

Government of Romania  
Ministry of Justice

**ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK**  
for  
**Justice Services Improvement Project**

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## ABBREVIATION

- EA - Environmental Assessment
- EIA - Environmental Impact Assessment
- EP - Environmental Permit
- ESIA - Environmental Social Impact Assessment
- ESMF - Environmental Social Management Framework
- ESMP - Environmental Social Management Plan
- DIEFP - Department for the Implementation of Externally Funded Projects within the Ministry of Justice
- ICT - Information and Communication Technology
- JRP - Justice Reform Project
- LAN - Local Area Network
- MOJ - Ministry of Justice
- OP - Operational Policy
- PAP - Project Affected Person
- WAN - Wide Area Network
- WB - World Bank

## **1. INTRODUCTION**

### **1.1 BACKGROUND**

This Environmental and Social Management Framework (ESMF) prepared for the Justice Services Improvement Project (JSIP) financed by the International Bank for Reconstruction and Development (IBRD) and the Romanian Government covers procedures and mechanisms that will be triggered by the Project to comply with the World Bank Policy 4.01 Environmental Assessment, legislation and normative and legal acts of Romania governing preparation and implementation of environmental protection requirements.

ESMF will allow ensuring environmental and social sustainability of activities throughout their implementation cycle and to provide the Department for the Implementation of Externally Funded Projects (DIEFP) engineering and technical staff and consultants with adequate institutional, normative and technical framework for future processes and procedures that should be observed when:

- (i) Identifying Environmental and Social Assessment implementation arrangements, including assessment of conflict stressors and potential impact of activities implemented under the JSIP;
- (ii) Developing separate site-specific ESMPs for each subproject integrating the complex of social and environmental impact mitigation measures, environmental monitoring and institutional responsibility into the general project implementation plan by including the ESMP into the bidding documents and to ensure funding and supervision along with other components of the subproject;
- (iii) Identifying requirements for environmental monitoring and activities on institutional strengthening conducive to beneficial impacts of the project.

### **1.2 PROJECT CONCEPT**

#### **1.2.1 Project objective and description**

The objectives of the Project are to strengthen the efficiency, quality and transparency of operations in targeted justice institutions.

The map with locations of project interventions is the following:



The Project consists of the following components:

**Component 1: Improving Court Operations.**

Based on the needs identified by the 2015-2020 Strategy for the Development of the Judiciary and the Action Plan (2015-2020), this component will include (i) investments in ICT across the judiciary to maintain and enhance core functions of the courts, (ii) courthouse rehabilitation and construction to improve the system’s ability to deliver services in poor and underserved regions of Romania, and (iii) citizen engagement and community outreach activities to increase responsiveness of the courts to the needs of local communities, especially poor and vulnerable groups.

The ICT investments will improve the quality and efficiency of operations across the court network. In the short term, WAN and LAN infrastructure will enable fast and secure electronic exchange of information within courts and between courts in a complex. This will also enable audio recording software financed under the JRP to operate efficiently. Courts will be encouraged to move from paper to electronic format, as more scanning equipment will be available and e-filing pilots may be expanded. Free Wi-Fi may be offered to lawyers and parties in courthouses, saving time and improving user satisfaction. Large investments will be made in ICT equipment, mainly standard hardware (desktops, printers, scanners, servers etc.) and software (document management, archiving, legal templates, Anti-Virus, audio recording etc.) to replace obsolete equipment that was purchased in 2006.

Reliable hardware and software will reduce security breaches and system outages across the country and save time and frustration among judges and court staff, enabling them to focus on core functions. Moreover, in the medium term, these ICT investments will provide the

necessary building blocks to enable the large-scale upgrades of systems being financed through technical assistance under POCA. These include the re-engineering of the integrated case management system, the availability of audio/visual recordings, large-scale e-filing, alternative dispute resolution, case management of the asset recover office, and tools for the integration of the EU's e-justice portal and cooperation with EU member states.

Investments in judicial infrastructure will improve court operations at first instance courts in various locations across Romania, in an effort to improve the delivery of services to poor and underserved populations. During project preparation, the MOJ and the Bank developed a list of priority court infrastructure based on the following selection criteria: court caseloads, the condition of infrastructure; and the needs of poor and vulnerable communities (including by taking into account the local human development index, GDP per capita, wage distribution, share of Roma population, and employment rates). Based on the prioritization exercise, six sites were selected, all of which are existing sites in very poor condition and requiring extensive rehabilitation. The improved infrastructure will comply with design standards that were developed under the JRP based on international good practice, including compliance with EU and international standards for physical accessibility and for the treatment of prisoners, victims of crime, juveniles etc. The prioritization exercise also identified a reserve list of additional sites that could be upgraded in the event of additional financing or a new phase of the project.

To accompany the hard infrastructure investments, part of the loan proceeds will be dedicated to citizen engagement and community outreach activities aimed to increase the responsiveness of the courts to the needs of local communities, especially poor and vulnerable groups. Based on findings of a qualitative needs assessment conducted in preparation of this project and lessons learned from the JRP that did not have any demand side activities, this project takes a two-pronged approach focusing on access for actual and potential court users at the local and national level. First, at the local level, the proposed civil work sites will provide suitable anchors for engagement with local communities and targeted outreach to vulnerable groups including Roma and other ethnic minorities, refugees, women, children, elderly, people with disabilities, LGBTI, and others.

## **Component 2. Enhancing National Trade Registry Office Performance.**

This component supports the NTRO at the central level and at local level in 42 locations throughout Romania to improve the services they offer to a wide range of end-users, including businesses, financial institutions, insolvency practitioners, attorneys, bailiffs, notaries, courts, prosecutors and citizens, in line with EU standards. Based on the needs identified by the 2015-2020 Strategy for the Development of the Judiciary and the Action Plan, this component will include investments in ICT as well as citizen engagement and community outreach.

First, the project will support the design, development and implementation of an enhanced electronic archiving system of all business information. This will enable NTRO's key users (businesses, financial institutions, insolvency practitioners, attorneys, bailiffs, notaries, courts, prosecutors, citizens etc.) to access business-related information 24/7 on the NTRO portal. (Such access is currently only available internally and during business hours.) This will provide greater convenience and time-saving across the economy. ICT hardware investments will upgrade the NTRO data centers (primary and back-up) with modern equipment and enhance the performance of ICT systems, better secure NTRO data and improve business continuity.

The project will support the initial stages of development of an Insolvency Procedures Bulletin that will support the new personal insolvency framework, which is an important tool for information and user-interface with citizens who are struggling to make ends meet. The

project will also support the initial phases of development of the NTRO Electronic Bulletin, which is required under EU law to establish the interconnectivity of the Romanian business registry and insolvency registers of other EU member states. The full rollout of these two bulletins would be supported through either additional financing, or a new phase of the project.

Citizen engagement and community outreach activities aim at increasing the responsiveness of the NTRO to the needs of potential and actual users with a particular focus on micro and small enterprises, especially those operated formally or informally by persons belonging to poor and vulnerable groups. First, a needs assessment among potential and actual users will be carried out, with a particular focus on vulnerable groups. Second, the project will support targeted awareness and capacity enhancement campaigns for groups of actual and potential users as well as training of NTRO staff and other relevant professionals to raise their awareness of particular user needs.

### **Component 3. Improving Operations at the Prosecution Service**

The ICT investments at the Public Ministry will improve the core functions of the prosecution service in a manner similar to the courts. The cabling and reconfiguration of the LAN of the Bucharest Tribunal's Prosecutor Office will enable prosecutors to share information quickly and securely. In addition, the investments in the General Prosecutor's Office's main and secondary data centers will lay the foundation for the Public Ministry to implement the EU-funded design of an audio/video records management system which will ultimately ensure that prosecution interviews with victims and defendants are recorded in compliance with human rights standards. And a range of security upgrades to physical buildings will improve the safety at the workplace and promote the integrity of prosecutors' work.

The citizen engagement activities under this component will be carried out in conjunction with those under component 1. Activities are aimed at increasing the responsiveness of the prosecution service to the needs of local communities and especially vulnerable groups including Roma and other ethnic minorities, refugees, women, children, elderly, people with disabilities, LGBTI, and others.

### **Component 4. Project Management.**

This component will be dedicated to effective management of the project. It will provide funding for the operating costs of the Department for Implementation of Externally Funded Projects (DIEFP) at the MOJ to act as the project implementation unit for the project.

The project supports all three pillars of the Country Partnership Strategy (2014-2017). The project's investments in ICT and courthouse modernization support the first CPS pillar relating to the creation of a 21st century government.

The project will contribute to the second pillar relating to economic growth and job creation by creating user-oriented business information services via the NTRO. The project also supports the third pillar relating to increased social inclusion, as it prioritizes courthouse infrastructure in underserved regions and will include activities that promote citizen engagement and community outreach.

#### **1.2.2. Investment Sub-Component - part of Component 1**

As part of Component 1 the Project includes courthouses rehabilitation and construction to improve the system's ability to deliver services in poor and/or underserved regions of Romania. Investments in judicial infrastructure will improve court operations in various locations across Romania. During project preparation, a list of priority court infrastructure was prepared, and courts selected taking into account the following criteria: court caseloads, the condition of infrastructure; and the needs of poor and vulnerable communities (including by

taking into account the local human development index, GDP per capita, wage distribution, share of Roma population, and employment rates). Based on the prioritization exercise, 6 sites/subprojects will be subject to current financing as described in *Table 1* below. The improved infrastructure will comply with design standards that were developed under the JRP based on international good practice, including compliance with EU and international standards for physical accessibility and for the treatment of prisoners, victims of crime, juveniles etc. The prioritization exercise also identified additional site which may be subject in the future to be upgraded in case of saving, additional financing or a new phase of the project.

**Table 1 - Subprojects list**

Id.	Courthouses list	Technical overview
<b>CURRENT PROJECT FINANCING</b>		
a	FIC Costesti	Rehabilitation of existing buildings or demolition and construction of new buildings in the same land plots. No additional land is required for the development of the project. The existing building has access to infrastructure and the land is owned by the Ministry of Justice- Argeş Tribunal.
b	FIC Calafat	Rehabilitation of existing buildings or demolition and construction of new buildings in the same land plots. No additional land is required for the development of the project. The existing building has access to infrastructure.
c	FIC Horezu	New building on a new land plots of 2.200 sqm not used or occupied formally or informally by third parties and owned by the MoJ - Vâlcea Tribunal. No additional land is required for the development of the project.
d	FIC Tg Neamt	New building on a new land plots of 1.400sqm not used or occupied formally or informally by third parties and owned by the MoJ - Neamţ Tribunal. No additional land is required for the development of the project.
e	FIC Carei	Rehabilitation of the existing building - historical monument.
f	FIC Corabia	Rehabilitate of the existing building - historical monument.
<b>TO BE DEVELOPED WITH SAVINGS FROM THE CURRENT PROJECT FINANCING</b>		
g	FIC & Court of Appeal Craiova	Construction of a building on a new land plot of 8,000sqm used as informal parking lot and owned by the Craiova Municipality. The transfer of the land into the property of the MoJ has been approved by the Government through a Memorandum but it is not finalized yet. No risks of in relationship to the completion of the land transfer from the Craiova municipality to the MoJ are expected.
<b>TENTATIVE OPTIONS TO BE SUBMITTED FOR ADDITIONAL FINANCING</b>		
h	FIC Drăgăşani	Currently under consideration the rearrangement of an existing building used in the past as maternity center and located on land owned by local authorities. While an existing pedestrian access road is present, the site under consideration has issues related to vehicles access road that passes a privately owned land located behind the maternity center building and now used for business purposes. The client should further clarify the legal arrangements needed for the access road.
i	FIC Luduş	Construction of a new building on a land plot of 2,200sqm, owned by the MoJ - Mureş Tribunal, water and electricity infrastructures are available in the vicinity of the site but not on the land selected for the subproject development, therefore additional works to connect the new land plot/ building to these infrastructure are expected.



