Chapter 7

Administrative, legislative and institutional aspects

7. Administrative, Legislative and Institutional Aspects

In this section about administrative, legislative and institutional aspects, the current situation, issues and challenges facing Romania in the field of industrial and hazardous waste management are summarily discussed under 3 categories:

- Strategic planning and implementation
- Legislation and EU harmonisation
- Administration and capacity building (including *information and data management*)

These issues combine both positive and negative influences, and the discussion identifies and discusses these influences, the objectives and targets and implementation strategy for this component.

7.1 Strategic Planning and Implementation

7.1.1 Strategic Planning

Starting in the 1990s, this has been a developing process culminating in the National Environmental Strategy (NES) and the National Environmental Action Plan (NEAP). Generally speaking these strategic planning processes are in line with international and in particular with EU processes. The NES and NEAP have similarly both identified the environmental issues and strategies (with both paying attention to waste issues), but these plans have not (yet) been developed into an implementation format that can subsequently be readily monitored and reviewed.

Another key weakness of the NES and the NEAP is that they fail to address the financial constraints, on local and central authorities and on industry, to pay for the necessary investments. Criteria have been determined and actions prioritised as short, medium and long term. However, the methodology for setting priorities is not clear, in particular how maximising the benefit / cost ratio is evaluated.

GD 1097/25 Oct 2001 makes provision for a NEAP Inter-ministerial Committee and updating the NEAP. This is being reviewed with the intention of wider ministerial involvement in the Steering Committee. The Technical Secretariat will probably be provided by ICIM. The 1st meeting was held in February 2002. There is a REReP (Regional Environmental Reconstruction Programme for SEE countries) 1.9 Project proposal about capacity building for EU approximation that is likely to start in 2003. This includes provision for updating the NEAP and also a pilot LEAP (Local Environmental Action Plan). It is possible that criteria setting may be reviewed in line with PEPA (Priority Environmental Projects for Accession) methodology.

These strategic planning exercises are currently being extended to the entire country, including National and local/regional Waste Management Strategies and plans, Local Environmental (LEAPs and REAPs) and Sustainable Development Plans (Agenda 21).

7.1.2 Implementation of the Strategy

Implementation continues to be most difficult issue and will be addressed in our Strategy and Action Plans. This will bring together all the other Issues noted in this Report in a meaningful way for an economy in transition. Inevitably, there is a high risk that this will

not be a level playing field with profitable private sector companies (maybe in the Oil, Automotive, Pharmaceutical sectors) leading the way in environmental standards and taking the brunt of enforcement. If allowed to happen, this `double standard' will in itself be an issue. In order to track progress of the implementation of the HWMP in Romania, it will be necessary to develop performance indicators (see next section). It is important within the implementation plan to identify such indicators and how they will be used. As reporting mechanisms get better, the quality of the data and usefulness of the indicators will correspondingly improve.

7.1.3 Monitoring, Review and Performance Indicators

In order to monitor the progress of hazardous waste management in Romania, as well as progress vis-à-vis the Action Plan, it will be necessary to develop environmental performance indicators. The indicators proposed for hazardous waste are illustrated in the following Table (7.1.1). Clearly, as reporting mechanisms improve, the quality of the data and the usefulness of the indicators will improve.

Table 7.1.1 Indicators for Hazardous Waste Management for Year 200x

No	Indicator	Unit	Comments
1	Quantity of reported hazardous waste	Tons	
2	Estimated quantity of unreported hazardous waste	Tons	See section 2 in Volume 1 and section 5 in Volume 2
3	Number of types of hazardous waste		According to codes in current Waste legislation
4	Number of hazardous waste generators registered		
5	Quantity of hazardous waste stored by waste generators	Tons	Storage is defined as waste that has been at that location >3 years
6	Number of registered and permitted transporters of hazardous waste		This refers to how many individual enterprises, not individual vehicles
7	Quantity of hazardous waste moved under `manifest system'	Tons	See section 4 in Volume 1
8	Quantity of hazardous waste imported / exported / transit	Tons	Needs to be further broken down if significant quantities
9	Number of authorised hazardous waste recovery facilities		Distinguish between number of own enterprise facilities and 3rd party `merchant' facilities.
10	Number of authorised hazardous waste treatment facilities		Distinguish between number of own enterprise facilities and 3rd party `merchant' facilities.
11	Number of authorised hazardous waste disposal facilities		Distinguish between number of own enterprise facilities and 3rd party `merchant' facilities.
12	Quantity of hazardous waste accepted at authorised waste recovery facilities	Tons	Distinguish between number of own enterprise facilities and 3rd party `merchant' facilities.

