



European Union Network for  
the Implementation and Enforcement  
of Environmental Law

# IMPEL REVIEW INITIATIVE (IRI) “A voluntary scheme for reporting and offering advice to environmental authorities”

**Report on the IRI that took place in Tulcea, Danube Delta  
between 02 & 05 September 2014  
of the National Environmental Guard (NEG),  
Romania**

**2014/15**

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## 1. Executive Summary

The IMPEL Review Initiative (IRI) is a voluntary scheme developed by the IMPEL Network providing for informal reviews of environmental authorities in IMPEL member countries. This IRI examined the implementation and enforcement of a broad range of 'green' activities such as the illegal killing, trapping and trade of wild birds, the protection of conservation areas, illegal hunting & fishing and illegal logging amongst others.

The review primarily focussed upon the activities and responsibilities of the Romanian National Environmental Guard (NEG) and its interplay with other authorities responsible for protecting, regulating, implementing and enforcing environment legislation. The review focussed upon NEG's work in the Danube Delta area, Romania's most significant natural asset and a cornerstone of the country's efforts to protect its 'green' heritage.

Throughout the IRI, the review team have identified several examples of 'good practice' and 'opportunities for development', when considering the implementation and enforcement of green legislation in Romania. Specifically, the review team have highlighted the following as particularly strong examples of this:

### **Good practices:**

NEG have clearly realised that they as a single agency cannot protect the environment by themselves and that it takes a partnership approach to solve the problem. This can be observed through protocols with other inspection agencies, public associations and NGOs; the setting up of associations (e.g. Fishermen); joint enforcement actions with other agencies; awareness raising with the general public and through the set-up and development of an enhanced 'eyes & ears' in the form of the voluntary corp.

NEG have a sound inspection regime based on solid foundations. For example they have developed a risk assessment process; use non-compliance to inform thematic inspection campaigns and have a 24/7 365-day call-out and carryout evening and weekend inspection. This is on top of a RMCEI based programme.

### **Opportunities for development:**

Resources are always a challenge for any regulatory agency and NEG (and the other partners in the Danube Delta) is no exception. The agencies appear to be in desperate need of fast boats/engines (and sufficient fuel to power them) in which to compete with those of the offenders. A sensible solution would be the ability to use those of the offenders once impounded/seized.

Enforcement is only effective if all partners in the enforcement chain are applying the same level of importance to any breach in regulation. Despite the best efforts of the inspection authorities it would appear that both prosecutors and judges are not applying penalties in a coherent manner. Consider training both prosecutors & judges or seeking specialist appointees to help redress the issue. It is noted that the current level of fines does not appear to be working as a deterrent. Consider how they could be increased and index linked for the future.

## 2. Introduction

### 2.1 The IRI Scheme

The IRI scheme is a voluntary scheme providing for informal reviews of environmental authorities in IMPEL Member countries. It was set up to implement **the European Parliament and Council Recommendation (2001/331/EC) providing for minimum criteria for environmental inspections (RMCEI)**, where it states: *“Member States should assist each other administratively in operating this Recommendation. The establishment by Member States in cooperation with IMPEL of reporting and advice schemes relating to inspectorates and inspection procedures would help to promote best practice across the Community.”*

### 2.2 Purpose of the IRI

The aims of the IRI scheme are to:

- Provide advice to environmental authorities seeking an external review of their structure, operation or performance by experts from other IMPEL member countries for the purpose of benchmarking and continuous improvement of their organisation;
- Encourage capacity building in environmental authorities in IMPEL member countries;
- Encourage the exchange of experience and collaboration between these authorities on common issues and problems;
- Spread good practice leading to improved quality of the work of environmental authorities and contributing to continuous improvement of quality and consistency of application of environmental law across the EU (“the level playing-field”).

The IRI is an informal review, not an audit process. The IRI is intended to enable the environmental authority and the Review Team to explore how the authority carries out its tasks. It aims at identifying areas of good practice for dissemination together with opportunities to develop existing practice within the authority and authorities in other IMPEL member countries.

### 2.3 Scope of the IRI in Romania

This IRI took place as one component of the IMPEL project called: ‘Tackling the illegal killing, trapping and trade of wild birds’. However this IRI was also intended to cover a broader range of ‘green’ activities/issues than just the illegal killing of birds such as the protection of conservation areas, illegal hunting & fishing, illegal logging etc.

The review primarily focussed itself upon the activities and responsibilities of the Romanian National Environmental Guard (NEG), the main competent authority. As the structure of environmental protection in Romania is relatively complex, the review also had to examine the interplay with many other authorities responsible for protecting, regulating, implementing and enforcing environment legislation. As part of the review, the IRI team spent three days in the Danube Delta area, Romania’s most significant natural asset and a cornerstone of the country’s efforts to protect its ‘green’ heritage. Reviewing the work of the NEG in the Delta (plus the NEG-DDBR) along with partner organisations such as the Danube Delta Biosphere Reserve Authority and the Danube Delta Police Department, it became a microcosm for examining how Romanian authorities deal with green activities around the country.

The IRI looked at role, structure and function of the NEG in achieving the objectives of various legislative requirements with the RMCEI (EU Recommendation 2001/331/EC providing for minimum criteria for environmental inspections) being a key part of that. In relation to inspection and enforcement, the review looked at for example: inspection planning, practical preparation of inspections and enforcement capability. As permitting is carried out by a separate authority in Romania, the Environmental Protection Agency, the relationship between that and NEG was also examined. This IRI also builds upon the work of the 2010 IRI that took place in Romania and that focussed on the Cluj regional administration. Note that NEG moved from a structure of regional administrations to one based on counties in 2012.

## 2.4 Structure

The IRI uses a questionnaire to review the environmental authority against the requirements of the RMCEI. The IMPEL [“Doing the right things” Guidance Book for planning of environmental inspections](#), has been used to help structure Part C of the questionnaire. The Guidance Book was developed to support Inspectorates in implementing the RMCEI and describes the different steps of the Environmental Inspection Cycle pursuant to the RMCEI.

The review took place between 01 and 05 September 2014 in Tulcea on the edge of the Danube Delta. See [Annex I](#) for the Terms of Reference for this IRI, [Annex II](#) for the programme of this IRI and [Annex III](#) for the presentation held by the IRI team leaders at the end of the IRI.

The hosting team from the NEG organising the IRI was led by Octavian Popescu and Florin Homorean. The review team consisted of 9 participants from 6 Member States:

- Marco Avanzo - Italy
- Stanley Gatt - Malta
- Martin Baranyai - Czech Republic
- Jaap Reijngoud - Netherlands
- Darko Blinkov – FYR Macedonia
- John Visbeen – IMPEL Project Manager on: ‘Illegal Killing of Birds’
- Chris Dijkens - IRI Observer, IMPEL Vice Chair
- Michael Nicholson – Rapporteur, IMPEL Secretariat
- Simon Bingham – IRI Team Leader.



**The review team, members of NEG and the Danube Delta Police Department.**

**'On the banks of the Danube & in the review', Tulcea, September 2014**



### 3. Main Findings

#### 3.1 Part A - Defining the regulatory framework of environmental protection in the IMPEL member country

##### 3.1.1 Romania's system of government

Romania is a sovereign and independent Republic. The Romanian Constitution sets out the citizen's right to a healthy environment and to information. The Parliament is the supreme representative body of the Romanian people and the sole legislative authority of the country. The Parliament consists of the Chamber of Deputies and the Senate. The Chamber of Deputies and the Senate are elected (for a term of office of 4 years) by universal, equal, direct, secret and free suffrage, in accordance with the electoral law.

The President of Romania is elected by universal, equal, direct, secret and free suffrage. The term of office of the President of Romania is five years, being exercised from the date the oath was taken. The President, in the name of Romania, concludes international treaties negotiated by the Government, and then submits these to the Parliament for ratification, within a reasonable time limit. The other treaties and international agreements are concluded, approved, or ratified according to the procedure set up by law.

The President of Romania designates a candidate to the office of Prime Minister, as a result of his consultation with the party which has obtained absolute majority in Parliament, or unless such majority exists - with the parties represented in Parliament. The candidate to the office of Prime Minister seeks, within ten days of his designation, the vote of confidence of Parliament upon the programme and complete list of the Government. The programme and list of the Government is debated upon by the Chamber of Deputies and the Senate in joint sitting. Parliament grants confidence to the Government by a majority vote of the Deputies and Senators.

The Government appoints a Prefect in each county and in the Bucharest Municipality. The Prefect is the representative of the Government at a local level and directs the decentralised public services of ministries and other bodies of the central public administration in the territorial-administrative units. The Prefect may challenge, in the administrative court, an act of the County Council, of a Local Council, or of a Mayor, in case he deems it unlawful. The act thus challenged shall be suspended de jure

Ministries are organised only in subordination to the Government. Other specialised agencies may be organised in subordination to the Government or Ministries, or as autonomous administrative authorities.

##### 3.1.2 Ministry of Environment and Climate Change

The structure of the Ministry of Environment and Climate Change includes the following main separate institutions which, except for the water administration, were all created after 1991:

- **National Environmental Guard (NEG)** performs environmental inspections regarding all environmental factors.