**Scope of works.** Construction will involve a range of interventions, from new construction in limited cases to refurbishing of existing buildings. Refurbishing will involve altering some interior spaces and plan layouts, and adapting existing spaces for new functions. This will include moving interior partitions and providing new finishes.

The building envelope will be upgraded for better weather protection and greatly increased energy efficiency (windows and doors will be replaced, as will heating systems.) Technical infrastructure will be largely upgraded in all cases, including electrical and mechanical systems, communications, and security and public safety systems. Where additions are being made to existing buildings, there will be cases where parts of the existing structure will be demolished to accommodate the new designs. Restoration of existing details will be undertaken where architecturally appropriate.

**Prioritized List.** A methodology for prioritizing the objects for investment had been developed by the MOJ, along with a “short list” comprising 6 buildings with a total investment value (estimated cost of design and works) of about EUR 13.2 million. Provided savings are identified after completed procurement of other assignments, Craiova First Instance Court and Court of Appeal common buildings complex will also be subject to financing, with an estimated cost of EUR 11 million. The estimated costs for the proposed investments range from EUR 1,000,000 to EUR 11,000,000 million. The list represents capital investments, which together with the ongoing Government programs would eventually meet all Romania’s major capital investment needs in court infrastructure. Additionally, MOJ prepared a “reserve list” - comprising 2 more buildings with a total investment value (estimated cost of works) of about EUR 2 million. The final 6 list of court buildings was agreed between the Bank and MOJ during the appraisal mission (August 2016). For the first stage of the project, the civil works for the first 6 buildings, for the overall amount of about EUR 13.2 million, including design, supervision services and furniture.

**Ongoing Government investment programs.** The Government of Romania is undertaking *i)* a program of construction and rehabilitation of court infrastructure with its own budgetary resources (but available funding has limited this work to a few high profile court buildings) and *ii)* a new designed program in 2015, in partnership with National Investments Company, under the coordination of Ministry for Regional Development and Public Administration. When matched with the Government’s program, the Bank project will allow MOJ to move more quickly on a much broader range of court construction needs.

**Planning and Design standards.** The project will establish court planning and design standards, to ensure that new investments meet fundamental principles of functional appropriateness and efficiency of court buildings and to serve as a guide for controlling costs. Agreed national design guidelines and carefully established space programming standards would provide clearer parameters for local authorities and design architects. Additionally, good international best practice will be taken into account.

## 2. LEGAL AND ADMINISTRATIVE FRAMEWORK

### 2.1 Current Environmental Regulatory Framework in Romania

This section briefly describes the main existing environmental regulations and standards relevant to the project and makes reference to institutions at the local and national levels responsible for issuing permits, licenses, and enforcing compliance of environmental standards.

A more comprehensive list of the legal and institutional framework is provided in Annex 1.

EGO 195/2005 approved by Law no.265/2006, other organic and major laws on various domains, International Conventions and treaties signed and ratified by Romania, different governmental decisions or ministerial orders, National Environmental Strategy and National Environmental Action Plan (NEAP) define the legal framework of environmental protection and related activities. EPL delegates most state authority to the central environmental protection authority that is the Minister for Environment, Waters and Forests (MEWF) and its territorial affiliates (NEPA, Local Environmental Protection Agency-LEPAs). EPL, which approaches the EU standards, sets forth general principles of environmental policy (polluter-pays, integrated monitoring, sustainable development, NGOs and public participation, international cooperation, rehabilitation of degraded areas) and adopts the general ways for the enforcement of these principles, such as: harmonization of environmental policies and development programs, correlation between special and environmental development, compulsory use of the environmental permitting procedure for certain economic and social activities with significant environmental impacts, use of economic incentives.

Agencies (entities) proposing new investment projects that are likely to have a significant environmental impact have to apply for environmental agreement. This might be awarded only after a serious environmental impact assessment accomplished by accredited experts and accompanied by a public debate. Potential impacts, mitigation measures and the necessary monitoring system should be outlined in this process. After project commissioning, an environmental authorization is also required. This might be issued after LEPA staff verified the compliance with environmental agreement provisions. Without these certificates, the proposed activity is not allowed to proceed. Awarding of environmental agreement is made simultaneously with other needed approvals, but the environmental authorization is preceded by obtaining of other approvals (for telecommunication utilities, for natural gas network, for electric power, from the Fire Commandment, etc.), the Water Permit being the most important one. The management agency of each activity is obliged to set up its own internal or self-monitoring system. Parameters to be monitored are established according to the provisions included within environmental agreement and environmental authorization. Data has to be registered and made available for LEPA staff. External Monitoring performed by LEPA is oriented mostly to the recognized important polluters, due to the serious scarcity of the necessary monitoring, analysis and information equipment.

***Environmental Impact Assessment (EIA)***. The accomplishment of full EIA on which basis the environmental agreement would be issued, is mandatory for all activities listed in Appendix I of the GD no.445/2009 on the framework procedure for environmental impact assessment for certain public and private projects, as well as all projects proposed for the costal zone and those proposed in protected hydro-geological areas. Projects listed in Appendix II of the same normative act, projects proposed within a natural protected area and those designated for the management of the natural protected areas are subject to the screening procedure. The result of the screening procedure is a decision based on which the project is further subject to the EIA or not. The current regulations require that the information provided by the developer of

the EIA process shall include the measures envisaged in order to avoid, reduce and where possible, offset the significant adverse effects.

The EIA procedure comprises a mandatory involvement of the public and the public authorities with environmental protection responsibilities. The public comments are taken into account in the EIA procedure. The public authorities with environmental protection responsibilities are always involved in the Technical Review Committee-which is mandatory required by the national EIA procedure.

The national EIA procedure is detailed within MO 135/2010. The national EIA procedure is applied also using the guidance of the MO 863/2002. (Screening, Scoping and Review Guidance) and, as appropriate, on the requirements of the MO 864/2002 on the transboundary EIA procedure.

Inspection and enforcement responsibility for applicable laws for court facilities is the responsibility of the structures developed at level of Courts of Appeal and Tribunals under direct supervision of their presidents (secondary and tertiary credit ordinarators/budgetary holders). Capital Investment Directorate of the MOJ and economic/administrative structures of courts are in collaborations, and on issues related to capital investments implementation MOJ departments coordinate the implementation.

The proposed investments are not expected to trigger a need for a full EIA under Romanian law (EGO 195/2005).

A consultation process should be initiated by MOJ with the court staff and local authorities where the pre-selected court buildings are located, for the new buildings, for which a simplified Environmental Assessment can be performed.

## 2.2 World Bank Safeguards Policies and Procedures

The major document regulating the WB environmental safeguard policy is **OP 4.01 *Environmental Assessment***, which is one of ten safeguard policies that the projects submitted for the Bank financing are to comply with.

Ten safeguard policies and the +1 policy on *Access to Information* represent the framework of safeguard mechanisms applied by the WB for the sake of interests of beneficiaries, clients, stakeholders and that of the Bank. Applying these policies allows avoiding adverse impacts on the environment and people's lives, minimizing and mitigating potential unfavorable environmental and social project impacts.

1. Environmental Assessment (OP 4.01);
2. Natural Habitats (OP 4.04);
3. Pest management (OP 4.09);
4. Physical Cultural Resources (OP 4.11);
5. Forests (OP 4.36);
6. Safety of Dams (OP 4.37);
7. Involuntary Resettlement (OP 4.12);
8. Indigenous Peoples (OP 4.10);
9. Projects on International Waterways (OP 7.50);
10. Projects in Disputed Areas (OP 7.60);
- +1. Access to Information

The first six policies are environmental policies and they are taken as focus during preparation of the Environmental Assessment. The seventh and eighth are social and the ninth and tenth are legal.

The objectives of 10+1 safeguard policies are to:

- a) Avoid negative impacts where possible; otherwise minimize, reduce, mitigate, compensate;
- b) Match level of review, mitigation and oversight to level of risk and impacts;
- c) Inform the public and enable people to participate in decisions which affect them;
- d) Integrate environmental and social issues into project identification, design and implementation.

#### *Principles of OP 10+ 1:*

- ✓ In case of discrepancy between the requirements of OP 10+1 and those of the national legislation norms, the more stringent ones prevail;
- ✓ In case of conflict between the OP 10+1 and the national environmental requirements, the WB policies will prevail (even if some parts of the project are financed by the Government of Romania or third parties).

The legal basis for such approach is the Agreement ratified by the Romanian Parliament, which carries the force of an international treaty and prevails over the national legislative acts.

The major requirements of the environmental policies are stated in the Annex 2.

#### **2.2.1 Safeguard OP 4.01 Environmental Assessment (EA)**

The Bank undertakes environmental screening of each proposed project to determine the appropriate extent and type of EA. The Bank classifies the proposed projects into one of four categories, depending on the type, location, sensitivity, and scale of the project and the nature and magnitude of its potential environmental impacts.

**Category A:** A proposed project is classified as Category A if it is likely to have significant adverse environmental impacts that are sensitive, diverse, or unprecedented. These impacts may affect an area broader than the sites or facilities subject to physical works. EA for a Category A project examines the project's potential negative and positive environmental impacts, compares them with those of feasible alternatives (including the "without project" situation), and recommends any measures needed to prevent, minimize, mitigate, or compensate for adverse impacts and improve environmental performance. For a Category A project, the borrower is responsible for preparing a report, normally an EIA (or a suitably comprehensive regional or sectoral EA).

**Category B:** A proposed project is classified as Category B if its potential adverse environmental impacts on human populations or environmentally important areas - including wetlands, forests, grasslands, and other natural habitats--are less adverse than those of Category A projects. These impacts are site-specific; few if any of them are irreversible; and in most cases, mitigation measures can be designed more readily than for Category A projects. The scope of EA for a Category B project may vary from project to project, but it is narrower than that of Category A EA. Like Category A EA, it examines the project's potential negative and positive environmental impacts and recommends any measures needed to prevent,

minimize, mitigate, or compensate for adverse impacts and improve environmental performance.

*Category C:* A proposed project is classified as Category C if it is likely to have minimal or no adverse environmental impacts. Beyond screening, no further EA action is required for a Category C project.

*Category FI:* A proposed project is classified as Category FI if it involves investment of Bank funds through a financial intermediary, in subprojects that may result in adverse environmental impacts.

### 2.2.2 Social Impact assessment

In addition to environmental aspects, social impacts should be considered. These are gender and conflict sensitivity. While these do not fall under safeguards, yet are critical to successful implementation of the project. It is critical to ensure equal participation, consideration and reflection of interests and opinions of women throughout the project implementation.

Conflict stressors (long-term structural conditions) and triggers (short term events) have to be identified. Conflict stressors and triggers include, but are not limited to the following: low level of public trust in local authorities, demographic growth, and struggle for limited resources.

## 3. PROJECT SAFEGUARDS AND OTHER MEASURES

### 3.1 Project category and safeguards triggered

JSIP will not finance any activities with significant or irreversible environmental impacts, and therefore has triggered the **WB environmental safeguard policy OP 4.01**, with classification as Environmental Category "B" - partial assessment. The main project interventions refer to the rehabilitation and limited new construction of court buildings all over the country. While the environmental impact of the project will be largely positive, some adverse impacts may be generated.