No	Indicator	Unit	Comments
13	Quantity of hazardous waste accepted at authorised waste treatment facilities	Tons	Distinguish between number of own enterprise facilities and 3rd party `merchant' facilities.
14	Quantity of hazardous waste accepted at authorised waste disposal facilities	Tons	Distinguish between number of own enterprise facilities and 3rd party `merchant' facilities.
15	Number of unauthorised hazardous waste recovery facilities		Distinguish between number of own enterprise facilities and 3rd party `merchant' facilities.
16	Number of unauthorised hazardous waste treatment facilities		Distinguish between number of own enterprise facilities and 3rd party `merchant' facilities.
17	Number of unauthorised hazardous waste disposal facilities		Distinguish between number of own enterprise facilities and 3rd party `merchant' facilities.
18	Licensing – for each activity eg waste generation, waste collection & transport, treatment, recovery and disposal, and wastes import, export and transit how many: • Applications for registration have been received, issued, and/or are awaiting issue • Applications for agreements and permit have been received, issued, and/or are awaiting issue • Revenues received for registration, agreements and permits		
19	Inspection - for each activity eg waste generation, waste collection & transport, treatment, recovery and disposal, and wastes import, export and transit how many inspections have been made.		
20	Enforcement - for each activity eg waste generation, waste collection & transport, treatment, recovery and disposal, and wastes import, export and transit: • How many prosecutions were made? • How many prosecutions were successful? • What was the tariff value of the successful prosecutions?		

No	Indicator	Unit	Comments
21	Emergency response - responding to pollution incidents from hazardous waste: • How many? • How long to respond? Illegal tipping of hazardous waste: • How many incidents notified? • How many investigated?		
22	Number of historical contaminated sites inventoried in counties		
23	Number of contaminated sites with high priority at national level (high risk potential evaluated)		
24	Number of remediation programs agreed between EPIs and private operators		
25			

Source: JICA Study Team

Recommendations concerning strategic planning and implementation

- Complete and adopt the National Waste Management Strategy and Plan
- Complete and adopt the output of this Study Project, the National Hazardous Waste Plan
- Develop regional waste management plans (including hazardous waste) (ref. EU Phare 2002 German Twinning Project)
- Develop and implement sectoral strategies and plans listed in Law 426/2001 to support National Waste Management strategies and plans
- Establish Steering Committee and Working Group(s) including national, regional and local representatives, based on organisations with responsibilities under Law 426/2001 with responsibility to assure implementation, monitoring and review of Strategy and Plans
- Review these Strategies and Plans in accord with Law 426/2001 (at least every 5 years) and in accord with updated NEAP and current Romanian Strategy for Sustainable Development
- Monitor EU proposals regarding waste issues for implications on industrial and hazardous waste management strategy and plans.

7.2 Legislation and EU Harmonisation

Romania has made good progress with transposition of waste management Directives, but implementation of environmental and waste management Directives is very backward and slow. The rate of transposition has exceeded their administrative and implementation capacity. During the most recent EC visit (Mr Meunier – TREN representative) it was emphasised that there must be credible Implementation Plans even if the accession programme is slowed down to achieve this. MoWEP is responding with preparation of these Implementation Plans for each of the sectors within the 9 Chapters. EC make their evaluation on basis of in-country visits, assessment questionnaires of administrative capacity, and

evaluation of documents submitted at 'discussion / negotiation meetings' concerning implementation of the *environmental acquis*.

7.2.1 Complex Legislation With A Large Bureaucratic Burden

Legislation in the environmental field is advancing at a good speed. In 1995, a strategic law (No 137/1995) was adopted to provide the necessary framework legislation regulating environmental management, and the most important secondary environmental management legislation linked with environmental impact assessment (EIA) and permitting was also put in force. However, the new legislation is extremely complex, and is not supported by Guidance Notes. Also, old legislation is rarely repealed when adopting new legislation. This creates a large bureaucratic burden on enterprises, local authorities, EPIs and NGOs. The Judiciary is inadequately trained to prosecute this legislation. A related problem is that the levels of charges, fines and penalties have generally been set very low, so that incentives for compliance are low.

7.2.2 Advancing EU Harmonisation

Romania has a National Programme for the adoption of the EU's body of law, the so called *Acquis Communautaire* (NPAA), and working groups have been set up for each of the nine (9) Chapters. These are air quality and climate change, industrial pollution control and risk management, water quality, waste management, chemical substances and substances depleting the ozone layer, protection of nature and GMOs, horizontal legislation, forestry, noise and vibrations and civil protection. The deadline for transposition is generally 2003 (some Directives in 2004), although the reality is that this may extend to 2007. The final stage of implementation is generally 2010 to 2020, but is likely to extend to 2030 because of the implications of the `high investment' directives.

