, the Concession Act -- 17.10.1995,

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