

ENVIRONMENTAL MANAGEMENT PLAN

**for
Rehabilitation and Restoration of Prahova
Tribunal**

ROMANIA: JUDICIAL REFORM PROJECT

(applicable also under Romania – Justice Services Improvement Project)

September 26, 2016

**Government of Romania
Ministry of Justice and Citizen's Freedoms**

**ENVIRONMENTAL MANAGEMENT PLAN
AND
ENVIRONMENTAL GUIDELINES
FOR**

JUDICIAL REFORM PROJECT

November, 2009

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GUIDELINES
FOR
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I. BACKGROUND

1.1. Project scope

The proposed project's development objective is to assist the Government of Romania in implementing structural reforms in the justice sector through: (i) enhanced institutional capacity of the main judicial governing bodies (e.g., SCM, High Court of Cassation and Justice) and the MOJ; (ii) improvement in the efficiency of courts and transparency of court proceedings, and (iii) improvement in court infrastructure, and (iv) enhancement of the professionalism and integrity of judges and other court personnel.

The project components are the following:

Component 1: Court Infrastructure Rehabilitation Component

The project will support the development of uniform space planning and design standards for court buildings, as well as rehabilitation of selected court buildings including enhanced security features, improved public access and rationalization of court facilities. The Government has identified a number of 20 court buildings which would be rehabilitated under the project.

Component 2: Strengthening of the Administrative Capacity of Courts Component

The project will assist the Romanian courts to adopt modern administration techniques to increase their productivity, improve the quality of their services and restore confidence in the judiciary. The following activities are proposed to be the focus of the Court Administration component:

- (a) Development and carrying out of a program to reduce case delays and backlogs.
- (b) Development of a framework for economic management of the courts, including regulatory and organizational arrangements for economic managers.
- (c) Optimization of courts' operational processes.
- (d) Public Education / Information.

Component 3: Court Automation Component

The Government's IT Strategy anticipates World Bank financing for a comprehensive resource management system for the judicial system. This includes financial, physical, and human resource management functions, as well as management support functions, both reporting and analytic. This system would support management functions at the level of the individual courts, as well as at the MOJ, SCM, and the HCCJ. The resource management system will operate over the EU/Government funded wide area network and will link to the court-level operational systems.

The resource management system would serve approximately 5,000 users, comprising 20-25 individuals at each of the roughly 200 judicial facilities, and approximately 200 individuals at the MOJ, SCM, NAP, PM and HCCJ.

Component 4: Institutional Development of Judicial Institutions Component

This component would provide assistance to the following judicial institutions:

- (a) SCM – in the area of human resources management, budget planning, development of long-term judicial policies, monitoring judicial performance;
- (b) MOJ – in the area of capital investment planning, judicial statistics and other areas that will be further identified;
- (c) National Institute of Magistrates (NIM) – in the area of development of new qualification tests for judges' selection and promotion; development of training courses;
- (d) National School of Clerks (NSC) – (i) development of a comprehensive strategy for training of court personnel; (ii) development of certain training courses; (iii) provision of necessary equipment and training materials, and (iv) provision of a distance learning facility;

This component would also provide funding for specific monitoring tools of project results, including public surveys, court user surveys, etc.

1.2. Investment Component – Component 1

The main physical investment component of the proposed project is Component 1 (Court Infrastructure Rehabilitation): rehabilitation of 16 existing court buildings and construction of 4 new court buildings.

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 23 buildings with a total investment value (estimated cost of design and works) of about \$90 million. The estimated costs for the proposed investments range from \$313,000 to \$1.0-15.0 million. The list represents major capital investments, which together with the ongoing Government program would eventually meet a large part of Romania’s major capital investment needs in court infrastructure. However, additional investments in repairs, upgrading and furnishings would also be needed. In this regard, MOJ prepared a second – “long list” -- comprising 35 buildings with a total investment value (estimated cost of design and works) of about \$94.8 million. The final list of court buildings was agreed between the Bank and MOJ during the appraisal missions.

Ongoing Government investment program. The Government of Romania is undertaking 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. A program budgeted at about \$30.0 million over the next four years is too low to enable the Government from addressing many additional court infrastructure needs which represent serious constraints on the progress of judicial reform. 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.