7.2.3 New Legislation for Waste Management and Industrial Pollution Control

Regarding waste management and industrial pollution control, and although very significant progress has been achieved over the last two (2) years, Romanian legislation is only partially meeting the *Acquis Communautaire*. Therefore, these continue to be a priority field in legislation. Government Emergency Ordnance No 78/2000 introduced framework legislation for waste management, including hazardous waste management, and transposed the requirements of the EC Waste Framework Directive 75/442/EEC and its daughter Directives into Romanian legislation. This Ordinance was approved by GD 426/2001 in late July 2002. Much of the most important EU waste legislation has been transposed. The biggest challenge for the new Waste and Hazardous Chemicals Department of the MoWEP is to:

- Finalise the Chapter
- Prepare and co-ordinate the secondary legislation to fill the framework, and
- Implement all the requirements.

7.2.4 Lack of Standards and Guidelines

Anecdotal evidence provided during the field visits suggested that in some cases environmental standards are, and were being, set at a higher level than EU requirements. Whilst laudable, and permissible within EU guidelines, it is difficult to understand the logic

of such a situation. This still needs clarification and verification. However, it was very clear with feedback from all stakeholders that the existing legislation is not supported by sufficient Regulations / Standards / Norms, and that guidance on practical application of the legislation is a very necessary requirement.

Recommendations concerning legislation and EU harmonisation

- Maintain EU harmonisation programme
- Complete and approve all secondary legislation, regulations, Standards / Norms on hazardous waste management according to the requirements of the waste legislation (eg transportation of waste, manifest system, duty of care etc)
- Issue single document to join together GEO 78/2000 & 426/2001 and correct ambiguities and errors
- Draft legislation on the basis of repealing `old' when enacting `new'
- Prepare technical guidance notes to support the legislation including:
    - Licensing, inspection and control procedures
    - Correct identification and classification of hazardous wastes
    - Environmentally sound waste minimsation, recovery and re-use
    - Environmentally sound disposal
    - Waste generator hazardous waste management plans
    - County level hazardous waste management plans

7.3 Administration and Capacity Building

7.3.1 Information Systems

Information is absolutely vital to understand the current situation at any time and to support all decision making. In particular, good quality and timely information is essential for waste management planning, strategy development and regulation and control. In the following sub-chapters we consider information needs, the current situation and identify gaps and the options for improvement.

The objectives can be identified as having access to sufficient and accurate information in order to:

- Develop waste management policies, strategies and plans,
- Implement and monitor the implementation of the regulation and control system,
- Fulfil national and international reporting requirements,
- Keep other stakeholders (ministries, NGOs and the public) adequately informed.

Regulatory Requirements

Information needs are specified in both national legislation and in international agreements and legislation (eg EU directives, Eurostat, EIONET).

International Agreements - with regard to hazardous waste the key international agreement with information reporting obligations is the Basel Convention on Transboundary Movement of Hazardous Wastes. The Basel Convention requires member states to report on hazardous waste management legislation and classification systems and hazardous waste exports and imports and information on infringements of Basel Convention shipment

procedures.

EU Legislation - on 25th November, 2002 a new item of EC Legislation was made which is now in effect, this is EC Regulation 2150/2002 on Waste Statistics. This defines reporting obligations of Member States and therefore is relevant to Romania's planned accession. This regulation requires member states to report, bi-annually, on:-

- Waste generation, by 45 categories of waste differentiating between hazardous and non-hazardous, by 20 groupings of NACE code of commercial/industrial activity (Annex I).
- Wastes recovery and disposal, by waste category and recovery/disposal method (Annex II).

The regulations specify minimum coverage for statistical reporting and is applied in Romania.

Romanian legislation - GD 856/2002 on keeping records for waste management annuls GD 155/1999 that introduced the use of European Waste Catalogue (EWC) and Hazardous Waste List (HWL). The new GD replaces the EWC and HWL with the new EWL regulated in EU countries by the consolidated version incorporating Council Decisions 2000/532/EC, 2001/118/EC, 2001/119/EC and 2001/573/EC.

Other Information Needs

The information required by the international reporting should be sufficient to support national planning and policy/strategy development but similar information is required at Regional level (County level, or groupings of Counties) for planning and strategy development purposes. This implies that the information collection route must be to national level via regional levels.