- **National Environmental Protection Agency (NEPA)** deals mainly with (coordination of) issuing permits and monitoring. NEPA coordinates 42 Local Environmental Protection Agencies (EPAs). The main responsibilities of local Environmental Protection Agencies are issuing both IPPC and permitting “non IPPC” installations and monitoring. The EPAs are also the main body responsible for protection of the local environment and communication about local environmental issues and developing local strategies.
- **Romanian Waters Administration** covers both water permitting and water inspections.
- **Romsilva and Territorial inspectorates for hunting and forestry regime** deal with forest management, including issuing authorisations and inspections. Romsilva is also responsible for the management of majority of Romanian National Parks and wide biodiversity conservation areas (not including urban parks).

The collaboration among these institutions is coordinated by the Ministry and is also assisted by bilateral protocols of collaboration. In special situations the Ministry can request common action from its institutions (for example, reporting, inspections etc).

### 3.1.3 The National Environmental Guard (NEG)

NEG is a public institution for environmental inspection and control, with juridical status, financed from the public budget. NEG was created in 2003 from the inspection department of EPA. The law concerning environmental protection lays down the basic provisions on environmental protection including supervision by the NEG. Based on this law a Governmental Decision on organisation of NEG and so called Technical Norms “*On the organisation and development of inspection and control activities in the environmental field*” were adopted. These norms incorporate the requirements of the RMCEI into national law. The general provisions of the norms state that the NEG is responsible for “*implementation of government policy in matters of prevention, finding and sanctioning the infringement of legal provisions on environmental protection*”.

Over recent years, the NEG has been given competence on many different environmental EU directives and regulations. Recently inspections related to chemicals legislation was transferred from the chemical agency to NEG. A concern was identified that when new tasks are assigned an adequate number of sufficiently specialised staff need to be appointed to resource the new tasks, these staff aren’t always appointed.

The NEG includes a General Commissariat office and 41 County Commissariats plus Bucharest Municipal Commissariat. The Danube Delta Biosphere Reserve Commissariat is organised within the General Commissariat.

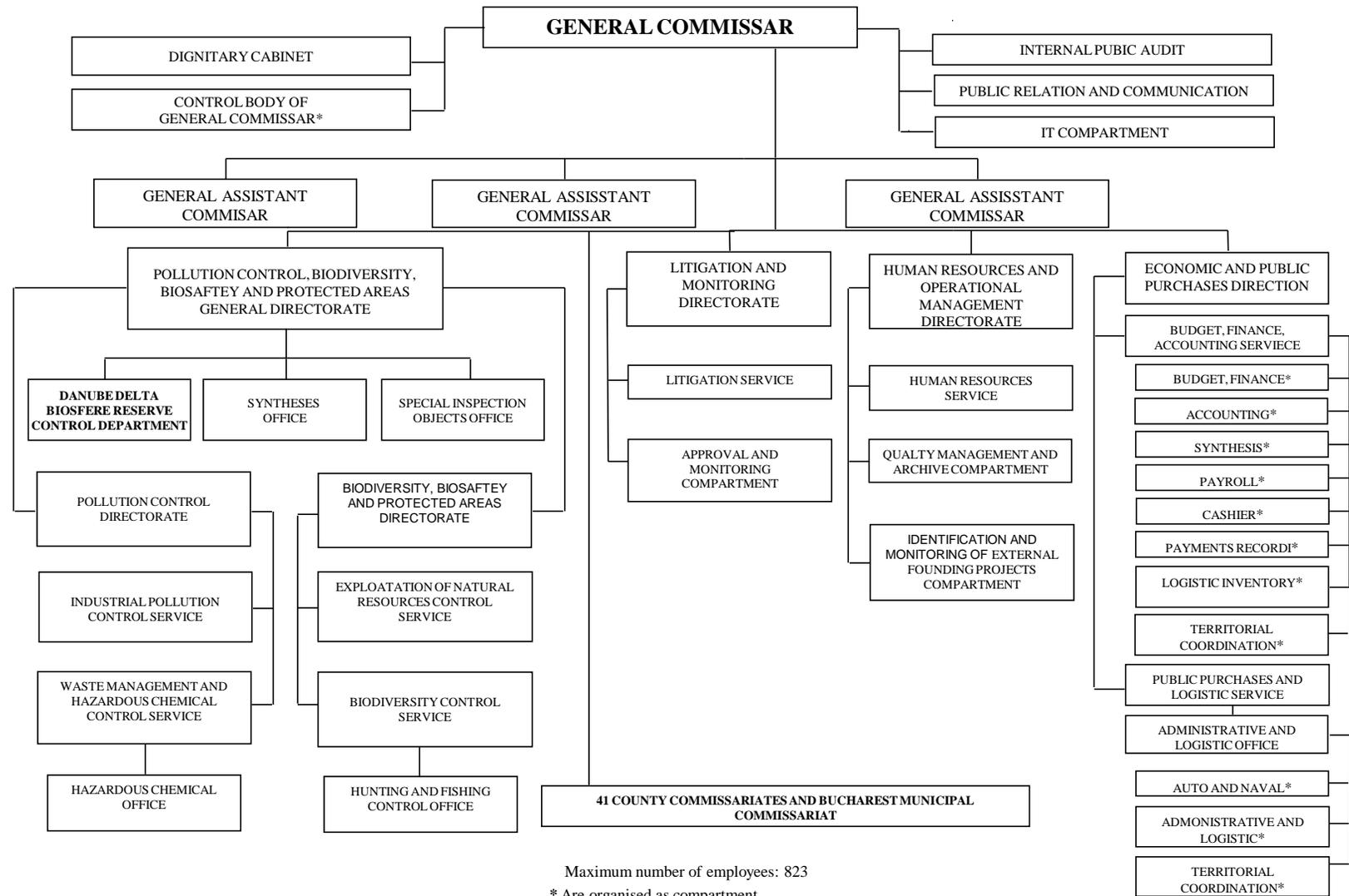
The General Commissariat (GC) has two technical departments: one for environmental protection (Control of industrial pollution, waste, chemicals etc) and one for biodiversity, bio-safety and protected areas. The main functions of the GC are national strategic planning of inspection activities, preparing the overall budget, identifying training needs of inspection personnel and planning of training and providing technical support for inspection activities through guidance, procedures etc. Furthermore the GC can make proposals on new laws and regulations in the field of environmental inspection, identify the needs for collaboration with other stakeholders, draft protocols on

cooperation with other authorities and propose projects in the environmental field, funded from the EU or other sources. It also coordinates the international activities of NEG.

The GC organises regular meetings with the chiefs of county commissariats, to harmonise enforcement and get local feedback. This is especially important during the period of setting the national objectives for the coming year. These meetings are increasingly held via teleconference. Inspection activities are primarily organised, planned and performed at the County Commissariats level. The total number of installation/economic activities on a national scale which must be supervised by NEG in 2014 is 17,310 of which 4,898 are in the biodiversity area. The expected total number of planned and unplanned inspections in 2014 across all areas of Romania is 61,446.

The total number of NEG employees has increased from 748 in 2005 to 823 in 2014. 640 are inspectors (otherwise known as 'commissars' in Romania), 547 are at the county level, 51 at the central level and there are 42 county chief commissars.

**NATIONAL ENVIRONMENTAL GUARD – Organisational Chart**



## Certifications & International Cooperation

NEG is ISO 9001 certified from 2007. Since 2008 NEG also gained ISO 14001 certification (by TUV). It was re-certified in 2009 and again in 2012. It was the first public control institution from Romania to hold ISO 9001 and 14001. The certification has helped NEG to harmonise and improve procedures.

NEG has been very active over the last years in participating in international exchanges of good practices. NEG has been involved or is still involved in a number of international activities:

- 1999 – collaboration with the USAID to create an Inspection manual
- IMPEL – participation starting before joining EU
- ECENA – collaboration still undergoing. 2009 participation in ECENA Inspection Manual
- Twinning programmes: 2 performed in 2009 by NEG & participation in NEPA twinning programmes
- 15 TAIEX seminars organised since 2003
- Joint risk monitoring on Danube border.

## Danube Delta Biosphere Reserve Authority

Inspection and control activities of the Danube Delta Biosphere Reserve Authority (DDBRA) are carried out by the Ecological Districts Department (Departments of the DDBRA). It operates with 34 rangers and inspectors with control responsibilities, over a geographical area of 580,000 hectares (5,800km<sup>2</sup>). On average, that is approximately 17,576 hectares per ranger/inspector consisting of terrestrial and aquatic ecosystems, however not all of the districts are geographically the same size. For example, one district is approximately 72,000 hectares. The distribution of inspectors to a district is not carried out on a risk-based approach.

Given the complexity of protection activities in the area, monitoring the conservation status of flora and fauna, economic activities taking place in the reserve perimeter, assessment of negative impacts resulting from anthropogenic factors and quick intervention in accidents or natural events (pollution, fire, flood, etc.), the review team concluded that this was an incredibly difficult task.