1.3 Environmental Category

The project is classified under the Environmental Category B in accordance with World Bank operational policies and requires the preparation of an Environmental Management Plan (EMP).

The immediate impact of the proposed investment activities on the environment would be limited. Potential adverse environmental impacts are summarized below and are restricted in scope and severity:

- Dust and noise during construction activities;
- Inappropriate disposal of construction debris;
- Unsafe handling of hazardous building materials (e.g. asbestos), if any are encountered;

- Unsafe practices during operation of the building;
- Possible negative impacts on buildings with cultural importance.

These risks are anticipated in advance of project implementation and addressed by local regulations and direct mitigation activities in the design, planning and construction supervision process as well as during the operation of the facilities.

1.4 Institutional and Implementation Arrangements

The project's investments will be managed by a special department within the Ministry of Justice (MOJ) – Division for Implementation of Externally Financed Projects (**DIEFP**). The other departments of the MOJ – i.e. IT Department, [Department of International Relations], Capital Investments Department, Budget Division etc. will have specific responsibilities related to management of investment components of the project.

DIEFP will have procurement specialists and civil works engineers who will be primarily focusing on the Court Rehabilitation Component. MOJ specialists who have relevant experience in court buildings construction/rehabilitation and, particularly, are familiar with space/planning standards and environmental requirements, will be either incorporated in the Division or will be assigned to work closely with this Division to ensure consistency and continuity of required norms and practices. Court presidents, as well as engineers and other technical personal of those courts which will be included in the rehabilitation program under the project, will also participate in the preparation of the design, procurement and construction supervision activities.

Plans for each building to be rehabilitated will include measures to ensure that the environment is not negatively affected by the civil works to be supported by the project. 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.

As secondary or tertiary credit ordinator and at the same time the final beneficiaries of the project, the presidents of Tribunals and Courts of Appeals have attributions in publicity of environment announcements. Under **DIEFP**'s supervision, the courts' presidents will organize public consultations during the preparation of the downstream investments.

Local public authorities will be informed and involved in public meetings in order to support courts representatives for moderating. The justice act is a public service and civil society, citizens and local governments can decide if they are interested in sustaining its.

DIEFP will monitor environmental aspects of the approved projects during the whole project lifecycle. During the whole duration of the project implementation until the loan contract is closed, the field supervisors of **DIEFP** will carry out periodic monitoring and evaluation of the environmental performance of the court, particularly prior to the disbursement of installment payments or when considering any extension of disbursement schedule is requested. This would allow the central project management unit and its local representatives, to observe potential controversial projects impact, to recommend remedial actions to be taken and to ensure that the Bank policies and the domestic legal requirements are met and local project teams, as well as local beneficiaries (judges, clerks, community etc.), are enough aware that these concerns should be properly addressed.

A Project Steering Committee will be established for overall overseeing and coordination of the project activities and it will consist of representatives of the SCM, MOJ, NIM and the Ministry of Public Finance. Major issues concerning project implementation (including large procurement packages, revisions to the list of pre-selected court buildings, etc.) will be considered by the Project Steering Committee thus ensuring a coordinated approach at the Government level.

DIEFP will submit to the Steering Committee regular reports on the implementation including of its environmental procedures and on the environmental performance of its projects portfolio. The Environmental Supervision and Performance Report chapter 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** has taken or intends to take to correct the situation.

1.5. Current Environmental Regulatory Framework in Romania

This section briefly describes 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. Additional details on the environmental regulatory framework can be found in Attachment 2.

Environmental Protection Law (EPL) 265/2006 ratifying the Government Emergency Ordinance (OUG) no 195/2005 with further improvements and amendments, 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. The Government Urgency Ordinance no 195/2005 delegates most state authority to the central environmental protection authority that is the Ministry of Environment Protection and its territorial affiliates (Local Environmental Protection Agency-LEPA). The OUG, 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 polices 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 have to apply for *environmental agreement certificate*. 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 permit* 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 both environmental agreement certificate and permit are 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 their own internal or self-monitoring system. Parameters to be monitored are established according to the provisions included within environmental agreement and permit. 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 to the Order no. 860/ 2002 for approval of the Environmental Impact Assessment Procedure and for issuance of environment agreement. The current regulations require that the information provided by the developer of the EA process shall include the measures envisaged in order to avoid, reduce and remedy the significant adverse effects.