Implementation of effective regulation and control also relies on having information on waste generation and management, in fact the information required is more detailed than that required regionally and nationally for planning, strategy development and for reporting. Inspectors responsible for ensuring that hazardous waste legislation is complied with need access to accurate information of waste generation and management by individual waste generators, transporters and management facilities in order to ensure that the requirements of the Waste Law 426 are met. EPIs therefore need a register of waste generators, wastes generated and a register of waste management facilities.

Current Situation

The MoWEP has responsibility for hazardous waste data collection, processing and reporting. The Ministry of Health has the same task with regard to medical waste generation. The Ministry of Industry receives data from recycling operators. Currently the main tools for data collection are survey forms distributed by ICIM via county EPIs to main waste generators. EPI collect these survey forms and return them to ICIM. Currently there is minimal validation of data collected.

Data is held by ICIM in simple MSDOS based Foxpro data files and have a number of inflexible reporting routines that generate aggregate data for MoWEP. There is no facility to interactively browse or query the data held. The data is not accessible to the data users. If a request for information is submitted to ICIM then ICIM can write a report routine to generate a specific one-off report or manually extract data.

All information collected is about waste generation and waste management, it is generally accepted that control also has to be exercised over MOVEMENT of hazardous wastes, this being commonly implemented via a manifest system where individual shipments of hazardous waste are recorded – see later section 4).

Various improvement proposals have been made by both German Twinning projects in respect of the waste management information systems in Romania and. In this respect, MoWEP and ICIM are co-operating in a current Italian Twinning project in environmental statistics (including waste statistics) in National Institute for Statistics. Another gap is health care waste. Since 2000, Ministry of Health took over this activity from MoWEP; they also have a GD on collecting and reporting data on medical waste. There are discussions in MoWEP to sign a protocol with MoH to have access to their data.

Options for Improvement

Key deficiencies are:

- Compromised quality of data reporting by enterprises due to frequent failure to correctly identify and quantify wastes generated.
- Inadequate validation of collected data.
- Poor accessibility of data due to means of storage.
- Difficulty in generating flexible reports.
- Lack of Manifest System.

1) Improving Data Quality

The highest priority in the field of waste data reporting improvement is the improvement of data quality. Good decisions cannot be made based on bad data resulting in less effective strategies and plans. Main options for improving data quality are the development of hazardous waste guidelines to assist proper identification backed up by training enterprises and EPIs. Validation of data needs to be undertaken by those **closest** to the problem, firstly the enterprises themselves and secondly by EPIs during routine inspection.

2) Improving Data Accessibility

The second highest priority is to improve data accessibility. Poor accessibility to data concerns all stakeholders, currently data is held only in ICIM and can only be accessed by ICIM as raw data or via inflexible reporting routines.

Options for *short term* improvements include:

- Development of a Windows based front end to interactively view ICIM data and generate the reports by selection of report type from a menu which would then allow the user to specify criteria and filters.
- Development of the above system in such a way as to be used at Local and Regional level to hold data for enterprises in those counties.

Romania's reporting obligations require aggregate data; ICIM currently generate limited aggregated data for the Ministry. A more sensible system would be collection of detailed information at local level (where the detailed information is needed for day to day regulation and control) and for that information to be aggregated regionally for transmission

to MoWEP.

In order to secure improvements which will meet Romania's reporting obligations and to support effective regulation and control a greatly improved information reporting system needs to be implemented backed by an integrated Waste Management Information System, see discussion below.

3) Development of National Waste Management Information System (WMIS)

We recommend that an integrated WMIS is developed which stores information on waste management, including hazardous waste management.

The key data users are:

- County EPIs (Inspectors, planners),
- Regional regulatory bodies (if established),
- Ministry of Environment,
- Other Ministries,
- Public, NGOs etc.

Their needs are briefly outlined in the table (Table 7.3.1) below.

Table 7.3.1 Data Needs of Stakeholders

Data User	***Data Needs***	***Level of Aggregation***
County EPIs – Inspection	Reference Data • Register of laws, regulations, standards Data on Waste Generators • Register of companies generating wastes • Register of wastes generated Data on Waste Management • Register of waste management facilities (including interim storage) • Information on waste movements from generation to waste management facilities Regulation and Control Data • Register of permits / authorizations, • Register of inspections / sanctions	N/A LOW (data needs to be detailed for each enterprise and waste) LOW (no aggregation)
EPI's – Planning / strategy development / management	Reference Data • Register of laws, regulations, standards Data on Waste Generators • Register of companies generating wastes • Register of wastes generated Data on Waste Management • Register of waste management facilities (including interim storage) • Information on waste movements from generation to waste management facilities Regulation and Control Data • Register of permits / authorizations, Register of inspections / sanctions	N/A MEDIUM (data needs to be aggregated, but not to very broad categories, data needs to support development of county plans) MEDIUM (reporting performance)
Regional Regulatory Authorities (if implemented) - Inspection	If have inspection role, then same data needs as County EPI inspectors	
Regional Regulatory Authorities (if implemented) - Planning / strategy development / management	Would have very similar data needs as for County EPI	MEDIUM (perhaps slightly higher level of aggregation than County)