The identified positive environmental impacts of the project include:

- i improved authorities and citizens' skills and awareness in planning and implementation of local activities, with particular attention to environment protection, and
- ii Sustainable management of improved infrastructure by authorities and communities, which will bring environmental and social benefits related to natural resources management.

Potential adverse impacts of project implementation will be limited and temporary, and are mainly related to construction works which may include:

- i increased pollution due to construction waste;
- ii generation of dust, noise, and vibration due to the movement of construction vehicles and machinery;

- iii associated risks due to improper disposal of construction waste, asbestos<sup>1</sup> and asbestos-containing materials, or minor operational or accidental spills of fuel and lubricants from the construction machinery;
- iv increase in traffic during construction which may impact community;
- v impact on workers and community health and safety during construction activities;
- vi improper reinstatement of construction sites upon completion of works;
- vii possible negative impacts on buildings with cultural importance;
- viii unsafe practices during operation of the building.

All these potential environmental impacts are readily identifiable, small in scale, and minimal in impact and can be effectively prevented, minimized, or mitigated by including into the work contracts specific measures to be taken by contractors under close supervision of compliance by DIEFP.

All these potential adverse impacts will be mitigated by measures stipulated in this ESMF and individual plans to be developed for each subproject, and will be included in the design, planning and construction supervision process, as well as during the operation of the facilities, with the objective to prevent pollution and exhaustion of natural resources.

The risks listed above are anticipated in advance of project implementation and direct mitigation activities will be designed, implemented, monitored and evaluated during pre-construction, construction and operation in a way consistent with national legislation, WB OPs and international good practice.

Use of construction materials that are hazardous to human health (e.g., asbestos, asbestos contained materials) will not be permitted. Asbestos-contained materials waste will be collected, transported and finally disposed by applying special protective measures in accordance with the hazardous waste handling standards.

The project will not finance Category-A activities or activities that target natural habitats or protected sites, and will prohibit those activities that can cause a significant loss or degradation of any significant natural habitat. The environmental screening process will check for the presence of physical cultural resources. In addition, cultural heritage/chance find procedures will be included in all works contracts.

#### *Other Safeguard Policies.*

The project also triggers **OP/BP 4.11, Physical Cultural Resources** because two court buildings (Carei and Corabia) are categorized as historical monuments. The ESMF includes requirements for the borrower and contractors, as will be reflected in further the site-specific ESMPs and the POM. These refer to specific measures necessary to be taken for complying with Romanian laws and procedures related to the physical cultural resources, and with the World Bank's requirements for managing impacts on cultural property.

Romania has a well-developed cultural heritage protection system with responsibility for monitoring and enforcement conducted by the Ministry of Culture (MoC). The legal framework for cultural preservation is outlined in the Law for Preservation of Historical Heritage No. 422/2001, as amended by several subsequent acts, lastly by the Governmental Ordinance No. 10/2016. The MoC's Directorate of Historic Monuments must approve all technical documentation for buildings that are officially listed, and can call specialists as members of a Consultative Board, as needed. Designers, contractors and site supervision

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<sup>1</sup> Safeguard requirements for dealing with asbestos are specified in Annex 9

engineers working on an investment project that involves a historic monument must be certified and listed by the MoC.

The construction permit for rehabilitation works at such type of court buildings includes particular requirements for managing any potential impact to such cultural properties, based on a specific permit that is issued by MoC in accordance with the procedures outlined in the Law 422/2001. During the execution of construction works, they also require the use of supervisor engineers certified in the field of historical buildings. In addition, the bidding documents prepared for these court buildings include specific qualification criteria for contractors to prove expertise and certification in such types of works.

The design phase for historical monuments is based on a specific technical expertise carried out for such types of buildings, with the purpose to develop a unified concept of intervention on the historical monument, with variants for maximum and minimum intervention, and with establishing the works priorities.

If any cultural assets are found during construction (excavation) works ("chance finds"), the measures outlined in the Law 422/2001 will be undertaken, including the setting up of a protection zone in compliance with the Law 422/2001, reporting to the local offices of MoC, and obtaining a special permit for the execution of works in connection with the found cultural assets.

This Project does not trigger any of the following safeguard policies:

- **Natural Habitats (OP 4.04)** - JSIP will not engage in changing the natural habitats;
- **Pest Management (OP 4.09)** - No pest management activities will be carried out under the Project;
- **Forests (OP 4.36)** - JSIP will not cover forests and forest areas;
- **Safety of Dams (OP 4.37)** - JSIP does not finance construction or repair of dams;
- **Involuntary Resettlement (OP 4.12)** - JSIP interventions are not expected to generate land acquisition and/or involuntary resettlement;
- **Indigenous Peoples (4.10)** - JSIP does not impact indigenous people, ethnic minorities or tribal groups;
- **Projects on International Waterways (OP 7.50)** - JSIP interventions are not expected to adversely affect water quality or quantity to downstream riparian states;
- **Projects in Disputed Areas (7.60)** - JSIP will not be implemented in disputed areas and thus will not trigger this strategy.

**Land acquisition.** The land plots selected for the development of the subprojects in the current project financing or included in the reserved list are publicly owned and not used for agricultural or businesses purposes, by formal or informal users (see Table 1, Chapter 1). If the development of the subprojects listed in the current financing, reserved list, or future financing, will result in acquisition of private land and/or involuntary resettlement, WB OP 4.12<sup>2</sup> will be triggered. As such, this ESMF will be updated, any changes reflected in the relevant ESMPs, and any activity related to land acquisition, clearance and resettlement will be undertaken in a way consistent with WB OP 4.12 and applicable national legislation. The more stringent legislation and requirements will prevail.

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<sup>2</sup> <http://siteresources.worldbank.org/INTFORESTS/Resources/OP412.pdf>

### 3.2 Environmental and Social Management Framework and Plans

Preparation and implementation of proposed Project activities is grounded on the basis of both the national legislation and WB safeguards (Ops), namely OP/BP 4.01 was triggered in the framework of this project. Compliance to the above will be maintained throughout the project's lifecycle. For achieving this obligations, the project beneficiary prepared this ESMF and will develop site-specific subproject ESMPs to identify, avoid and/or minimize, mitigate or compensate potential impacts of project components on the natural and social environment in a way consistent with both national legislation and WB OPs.

The ESMF covers the following key area: national and WB rules and procedures; environmental screening of the proposed sub-projects; guidance for preparing subprojects ESMPs; description of key potential impacts and mitigation measures; requirements for monitoring and reporting; public consultations. The objective of the ESMF is to provide general policies, guidelines, rules of conduct and procedures that will be integrated into the implementation of the Project and reflected in the subproject ESMPs.

The ESMP would support:

- inclusion of ESMP follow-up procedures in the operational processes of DIEFP, of MOJ, and the selected courts;
- highlighting the ESMP follow-up responsibility in the job description of the MOJ inspectorate staff;
- training of designated staff from the courts participating in the project as well as from DIEFP in project implementation;
- site-specific environmental screening concerning all project supported activities for the rehabilitation of the courts;
- monitoring and evaluation of mitigation measures identified in the site specific reviews; and
- inclusion of Environmental Guidelines for ecological planning and design of court buildings in the Design Standards and Manual.

The required mitigation measures and issues to be addressed through this ESMF and ESMPs instruments for the project activities are standard and widely used in construction practices. These include proper waste management and disposal of construction debris (including asbestos), proper wastewater treatment; heating and fuel system assembly, dust and noise control, sensitivity of designs to cultural settings, and cultural heritage/chance finds procedures. In practice, these issues will be addressed through a series of local permits detailed in the environmental framework review, through contractor site supervisor oversight, through the local municipality requirements, and through the unit (DIEFP) in the MOJ responsible for the court facilities and rehabilitation.

The ESMF is subject to public consultation organized at central level, in Bucharest, posted on the MOJ's website and distributed to the courts involved in the project. It is also subject to disclosure on the Bank's InfoShop. The ESMF will be incorporated as an Annex into the Project Operational Manual (POM). Site-specific Environmental and Social Management Plans (ESMPs), based on the ESMF, will be prepared for each site where construction works will be implemented, publicly consulted and disclosed locally before procurement commences for the civil works.



The list containing the courthouses that will be included for rehabilitation/new buildings in the actual project, and a tentative for the anticipated additional financing possible for continuing the project is presented in Table 1 above.

### 3.3. Institutional and Implementation Arrangements

The project's investments will be managed by a special department within the Ministry of Justice (MOJ) - Department for Implementation of Externally Financed Projects (DIEFP).

The other departments of the MOJ - i.e. IT Department, Capital Investments Department, Budget Division, etc. -- will have specific and limited responsibilities related to management of investment components of the project.

DIEFP will have detailed TOR for project management, and will be staffed, among others, with procurement specialists and civil works engineers who will be primarily focusing on the Court Rehabilitation Sub-Component. MOJ specialists who have relevant experience in court buildings construction/rehabilitation and, particularly, are familiar with space/planning standards and environmental requirements, implemented also the Judicial Reform Project Civil works component (and in this capacity managed to successfully coordinate the completion of 16 court buildings during 2010 - 2016), therefore being maintained in the PMU.

Plans for each court building to be rehabilitated will include measures to ensure that the social and natural environment is not negatively affected during the project cycle. Proponents of buildings rehabilitation will have the responsibility to prepare the application file by taking the following steps:

- clarify the legal status of land sites allocated to the future subproject;
- prepare a technical documentation that should describe the subproject; this documentation should also contain description of the internal monitoring system;
- request an Urbanism Certificate from the Local County or the County Council; and
- obtain all approvals specified within such Urban Certificate.

DIEFP will create monitoring arrangements for environmental aspects of the approved projects during the whole project lifecycle. During project implementation, DIEFP will have overall supervision responsibility for ensuring that the measures indicated in the ESMF/ESMPs are being properly performed.

The DIEFP in collaboration with the local authorities of the selected courts, will perform the environmental monitoring during both, construction and operation phases, as specified in the monitoring plan of the ESMPs. The project will rely on the Romanian laws (fully aligned with the EU environmental acquis) governing the process for environmental permitting and review.

Major issues concerning project implementation challenges (e.g. revisions to the list of pre-selected court buildings etc.), including the ones related to the environmental performance of the projects portfolio, will be resolved through the sector's existing coordination systems, with the support of the DIEFP.

Each ESMP will be monitored by a specialized supervision and project management consultant, as part of the overall supervision services for each site, during construction stage. Thus, each periodic monitoring report, will include a specialized chapter dedicated to Environmental and Social Supervision and Performance, which shall include the following:

- the results of the field supervisors screening and review procedures;
- a description of any operations not currently in compliance with environmental requirements as per its corrective action measures and of the actions DIEFP through the consultancy supervision firm, or directly, has taken or intends to take to correct the situation.

Appropriate training on Bank safeguards will continue to be provided under the JSIP to local officials, contractors, and community representatives. The Bank's supervision of the project will include a special mid-term review of construction contracts financed by MOJ in this period to post-review the application of environmental safeguards and attention to environmental issues.