The main control activities of DDBRA personnel are:

- Organise and exercise ecological compliance regarding the status of protected areas, monuments of nature and other natural heritage assets
- Supervise and control activities using renewable natural resources and compliance with conditions set by authorisations and permits
- Ensure the protection of habitats and ecosystems
- Participate in monitoring the flora, fauna and conservation status, updating specific forms and documents
- Participate in the implementation of DDBR's bird monitoring program, performing observations, counting (assessment) and completion of assessment forms
- Perform activities of ringing, marking and other operations aimed at tracking the dynamics of species
- Ensure the integrity of marking and signalling systems in DDBR, supervising the status of signposts, warning signs and observation points, taking measures to maintain proper functioning

- Participate in sanitation (including litter picking) activities on terrestrial and wetland areas in cooperation with pupils, students, NGOs
- Inform DDBRA about any circumstances and events in the perimeter according to procedures and information flow
- Enforcement activities involving the use of fines (fines established in law)
- Carry on individual control activities or participate in joint control actions, in cooperation with other public institutions (Border Police, Police, National Environmental Guard, etc.) to combat poaching of any kind (fishing, hunting, gathering medicinal plants, collecting eggs or capture biological material for restocking, etc.) and the application of legal procedures for finding and applying enforcement measures against misconduct.

### **Relationships with other authorities**

Besides the National Environmental Guard and the Delta Danube Biosphere Reserve Authority, the following authorities have competences on inspection and enforcement in the Danube Delta. A formal protocol exists between the NEG and each of these administrations and there is some limited data sharing. Another key partner is the Environment Protection Agency responsible for permitting issues.

#### ***National Administration “Romanian Waters”***

The National Administration: “Romanian Waters,” has competences for:

- Inspection and enforcement of water legislation
- Management, operation, maintenance and modernisation of water infrastructure
- Flood defence
- Permitting of activities and installations related to management and use of water
- Monitoring and reporting of water quality.

#### ***Fisheries and Aquaculture National Authority***

The Fisheries and Aquaculture National Authority has competences for:

- Permitting, inspection and enforcement in the field of fisheries and aquaculture
- Verifying information related to fish movement documents (i.e. Fish quantities and species are as stated on the permit)
- Detection of offences and crime
- Confiscation of goods where necessary
- Compliance checks of fishing licence conditions; suspension of licenses where necessary.

#### ***Forestry and Hunting Inspectorate***

The Forestry and Hunting Inspectorate has competences for:

- Contracting the management of hunting areas
- Keeping track of hunting resources, of hunting dynamics and statistics of medal hunting trophies
- Organising and carrying out actions for the prevention and combating of poaching
- Inspecting the ways in which the hunting is organised and practiced
- Inspecting the legality of keeping in captivity of specimens of hunting interest species
- Inspecting the transport of naturalised wildlife and the activity of naturalisation workshops of wild animals and birds
- Detection of offences and crime to hunting legal provisions in force
- Confiscation of goods where necessary.

### ***Romanian Naval Authority***

The Romanian Naval Authority has competences to:

- Verify that performance and any activities related with ships operations and water transportation of dangerous products is carried in a safe and environmentally responsible manner
- Coordinate responses to pollution and remediation of polluted marine and river areas
- Checking complaints on deficiencies about port reception facilities for ship waste
- Permitting of tank vessels carrying large amounts of oil
- Update of Prevention Pollution Equipments Database
- National contact point of Advisory Group- Environmental Safety Aspects of Shipping.

### ***Transportation Police Division***

The Romanian Police has competences for:

- Prevention and detection of offences on the transportation system (rail, water and air)
- Maintenance of public order on passenger trains, railway stations, airports and ports
- Inspection and investigation of complaints
- Contribute to international police networks (RAILPOL, AQUAPOL and AIRPOL).

### ***Romanian Border Police***

The Romanian Border Police has competences for:

- Control of documents for border crossing
- Application of international treaties, agreements, conventions and protocols on the state border and border control
- Taking the necessary measures to prevent environmental risks and damage, and to eliminate effects of accidents affecting the environment (in cooperation with environmental competent authorities)
- Control of ships and boats where data and information about illegal activities is held
- Control of ships and boats in case of illegal wastewater discharges and of accidental pollution of waters (in cooperation with environmental and water competent authorities)
- Protection, conservation and control of hunting and fishing resources by preventing and combating illegal hunting and fishing.

### ***Customs National Authority***

The Customs National Authority has competences for:

- Application of customs provisions of international agreements, conventions and treaties, including CITES
- Customs control and supervision of illegal trafficking of GMOs, waste, wild flora and fauna
- Control of transport for import, export or in transit goods and check their compliance with customs regime
- Confiscation of goods where necessary.

### ***Environment Protection Agency***

The Environment Protection Agency issues environmental permits and is in charge of sampling and environmental monitoring. Permits regarding discharges to surface waters are issued by the Water Basin Directorates falling under Romanian Waters Administration. The Water Basin Directorates also carry out inspection to check compliance with the water permit. Water requirements are copied in to

the environmental permit and can be supervised by the NEG. The EPA has a role in checking the compatibility of the environment permits with other requirements set out in construction permits, water permits etc. Before a construction permit or an urban development plan is approved by local government (under environmental impact assessment), it is mandatory to have environmental advice from the EPA. The EPA is the most closely related organisation to the NEG. NEG inspectors may access the EPA database which shows permit and monitoring data. Full alignment of the EPA and NEG databases is considered desirable and is planned for delivery by 2017. Staff from the EPA often participate in joint inspections with NEG inspectors, especially for IPPC and Seveso sites. This is particularly the case when permits are to be revised and when checking the execution of operator's action plans to improve environmental performance. Inspectors from NEG also take advice of colleagues from the EPA when preparing or carrying out an inspection.

### **3.2 Part B - Permitting activities**

As described in Part A above, the Romanian Environmental Protection Agency is in charge of permitting activities. The EPA is responsible for both permitting larger installation and for the smaller installations. As this was not in the scope of this IRI, only the cooperation between the NEG and the EPA was discussed.

The EPA is in charge of permitting but also of environmental sampling and monitoring mainly for air and water with the water inspectorate. They have their own monitoring plan for both announced and unannounced sampling but the NEG can ask for them to take immediate samples. They have mobile monitoring equipment and laboratories.

### 3.3 Part C - Performing inspection tasks (Environmental Inspection Cycle)

#### 3.3.1 Planning of inspections

##### *Describing the context (Box 1a)*

The Delta Danube Biosphere Reserve Commissariat has competence for the inspection and control of provisions regarding the protection of environment in Delta Danube Biosphere Reserve Area that covers a surface area of 580,000 hectares around Tulcea, Constanta and Galati Counties.

The following is a brief summary of the legislative framework that underpins and gives reasoning for the planning of 'green' inspections in the Danube Delta area:

- Law No. 5/2000 - regarding the approval of the Landscaping Plan of the national territory, the third section on protected areas
- Government Ordinance No. 195/2005, regarding environment protection
- Law No. 407/2006, on Hunting
- Government Ordinance No. 57/2007, on the regime of natural protected areas, conservation of natural habitats, wild flora and fauna
- Government Ordinance No. 23/2008, regarding fishing and aquaculture
- Minister Order No.1964/2007, regarding the declaration of sites of communitarian importance as an integrated part of the ecological network Nature 2000 in Romania
- Government Decision No. 1284/2007, regarding the declaration of birds sites as part of the ecological network Natura 2000 in Romania
- Minister Order No. 410/2008, approving the permitting procedure for harvesting, capture, acquisition activities and trading on the national territory or on the external market of mineral clusters, plant fossils, vertebrate and invertebrate animal fossils, as well as plants and animals from wild flora and fauna and their imports.
- Government Ordinance No. 68/2007 regarding environmental liability.

The NEG informed the review team that the Government Ordinance on natural protected areas, conservation of natural habitats, wild flora and fauna (which transposes the Habitat Directive and Birds Directive) and Government Ordinance regarding environment protection were the main legislative acts used during biodiversity inspections.

The NEG as the environmental inspection authority in Romania, carry out inspections and control in accordance with Recommendation 2001/331/EC concerning minimum criteria for inspection in Member States of the EU. An annual inspection plan is issued, which is approved at central level; the plan is made on risk-based classification of sites. Installations are classified taking into account their impact on the environment and the operator's performance. The frequency of inspections is defined in the national technical inspection norms. There is no charging passed on to the operator for inspection activities.

### *1b. Setting priorities*

When carrying out risk assessment in the area of biodiversity, the following is considered:

- Impact and performance criteria are used
- For each criteria a score is given by comparison with pre established thresholds/limits. The system scoring gives points from 1 to 10.
- For risk calculation, a logical algorithm is used (based on mathematical function “IF”). The points given for each criterion are multiply by a weighting factor and the result are summarize for each category of risk criteria (impact criteria and performance criteria). The risk category (A, B, C and D) is established by comparison with a matrix.

The risk assessment procedure is carried out by the NEG but the review team noted that information from other partner organisations is not used in this process. The number of inspections, based on the risk category that is given is as follows:

- For category A risk – 2 inspections per year
- For category B risk – 1 inspection per year
- For category C risk – 1 inspection every 2 years
- For category D risk – 1 inspection every 3 years.