Inspection and enforcement responsibility for applicable laws for court facilities is the responsibility of the Capital Investment Directorate of the MOJ or is the responsibility of structures developed at level of Courts of Appeal and Tribunals under direct supervision of their presidents (secondary and tertiary credit ordinator). 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.

A consultation process has been initiated by MOJ with the court staff and local authorities where the pre-selected court buildings are located.

II. ENVIRONMENTAL MANAGEMENT PLAN

2.1 Introduction

The Environmental Management Plan (EMP) has been prepared in order to integrate environmental concerns into the design and implementation of the proposed project. The EMP would support:

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

2.2. Establishment of Environmental Expertise within the Project Implementation Structure

A Technical Specialist in protection of the environment (Architect or environmental engineer) would be hired/appointed within **DIEFP** of MOJ that would be responsible for coordination and supervision of the environmental plans and risk mitigation measures undertaken in the project. The Specialist would work in close coordination with regional project coordination staff and technical staff in courts and would: 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 EU standards for implementation, monitoring and evaluation of mitigation measures; c) ensure contracting for construction and supply of equipment includes reference to appropriate guidelines and standards; and d) conduct periodic site visits to inspect and approve plans and monitor compliance.

2.3. Site Specific Environmental Screening and Review

As a part of the EMP, 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. The Local authorities are obliged according to the law to submit an Environmental Approval for the civil works.

This process requires mitigation of site-specific environmental impacts and would use a standardized appraisal format that includes, but is not limited to, review of:

- a) current environmental problems at the sites (soil erosion, water supply contamination, etc.);
- b) potential environmental impacts, if any, due to the project (disposal 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 foot and vehicle traffic disruption and associated public safety risks.

2.4 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 3 should be provided to contractors engaged in civil works under the project, and should be made an integral part of the civil works contracts.

The EMP presented below identifies the environmental impacts and proposed mitigation measures for most of the activities under the Court Rehabilitation Component:

Environmental Component	Impacts	Mitigation Measures	Institutional Responsibility
Physical Environment			

Soils	Contamination from waste materials	Protection of soil surfaces during construction; control and daily cleaning of construction sites; provision of adequate waste disposal services.	Contractors*
Water	Clogging of drainage works Introduction of hazardous wastes	Special attention to drainage, proper disposal of oil and other hazardous materials; Rehabilitation of adequate sanitary facilities, including appropriate disposal of wastewater and sewerage	Contractors
Air Quality	Dust during construction	Dust control by water or other means to keep dust down if problem is evident	Contractors
Noise	Noise disturbance during construction or operation	Restrict construction to certain hours	Contractors
Social Environment			
Aesthetic and Landscape	Risk of construction debris dumped into nearby water bodies; Disposal of construction waste: except for paint of wood, all other building materials are non hazards (lime, cement and sand plaster, concrete, glass, ceramics-electrical and sanitary, fabric insulated copper wiring, cast iron sanitary pipes, galvanized water pipes, etc)	The building site will be cleaned and all debris and waste materials will be disposed of in accordance with clauses specified in the bills of quantities. The sites for disposal of construction waste will be government- approved sites	Contractors

* Supervision to be done by **DIEFP**'s staff or other authorized MOJ staff

Human Health	Construction accidents Handling of asbestos material	Specially designed systems for handling/disposal of hazardous wastes	Contractors
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Issues related to new construction:

The sites for new construction have been identified, and are located in existing developed urban areas. The land is government-owned and new land is not to be acquired from private owners, nor is resettlement envisaged in order to have access to the land for construction. MOJ has documented legal title to all existing court buildings, as well as the sites allocated for new construction. There are no illegal occupants on the sites in question.

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 and National Cultural Patrimony (MCNCP). Legal framework for cultural preservation is outlined in the Law for Preservation of Historical Heritage No. 422/2001, as further amended by Law 468/2003.

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 for obtaining permit from MCNCP and involving design supervisor engineers who have specific qualifications in the field of historical buildings, certified by MCNCP.

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

III. ENVIRONMENTAL GUIDELINES

3.1 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.

3.2 The Site

The site specific screening and review should carefully assess 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.

3.3 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, kitchen 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.

3.5 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 fault 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.