***Establishment of Environmental Expertise within DIEFP.*** Technical Specialists within DIEFP will be responsible for full coordination and supervision of the environmental plans and risk mitigation measures undertaken within the project. The Specialists will work in close coordination with supervision project coordination staff and technical staff in courts and will:

- a) coordinate environmental training for staff, designers and local contractors;
- b) disseminate existing environmental management guidelines and develop guidelines in relation to issues not covered by the existing regulations, in line with the Bank and EU standards for implementation, monitoring and evaluation of mitigation measures;
- c) ensure that contracting processes for construction works and supply of equipment include reference to appropriate guidelines and standards; and
- d) conduct periodic site visits to inspect and approve plans and monitor compliance.

### 3.4 GRIEVANCE MECHANISMS

Communities and individuals who believe that they are adversely affected by a WB supported project may submit complaints to existing institutional redress mechanism including the MOJ's Public Relations Department or the WB's Grievance Redress Service (GRS).

**Institutional channels:** the right to petition is guaranteed by the Romanian Constitution. The petition-related procedure is regulated by the Government Ordinance no. 27/2002, approved by the Law no. 233/2002 and other regulations in the field.

The petitions may be submitted to the MoJ Public Relation Department:

- by post to: 17 Apolodor St, Bucharest
- by fax: +40 037 204 1188
- by e-mail: [relatiipublice@just.ro](mailto:relatiipublice@just.ro)
- by delivering them in person to the MoJ Registry

**World Bank GRS:** the GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. The project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond.

For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/GRS>. For information on how to submit complaints to the World Bank Inspection Panel, please visit [www.inspectionpanel.org](http://www.inspectionpanel.org).

#### **4. ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN AND MONITORING PLAN**

DIEFP will follow the mechanism of development and execution of environmental documents according to correlative list throughout all JSIP development stages in line with the requirements of environmental legislation and the World Bank OP 4.01.

**Based on this ESMF, an individual (site-specific) Environmental and Social Management Plan (ESMP) will be produced for each subproject**, including detailed sections "Environmental protection" (as needed), the state of environmental appraisal, the activities ensuring environmental mitigation measures, institutional framework for preventative arrangements, environmental monitoring program with use of templates (see Annex 4 and Annex 5) based on the summary data given in Annex 6.

For low-risk topologies, such as construction rehabilitation activities, the ECA safeguards team developed an alternative to the EMP/ESMP format to provide an opportunity for a more streamlined approach to preparing EMPs for minor rehabilitation or small-scale works in building construction, in the health, education and public services sectors (including justice). The checklist-type format has been developed to provide "example good practices" and designed to be user friendly and compatible with safeguard requirements - see Annex 7

The ESMP outlines the mitigation, monitoring and institutional strengthening measures to be taken during project implementation/project operation to avoid or eliminate negative environmental and social impacts. For projects of intermediate environmental risk (Category B) an ESMP may be an effective way of summarizing the activities needed to achieve effective mitigation of negative environmental/social impacts.

The construction phase is limited in time. The average construction time for one court building rehabilitation/adaptation or for a new building could be between one to two years, influenced by the scope and by the weather conditions (winter season, mainly).

##### **4.1 Site Specific Environmental Screening and Review**

As part of the ESMF/ESMPs, all project-supported activities for construction / rehabilitation of the courts would be subjected to a site-specific environmental screening and review process, according to the requirements of the Environmental Protection Law. In accordance with the national legislation, the local environmental authorities have the obligation to submit an Environmental Approval for the anticipated civil works. This process is based on the mitigation of site-specific environmental impacts and uses a standardized appraisal format that includes, but is not limited to the reviewing of:

- a) current environmental problems on respective site (soil erosion, water supply contamination, etc.);
- b) potential environmental impacts, if any, due to the project (disposal of waste from construction, waste handling and disposal, construction noise and dust etc.);
- c) any cultural assets that might be found in the place of construction, and
- d) potential pedestrian and vehicle traffic disruption and associated public safety risks.

## 4.2 Supervision

The environmental issues including mitigation measures would be supervised periodically by the MOJ and the courts' staff undergoing rehabilitation works.

No unusual environmental impacts related to construction activities are anticipated under the proposed program given the relatively small size of most of the investments and the siting in existing developed urban areas. These investments are expected to be environmentally beneficial since they will be following new improved planning and design standards; none of the units to be financed is expected to have any large scale, significant and/or irreversible impacts.

The potential negative environmental impacts are expected to be localized or able to be mitigated during the implementation stage. In addition, there are environmental regulations in force in Romania, which make control and supervision of construction works mandatory. Contracts and bill of quantities will include clauses for appropriate disposal of construction debris, including hazardous materials that may be encountered. Existing regulations require, and procurement documents will specify, that no environmentally unacceptable materials can be used. The environmental management guidelines included in Attachment 2 should be provided to contractors engaged in civil works under the project, and should be made an integral part of the civil works contracts.

## 4.3 Cultural assets

No cultural or historical assets will be negatively affected by the new construction. Romania has a well-developed cultural heritage protection system with responsibility for monitoring and enforcement conducted by the Ministry of Culture (MC). Legal framework for cultural preservation is outlined in the Republished Law for Preservation of Historical Heritage No. 422/2001.

During technical design and obtaining environment permit, it will be reviewed if any of the existing court buildings are certified as "cultural or historical heritage". With respect to the buildings with such qualifications, the procedures outlined in the Law on Historical Heritage will be followed, including obtaining permit from MC and involving design supervisor engineers who have specific qualifications in the field of historical buildings, certified by MC.

If any cultural assets are found during construction (excavation) works ("chance finds"), the measures outlined in the Law 422/2001 will be undertaken, including instituting a protection zone in compliance with the Law 422/2001, reporting to the local offices of MC and obtaining a special permit for the execution of works in connection with the found cultural assets.

## 5. PUBLIC CONSULTATIONS

Following WB and MOJ approval of the ESMF draft, the document was disclosed on the website of the MOJ ([www.just.ro](http://www.just.ro)) in local language and on WB website in English. Public consultation of the ESMF took place in Bucharest on September 22, 2016. All reasonable issue raised at this public consultation, are included in this final version ESMF - see Annex 10. When the subproject ESMPs will be prepared, the documents will be disclosed at central level in Bucharest and in each related subproject area.

DIEFP should undertake organization and holding of public consultations for groups that may be impacted by subproject before finalization of ESMP. These groups are usually represented by those who live near construction site, as well as by representatives of local NGOs, central/local environmental authorities and other stakeholders. Public consultations will be organized as well as to each location where ESMPs will be prepared, with the main purpose to inform stakeholders on planned socio-economic safety measures and to consult public opinion.

Minimum 10 day before the public consultation the ESMPs for new buildings will be published and made accessible to the public, information about the location and time of each public consultation meeting will be provided well in advance to the public.

During public consultations, stakeholders will be given an opportunity to express their views on any environment/social-related issues that may arise in the course of project implementation. All key stakeholders will be informed and meaningfully consulted on the project using accessible communication methods and language. Any reasonable issue raised at public consultation, will be included in the final version ESMPs. Views of the stakeholders will be taken into account during subproject implementation.

Public consultations usually take the form of meetings, which enable the best information exchange: subproject initiators inform local communities on their activities and local communities are able to raise issues that are topical for them. Household visits will be used to inform vulnerable and marginalized categories of people (people with disabilities, landless persons, and elderly).

There are also other acceptable methods that can be used for public opinion research such as questionnaires, round tables, etc.

Minutes of public consultations shall be taken and results of public consultations should be recorded in final version of ESMF, ESMPs.

During the process of public consultation stakeholders will obtain all information regarding the project, including anticipated social and environmental impacts and related mitigation measures. The findings of the ESMF/ ESMPs will be presented in a simple way and tailored to stakeholders needs.

Where possible, stakeholder feedbacks collected during the public consultation meetings will be taken into account in the decision making process and in the project design and therefore reflected in the ESMF/ ESMPs.

DIEFP should post ESMF and ESMPs on its website after they are approved by the WB, and send them to relevant local beneficiaries in order to publish these at their local levels in public places.

During the site preparation for construction activities and the construction period, the Contractor(s) will submit monthly reports to the MOJ with information related to temporary

traffic regulation, water or energy regime, construction work starting date and expected duration, related updates, daily/weekly works hours schedule, employment opening for construction etc. that when relevant to the community will be disclosed well in advance on MOJ website and locally.

## **6. ENVIRONMENTAL GUIDELINES**

### **6.1 Introduction**

The Environmental Guidelines section details the specifics to be addressed during construction and rehabilitation of court buildings, and will be incorporated into the Planning Standards and Manual for Design.

The guidelines cover the handling of construction debris generated, selection of construction materials and construction methods with limited impact on the environment and energy saving methods.

### **6.2 The Site**

The site specific screening and review should carefully consider the following issues:

- Dust and noise due to the demolition and construction;
- Dumping of construction wastes accidental spillage of machine oil, lubricants etc.;
- Inadequate handling of hazardous materials such as asbestos and paint from transportation and handling of construction works will be minimized by water and other means such as enclosure of construction sites.
- To reduce noise, construction will be restricted during certain hours.
- All debris, construction and wood waste will be stored within the work site.
- Wood waste will be stored separately and arranged to be recycled instead of disposing it.
- Open burning and illegal dumping will not be permitted.
- Proper sites for earth/clay and sand disposal will be determined and prior approval from relevant authority for disposal will be obtained.
- Stock piling of construction debris on site will be avoided and waste will be disposed of on a regular basis at the authorized government dumping ground. Debris chutes will be provided to transfer debris from higher floors to the ground.

### **6.3 Energy Efficiency, Insulation and Ventilation**

Insulation should be tailored to the seasonal impacts of climate, internal thermal load, and characteristics of exposure. Vapor barriers should prevent moisture intrusion in the roof insulation and outer wall cavities and using damp course.

Window location should be determined on view, ventilation, light, thermal gain, privacy control and interior space functions.

High-efficiency systems for heating domestic water (including solar systems) and for interior space heating should be selected with maintenance and long term running costs in mind.

Plumbing should be coordinated to minimize plumbing and also water service to toilets and utility rooms. Water-saving faucets, ring mains and other devices also require consideration. Construction materials will conform to national regulations and internationally accepted standards of safety and environmental impacts.

#### **6.4 Electrical Systems**

Incoming cables should be located underground. Main entrance feed and panel located away from places of work and waiting is prudent in avoidance of electromagnetic fields. Ground faulty wiring near any plumbing fixture is a precaution. Selecting the most energy efficient light fixtures, lamps, appliances and equipment will reduce energy demand but can introduce undesirable electromagnetic fields. Be aware that close proximity to table, floor and desk halogen, fluorescent and other high-efficiency fixtures and lamps can cause an exposure to harmful electromagnetic fields.

#### **6.5 Demolition work**

Existing building elements (walls, foundations, ground cement slabs etc.) should be carefully demolished and the debris should be sorted and removed as directed by the ESMP (to be determined during the preparation phase of the project). All valuable materials (doors, windows, sanitary fixtures etc.) should be carefully dismantled and transported to the storage area assigned for the purpose. Valuable materials should be recycled within the project or sold.

#### **6.6 Selection of Construction Materials and Construction Methods**

Environmentally sound goods and services should be selected. Priority should be given to products meeting standards for recognized international or national symbols. Traditionally well-tried materials and methods should be chosen before new and unknown techniques. Construction sites should be fenced off in order to prevent entry of public, and general safety measures would be imposed. Temporary inconveniences due to construction works should be minimized through planning and coordination with contractors, neighbors and authorities. In densely populated areas, noisy or vibration generating activities should be strictly confined to the daytime.