The following impact criteria are used:

- Forestry - the amount of wood approved for logging per year
- Harvesting, capturing and trading wildlife type of activity, impact on protected species, location
- Fisheries - water surface, feeding type, location
- Protected areas
- Processing of wood - the amount of wood processed per year
- Tourist areas - capacity, type or water supply and sewage, location
- Activities involving GMOs.

The following performance criteria are used:

- Implementation of Environmental Management System
- Degree of compliance - number of fines, notification for criminal investigation, activity suspension, permit suspension, other complementary sanctions
- The inspector’s opinion - number of complaints, environmental investments and expenses.

In terms of allocating resource:

- Approximately 80% of the overall time period is allocated for the execution of environmental inspections
- Approximately 20% of the overall time period for the execution of other specific activities e.g. training
- Inspections are carried out in two person teams.

There are no specific rules regarding the balance between routine and non-routine inspections. In 2014 though, the balance was:

- 35% of inspection time is allocated for routine inspections
- 65% of inspection time is allocated for non-routine inspections.

Non-routine inspections:

- Complaints
- Follow-up inspections
- For monitoring endangered species
- In cooperation with other authorities.

The NEG informed the review team that their experience from previous years when fulfilling the inspection plan has been difficult because of exceeding the number of non-routine inspections. This has largely been down to complaints and requests sent by the Environmental Ministry and other authorities. The Danube Delta Biosphere Reserve has some particular issues that drive these special requests such as that it is a protected area of national and international interest, it is a wetland and access into inspection areas is challenging (80% by boat and only 20% by road).

### *1c. Defining objectives and strategies*

The specific type of controlled objectives:

- Naval transportation
- Harbour activities
- Fishing and aquaculture
- Tourism
- Agriculture and farming
- Scientific activities within areas with a strict protected regime.

Specific activities:

- Seasonal activities or permanent activities
- Inspections in areas that are banned for hunters or when a non-catch period is in force
- Inspections in areas with a strict protected regime.

In 2014, the NEG and DDBRA have the following objectives for their inspection activities:

- Checking waste management especially from ships
- Restriction of access into areas with a strict protection regime
- CITES inspections
- Detection of operators that perform activities without holding an environmental permit
- Improving “NEG image” among civil society
- Advertising the outputs of inspection activities carried out by Delta Danube Biosphere Reserve Commissariat.

Its strategies are:

- Inspection teams to perform weekly inspections in different areas
- Inspections will last for more than one day
- Organising and performing random and unplanned inspections, especially during nights and on weekends
- Advertising examples of infringements through local and national media.

## *1d. Planning and review*

As described earlier, the NEG is ISO 9001 and ISO 14001 certified. The certification has helped NEG to harmonise and improve procedures and plans. NEG produce annual inspection plans based on the outputs of their risk criteria mechanism. The NEG have also developed corporate objectives which are listed below:

- Climate change and global warming, aiming to reduce greenhouse effect gas emissions
- Nature and biodiversity protection, having as objective the removal of the threats for the endangered species and their habitat
- Health as it relates to the environment, with the objective of providing an environment that does not have a significant impact or may not be hazardous to human health
- Natural resource conservation and waste management, with the objective of increasing recycling and preventing their occurrence.

The NEG leadership aims to achieve the following objectives:

- Strengthening institutional capacity
- Improving collaboration with civil society and stakeholders
- Implementing, developing and promoting the concept of environmental security
- Active and sustained involvement in the elaboration of the national strategy for environmental security
- Proactive involvement in social awareness and responsibility of the younger generation and civil society regarding environmental protection
- Optimizing Environmental Volunteer Corps work regarding environmental protection
- Increasing the absorption of EU funds or other funds.

### 3.3.2 Execution framework

#### *Protocols and collaboration agreements*

The National Environmental Guard (NEG) has signed various cooperation agreements with Government institutions and non-governmental organisations. In 2009, there were 10 protocols but by 2014 this had risen to 40.

Among the institutions responsible for inspection type activities that have established collaboration protocols and conducted joint controls with the National Environmental Guard are:

- Romanian Police
- Romanian Gendarmerie
- The General Inspectorate for Emergency Situations
- The General Inspectorate of the Romanian Border Police
- National Customs Authority
- National Agency for Fiscal Administration.

The NEG has signed other important protocols with:

- The Agency for Payments and Intervention in Agriculture
- Department of Agriculture
- The National Environmental Protection Agency
- The National Agency for Mineral Resources
- Romanian Road Transport Authority
- Environment Fund Administration
- Payment Agency for Rural and Fisheries
- Danube Delta Biosphere Reserve Authority.

These protocols provide the framework for:

- Uniform and effective enforcement of legal provisions in the competence of the signatories
- Prevention, detection and penalty of contravention and criminal acts
- Bilateral exchange of information
- The establishment of permanent contacts
- Planning and organisation of joint control and inspection
- Mutual training of operational staff
- Enhancing the outcomes of joint control and inspection

Most of these protocols are available to the public, being posted on the website of the NEG ([www.gnm.ro](http://www.gnm.ro)).

Protocols have been signed between the NEG and various NGOs:

- 'Recolamp' association
- 'Ecotic' association
- 'Environ' association
- 'Foişorul de Foc' association
- 'Ecoteca' association
- 'Viitorul în zori' association
- 'Green Revolution' association

- Plant Protection Industry Association in Romania
- Youth Foundation of Bucharest.

### *Training*

NEG inspectors and other employees have the right and obligation to continuously improve their skills and knowledge. Training is carried out in accordance with civil servants rules which are set down in legislation. Where individuals initiate training, they would send in their training requests to their managers. Performance evaluation is carried out at the end of the year and exams are used to test inspector's knowledge gained during training.

In 2013 a total of 175 persons attended training courses in the following areas:

- Management:
  - Financial management and externally funded projects accounting
  - Project Management of for projects with international funding
  - Civil service management
  - Management of public procurement
  - Accountancy and financial management in public institutions
- Personal development:
  - 'Train the Trainers'
- Law and community legislation
- Sustainable regional development.

### *Inspection Guidelines*

The NEG conducts its inspections and controls according to: "Technical norms for organising and executing the activities of inspection and control in the environment protection field". For inspection of various categories of controlled objectives (IED inspections, Seveso inspections, VOC inspections and protected areas controls, etc.) specific guidelines have been drawn up. These guidelines are intended to ensure uniform application of national environmental legislation. The following guidelines are examples that apply to DDBR territory:

- Guidelines for the control of protected areas
- Guidelines for the control of hostels and restaurants
- Guidelines for the control of hunting and fishing.

### *Ethics*

NEG has some specific strategies to tackle corruption within its organisation. It has some internal guidelines that are published on its Intranet. There is training on what is acceptable/not acceptable behaviour and conduct of its staff. The punishments are also published. There is also a requirement of all staff to sign a 'Declaration of Special Interests' which is publicly available via the website. This is updated yearly and it details a variety of aspects of an inspector's income, wealth, assets down to make and model of car etc.

### *Danube Delta Biosphere Reserve Authority*

For the DDBRA, 34 rangers and inspectors are divided into 12 districts, living and residing in the district. This is to help them intervene quickly when needed. They are civil servants but the salary of these officers is relatively low compared to national standards. Compensation in part is made by the fact that housing in the district is provided by the DDBRA. The review team did question whether NEG

considered this to be a conflict of interest – living and residing in the area where they are inspecting. NEG and the DDBRA have begun trialling a small rotation of inspectors between districts but have found this to be difficult so far because of the high cost of re-housing. The 34 DDBRA personnel have between them 14 college level qualifications and 20 University level qualifications.

From an organisational perspective, personnel of the 12 districts are organised into 5 offices subordinated to the Ecological Districts Department. Personnel are equipped with 28 boats with engines ranging from 10 to 30 hp for water transport and 3 SUVs for the terrestrial areas. They have enough fuel for about 30-40 hours of inspections per month.

### 3.3.3. Execution and reporting

#### *Carrying out inspections*

Planned inspections can be either announced or unannounced. The national guidelines say that inspections are carried out by at least two commissars with one acting as team leader. It is the responsibility of the chief commissar to appoint the team and establish their responsibilities. When carrying out an inspection, the following files are studied in advance:

- Previous inspection reports
- Legal documents
- Previous monitoring reports
- Internal and external plans to limit the damages in case of environmental major accidents
- Waste management plan in accordance with the valid legislation.

The environmental inspection should contain:

- Objectives to be checked (the conformity of the previous inspection reports to the legal environmental regulations)
- If necessary, teams structure and their tasks should be stipulated
- Necessary time
- Necessary resources (vehicles and technical endowments)
- If necessary invitation of other authorities, based on signed protocols.

It is compulsory for NEG inspectors to inform the owner or his representative about the inspection type and its schedule. For the control aspect, a field inspection is carried out and where necessary interviews with the employer. The inspection report then contains the conclusions and the measures to be applied by the owner to improve the situation. The NEG inspector informs the owner or his representatives about the results/conclusions and the measures that should be taken, including the penalties established, if any and also to hand over the inspection report.