Data User	***Data Needs***	***Level of Aggregation***
MoWEP - Monitoring of implementation of policies, plans and regulatory systems	Data on Waste Generation • Quantities of waste generated by Waste Category Data on Waste Management • Quantitites of waste management by recovery / treatment / disposal method Data on Regulation and Control • Data on numbers of inspections • Data on numbers of legal infringements / sanctions applied • Data on results of sanction application (e.g. fines actually collected compared with fines imposed)	HIGH (defined in EC 2150/2002) HIGH (defined in EC 2150/2002) HIGH (needed to monitor implementation of regulatory system)
Other Ministries, Public, NGOs	Data on Waste Generation • Quantities of waste generated by Waste Category Data on Waste Management • Quantitites of waste management by recovery / treatment / disposal method Data on Regulation and Control • Data on numbers of inspections • Data on numbers of legal infringements / sanctions applied. • Data on results of sanction application (e.g. fines actually collected compared with fines imposed)	VERY HIGH* VERY HIGH* VERY HIGH*
* Other Ministries may be interested in information with slightly lower level of aggregation on ad-hoc basis.		

Source: JICA Study Team

Based on the above identified needs the WMIS should ideally be accessible to all of the above users with data access limited to meet the identified level of aggregation. This could be achieved either by having County level database systems feeding into a National, internet-based, database system or a fully internet-based database system. The internet-based component of the system could be hosted and maintained either by the MoWEP or by a subordinate organisation such as ICIM and accessed by stakeholders.

In the case of the fully internet-based system, detailed information would be stored on a secure internet server (with back up server) with data being entered by EPIs or by enterprises directly (in the latter case data would be held in temporary data files pending validation by EPIs). In the case of a system where “local” county-level databases are used, the county databases would hold detailed data for the county’s waste generation and waste management activities and the internet-based system would store partly aggregated data

supplied by the county databases. The internet-based system could provide different "views" of the data depending on which type of stakeholder is accessing the data.

It is necessary for the EPIs, as part of their normal inspection activities, to validate the data collected, to continuously improve the quality of the data. Ideally therefore the local EPIs should all use a standard WMIS. At the very least they should all use identical data formats and structures. Aggregate data needs to be reported to the central government (MEWP) and to the Basel Convention Secretariat. The optimum solution to ensure data conformity and security would be to use a fully internet-based system.

4) Implementation of Hazardous Waste Manifest System

It is normal in Europe to regulate and control the movement of hazardous wastes using a consignment notification and/or manifest system. Such a system may require enterprises to pre-notify, or at least report, the movement of consignments of hazardous wastes to the regulatory authority.

This study has shown that the present reporting system of waste in Romania has received a lot of improvement but still remains incomplete. Waste transporters are not concerned, and there is no possibility to follow up the waste from generation to final treatment. However, the knowledge and control of hazardous waste from generation point to elimination point is the condition that is necessary to ensure good conditions of public hygiene and environment. The role of the regulatory authority is generally to ensure the "closed loop" i.e. to make sure that the notifications indicate that the waste (including the correct quantity), once it leaves the source, arrives at the authorised destination. In some systems this responsibility is placed upon the waste generator as part of his/her "Duty of Care" and the regulators role being to ensure that waste generators do this. This is intended to prevent illegitimate disposal of the waste. The system may also, in the case of a pre-notification system, allow the regulatory authority to veto the proposed movement.

Then, the highest priority in the field of waste data reporting improvement is the establishment of a waste manifest system. It is understood that such a system has been implemented in Arges, and that a manifest-type system is also used by some private companies in Romania (eg Dacia). It requires the establishment of an authorisation system for hazardous waste transportation companies, and stipulation of their legal responsibilities for delivering waste at authorised waste treatment facilities. Implementation also needs to set up a simple reporting sheet with designation of waste and quantity to be fulfilled at each stage of the system: Generation, transportation, and elimination. Facilities' operators must accept waste from the authorised transporters only and with manifest reporting sheets each time. Such a consignment of manifest system could in the future involve a significant number of notifications being received by EPIs. These notifications are also a potential source of accurate data on hazardous wastes. Such a system is ideal for incorporation into a computerised WMIS.