#### **6.7 Handling of Waste**

The handling of construction debris will be according to local and national regulations, and as specified in the EMP, and described above under site considerations. These regulations are developed and enforceable in Romania. Monitoring will be the responsibility of site supervisors working for the MOJ. For asbestos and asbestos-containing materials please see Annex 9. In all the specific cases for which contractors should demolish or remove asbestos-containing materials, these categories of works should be done only with qualified personnel and fully in line with the specific legislation related to this specific field.

LEGAL AND INSTITUTIONAL FRAMEWORK ON EIA<sup>3</sup>

## International Laws

1. Article 11(2) of Romania's Constitution (as revised by Law No. 429/2003) provides that treaties ratified by Parliament according to the law are part of national law.
2. The following treaties to which Romania is party relate to the protection of natural habitats:
  - Ramsar Convention on Wetlands (Ramsar, 1971), ratified by Romania on 21/9/91.
  - The Danube Delta and Small Island of Braila have been designated as Ramsar Sites.
  - Convention on the Conservation of Migratory Species (Bonn, 1979), ratified by Romania on 1/7/98.
  - Convention on Biological Diversity (Rio de Janeiro, 1992), ratified by Romania on 17/8/94.
  - Convention on the Conservation of European Wildlife and Natural Habitats (Berne, 1979). Accession by Romania on 18/5/93.
  - Convention concerning the protection of the World Cultural and Natural Heritage (Paris, 1972). Accession by Romania on 16/5/90. Several areas, including the Danube Delta are designated as UNESCO World Heritage Site.
  - Danube River Protection Convention signed in 1994.
3. On environmental assessment, relevant treaties ratified by Romania include:
  - UN/ECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus, 1998), ratified by Romania by Law no.86/2000.
  - Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991), ratified by Romania by Law no.22/2001.
4. The following treaties ratified by Romania relate to cultural property:
  - European Convention on the Protection of the Archaeological Heritage (revised) (Valetta, 1992), ratified by Romania 20/11/97.
  - Convention concerning the protection of the World Cultural and Natural Heritage (Paris, 1972). Accession by Romania on 16/5/90. Several areas, including the Danube Delta are designated as UNESCO World Heritage Site.

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<sup>3</sup> The list presented here is comprehensive – not all the included legislation is relevant to the project interventions



## European Union's "*acquis communautaire*"

### 5. Relevant legal texts include:

- Treaty concerning the Accession of the Republic of Bulgaria and Romania to the European Union, signed by the EU Member States and Bulgaria and Romania in Luxembourg on 25 April 2005.
- Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union (Annex VII; list referred to in Article 20 of the protocol; transitional measures, Romania; Section 9 on environment).

### *Environmental Assessment*

- Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.
- Directive 2001/42/EC on Strategic Environmental Assessment.

### *Pollution Prevention and Control; Integrated Permitting*

- Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control).

### *Waste Management*

- Council Directive 1999/31/EC of 26 April 1999, on the landfill of waste.
- Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste.
- Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste.
- Council Directive 86/278/EEC of 12 June 1986, on the protection of the environment, and in particular the soil, when sewage sludge is used in agriculture (as amended by Directive 91/692/EEC, EC No. 807/2003 of 14 April 2003, EC No. 219/2009).
- Council Directive 94/62/EC of 20N December 1994 on packaging and packaging of waste (as implemented by Commission Decisions 97/129/EC and 97/138/EC and amended by Directive 2004/12, Directive 2005/20, Regulation 219/2009, Directive 2/2013, Directive 720/2015).

### *Water and Waste Water*

- Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment, as amended by Commission Directive 98/15/EC, Regulation 1882/2003, Regulation 1137/2008, Directive 2013/64/EU.
- Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption as amended by Regulation 1882/2003, Regulation 596/2009.
- Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.

- Directive 2006/11/EC of the European Parliament and of the Council of 15 February 2006 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community.

#### *Nature Protection*

- Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna.

#### *Air Quality*

- Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe.

#### **Romanian Law**

- Relevant Romanian law includes the following:

#### *Environmental Assessment*

- EGO 195/2005 on environmental protection, approved by Law no.265/2006. Framework Law on Protection of the Environment.
- GD 445/2009 (published in M.Of no. 481 of 13/07/2009). Framework procedure for environmental impact assessment, and approval of list of public and private projects subject to this procedure.
- MO 135/2010 (published in M.Of. no. 274 of 04/27/2010). for approval of the EIA application methodology.
- MO 863/2002 (published in M.Of. no. 52 of 01/30/2003). Guidelines on EIA methodology (screening, scoping, and review of study).
- MO 864/2002 (published in M.Of. no. 397 of 06/09/2003) on procedures and public consultation in case of transboundary impacts.
- MO 1026/2009 (published in M.Of 562 on 08/12/2009) approval of the conditions for the development of the environmental report, EIA and other environmental documentations,.
- MO 1798/2007 (published in M.Of. 808 on 11/27/2007) Methodology for the environmental permit issuance.

#### *Strategic Environmental Assessment*

- GD 1076/2004 (published in M. Of nr. 707 of 05.08.2004) on procedures for environmental assessment of plans and programs.
- MO 995/2006 on the list of plans and programs subject to the environmental assessment procedure.

#### *Nature Protection*

- EO 57/2007 regarding the protected natural areas and the conservation of natural habitats, wild flora and fauna.
- GD 230/2003.
- MO 552/2003.
- MO 1052/2014.

### *Waste, Waste Water, Air and Noise Pollution*

- MO 662/2006 for the approval of the procedure and competencies for issuing water management permits and authorizations
- Water Law 107/1996 with subsequent modifications
- MO no. 1012/ 2005 for the approval of the procedure for public information access related to the water management field
- MO no. 1182/2005 MoEWM and 1270 /2005 MoAFRD for the approval of the Code of the agricultural good practices for the protection of the waters against pollution with nitrates from agricultural sources, as it was amended by MO 990/2015.
- MO no. 296/216/2005 regarding the framework Program of actions for the elaboration of the action programs in vulnerable zones at the pollution with nitrates from agricultural sources
- MO no. 242/197/2005 regarding the monitoring system of the sole from the vulnerable and potential vulnerable zones
- Law 458/2002 regarding drinking water quality, republished
- GD 974/2004 on inspection and monitoring of drinking water
- GD 349/2005 regarding management of solid waste
- GD 188/2002 for the approval of certain norms concerning the conditions of discharging waste water into the aquatic environment
- GD 235/2007 regarding management of oil waste
- Law 249/2015 regarding management of packaging and packaging of waste
- GD 856/2002 regarding records of disposal and collection of solid waste and approval of list including hazardous waste
- Law 211/2011 regarding solid waste
- Law 104/2011 regarding ambient air quality.
- GD 1470/2004 regarding approval of National strategy for solid waste management and National Plan for solid waste management.

### *Cultural Property*

- Law 422/2001 on protection of historic monuments, republished
- GO 43/2000 on protection of the archaeological heritage, republished

Law 150/1997 ratification of the European Convention on the Protection of Archeological Heritage (Valetta, 1996).

## Romanian Licensing and Permitting Procedures<sup>4</sup>

### Introduction

In conformity with Emergency Ordinance for Environmental Protection No.195/2005 including the respective updates - the Governmental Decision No. 445/2009, and the MO No. 863/2002 and 135/2010, the decision making process of the EIA regarding the issuance of the Environmental License to construct and the Environmental Permit to operate is well developed. The Environmental Protection regulation sets out the EIA requirements and principles; the GD 445/2009 sets out the procedures, while the OM 863/2002 and 135/2010 present in detail the procedures for EIA and for issuing the environmental license.

Based on the Romanian law, any development of a new facility or modification of an existing one requires the approval of an EIA before the environmental license (environmental agreement) and permit to operate (environmental authorization) is approved by LEPAs. For any activities not covered in the list of mandatory EIA (Annexes I and II of the GD no. 445/2009), the LEPAs use selection criteria to determine whether such activities could have a significant environmental impact. Existing facilities require an environmental permit from the LEPAs, which includes assessment of compliance with the environmental standards (e.g., conditions related to air, water, and soil reflecting existing standards).

The GD 445/2009 presents the steps of the procedure, the requirements that the physical or legal certified persons to prepare the impact studies, and the list of activities which are subject to the EIA procedure. Overall, the EIA procedure includes a screening stage, a scoping stage, and a validation stage.

Procedures for Receiving an Environmental License to Construct (or the Environmental Agreement)

The procedure for issuing the environmental license to construct is described in detail in the following steps and briefly presented in the flow chart.

#### Step 1. The initial screening of the new project/investment

This is determined by the local EPA responsible for the location (commune, city) where the investment will develop. When requesting the Environmental License to Construct, *the Beneficiary is responsible* to present to the local EPA or MEWF a *Technical File* including the following documentation:

- Request Form of the EA in conformity with the MO No. 135/2010; this request is attention to the local EPA or to the MEWF depending on the geographical location of the project;
- Urban Planning Certificate and the corresponding licenses and permits (obtained at the level of Feasibility Study) based on the corresponding law;
- Contracts with the local solid waste company for collection of the solid wastes and with "*Apele Romane*" for water supply and sewage discharges (other authorizations from local utilities may be required based on necessity);

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<sup>4</sup> The annex is provided for information purposes only its provisions do not apply in full to the project proposed interventions

- Technical Memorandum (standard form) in conformity with Annex .2 of the MO No. 1798/2007 (prepared by the Consultant/Firm that developed the Feasibility Study);
- Technical Note (standard technical form) in conformity with the OM No. 839/2009 (prepared by the Consultant/Firm that developed the Feasibility Study);
- Fee (differs depending on the stage of the EA process);
- Public announcement/debate regarding the request to obtain the Environmental Permit in conformity with Annex 3 of the MO No. 1798/2007.

Within the EPA, a Technical Review Committee (TRC) is formed, which includes members of the local EPA, the National Environmental Guard (NAG), the National Water Administration "Apele Romane", Sanitary and Urban Institutes and those authorities responsible for environmental permits authorizations. The TRC members analyze the documentation presented within the Technical File and issue one of the following three classifications of the project investments: (i) activities are of insignificant environmental impact and therefore the project is NOT subject to environmental procedure; (ii) activities are of low environmental impact and the simplified licensing procedure will apply; and (iii) activities are of significant environmental impact and the full environmental permitting procedure will apply. Furthermore, (for cases (ii) and (iii)) the EPA authorities together with the members of TRC and the Beneficiary are visiting the site of the future investment to: (i) verify its location as presented in the Technical File; and (ii) complete the List of Control developed according to the OM No. 863/2002.

## Step 2. EIA Report Preparation

The EPA reviews and approves the List of Control which includes the conclusion presented by the TRC, based on which documents it announces the Beneficiary of his obligation to develop the EIA study (the impact study).

*The Beneficiary* is obliged to:

- Prepare the EIA report in conformity with the OM No. 863/2002. The EIA report should be developed only by physical persons or consulting firms independent of the Beneficiary and the person who developed the Feasibility Study, that are accredited for developing such technical studies for Infrastructure Projects/Investments including the legal conditions stipulated in the OM No. 1026/2009;
- Hire based on contract and competition through expression of interest/invitation to submit proposals process the firm/physical person who will develop the EA report;
- Prepare and sponsor the public announcement of the definition of the project (this is the 2nd public information in the EIA process approval);

## Step 3. The Review of the EIA Report

At this stage, the EPA is in charge with the following steps: (i) completes the List of Control for the EIA Report analysis process; (ii) prepares the Public Consultation; and (iii) communicates the results to the Beneficiary.