The report is always written during the inspection and at the end signed by the inspectors and the operator. It means that all decisions concerning measures and sanctions have to be taken during the inspection. Occasionally, when further investigations are needed, the sanctions can be applied later, within a maximum of 6 months after an infringement was identified. There is a section of the report for marks given to the site. These marks are the basis for the inspector appraisal of the site/operator as criterion for the risk based classification of installations, see section 3.3.1. Usually one inspector plays the role of team leader, while the other writes the report. To help them do so, the NEG databases are accessible on the operator sites. It is mandatory for the operators to sign the reports. If they have any objections, they should write them on the report. The report has then to be presented to the Chief Commissioner. It is then registered in the register of reports, and in the national electronic database of the NEG.

For the inspection activity, the following template inspection documents are used:

- Inspection report - planned inspections
- Conclusion note - unplanned inspections
- Penalty report (PVCSC).

### *Cooperation with NGOs in inspection matters*

NEG has established relationships with many NGOs. It has formalised collaboration with some of these by developing protocols. NGOs in the environmental field that NEG collaborates with via such protocols are:

- Reolamp Association
- Ecotic Association
- Environ Association
- *Fire Tower* Association
- Ecoteca Association
- *Future Dawn* Association
- *Green Revoluțion* Association
- *Eco-Civica* Association
- *Millions of friend* Association (Zărnești, Brașov)
- W.W.F. Romania
- Greenpeace Romania.

NEG takes into account complaints submitted by the NGOs and uses their intelligence to help carry out their inspection activities. NGOs opinions are also taken into account when drawing up yearly inspection plans and developing medium term strategies. NEG and NGOs have jointly run educational projects and projects that aim to increase public awareness (like: “Environmental Guardians” a project addressing pupils; forestation of degraded land areas, etc). NGOs also help NEG in its enforcement actions (repatriation of confiscated specimens of wildlife, taking care of confiscated animals).

### *Environmental Volunteers*

Under the responsibility of the NEG, an Environmental Volunteers Network was established. The volunteers are additional “eyes and ears” for the NEG. Potential volunteers need to apply and must have good references. They are trained and carry a NEG ID. They are now organised in an association. Citizens who want to get more involved can apply to become environmental volunteers. To do so, they receive specific training, undergo a criminal background check and have to pass an exam concerning legislation. They are then considered to be extra ‘eyes and ears’ for the inspectorate in the field though they have no special competences. They are sometimes asked to go and check complaints.

Some of the tasks of the environmental volunteers are:

- Management of green areas from cities (parks, gardens)
- Disposal of domestic and industrial waste
- Management of protected areas
- Polluting activities that cause negative influence on environment and discomfort, including noise
- Promoting an appropriate attitudes of people about protecting the environment in the area in which they are living.

In cases where they identify breaches of environmental legislation, the volunteer will notify the local commissariat of NEG by phone or other means of communication. Nationwide, the Environmental

Volunteers Corp has 990 members. In 2013 and 2014, NEG conducted 152 inspections based on notifications received from volunteers and 3 warnings and 1 penalty were issued as a result.

The NEG has a 'Green Line' in operation for the public to call in case of accidents and issues they wish to report. This is a 24/7 telephone line and the number is advertised on the NEG website. There are two inspectors on duty per county, 24/7.

Romania operates and uses an Environmental Fund. Every polluting operator pays a certain amount into this fund which can be used on projects anywhere in the country. Inspectors are obliged to check whether this has been paid during each inspection.

### *Environmental Monitoring*

Water quality issues are very important for Romania and the Danube area. NEG has 1 laboratory for some limited analysis but they also make use of protocols signed with private laboratories to carry out further analysis work. A monitoring ship carries out sampling work 2-4 times per year in the delta and on the Danube. In addition, the National Administration 'Romanian Waters', has a monitoring and warning system set up across Romania. Electronic notifications are sent up and down stream to help identify sources of pollution. They have 2/3 monitoring stations on the Danube which take samples at least once per day.

### *Enforcement*

The penalties stipulated by Government Ordinance no. 2/2001, applied by the National Environmental Guard are either a warning or a fine. Other penalties include:

- Confiscation of property used to commit an offence
- Permit/licence suspension
- Activity suspension
- Cancellation of building process and bringing the land to its original state.

The most common non-compliances occurred during inspections were:

- Degradation of habitats and species due to construction, burning of vegetation or illegal logging - *notification for criminal investigation*
- Logging without environmental permit or without the permit from protected area administrator - *finer ranged from € 8,000 to € 15,000*
- Hunting large carnivores without environmental permit - *finer ranged from € 8,000 to € 15,000*
- Illegal possession and trading of protected species - *notification for criminal investigation*
- Illegal killing of birds – *3-7 years imprisonment and a fine.*

The review team learnt that despite there being a provision for '*notification for criminal investigation*' this was rarely used because there was no perceived "social threat". The NEG can write a letter (the notification for criminal investigation as mentioned above) to the competent prosecutors office for further investigation. In these cases the NEG provide consultancy for the prosecutors.

Though the law allows for confiscation of equipment e.g. fast boats, NEG and the DDBRA are not allowed to use them. Instead a forced sale is made if they are not returned first. All proceeds of crime go towards the State budget.

Hunting for the other species (including birds which are allowed for hunting), except large carnivores, in seasons 2012/13 and 2013/14 was allowed by Ministerial Order without an environmental permit.

NEG informed the review team that since 2012 that it had not found any non-compliances regarding illegal hunting of birds.

In the Danube Delta, all hunting is banned. Most enforcement activity in the Danube Delta is related to fishing. There are 1,100 fishing licences issued annually which can be withdrawn if necessary against repeat offenders. The most common illegal fishing relates to fishing in unauthorised areas or using non-authorised tools.

In the Danube Delta, 93% of land is State owned whilst the inhabitants or Dulce County Council owns the rest. Fish farms and agricultural land is leased to food producers and despite efforts at land restoration, it is proving difficult to bring these areas back into the Biosphere area.

In Romania, there a number of private hunting and angling Associations. Each Association has a database of its members and foreign hunters for example coming to Romania should register before beginning its activities. An independent Institute carries out research and assigns quotas for all Associations on the number and types of species that may be taken. Unreported catch intelligence is fed into the calculations of quotas as well.

#### *Environmental Crime – a view from the Danube Delta Police Department*

The review team were fortunate to hear from a Police officer of the Danube Delta Police Department (DDPD) specialising in environmental crime.

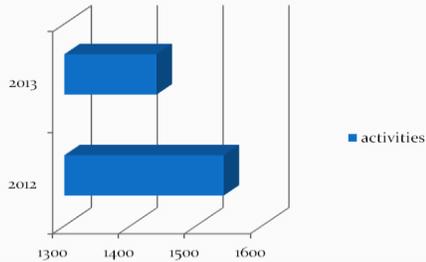
In cooperation with all of the other public bodies mentioned above, the DDPD department found between 2012 and August 2014, 6 hunting criminal offenses which were punishable with 3 to 7 years of imprisonment or a fine from 5-25,000 lei (~€ 1,100 - ~€ 5,500). Officers confiscated 4 hunting firearms and 115 bullets.

During the same period officers found 311 fishing criminal offenses relating to:

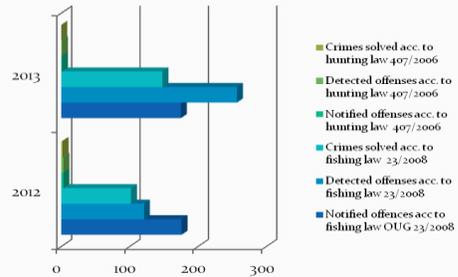
- Commercial or sport fishing without a fishing license or permit
- Fishing by any method of breeding, during prohibition
- Possession, transportation or sale without legal documents fish, eggs or fish products derived from fishing
- The production, importation, possession, sale or use of monofilament mesh type nets
- Electric fishing, possession of appliances and devices that destroy living aquatic resources by electric shock, electrocution in order to kill fish and other aquatic life.