The EPIs must keep a register of authorised waste transportation companies, and provide public access to this register. EPI agents should be held responsible for making control of these companies (authorisation of transportation, validity of reporting sheet).

7.3.2 New Institutional Structures in MoWEP and EPIs

Both the MoWEP and EPIs have seen changes related to issues of industrial waste

management and enforcement. New, Waste and Hazardous Chemicals Departments, and Environmental Guard and Public Relations Departments were formed at MoWEP as well as at EPIs. However, following the general staff reduction last year in the public sectors (~700 persons removed from the EPIs), many of these new departments are now `understaffed'. The adsorption capacity of the MoWEP is also severely limited with key staff working long hours into the evening and donor projects obviously ranking below the priority of calls from Ministerial or Secretary of State level, and the many other demands to respond to day-to-day issues. The MoWEP now has LAN Internet access, but we believe many more benefits would accrue from having a soundly based management information system (MIS).

We are aware of the MoWEP efforts described in the *Institutional Development* section of 'Chapter 22' (Report to the EC – 2001) to strengthen the environmental structures in Romania. This same document prescribes the following priority responsibilities:

- Prepare a simplified procedure for issuing of permits and environment agreements for certain works which have a reduced environment impact, in order to facilitate and accelerate this process;
- Establish a database for issued environmental permits and draw up technical fiches for each economical agent. This fiche has to include technical characteristics and environmental indicators for discharges;
- Draw up hazardous waste management plans at territorial level;
- Adopt the new automatic monitoring system (following acquisition of analytic automatic equipment). The number of personal from this field will decrease as the result of the establishment of a new automatic monitoring national network. The environmental permits, will oblige economical agents, to procure auto continual monitoring systems for pollutants emissions, within a short period of time;
- Carry on integrated inspections, which do not imply an increase of personnel. Following analyses that have been undertaken, between 1997-2000 a considerable time span was allocated for inspections to objectives with a minor impact on environment. Starting with 2001, the inspection policy changed in order to focus to the inspections of economical agents with a major impact on the environment;
- Realise the assessment of natural resources that represent national fund of each county;
- Draw up the inventory and the promotion of the protected natural areas and natural monuments (existing and new proposals);
- Enforce the important international projects, especially regarding the conservation of natural habitats and of wild fauna and flora of national and community interest;
- Carry on control and inspection for the conservation of biodiversity;
- Issue permits and licenses for sustainable use of biodiversity components.

Action through the Phare 2000 technical assistance project has also started with the intent of developing an intermediate regional EPI level. The internal structure of the MoWEP is also currently subject to review. Consideration is also being given to a National Environment Agency. The objective of these actions is clearly to further strengthen the environment infrastructure in the country to better enable implementation of the *environmental acquis*.

1) Organisational MoWEP Structure

There is no organogram or ROF to describe the present structure of the MoWEP.

Because of the implementation of the Air Quality, Seveso and IPPC Directives, one of the considerations in the MoWEP now, is how these functions should be structured at both Central and County level – should the functions be separated or integrated. The IPPC emergency ordinance and the corresponding Seveso document propose a separate department. The creation of the Environmental Guard also requires clarification and support by definition of accountabilities. These changes in addition to the high demands on the staff noted above require some response.

2) Organisational (EPI) Structure

There is no organogram or ROF to describe the present structure of the EPIs, although we understand that a document has been drafted (a copy has not been provided to the Study Project). A previous organogram shows 83 persons in the EPI waste department, but not all these are appropriately qualified. Our survey (Vol 3 – chapter 6) showed 70% at least graduate level with 50% of those as chemical engineers; but a wide variety of other disciplines and very little focussed training. Consequently, awareness of waste and dangerous substances at EPI level is inconsistent and generally low. Their main role appears to be collection and verification of waste data and knowledge of the waste flows; they do (for example) provide advice to enterprises in completing the questionnaires. Many of the persons would prefer to have a `control' role (ie Inspector). Inspectors have more credibility; they have legal access to economic enterprises; the waste department staff does not.

There are weaknesses in the present situation:

- Not all staff are appropriately qualified and do not have specific training
- Waste department has divided responsibility locally to the Inspector (and MoWEP Chief Inspector) and centrally to Waste Directorate (inevitably, there may be occasions where local pressures give `non-waste' tasks to this department: also MoWEP request from Chief Inspector may be made without reference / knowledge to MoWEP waste Directorate).