*The Beneficiary* is obliged to:

- Present to the local EPA the EIA report, with the help of the consulting firm that developed the EIA;
- Prepare and launch the public consultation in the presence of those affected, NGOs, or interested persons including presentation of the project and the EIA Report during of a public debate;

- Evaluate the discussions and conclusions received during the public consultation;
- Reply to the public comments and requests with a valid technical solution.

#### Step 4. Decision and Approval of the Environmental License to construct

The EPA issues the Environmental License to start construction of the investment within 30 days after the final decision.

*The Beneficiary* is obliged to:

- Announce the public about the approval of the Environmental License;
- Request of Environmental Permit to Operate

#### Additional points:

- The EIA report is prepared at the level of the project's Feasibility Study, in conformity with GD No. 445/2009;
- The minimum information presented by the Beneficiary during the request to obtain the Environmental License should be also completed based on conditions recommended by the foreign donors (EBRD, WB, EIB) and/or as required by the EU legislation and the Romanian legislation in force;
- For those investments obtained through ISPA or SAPARD funds, the conditions during the project operation established through the Environmental Permit will take in consideration the limits of the pollutants' discharges required by the EU and Romanian legislation. However, the national limits will prevail if they are more restrictive than those imposed by the EU legislation.
- The Environmental License is valid during the entire period of the project construction, but will expire if the investment works will not start in maximum 2 years from its approval. During the period of investment constructions, the local environmental protection authorities will monitor those conditions imposed by the Environmental License (please note detailed information on the monitoring process in the next section);
- The Beneficiary is obliged by law to inform the environmental protection authorities in writing any time when there is a significant modification of the initial conditions of the project based on which the current Environmental License was issued.

#### Procedures for Obtaining an Environmental Permit to Operate

The Environmental Permit to Operate investments with significant impact on the environment is issued by the EPA in conformity with OM No. 1798/2007. The local EPA together with the local National Environmental Guard as well as representatives of National Agency "Apele Romane" is inspecting the site after construction and issue a technical note with observations at the site (e.g., Environmental Audit).

The Environmental Audit of existing facilities is carried out only by certified persons paid by the Investor and includes: (i) a checklist including characteristic elements of the investment; (ii) an environmental study including data collection and technical review of all environmental aspects, before taking a decision on the scale of potential or existing environmental impacts from the site; and (iii) site investigations to quantify the potential scale of contamination of the site. Compliance programs are usually required based on the result of the environmental audit.

*The Beneficiary* is in charge with:

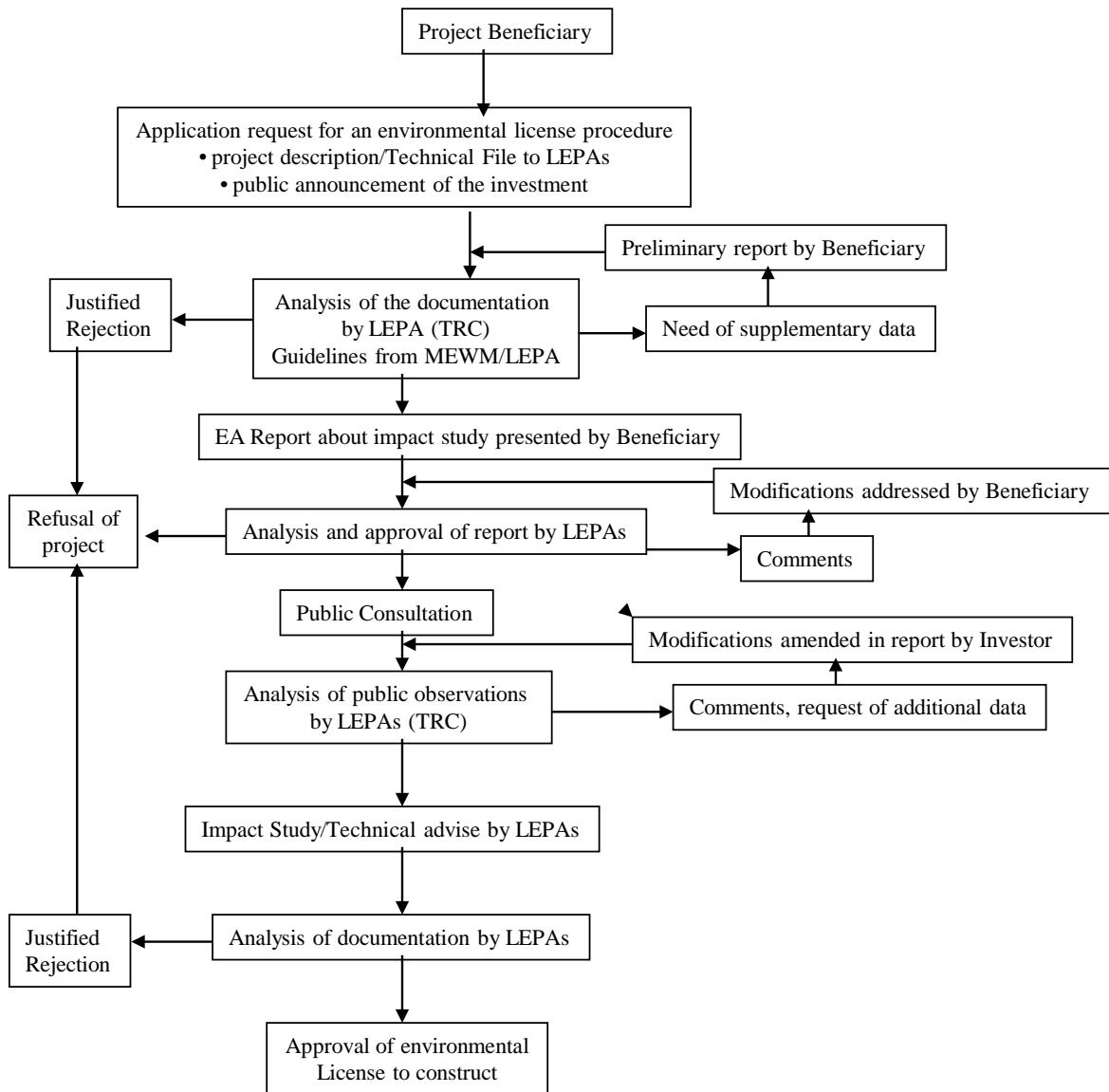
- Request the Environmental Permit to the local EPA;
- Prepare a *Technical File* as in the previous case;
- Announce the public about the request to start operations;
- Annual renewal of the permit once it is issued (it is valid for 5 years).

Standards (ambient and emission limits) are usually followed to comply with the environmental protection as requested by EU. Currently there are ambient standards for air, noise, waste and discharges of certain substances in the water.

Monitoring capacity during the Construction Period and After the Issuance of the Environmental Permit to Operate

During constructions, LEPAs together with the NGA and “Apele Romane” are in charge with visiting the site of the project and inspecting the environmental compliances stipulated in the Environmental License and Environmental Permit.

The NGA inspectors may accompany the LEPAs’ inspectors for site visits according to an inspection program. Following the site visit and checking the compliance, the inspectors prepare a report based on which they may advise the operators on how to meet standards and permit conditions. If a facility/project does not comply with relevant standards, it will first receive a warning from the inspector followed by a certain amount of time necessary to take care of the steps that comply with the permit. If these steps are not performed, an administrative fine will be imposed (the size of the fine varies as presented in the legislation). Finally, non-compliance will result in court action.



**Figure.** Procedures for issuing the environmental license to start-up investments of a new facility



## **SAFEGUARDS POLICIES OF THE WORLD BANK**

Below are the key extracts from OP that give the idea of preventive mechanisms of the World Bank and help to understand and analyze information on environmental, social and legal policies.

### **OP 4.01 Environmental Assessment**

EA is a process whose breadth, depth, and type of analysis depend on the nature, scale, and potential environmental impact of the proposed project. EA evaluates a project's potential environmental risks and impacts in its area of influence; examines project alternatives; identifies ways of improving project selection, siting, planning, design, and implementation by preventing, minimizing, mitigating, or compensating for adverse environmental impacts and enhancing positive impacts; and includes the process of mitigating and managing adverse environmental impacts throughout project implementation.

EA takes into account the natural environment (air, water, and land); human health and safety; social aspects (involuntary resettlement, indigenous peoples, and physical cultural resources); and transboundary and global environmental aspects.

EA considers natural and social aspects in an integrated way. EA is initiated as early as possible in project processing and is integrated closely with the economic, financial, institutional, social, and technical analyses of a proposed project

### **OP 4.04 Natural habitats**

The Bank promotes and supports natural habitat conservation and improved land use by financing projects designed for environmental conservation. The Bank promotes the rehabilitation of degraded natural habitats and does not support projects that involve the significant conversion or degradation of critical natural habitats.

### **OP 4.09 Pest Management**

In assisting borrowers to manage pests that affect either agriculture or public health, the Bank supports a strategy that promotes the use of biological or environmental control methods and reduces reliance on synthetic chemical pesticides.

The Bank requires that any pesticides it finances be manufactured, packaged, labeled, handled, stored, disposed of, and applied according to standards acceptable to the Bank. The FAO's Guidelines for Packaging and Storage of Pesticides (Rome, 1985), Guidelines on Good Labeling Practice for Pesticides (Rome, 1985), and Guidelines for the Disposal of Waste Pesticide and Pesticide Containers on the Farm (Rome, 1985) are used as minimum standards.

### **OP 4.11 Physical Cultural Resources**

This policy addresses physical cultural resources, which are defined as movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Physical cultural resources include everything that remained after ancient inhabitants (holy places and battlefields) and unique natural sites such as waterfalls and canyons.

The Bank does not support projects threatening cultural resources that are property of population. The Bank supports only those projects that are located or designed in such a way as to prevent damage to the environment.

**OP 4.36 Forests**

Management, protection and sustainable development of forest ecosystem and its resources are necessary for reducing poverty and sustainable development.

The Bank does not finance plantations that involve any conversion or degradation of critical natural habitats due to potential risk to biodiversity.

The Bank may finance harvesting operations conducted by small-scale landholders, by local communities under community forest management, or by such entities under joint forest management arrangements, if these operations:

(a) have achieved a standard of forest management developed with the meaningful participation of locally affected communities, consistent with the principles and criteria of responsible forest management; or

(b) adhere to a time-bound phased action plan to achieve such a standard. The action plan must be developed with the meaningful participation of locally-affected communities and be acceptable to the Bank.

**OP 4.37 Safety of dams**

The Bank distinguishes between small and large dams. Small dams are normally less than 15 meters in height. This category includes, for example, farm ponds, local silt retention dams, and low embankment tanks. For small dams, generic dam safety measures designed by qualified engineers are usually adequate.

**OP 7.50 Projects on international waterways**

This policy applies to the following types of international waterways: (a) any river, canal, lake, or similar body of water that forms a boundary between, or any river or body of surface water that flows through, two or more states; (b) any tributary or other body of surface water that is a component of any waterway described in (a) above.

This policy applies to the following types of projects: hydroelectric, irrigation, flood control, navigation, drainage, water and sewerage, industrial, and similar projects that involve the use or potential pollution of international waterways as described above.

**OP 7.60 Projects in disputed areas**

Projects in disputed areas may raise a number of delicate problems affecting relations not only between the Bank and its member countries, but also between the country in which the project is carried out and one or more neighboring countries. In order not to prejudice the position of either the Bank or the countries concerned, any dispute over an area in which a proposed project is located is dealt with at the earliest possible stage.