## Results Danube Delta Police Dpt. 2012/2013

Activities

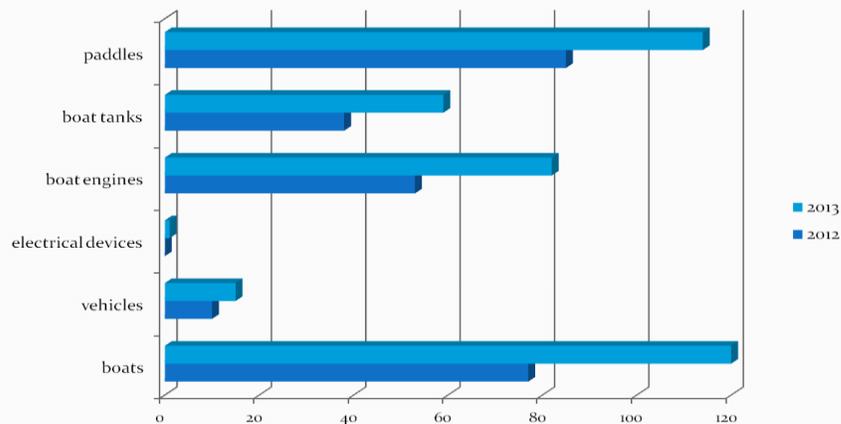


Criminal Offenses

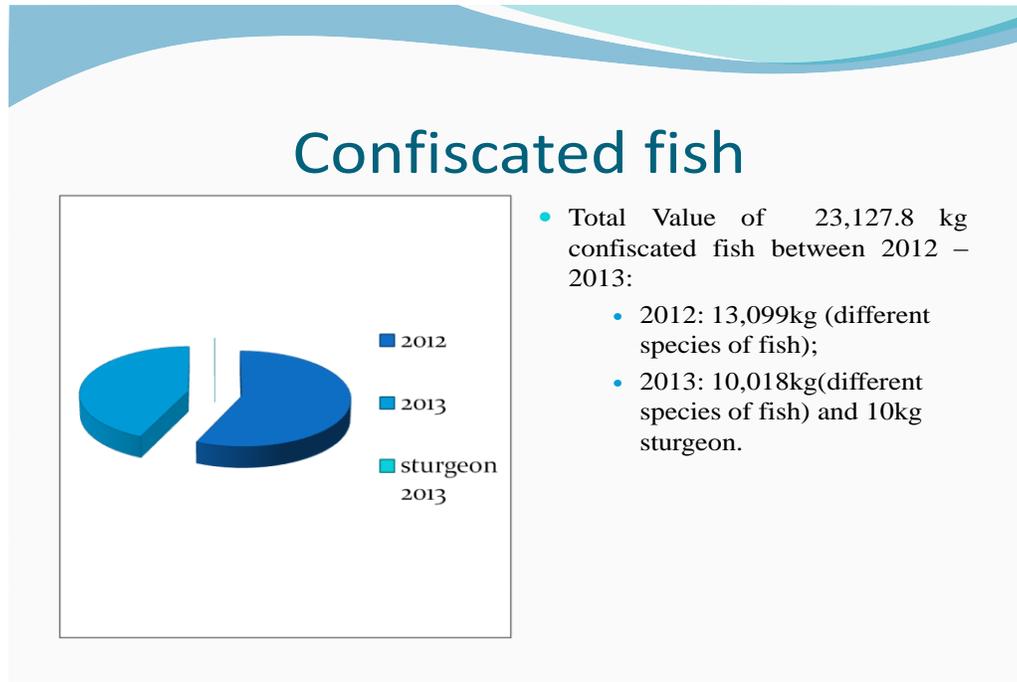


The review team were informed that the number of activities has decreased since 2012 because of lack of resources, mainly fuel for patrol boats. Despite this, the number of successful criminal offenses processed has increased slightly. After further probing on this topic, it appeared that more informants were being used to improve intelligence on criminal activities. The review team were told that there was a public perception of a decline in fish stocks and an increased awareness of the issues and risks this poses which has contributed to the increase in informants.

## Confiscated objects



The number of confiscated objects in 2013 has increased compared with 2012. However, the review team were informed that most boats were returned to their owners by the Court system because of a concern that it would affect their livelihoods. The amount of confiscated fish also gives an indication of the work that the DDPD does. The total value of confiscated objects in 2013 according to DDPD was 992,491 RON (~€ 220,553).



### Joint enforcement actions

The review team found a great number of examples of collaborative working backed up by a large number of protocols or formal memoranda that set out how cooperation will take place. Joint enforcement was no exception. In particular, NEG cooperates with:

- Danube Delta Police
- National Administration “Romanian Waters”
- Fisheries and Aquaculture National Authority
- Forestry and Hunting Inspectorate
- Romanian Naval Authority
- Transportation Police Division from General Inspectorate of Romanian Police
- Romanian Border Police
- Customs National Authority.

The general objectives are to share information, develop and strengthen cooperation and lend mutual support, but more specifically:

- Preventing and combating of naval transportation crime
- Ensuring compliance with customs regulations
- Combating tax evasion, cigarette and oil smuggling
- Preventing and combating voluntary and accidental pollutions
- Preventing, mitigating and disheartening poaching fish

- Preventing and combating illegal exploitations of mineral resources from Danube river
- Reducing crime and offenses and providing the best environment for public order and safety in maritime and river ports.

In 2013, 7 joint inspections were successfully carried out. The case studies below give a flavour of the type of joint enforcement activities that the review team heard about during the IRI. Though 7 were carried out, 9 had actually been planned for 2013. A lack of fuel had meant that 2 were cancelled.

### Case Study 1:

<b>Joint inspection on preventing and combating poaching fish and illegal trade of fishery products</b> Period of execution: 23 <sup>rd</sup> to 28 <sup>th</sup> April 2013	
<b>Participating forces</b> <ul style="list-style-type: none"> <li>• 116 Transportation Police Division</li> <li>• 20 fishing inspectors - Fisheries and Aquaculture National Authority</li> <li>• 8 commissars - NEG</li> <li>• 2 commissars - Financial Guard</li> </ul>	<b>Outcomes</b> Inspected / checked: <ul style="list-style-type: none"> <li>• 302 boats</li> <li>• 617 permits/licenses</li> <li>• 36 operators</li> <li>• 82 cars</li> </ul>
<b>Offenses</b> <ul style="list-style-type: none"> <li>• 56 according to Fishery Law</li> <li>• 2 according to Tax Evasion Law</li> <li>• 2 according to Naval Transportation Law</li> <li>• 1 according to Penal Law (for false statements)</li> </ul>	<b>Penalties</b> <ul style="list-style-type: none"> <li>• 39 fines were issued</li> <li>• Total amount of fines: 15,620RON (~€ 4,000)</li> <li>• Confiscated goods in amount of 25,955 RON (~€ 6,000)</li> </ul>

### Case Study 2:

<b>Joint inspection on preventing and combating offences on customs regulations, voluntary and accidental pollutions and combating illegal exploitations of mineral resources</b> Period of execution: 25 <sup>th</sup> to 29 <sup>th</sup> September 2013	
<b>Participating forces</b> <ul style="list-style-type: none"> <li>• 91 policemen - Transportation Police Division</li> <li>• 20 officers from Naval Authority</li> <li>• 39 commissars - NEG</li> <li>• 26 inspectors – Water Authority</li> </ul>	<b>Outcomes</b> Inspected / checked: <ul style="list-style-type: none"> <li>• 298 persons</li> <li>• 82 boats</li> <li>• 6 exploitations of mineral resources</li> </ul>
<b>Offenses</b> <ul style="list-style-type: none"> <li>• 6 penal offences</li> <li>• 13 penalties of which:               <ul style="list-style-type: none"> <li>○ 6 penalties for waste transportation without proper documents</li> <li>○ 3 penalties for improper management of mining waste</li> <li>○ 4 penalties according to Naval Transportation legislation</li> <li>○ 3 penalties according to Fishery Law</li> </ul> </li> </ul>	<b>Penalties</b> <ul style="list-style-type: none"> <li>• Total amount of fines: 16,908 RON (~€ 4,000)</li> <li>• Confiscated goods in amount of 2,840 RON (~€ 700)</li> </ul>

## *Reporting to the public*

NEG uses an electronic system called 'Artemis'. This IT application stores information about NEG inspections, archives records of inspections performed yearly, penalties issued, and can be used to compare and contrast local and national plans versus actual results.

Dissemination of NEG's outputs is carried out with reference to:

- Aarhus Convention, transposed by Law no 86/1991
- Law no 544 from 12 October 2001 on free access to public information
- Government Decision no 878 from 28 July 2005 on public access to environmental information.

These laws guarantee the right for everyone to seek and obtain information about the environment.

Information as it relates to the environment refers to:

- State of the environment
- Pollutants emitted / discharged into the environment
- Measures, including those of an administrative nature, that ensure protection of the environment
- Reports related to the implementation of environmental legislation
- Human health status and life conditions.

Operators operating under an authorisation / integrated environmental permits are required to inform the public about the consequences of their activities and / or their products over the environment on a quarterly basis.

NEG by default communicates information about:

- Organisational structure and duties of its departments
- Name and surname of the leadership team
- Contact details of the institution
- Funding sources, budget and balance sheet
- Programs and strategies
- List of public documents
- Means of contesting the decision of the public authority or institution in the situation in which the person considers him/herself harmed in what relates the right of access to public interest information.

Regarding the environmental inspections and controls, NEG communicates:

- Monthly and annual reports on inspections and controls, penalties and offenses detected
- Reports on accidental pollution
- Notices on the issuance / amendment of environmental law
- Information on projects implemented, including externally funded
- Information on awareness and education activities in collaboration with partners.

There is a link on NEG's website that communicates this information.

According to the Technical norms for organising and executing the activities of inspection and control in the environment protection field, the documents accessible to the public are:

- National Register of controlled objectives
- Annual Plan
- Records of Inspection reports / Control notes
- Inspection reports / Control notes are not publicly available, but non-compliance and penalties recorded in them are made public through press releases in what regards NGE activity.

These are accessible upon request by the public. They are in paper copy at the NEG offices.

Upon request, the NEG can provide other public information if it:

- Does not affect national security or public order
- Does not affect the principle of fair competition
- Does not jeopardize the outcome of the criminal investigation or endangering life or health of a person.