As noted above the current EPI ROF [*Regulation for Organisation and Operation (ROF) of EPAs approved by the Ministerial Order 818/07.09.1999*] does not include the Waste and Hazardous Chemicals Department, but our own visits have shown that one of their tasks has been collation of Judet Waste Management Plans. Guidance about these was provided from the Waste Directorate. The industrial and hazardous waste components of these Plans are generally very brief by comparison with the extensive information about MSW. In addition to the above, the Phare 2000 REPI project has objectives for institutional capacity building and formation of regional EPIs and institutional development plans. We support these objectives and our recommendations stand.

3) Recommendations When Considering Organisational Change

Anecdotal evidence about a recent ICIM study concludes that the current staffing of the EPIs be increased by ~700 from the current staffing levels of ~1680 in order to achieve their current tasks and responsibilities. The management of change is a skill and any organisational review is an opportunity for improvement. Some of the donor projects referred in section 5 above have strong institutional capacity building components, particularly at local EPI level. In this situation, and before any final changes or additions to staff are made, we strongly recommend that priority be given to:

- Establishing a mission statement for MoWEP and EPIs

- Identifying key accountabilities and activities for each Directorate, and
- SWOT analysis of alternatives for discharging these duties
- Prioritising accountabilities and actions to enable the existing resource to have maximum effect.

7.3.3 Ineffective Enforcement System

Enforcement of, and compliance with, the environmental laws and other regulations in Romania is generally at a low level. It also shows significant variations across the country. The main barriers to effective enforcement can be summarised as follows:

- Where the law is enforced, it is often more cost effective for industry to pay the fine rather than to invest capital for future mitigation;
- Low morale amongst staff of enforcement inspectorates and inadequate budget to perform their duties or pay worthy salaries (this also generates the risk of corruption);
- Poorly equipped laboratories for obtaining results that will stand up in court;
- Lack of equipment for some analyses, and old equipment limiting sensitivity of detection; and
- The existence of strong links between local municipal authorities, controlling inspectorates and industrial enterprises which can hinder effective inspections

We recognise that one of the primary objectives of the formation of the Environmental Guard was to improve enforcement, and we recommend this activity be supported by needs assessment and written guidance for enforcement and prosecution policy.

7.3.4 Low but Increasing Public Awareness (PA)

Public awareness of environmental pollution, including industrial and municipal waste pollution, and in particular the potential health impacts of such pollution, is relatively low in Romania. According to a REC study, Romania has a low level of public awareness index regarding environmental protection. However, public awareness is a growing issue. The MoWEP and also EPIs have established PR departments and strategies. In addition, there are some 200 NGOs engaged in environmental services including PA campaigns.

7.3.5 Limited Workshops and Training for Hazardous Waste Management

There have only been a very limited number of workshops/seminars on the topic of waste management, and even less related to industrial waste management. The 1st EPI questionnaire revealed a high desire for such training. The most significant workshops include Phare 96 training for management of industrial and hazardous waste and regional waste management. Also, under Phare 1998, guidance notes were prepared to assist the understanding and implementation of the IPPC Directive and also for industrial hazardous waste classification and minimisation. Additionally, there have also been regional and local workshops for preparing Local Environmental Actions Plans. The Phare 1998 programme also included a workshop/seminar concerning waste management economics and environmental expenditure in September 2001. From September 2001, a series of regional workshops (5) were organised for evaluating the development of local and regional waste management plans under the EU Phare 1998 Twinning Programme. Finally, a seminar

concerning the EU waste incineration directive was held in October 2001 under that same Twinning Programme. There will be additional waste management planning training under the Phare 2000 Twinning programme.

7.3.6 Waste Generator Awareness

In addition to issues of economic viability, many waste generators in Romania are inadequately aware of Best Available Technology concerning both manufacturing processes and waste management options. Even more fundamental is that many are not effectively aware how to identify and classify their waste materials.

7.3.7 Substantial Donor Assistance

The Romanian government has made serious efforts to overcome environmental problems via international co-operation. Many international organisations and bilateral donor agencies have been responsive and, as a result, a number of environmental programmes were launched mainly under the auspices of the European Union and the World Bank in the last few years. In the waste management field, there are now substantial donor programmes for landfill construction (ISPA), waste management strategies (EU Phare / Twinning Programme) and industrial restructuring/rehabilitation and efficiency programmes probably including sector-specific waste issues (World Bank plans) over the next 5 years.

Still industrial waste management in Romania requires additional actions for improvement, which are in compliance with or support the actions and programmes of other donors. Information management and integration / co-ordination of donor programmes are of great importance and this includes:

- Sufficient availability of suitable beneficiary counterparts to become effectively involved with the donor programmes, and
- Relevant information and data to be made available, both published and working documents from the beneficiary, and from other donor programmes as well as local Institutes.
- Current and documented information is not always readily available in Romania for a variety of reasons. Both the MoWEP and ICIM (and presumably other organisations) would benefit from a management information system that enabled ready access by decision-makers to key information and documents.