Document references to OP WB, Procedures for Environmental Assessment of WB and Environmental Protection Policy of WB are presented below.

### Content of an Environmental and Social Management Plan and Monitoring Plan

An Environmental and Social Management Plan (ESMP) outlines the mitigation, monitoring and institutional strengthening measures to be taken during project implementation and project operation phases to avoid or eliminate negative environmental/social impacts. For projects of intermediate environmental risk (Category B) an ESMP may be an effective way of summarizing the activities needed to achieve effective mitigation of negative environmental/social impacts.

The format in this annex provides a model for development such an ESMP. The model divides the project cycle into two phases: construction, and operation. For each phase, the preparation team identifies any significant environmental and social impacts that are anticipated based on the analysis done in the context of conducting an environmental and social review or preparing an environmental assessment, including social aspects (if required). For each impact, mitigation measures are identified and listed. Estimates are made of the cost of mitigation actions broken down by estimates for implementation (investment cost) and operation (recurrent cost). The ESMP format also provides for the identification of institutional responsibilities for implementation and operation of mitigation devices and methods.

To keep track of the requirements, responsibilities and costs for monitoring the implementation of environmental/social mitigation identified in the analysis included in an environmental review or assessment for Category B projects, a monitoring plan may be useful. A format is provided in this annex. Like the ESMP, the project cycle is broken down into two phases (construction and operation). The format also includes a row for baseline information that is needed to achieve reliable and credible monitoring. The key elements of the matrix are:

What is being monitored?

Where is monitoring done?

How is the parameter to be monitored to ensure meaningful comparisons?

When or how frequently is monitoring necessary or most effective?

Why is the parameter being monitored (what does it tell us about environmental impact)?

In addition to these questions, it is useful to identify the costs associated with monitoring (both investment and recurrent) and the institutional responsibilities. When a monitoring plan is developed and put in place in the context of project implementation, DIEFP will request reports from the local implementation actors (supervising engineers, contractors etc.) at appropriate intervals, and include the findings in its periodic reporting to the World Bank; in addition, DIEFP will make the findings available to Bank staff in the course of implementation support missions.

## Environmental & Social Management Plan

(subproject, location, description)

Environmental and Social Elements	Impacts	Proposed mitigation measures <sup>5</sup>	Institutional responsibility for mitigation	Cost of mitigation activities <sup>6</sup>
<b>Construction period</b>				
<i>Physical Environment</i>				
Soils				
Water Resources				
Air Quality				
<i>Biological Environment</i>				
Fauna and Flora				
<i>Social Environment</i>				
Aesthetics and Landscape				
Human Communities				
Historical and Cultural Sites				
Safety and health of staff and population				
<b>Operation period</b>				
<i>Physical Environment</i>				

<sup>5</sup>Activities requiring financial expenses are to be included in BoQ.

<sup>6</sup> Cost of mitigation activities is defined by a contractor in relevant items in bidding documents.

Soils				
Water Resources				
Air Quality				
<b><i>Biological Environment</i></b>				
Fauna and Flora				
<b><i>Social Environment</i></b>				
Aesthetics and Landscape				
Human Communities				
Historical and Cultural Sites				
Safety and health of staff and population				

Environmental & Social Monitoring Plan

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(subproject, location, description)

Subproject implementation stage	What parameter is subject to monitoring?	Where will monitoring of parameter be carried out?	How will monitoring of parameter be carried out/type of monitoring equipment	When will monitoring of parameter be carried out- frequency	Monitoring cost <sup>7</sup> What cost of equipment or expenses of contractor required to conduct monitoring?	Institutional responsibility for monitoring	Date of commencement	Date of completion
Construction								
Operation								

<sup>7</sup> Activities requiring financial expenses are to be included in BoQ.

SUMMARY DATA ON IMPACT AND MITIGATION MEASURES FOR DEVELOPMENT OF INDIVIDUAL MONITORING PLANS <sup>8</sup>

Potential Environmental impact/risks	Activity types	Main types of environmental impact	Preventive/mitigation measures	Responsible	Monitoring
Increased pollution due to construction waste	Site organization construction works	Contamination of adjacent area, soil, water resources. Dusting.	<p>Prior to commencement of works, means of collection and removal of waste should be applied together with location of main types of waste produced during dismantling and construction works.</p> <p>Mineral waste from construction and dismantling works should be separated from common waste and organic, liquid and chemical waste through sorting and keeping in special containers.</p> <p>All documents on waste removal and disposal should be maintained properly as a proof of appropriate management of waste at the site.</p> <p>In all possible cases, contractor should ensure recycling of materials (except for asbestos). Asbestos materials shall be subject to immediate burial.</p> <p>Proper collection and removal of construction waste should be undertaken by a contracted utility.</p> <p>As for domestic waste, installation of collection tanks and timely removal of waste should be arranged with local waste collection companies.</p>	Contractors	DIEFP, supervising engineers, state authorities

<sup>8</sup> Individual monitoring place of social impacts will reflect the findings of the Social Assessment and be based on the indicators developed for the project.

<p>Generation of dust, noise, and vibration</p>	<p>Movement of construction vehicles and machinery</p>	<p>Dust from machinery and from transporting of granular materials</p> <p>Noise causes less focused attention, and increased defaults in performance of works. Noise inhibits central nervous system, causes diabolism, heart diseases, stomach ulcer, and hyperpiesia.</p>	<p>Protection of site proximity area by using board fencing or special materials against dust.</p> <p>Protection of soil surfaces</p> <p>Dust control by periodical water sprinkling or other means</p> <p>Ensure maintenance and repair of machinery in compliance with the requirements of exploitative documents of manufacturing plant.</p> <p>Operation of vehicles with defective fuel system exceeding the norms of toxicity of exhausted gases is not allowed.</p> <p>Limitation of the speed of vehicles and selection of relevant transportation routes for minimization of impact on the receptors sensitive to dust.</p> <p>Equipping the machinery transporting granular materials with removable canvas covers. Supply of cement to construction sites in pre-pack hermetic packages.</p> <p>It is needed to ensure cleanliness of adjacent area, not allowing construction waste to minimize dusting and contamination.</p> <p>Application of vibrator equipment compliant with standards and vibration- and noise- protection equipment.</p> <p>During operations, covers of engines and generators, air compressors and other driving mechanisms should be closed; equipment should be located at the maximum distance from residential premises.</p> <p>Minimize noise likely to affect health of the people in the vicinity of the area affected by the construction works by:</p> <ul style="list-style-type: none"> <li>- restricting the time schedule of construction works;</li> <li>- restricting the time schedule of deliveries and use of heavy equipment.</li> </ul>	<p>Contractors</p>	<p>DIEFP, supervising engineers, state authorities</p>
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Possible asbestos waste materials	Improper disposal of construction waste, asbestos and asbestos-containing materials, or minor operational or accidental spills of fuel and lubricants from the construction machinery	Contamination of adjacent area, soil, water resources.	<p>Identify waste material containing asbestos</p> <p>Establish codes for the sorted waste, according to Decision 2000/532/EC establishing a list of wastes</p> <p>Employ a licensed waste operator to remove asbestos waste using appropriate safety equipment</p> <p>Dispose of asbestos waste at a landfill site licensed to receive such waste</p> <p>Execute the respective works with authorized companies/specialists</p>	Contractors	DIEFP, supervising engineers, state authorities
Increase in traffic during construction	Site organization construction works	Potential pedestrian and vehicle traffic disruption and associated public safety risks	<p>Traffic control</p> <p>Temporary traffic regulations</p> <p>Maintain foot and vehicular traffic flows and public access to neighboring sites and facilities.</p> <p>Provide markers, lights and temporary connections by bypasses for safety and convenience</p> <p>Maintain foot and vehicular traffic flows and public access to neighboring sites and facilities.</p> <p>Provide markers, lights and temporary connections by bypasses for safety and convenience</p>	Contractors  Local authorities	DIEFP, supervising engineers, state authorities

Impact on workers and community health and safety	General conditions of works	Industrial accidents	<p>Local communities will be properly notified on works by means of publications and /or notices in mass media and/or bill boards in public places (and at work sites). In addition, fences will be installed; in case trenches are excavated, lighting will be provided.</p> <p>All permission required by legislation for use of land plots, natural resources, waste landfill, as well as permissions from sanitary inspection etc. in construction and rehabilitation works at this site, have been obtained.</p> <p>Individual protective means should meet safety standards (obligatory application of helmets, protective face masks, when needed, protective glasses, safety belts and boots).</p> <p>Sites will be provided with proper information boards and signs informing the workers about the rules and norms of works to be followed.</p>	Contractors	DIEFP, supervising engineers, state authorities
Improper reinstatement of construction sites after works completion	Construction works	<p>Deterioration in existing landscape quality or visual comfort</p> <p>Damage and cutting of plantations.</p> <p>Disturbance of habitat.</p>	<p>Avoid, reduce, and where possible remedy or offset any adverse effects on the environment arising from the proposed works</p> <p>Address the remaining/residual adverse effects arising from the executed works</p> <p>Address landscape and visual impacts</p> <p>Relocation and fencing of trees. Required tree cutting is agreed with local environmental agencies.</p> <p>All marked environmental zones of habitat and protected areas adjacent to the site should not be affected or used during operations.</p>	Contractors Designers	DIEFP, supervising engineers, state authorities

Historical and cultural sites.	Damage and degradation of site structures	Possible negative impacts on buildings with cultural importance	<p>If works are carried out at the site being a protected historical monument, or works are carried in close proximity to such site or at protected historical site, local authorities should be notified thereof. If needed, respective permission should be obtained. Once permission is obtained, works should be carried out in thorough compliance with provisions and norms of local and national legislation.</p> <p>Works will be arranged to ensure that all artifacts or other incidental findings detected in excavation and construction works are registered and documented properly.</p>	Contractors Designers	DIEFP, supervising engineers, state authorities  Local residents
Unsafe practices during the operation of the building		Contamination of adjacent area, soil, water resources.  Dusting.		Contractors Designers	DIEFP, supervising engineers, state authorities

**EMP CHECKLIST FOR CONSTRUCTION AND REHABILITATION ACTIVITIES  
(SOCIAL INFRASTRUCTURE)**

General Guidelines for use of EMP checklist:

For low-risk topologies, such as school and hospital rehabilitation activities, the ECA safeguards team developed an alternative to the current EMP format to provide an opportunity for a more streamlined approach to preparing EMPs for **minor rehabilitation or small-scale works in building construction**, in the health, education and public services sectors (including justice). The checklist-type format has been developed to provide “example good practices” and designed to be user friendly and compatible with safeguard requirements.

The EMP checklist-type format attempts to cover typical core mitigation approaches to civil works contracts with small, localized impacts. It is accepted that this format provides the key elements of an Environmental Management Plan (EMP) or Environmental Management Framework (EMF) to meet World Bank Environmental Assessment requirements under OP 4.01. The intention of this checklist is that it would be **applicable as guidelines for the small works** contractors and constitute an integral part of bidding documents for contractors carrying out small civil works under Bank-financed projects.

The checklist has three sections:

- Part 1 includes a descriptive part that characterizes the project and specifies in terms the institutional and legislative aspects, the technical project content, the potential need for capacity building program and description of the public consultation process. This section could be up to two pages long. Attachments for additional information can be supplemented when needed.
- Part 2 includes an environmental and social screening checklist, where activities and potential environmental issues can be checked in a simple Yes/No format. If any given activity/issue is triggered by checking “yes”, a reference is made to the appropriate section in the following table, which contains clearly formulated management and mitigation measures.
- Part 3 represents the monitoring plan for activities during project construction and implementation. It retains the same format required for EMPs proposed under normal Bank requirements for Category B projects. It is the intent of this checklist that Part 2 and Part 3 be included into the bidding documents for contractors, priced during the bidding process and diligent implementation supervised during works execution.