3.6 Cabinetry and Wood

Nontoxic finishes are available but expensive. Selecting the least toxic finishes is advised.

3.7 Finishes

Water-based interior nontoxic, no allergenic paint for drywall or plaster surfaces is preferable to latex or oil-based paints from a respiratory standpoint. Any enamel coating for doors or other surfaces that require a more durable finish is advised to be applied away from interior spaces and be fully aired for over a month before installation. Indoor space should not be occupied until odor and toxins of the paint or finish has been adequately aired.

3.8 Flooring

Tradition tile, marble, stone and terrazzo floors can be hard to stand and walk upon but have legendary durability. Nontoxic grouts and methods of installation should be used. Cleaning considerations should be included in the decision process.

3.9 Window Treatments

Vertical blinds provide light control, are easy to maintain, and require minimal stacking room. Horizontal blind can in combination with a white or light ceiling reflect daylight more deeply into a room. Exterior roller blinds, operable from the interior, are particularly effective in controlling solar thermal gain and interior heat loss, and give the benefit of security. Direct solar radiation can be attenuated by fabric mesh.

3.10 Exterior and Interior Colors

In climates with hot summers, reflective roofs provide a cooling advantage. When cold season occur, darker-colored exterior walls will benefit by low-angle winter solar gains but be less heated by the light angle of the summer sun. White or very light-colored ceilings and interior side walls allow for deeper reflective penetration of natural light. Doors between interior room spaces can act as reflectors. Gloss white lacquer or enamel doors in the path of incoming daylight can lighten adjoining spaces. Interior paints and finishes can affect patients and staff directly. Outdoor finishes with odorous and toxic emissions can also have an effect upon persons indoors through windows, doors and other openings.

3.11 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 EMP (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.

3.12 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.

3.13 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.

ENVIRONMENTAL ADMINISTRATIVE, POLICY AND LEGALFRAMEWORK

Administrative and Policy Framework

Ministry of Environmental Protection is the central governmental authority in charge with the environmental protection. Its environmental protection role is administered by the National Agency for Environment Protection (NAEP) and its territorial branches operating in each of the forty counties, in Bucharest, in Ilfov agricultural sector and in the Administration of the Danube Delta Biosphere Reserve.

Environmental Protection Law (EPL) no. 265/2006

The primary legislative act for environmental protection is the Environmental Protection Law no.265/2006 approving the Government Emergency Ordinance no.195/2005 with further amendments that establishes the institutional framework for environmental protection, delegating most state authority to the central environmental protection authority and its territorial affiliates. Ministry of Environmental Protection plays the role of central environmental protection authority in the sense of this OUG 195/2005 and in practice so far.

The Government Emergency Ordinance no.195/2005 sets forth general principles of environmental policy (among which the 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 spatial and environmental development, compulsory use of the environmental permitting procedure utilizing both construction and operating permits for certain economic and social activities with significant environmental impacts, use of economic incentives.

Chapter 2 is dedicated to the framework regulation of the activities with environmental impacts, permitting procedure itself with provisions for Environmental Impact Assessment process, environmental audit and compliance schedule. Chapter 3 is referring to the regulation regime in case of dangerous substances, Chapter 4 to the hazardous waste, Chapter 5 to the chemical fertilizers and pesticides, Chapter 6 to genetic modified organisms, Chapter 7 to the radiation and nuclear safety and Chapter 8 to the conservation of biodiversity and natural protected areas.

Chapter 9 is referring to the specific areas of environment and natural resources protection such as the water and aquatic ecosystem, Chapter 10 to the atmospheric pollution, climacteric changes noises and ambient management, Chapter 11 to soil, subsoil and terrestrial ecosystems, Chapter 12 to the national monuments, human settlements and Chapter 13 to the Regional Committee to the environmental protection.

The Law provides policy guidance and some basic legal principles in each of the above-mentioned areas but also contemplates further legislation and/or regulation in many of them.