Recommendations concerning administration and capacity building

- Review and implement structure of waste management information system (WMIS) concerning EU reporting and EPI management requirements integrating information from manifest system for regulation of waste movements
- Any reorganisation of MoWEP should move towards responsibility for policy frameworks, facilitating and co-ordinating; and decentralisation and de-concentration of tasks and responsibilities from national level to lower levels
- Improve management information systems to increase productivity
- Needs assessment for monitoring and inspection / enforcement
- Develop enforcement and prosecution policy
- Establish a forum (Federation) for advancing the scientific, technical and practical aspects of wastes management for the safeguarding of the environment; promoting education, training, research and the dissemination of knowledge in all matters of wastes management
- Develop and publicise Waste Strategy & Plans, and hazardous waste specific, stakeholder awareness reference literature (web site)
- Develop and implement workshops and training materials for hazardous waste management
- Enable MoWEP/EPI beneficiary counterparts involvement/participation in donor programmes with effective access for donor project teams to relevant working information and documents

7.4 Initial Recommendations for Strategy for Strengthening the Government Administration

7.4.1 Strategic Planning and Implementation

The Romanian government has made various provisions for establishing environmental strategies and plans. The National Hazardous Waste Plan is required by law to be reviewed periodically (at least 5 years). We recommend that this review needs to reflect the Romanian Strategy for Sustainable Development, and experience and feedback from the implementation process; also, this activity requires good co-ordination and supervision to ensure effectiveness and involvement and participation of all organisations referred in the law on Waste.

7.4.2 Legislation and EU Harmonisation

Romania has unilaterally assumed the date of 01st January 2007 as a working hypothesis for finalising the preparations for its accession to the EU, with various transition periods up to 10 years for waste related legislation. In Romania, old legislation is generally not repealed when enacting new legislation. This increases the difficulty of implementation and prosecution; we strongly recommend that this practice be changed. The advancing EU harmonisation is adding to existing pressures with new legislation and improved standards for waste management and industrial pollution control. The effect of this additional legislation plus the need for implementation and enforcement will add to the existing burden on the authorities. To alleviate this difficult situation, we recommend that legislation be better integrated and more importantly that it is supported by appropriate Regulations / Standards / Norms / Guidance Notes to enable adequate training and support for all stakeholders.

7.4.3 Administration and Capacity Building

Administration and capacity building is the overriding factor to achieving change. The MoWEP and its subordinated EPI (EPA and NEG) play a key role in implementation and enforcement of environmental policies and legislation. They have limited human resource (1,470 for EPI and 582 for NEG) and limited budget. In this situation, and recognising the financial limitations, our recommended strategy is based upon the role of the MoWEP moving towards responsibility for policy frameworks, facilitating and co-ordinating. Decentralisation and de-concentration of tasks and responsibilities from national level to lower levels is one of the consequences and means. To support this strategy, and in the context of hazardous waste management, we recommend that attention be particularly given to the following:

- Recognise in any MoWEP/EPI reorganisation the synergy that can be obtained by integrating technical functions and subsequent capacity building
- Improve the quality of information and data input and management information systems
- Establish a forum for advancing the scientific, technical and practical aspects of wastes management for the safeguarding of the environment; promoting education, training, research and the dissemination of knowledge in all matters of wastes management

The issues and options that have been considered are listed here and form our recommended strategy for strengthening the government administration. These are further described in Section 9.3

Table 7.4.1 Recommended Measures (Actions, Procedures, Steps) for Strengthening Government Administration

No	Measures
HW Management Strategy and Plan	
A1	Authorize the Strategy and Plan & Implement the Plan
A2	Develop and implement `sectoral strategies and plans' listed in Waste Laws
A3	Review these National level Waste Strategies and Plans
Information System Legislation & EU Harmonisation	
B1	Prepare secondary legislation
B2.	Prepare technical guidance notes to support the legislation
Administration & Capacity Building Environmental Authorization and Permit	
C1.	Improve quality of data input to national hazardous waste data management system
C2.	Develop National Waste Management Information System (WMIS)C1. Modify requirement on information to be submitted by enterprises for authorization (Drewett)
C3.	Modify requirement on information to be submitted by enterprises for authorization to include waste management plan
C4.	Investigation of possibilities for establish a forum (Federation) for advancing the scientific, technical and practical aspects of wastes management.

Source: JICA Study Team