## CONTENTS

- A) General Project and Site Information
- B) Safeguards Information
- C) Mitigation Measures
- D) Monitoring Plan

**EMP Checklist for Construction and Rehabilitation Activities**

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**A. GENERAL PROJECT AND SITE INFORMATION**

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INSTITUTIONAL & ADMINISTRATIVE				
Country				
Project title				
Scope of project and activity	Small scale construction works for rehabilitation of buildings under the _____project			
Institutional arrangements (Name and contacts)	WB (Project Team Leader)	Project Management	Local Counterpart and/or Recipient	
Implementation arrangements (Name and contacts)	Safeguard Supervision	Local Counterpart Supervision	Local Inspectorate Supervision	Contactor
SITE DESCRIPTION				
Name of site				
Describe site location			Attachement 1: Site Map [ ]Y [ ] N	
Who owns the land?				
Description of geographic, physical, biological, geological, hydrographic and socio-economic context				
Locations and distance for material sourcing, especially				

aggregates, water, stones?	
<b>LEGISLATION</b>	
Identify national & local legislation & permits that apply to project activity	
<b>PUBLIC CONSULTATION</b>	
Identify when / where the public consultation process took place	
<b>INSTITUTIONAL CAPACITY BUILDING</b>	
Will there be any capacity building?	<input type="checkbox"/> N or <input type="checkbox"/> Y if Yes, Attachment 2 includes the capacity building program

**B: SAFEGUARDS INFORMATION**

ENVIRONMENTAL /SOCIAL SCREENING			
	Activity	Status	Triggered Actions
Will the site activity include/involve any of the following??	A. Building rehabilitation	<input type="checkbox"/> Yes <input type="checkbox"/> No	See Section <b>A</b> below
	B. Minor new construction	<input type="checkbox"/> Yes <input type="checkbox"/> No	See Section <b>A</b> below
	C. Wastewater treatment system	<input type="checkbox"/> Yes <input type="checkbox"/> No	See Section <b>B</b> below
	D. Historic building(s) and districts	<input type="checkbox"/> Yes <input type="checkbox"/> No	See Section <b>C</b> below
	E. Acquisition of land <sup>9</sup>	<input type="checkbox"/> Yes <input type="checkbox"/> No	See Section <b>D</b> below
	F. Hazardous or toxic materials <sup>10</sup>	<input type="checkbox"/> Yes <input type="checkbox"/> No	See Section <b>E</b> below
	G. Impacts on forests and/or protected areas	<input type="checkbox"/> Yes <input type="checkbox"/> No	See Section <b>F</b> below
	H. Handling / management of medical waste	<input type="checkbox"/> Yes <input type="checkbox"/> No	See Section <b>G</b> below
	I. Traffic and Pedestrian Safety	<input type="checkbox"/> Yes <input type="checkbox"/> No	See Section <b>H</b> below

**C: MITIGATION MEASURES**

ACTIVITY	PARAMETER	MITIGATION MEASURES CHECKLIST
O. General Conditions	Notification and Worker Safety	
A. General Rehabilitation and /or Construction Activities	Air Quality	
	Noise	
	Water Quality	
	Waste management	
B. Individual wastewater treatment system	Water Quality	
C. Historic building(s)	Cultural Heritage	
D. Acquisition of land	Land Acquisition Plan/Framework	
	Asbestos management	

<sup>9</sup> Land acquisitions includes displacement of people, change of livelihood encroachment on private property this is to land that is purchased/transferred and affects people who are living and/or squatters and/or operate a business (kiosks) on land that is being acquired.

<sup>10</sup> Toxic / hazardous material includes but is not limited to asbestos, toxic paints, noxious solvents, removal of lead paint, etc.

E. Toxic Materials	Toxic / hazardous waste management	
F. Affected forests, wetlands and/or protected areas	Protection	
G. Disposal of medical waste	Infrastructure for medical waste management	
H Traffic and Pedestrian Safety	Direct or indirect hazards to public traffic and pedestrians by construction activities	



## D: MONITORING PLAN

Phase	What (Is the parameter to be monitored?)	Where (Is the parameter to be monitored?)	How (Is the parameter to be monitored?)	When (Define the frequency / or continuous?)	Why (Is the parameter being monitored?)	Cost (if not included in project budget)	Who (Is responsible for monitoring?)
During activity preparation							
During activity implementation							
During activity supervision							

## ENVIRONMENTAL GUIDELINES FOR CIVIL WORK CONTRACTS

Contractors will be obliged to apply environmentally sound construction standards and procedures. All civil works contracts will have the following environment-protecting provisions:

1. Take measures and precautions to avoid adverse environmental impacts, nuisance or disturbances arising from the execution of the works. This shall be done by avoidance or suppression whenever possible rather than abatement or mitigation of the impact once generated.
2. Comply with all national and local environmental laws and regulation. Assign responsibilities for implementation of environmental actions and to receive guidance and instructions from the engineer or environmental authorities.
3. Minimize dust emissions to avoid or minimize adverse impacts on air quality.
4. Maintain foot and vehicular traffic flows and public access to neighboring sites and facilities. Provide markers, lights and temporary connections by bypasses for safety and convenience.
5. Prevent or minimize vibration and noise from vehicles, equipment and blasting operations.
6. Minimize disturbance to and restore vegetation where it is disturbed as a consequence of the works.
7. Protect surface and groundwater and soil quality from pollution. Appropriately collect and dispose of water material.

## MAIN ISSUES REGARDING ASBESTOS CONTAINING MATERIALS (ACM) and ASBESTOS WASTE

### TO BE CONSIDERED WITHIN THE SITE-SPECIFIC ESMP

Asbestos is a group of naturally occurring fibrous silicate minerals. It was once used widely in the production of many industrial and household products because of its useful properties, including fire retardation, electrical and thermal insulation, chemical and thermal stability, and high tensile strength. Today, however, asbestos is recognized as a cause of various diseases and cancers and is considered a health hazard if inhaled.

Because the health risks associated with exposure to asbestos area now widely recognized, global health and worker organizations, research institutes, and some governments have enacted bans on the commercial use of asbestos.

In the European Union the use of asbestos is banned since January 1, 2005, and in Romania through a Governmental Decision no. 734/2006 this was banned only for new materials. Products containing asbestos and which have been installed or were in operation before the date 1 January 2005 can be used until the end of their lifecycle.

Good practice is to minimize the health risks associated with ACM by avoiding their use in new construction and renovation, and, if installed asbestos-containing materials are encountered, by using internationally recognized standards and best practices to mitigate their impact. In all cases, the World Bank expects borrowers and other clients to use alternative materials wherever feasible.

ACM must be avoided in new construction. In reconstruction, demolition, and removal of damaged infrastructure, asbestos hazards must be identified and a risk management plan adopted that includes disposal techniques and end-of-life sites.

Asbestos-containing (AC) products include flat panels, corrugated panels used for roofing, water storage tanks, water, and sewer pipes etc.. Thermal insulation containing asbestos and sprayed asbestos for insulation and acoustic damping were widely used through the 1970s and should be looked for in any project involving boilers and insulated pipes.

As asbestos is often used in construction (mainly for roofing) in many countries including Romania, it can present a risk for the health of workers and population, who live near buildings that need capital repair with replacement of roofing or demolition.

DIEFP specialists must inform beneficiaries on potential risk for their health and instruct not using asbestos as construction material during construction/rehabilitation works.

*AC sheets used as roofing*

Any asbestos product or material that is ready for disposal is defined as asbestos waste. Asbestos waste also includes contaminated building materials, tools that cannot be decontaminated, personal protective equipment and damp rags used for cleaning. Always this type of waste must be treated as 'Hazardous Waste'.

In this regards, ACM and asbestos waste must be properly removed, stored in a separate closed area and disposed (with the consent of local administration and environmental inspectors) on a landfill on the special area for disposal of that type of waste.

DIEFP must require the contractors that the removal, repair, and disposal of ACM shall be carried out in a way that minimizes worker and community asbestos exposure.

During reconstruction works, workers must avoid destroying asbestos sheets and properly dispose them at construction sites until final disposal happens. Workers must wear protective over garment, gloves and respirators during work with asbestos sheets.

Proper disposal of ACM is important not only to protect the community and environment but also to prevent scavenging and reuse of removed material. ACM must be transported in leak-tight containers to a secure landfill operated in a manner that precludes air and water contamination that could result from ruptured containers.

The removal and disposal of ACM and asbestos waste as well as all other ESMP measures have to be included in both the technical specifications and bill of quantities (BoQs).

Contractor shall develop site-specific ESMF where requirements to ACM and asbestos waste will be contained.

**INFORMATION ON PUBLIC CONSULTATIONS ON ESMF****PUBLIC CONSULTATION MEETING MINUTES***Ministry of Justice**No. 80413/22.09.2016*

**Summary of the public consultation meeting**  
**Justice Service Improvement Project**  
***Environment and Social Management Framework***

**Date and Location:**

The Public consultation was held on 22.09.2016 at the premises of the Ministry of Justice, Department for Implementing Externally Financed Projects, second floor, room no.21, starting with 10.a.m.

**Objective:**

The consultation meeting was aimed at presenting to the relevant interested stakeholders the Environment and Social Management Framework, support document of the Justice Service Improvement Project to be financed through a separate IBRD Loan.

**Invitees:**

Representatives of the following stakeholders were invited: Ministry of Environment, Waters and Forests; National Agency for Environment Protection, Environment Guard, State Inspectorate in Constructions, Ministry of Justice and Courts : Investments Department, Department for Implementing Externally Financed Projects, Argeş Tribunal, Dolj Tribunal, Neamţ Tribunal, Olt, Tribunal, Satu Mare Tribunal and Vâlcea Tribunal.

The Environment and Social Management Framework was also previously published on the website of the Ministry of Justice.

**Participants:**

List of participants is attached to the current minutes of consultations.

**Summary and recommendations:**

The material that was translated in Romanian language and distributed was: The Environment and Social Management Framework (ESMF).

As a result of the discussions around the content of the Environment and Social Management Framework, the following two recommendations were considered and operated in the initial version of the document which was subject to consultations:

1) In all the specific cases where contractors should demolish or remove asbestos-containing materials, these categories of works should be done only with qualified personnel and fully in line with the specific legislation related to this specific field. This recommendation will be operated in the Framework by adding a new paragraph to sub-chapter 6.12. Handling of waste, which will become 6.7., as a result of the operation of the second recommendation presented below;

2) Because of the fact that sub-chapters 6.5 - 6.9 comprise information related to various types of finishing works, written to such an extent of detail which is disproportionate to the overall content and purpose of the Framework, as well as in order to eliminate any possibility to limit the options during the design phase (by interpreting that the details are limiting the options of the designer at the moment when the Draft Building Permit documentation and Detailed Design are elaborated), it was proposed the removal of these sub-chapters from the document.

All the other participants, including the courts representatives did not have other observations. Some courts representatives which were not able to attend the meeting, sent their acceptance of the Framework on e-mail.

#### Conclusions:

DIEFP representatives will revise the Environment and Social Management Framework according to the participants' recommendations. The final revised version will be sent to the World Bank for analysis and approval, in order to be further posted on the website of the Bank, as well as on the website of the Ministry of Justice.

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