The request must be made in writing according to a certain format, and the competent authority shall respond in writing within 10 days and not exceeding 30 days, depending on the difficulty, complexity and volume of the work.

Public information is disseminated using multiple channels of communication:

- NEG Website ([www.gnm.ro](http://www.gnm.ro))
- Press conferences
- Monthly / annual press releases
- Press Officer
- Office of Public Relations and Communication.

### 3.3.4 Performance monitoring

NEG collects a variety of output data related to the execution of the inspection plan. These are reported from counties to the General Commissariat once a month. These reports include:

- Number of routine and non routine inspections
- Data on civil sanctions (number, types, amount, warnings)
- Criminal dossiers submitted
- Accidental/incidental pollution.

Trimester reporting also includes:

- Number of hours spent on routine inspections, non routine inspections and other activities
- Percentage achieved in all activities compared with the amount allocated in the annual plan
- Percentage of appeals to penalties where the court decision is in favour of the NEG.

Feedback is provided to the counties after every reporting period. A yearly report on activities carried out by the commissariats is sent to the general commissariat. Reporting the inspection activity developed by NEG commissariats is mandatory to be done yearly by NEG General Commissariat, as well as each time it is requested. The annual report contains:

- The activity report
- The completed summaries of the Inspection Plan
- Assessment of the annual planning of activities
- Description of some efficient inspection actions that led to the significant improvement of the environmental factors (optional)
- Proposals of necessary actions to improve the inspection activity for example: training of personnel in the field of the inspection activity, drawing up guidelines, manuals etc.

The annual report on the activity results are submitted to the NEG General Commissariat for assessment by 15th of January of the following year.

### 3.4 Part D – Site visit

As part of this IRI, the review team were taken on a site visit of the Danube Delta Biosphere Reserve which lasted for half a day. An inspection of fishermen was observed. The difficulties of the area were clearly observed with a complicated habitat of channels, lakes and marsh. A high density of bird life was observed including sighting 5 White-tailed Eagles (*Haliaeetus albicilla*) at once and hundreds of Pygmy Cormorants (*Microcarbo pygmeus*).



**Fishermen being inspected for net size & catch (size & species)**

## 4. Conclusions

Overall, the review team were delighted to have such an open discussion with NEG and representatives of different organisations working with them in the protection of the natural environment in Romania. There was high participation of inspectors from the county and national levels which allowed rich discussion based on practical experiences including the challenges they faced.

The IMPEL review team found a large number of dedicated organisations in Romania that play a key part in protecting the environment and the natural heritage of an area such as the Danube Delta that is important not just for their own country but the whole of Europe.

Many of the tools and strategies required to ensure environmental protection are in place already. The protection of the Danube Delta area in law for example that has been updated over time has an organisational structure (DDBRA / NEG-DDBR) that underpins this protection.

There appears to be a willingness to improve and learn from others and this was clearly demonstrated through the efforts of international cooperation e.g. working with Moldova and Ukraine but also through networks like IMPEL. Within Romania though, there is a broad collaboration with all relevant institutions and authorities backed up by thorough protocols and joint activities. The recognition that building alliances with civil society and key stakeholders was critical in achieving environmental outcomes was also clearly evident in Romania. Significant efforts to work with hunters/anglers and environmental groups (via Associations) was noted as was the utilisation of an innovative system of 'environmental volunteers'. Both were thought particularly impressive to the review team. Ensuring that good relations are maintained with Tulcea County Council (who appear to benefit economically from activities in the area) is going to be important to help ensure restoration of agricultural land back to its natural state.

Ensuring that this good level of collaboration continues is a key challenge but a crucial one at a time when resource pressures are squeezing the budgets of government departments. Maximising intelligence and data sharing with other Romanian authorities but also external authorities will help to target resources to areas of highest risk particularly given the size of the area of the Danube Delta and the amount of resources at hand. Good examples of how this can be done may be found in many European countries and the review team recommends that NEG and DDBRA work through its peers in IMPEL to access this knowledge.

The review team concluded that there was an enthusiastic and well educated staff involved in protecting the Danube Delta area. They were also backed up by Police who had specialised training in environmental matters pertaining to the Delta area and this was particularly impressive. The DDBRA recruit locally into its organisation and this helps to give a sense of ownership or stake in what they are trying to protect. A 24/7 'green line' was also good to see from the IRI team's point of view. Members of the public could report incidents or concerns to the authorities quickly and easily. Public awareness and participation appears to be growing especially it seems with respect to providing information to the authorities. This may be in part due to some of the educational work NEG and the other authorities carry out in the area.

It appeared to the review team that one of the major weaknesses and opportunities for development for all of the authorities concerned was the lack of fuel for its patrols and targeted activities. The fact that some of its joint enforcement activities were cancelled due to lack of fuel or that there is only enough fuel for approximately 30-40 hours of inspections per month is a limiting factor, again given the size of the area of the Delta. The review team also learnt of the wide disparities in the equipment e.g. horsepower (HP) of the boats used by the authorities and the criminals that further inhibited an inspectors ability to carry out his/her work effectively.

There were a number of good practices related to the inspection process that were being employed in Romania. The risk assessment process and the use of non-compliances to drive thematic inspections were both good examples of this. The development of a 24/7-response team and the carrying out of inspections at night and at weekends can be an effective strategy to use to reduce environmental crime. NEG's inspection process also appeared to be very thorough and this focus on preparation is a good practice to maintain going forward. To develop, NEG should consider mapping intelligence from other agencies to their risk assessment process. They should also consider local thematic (region/area etc) and not just national ones when planning inspections and place more emphasis on location or proximity to protected areas in hunting risk assessment.

The review team found a good range of enforcement tools available. Within the Danube Delta, hunting and sturgeon fishing is now forbidden. This had developed because earlier 'tried and tested methods' had not produced the desired effect i.e. a significant fall in non-compliances. An earlier system of setting quotas for local inhabitants had led to both abuse of the system and an increase in the population in the Delta area to take advantage of the quota system and therefore a blanket ban was imposed. The review team were impressed with this mature, evolutionary approach which clearly showed progression and a developing in thinking about what works and what does not.

The review team felt that there were a number of opportunities for development though when it came to enforcement. Firstly, better mapping of intelligence to understand the scale of the challenges concerned could yield enhanced rewards. There are many agencies on the Romanian enforcement landscape each with different sets of intelligence. By mapping these data sets clear hotspots would materialise which would help the agencies prioritise their collective resource more effectively. Exploration of additional strategies to traditional in-house enforcement methods could be explored; for instance consider using enhanced cooperation with border control authorities to explicitly target returning foreign hunters. Working through green networks in IMPEL should help to develop and personalise these additional strategies for the Romanian context.

It was clear that fines are not a working deterrence. There also appeared to be a number of repeat offenders. The risk of imprisonment appears to be negligible and so further training and awareness raising for prosecutors/judges should be considered to highlight the seriousness of the crimes being committed. The training of Police officers in the Danube Delta area on environmental crime is an excellent precedent to draw upon for prosecutors and judges. The large number of cases where equipment is handed back to an offender after prosecution also suggests that the prosecuting authorities do not take these crimes seriously and perhaps may even encourage repeat offences. Evidence of this was particularly stark in the case of fast boats that were handed back rather than used by the confiscating authorities.

Some additional tools of enforcement could also be used such as utilising one of NEG's strengths – the relationships it has built up with the hunting associations. By empowering hunting associations and co-opting them to put pressure on those who do not comply with legislation or work outside of lawful associations, they can be useful in trying to reduce non compliances. Good case studies where similar practices have been used can be found in many other European countries.

The review team found some excellent cases of where communication had helped to improve the situation. It was clear that NEG and DDBRA had realised they needed to improve their communications and that they were in the process of doing that. Awareness raising strategies were demonstrated and the example of media releases after joint inspection activities were helping to raise the profile of what the authorities were doing.

This IRI that focussed on 'green' issues was the first one carried out in IMPEL but it was the second peer review to take place in Romania within five years. Romania is the only IMPEL country to have carried out two IRIs. What that does, is demonstrate and highlight what NEG and their sister organisations are doing well; they are willing to listen and learn from their peers and improve their practices so that they can implement and enforce legislation in the best way possible. This mature approach should be commended within the IMPEL community. This is a clear example for others to follow.

## 5. Lessons learned from the Review Process

The main lessons to be learnt from this IRI are:

- It is very important to have as many documents in advance as possible.
- It is good practice to have many people from the organisation involved in the organisation and attending the meeting. It was clear that during this IRI, many NEG personnel were involved and representatives of partner organisations were also heavily involved e.g. the police and DDRBA.
- Consecutive translation of presentations takes extra time in the agenda. It is important that if translation is planned then an adequate amount of time is built into the agenda.
- It is important that the length of the presentations is kept to a minimum to ensure that the majority of time is given over to discussion and question and answers. As a guide, in a one-hour period, presentations should last approximately 15 minutes and 45 minutes for discussion.

## 6. Good Practices & opportunities for Development

The IRI identifies a number of good practices and opportunities for development. For this IRI, it was clear that six themes emerged that encompassed the broad conclusions from the review team: Organisation, collaboration (with partners), resources (human and financial), inspection cycle, enforcement and communication.