Accordingly to the Environment Protection Law, legal definitions are regulated within. Hence, some of the relevant definitions are to be considered for the purposes of the current EMP:

- **environmental impact assessment (EIA)** – process aimed to identify, describe and establish case by case and according to the regulations in force the direct and indirect, synergic and cumulative effects, principal or secondary of a project against the human and environment health and safety;
- **environmental report** – part of the plan and program documents which identify, describe and assess significant possible effects against the environment, of their application and their rationale alternatives taking into consideration the objectives and corresponding geographical area, according to the legislation in force;
- **environmental permit** – the technical and legal act issued by the entity authorized for environmental protection confirming the all aspects related to the environmental impact point of view are integrated in the plan or program submitted for approval;
- **environmental agreement** - the technical and legal act issued by the entity authorized for environmental protection which establishes the conditions and, as the case may be the measures to be taken from the environmental impact point of view for implementing a project;

National Environmental Strategy; National Environmental Action Plan; National Plan for Adoption of *Acquis Communautaire*; Chapter 22 - Environment

National Environmental Strategy was first prepared and released in 1995 (it was updated in 1999). The *National Environmental Action Plan* (NEAP) was prepared in 1995 providing the integration of environmental policies within the other sector policies (industry, agriculture, transport, physical planning and health) as well as the process to be followed for project selection, analysis and implementation.

According to the National Plan for Integration in the European Community, Program for adoption of the *Acquis Communautaire* (PAAC) was set up. NEAP was updated in 1998 in compliance with PAAC and updated again in 1999.

The 2004 EU Regular Report on Romania's progress towards accession states that in the field of horizontal legislation, progress can be registered. Legislation was adopted on procedures relating to environment impact assessment and strategic environmental impact assessment. A communication procedure for public consultation was established, together with a guide for implementation.

The relevant secondary legislation for the environment protection

- **Ministerial Order no.863/2002** regarding the methodological guidelines to be

followed for preparing the environmental impact assessment (EIA) and for issuance of the environment permit (EP).

This Order create the tasks and rules to be used by the National Agency for Environmental Protection both at the central and local level environmental authorities - in their process of issuing environmental impact assessment (EIA) and for issuance of the environment permit.

The ministerial order is drafted accordingly to the Environment Protection Law no. 265/2006 and creates responsibilities for the National Agency for Environment Protection and its local branches regarding the EIA procedure and the EP procedure.

In the Order Annex I.1 and I.2) are listed all the activities likely to have significant environmental impact and therefore require an EIA procedure.

Based on the order's provisions there are 3 categories of activities: 1) activities with insignificant environmental impact; 2) activities with reduced environmental impact and 3) activities with significant environmental impact.

All the requests for environment agreement shall have attached a memo describing the project and information regarding the environmental impact as regulated in Annex II.2. The Annex II.2 lists, among others, the mandatory information related to possible sources of pollution and the protection of environmental factors, such as: water, air, noise and vibrations, radiations, soil and underground, habitats and other sites of public interests, hazardous products. Also, the Annex requires notes regarding the potential risks, as well as preventive measures and remedies.

After an in-depth analysis, the project receives from the competent environmental protection authority a Report on EIA procedure applicable to the respective project. The Report will determine the possible environmental effects the project may have, establishes the necessity of certain preventive measures, intervention measures and/or remedies.

The Report shall also mention whether public consultations are required or not. If so, the solicitor has the obligation to inform the public and organize public consultations with respect to the planned project.

The EIA procedure is completed, if acceptable, with the issuing of the environmental permit for the respective project.

- **Ministerial Order no.863/2002** regarding the approval of methodological guidelines applicable to the EIA general framework

The methodological guidelines are used by the competent central and local environmental authorities in their process of issuing environmental permit and pursuing EIA procedures.

- **Governmental Decision no.1076/2004** regulates a specific procedure for EIA procedure regarding the plans and programs. This specific procedure is not applicable to the court rehabilitation component of the Judicial Reform Project.

Monitoring System

The environmental monitoring system is regulated for the surveillance, prediction, warning, and intervention, which is based on the systematic assessment of the dynamics of the environmental media qualitative characteristics for the purpose of perceiving the quality status and ecological meaning thereof, the evolution and social implications of the changes produced, followed by the appropriate measures;

Two independent environmental monitoring systems are usually in place for any social and economic activity. A third one, applicable to consuming water users, has the main goal to verify the compliance with water approval and water permit

Internal or self-monitoring system

The management company of each activity is obliged to set up this system. Parameters to be monitored are established according to the provisions included within environmental agreement and permit. A service should be negotiated with accredited laboratories for sampling and data analysis.

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. Nominate staff to be responsible 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.