### Good Practices

#### Organisation

- The whole biosphere is a reserve, which shows commitment to protecting the natural habitats of many species. On the back of this, NEG have realised that this is special in nature and have set up a dedicated Authority to specialise in looking after their natural heritage. Biodiversity conservation law has been created specifically for the Danube Delta area.
- Though the Danube Delta area was designated as a reserve in 1990, the law has been modified over time to keep up to date with developments in Europe.
- The Restoration policy with clear objectives indicates a proactive approach. This includes re-wilding a large amount of agricultural land.
- The relevant authorities have carried out some monitoring of flora and fauna and bird populations with knowledge of where they are appearing so that they can begin to understand where challenges may occur.
- Initial risk analysis has been developed based on species movement and density. The review team would further encourage this.
- Natura 2000 areas account for 25% of the whole land surface of Romania.
- NEG is only responsible for enforcement and not permitting. Dedicated to enforcement issues this removes conflict of interest and enhances the delivery of enforcement.
- Fusion between environment and forestry permits for protected areas
- Romania has a dedicated environmental fund. Each operator contributes to this fund. Inspections regularly check to see if this has been paid.
- NEG have developed a clear set of objectives that form part of their planning process. Everyone staff/public can see what NEG are trying to achieve. Beneath these there are lower level objectives for inspection activities.
- NEG have both ISO 9001 and 14001. They have developed an integrated quality and environmental policy.

#### Collaboration

- NEG actively use protocols (MoUs) to work with other agencies, these are published on the website to improve transparency. Strong cooperation between agencies/organisations.
- Protocols have been developed with NGOs. This is relatively unconventional but good to see as it has the potential to help deliver enhanced environmental protection. More proactive approach to working with and communicating with local population.
- Strong collaboration with Ukrainian and Moldavian neighbours through the use of tri-partite projects and initiatives e.g. project on monitoring/sampling and the establishment of a monitoring ship.

- Many authorities involved in and taking responsibility for the DD area. Commission's that bring together several organisations e.g. Delta Police, Associations, the NEG, DDBRA, Gendarmerie and local people.
- Setting up of Associations of stakeholders e.g. anglers, reed cutters, fisherman, and medicinal plant collector group. Meetings – engagement with these groups.
- Many protocols between agencies, inspectorates and NGOs / Associations
- Joint enforcement actions with other agencies which are intelligence led. Joint enforcement actions are bringing about a high degree of offence detection in a wide field.
- There were 7 agencies dealing with anti-poaching and after discussions with Associations, there is now a centralised system for Associations to call upon.
- The DDBRA inspectors have an office from the reserve instead of leaving from the office on the shore. Historically they could be observed leaving the mainland which would alert wrong doers.
- 24/7 'Green line' telephone number to report issues.
- A certain degree of data sharing between agencies. Data shared by police and customs to National Commissariat, which is then passed down to county level.
- Maximising resources regardless of whose organisations they are through the sharing of resources between organisations.

### Resources (human/financial)

- DDBRA have their own lab for analyses supported by another organisation in Lelystad (Netherlands).
- Recruitment of local people with local knowledge of the area, the habitats and wildlife. Collaboration with other enforcement agencies from other areas to overcome the conflict of interest challenge.
- The academic qualifications of officials are relatively high (14 at college level, 20 at University level). This helps to retain a high degree of professionalism in the field. Enhances credibility of reporting when coming to prosecution.
- Relatively slow boats vs. poachers and limited amounts of fuel per month. The DDRBA are already collaborating effectively with other agencies e.g. NEG, which indicates that DDRBA are using other solutions to try to tackle the problem of lack of fuel and lack of speed boats.
- 2x commissars per county on call/on duty 24/7. This is the frontline response to pollution incidents and green line calls. Telephone number on the website.
- 80/20 time split indicating a good level of workload planning and 20% devoted to other activities e.g. training. High degree of time spent specifically on inspection work. The requirement to remain competent is taken seriously.
- All of the 12 NEG inspectors qualified to degree level. NEG are also supporting the work of the DDRBA e.g. by providing equipment to support inspection/enforcement.
- Management objectives. Training framework based in legislation / ordinances. Mutual training opportunities with other organisation's staff.
- Good use of environmental volunteers to help complement the work of the inspectors.

### Inspection cycle

- Carrying out staff training and development of communication skills.

- Hunting is forbidden as a blanket ban. Before moving to this though, they tried to support the livelihoods of local people by allowing them to hunt but realized this was not working and modified/adapted their strategy. Banning of sturgeon fishing – there was no financial compensation possible but the offer of fishing rights elsewhere shows a degree of willingness to support the local communities in other ways.
- Electronic early warning system. Daily water quality sampling upstream 2-3 monitoring stations.
- NEG risk system designed to identify a risk based inspection frequency looks at impact and performance criteria.
- NEG have taken the need for additional environmental permits for hunting out of the system and left the system of quotas for Associations in place instead. Self-aware/mature enough to identify their own weaknesses.
- Non-compliances are analysed and used to drive thematic inspections.
- Different inspection strategies are employed e.g. inspecting nights and weekends
- Inspection guidelines. IMPEL piggy project prepared into a national guideline that informs and enhances uniform application of legislation.
- Inspection process pitched largely around IMPEL's: 'Doing the Right Things'.
- A lot of emphasis on preparation prior to carrying out inspections which many agencies shortcut to save time meaning site objectives are not realised.
- Site objectives are identified and are included within a dedicated site file.
- NEG have developed a database system called Artemis. It can be externally accessed meaning that inspectors have electronic access to office files and can log work in the field.

### Enforcement

- On the spot fines / low level contraventions available.
- Shooting of protected birds is a criminal offence.
- Hunting/fishing for sturgeon is banned in the biosphere reserve
- Good range of enforcement tools.
- Maximum period of remediation.

### Communication

- DDBRA – they have a dedicate programme for raising awareness with the public. Education-school programme for awareness raising.
- Advertising of outputs of inspection outputs.
- Media releases after joint inspection activities.

## Opportunities for development

### Organisation

- Farmland leased by Tulcea County Council that provides revenue appears difficult to bring back to original state. Find other strategies to speed up the process of bringing land back into the reserve.
- Enforcement capacity could be strengthened and effectiveness increased through a greater shared approach to enforcement between agencies.
- Not enough scientific information about location of species to be able to prosecute effectively e.g. illegal logging. Species protection and habitat protection.
- Consider charging for inspections. Consider charging for follow up inspections after non-compliance. If this cannot be done, then at least consider increasing the permitting charges and pass on the income to the inspectorate.
- Clear objectives though there appears to be a lack of monitoring of performance.
- There are some sharing of resources between organisations. Consider how to maximise resources regardless of whose organisations they are.

### Collaboration

- Lack of joint enforcement actions with other agencies (5-7 per month) and considering that the DDBRA cannot carry out enforcement it would suggest this level / number of actions should be increased.
- Lots of organisations / fractured governmental agencies? Support functions duplication?
- Explore if eyes and ears of different agencies are used enough and effectively and if information is exchanged effectively.
- The enforcement landscape appears fractured with many agencies with potential for gaps and overlap. More clear responsibilities required between authorities and highlighted to the public.
- Consider how to improve knowledge (on enforcement) through training of other agencies and key partners (including prosecutors & judges).
- Improve sharing of information with agencies from other countries to help target resource within Romania. Working through IMPEL? EU TWIX? An example was identified where bird species had been seized from a Maltese hunter in a search at Malta airport that had originated in Romania. Information would have potentially been available about the location of the hunt and who had helped the hunter which could have helped target future enforcement.
- Consider developing joint protocol to facilitate working with neighbouring (EU and non-EU) countries (Ukraine and Moldavia) to establish joint projects, inspection actions and approaches. This may lead to an increase in EU level funding.

### Resources

- Fast boats/engines are required to catch poachers in fast boats. Sufficient amounts of fuel required to carry out inspections and enforcement activities need to be available.
- DDBRA: 117 employees vs. 34 enforcement officials for the 12 districts – consider the balance. The number of inspectors has been reduced from 95 to 34 inspectors since 2001 and a World Bank study has indicated that 120 would be required to protect the area effectively.

- The number of inspectors to the size and/or risk of a district is not proportionate. E.g. one district has only one inspector covering 72,000ha. It is suggested that rebalancing is carried out.
- The job requires a relatively high degree of training but the salary is low meaning that it is difficult to recruit and retain quality staff e.g. the staff from other authorities/agencies are paid quite a bit more.
- Currently inspections are planned as routine and non-routine (in a 35/65) ratio and it is sometimes difficult to achieve the 35%. It may be more beneficial to change the split to planned and unplanned as the ratio would probably reverse giving a bigger pot of resource to achieve routine inspections. It may at first appear to be a superficial change but closer scrutiny may lead to benefits for resource planning.
- Consider how you could find other funding opportunities particularly like the bird fund example from Malta or using income derived from things such as licences and fines. Rod licence scheme in England being a good example of the latter.

### Inspection cycle

- There have clearly been advances in the use of risk criteria. These tend to be relatively generic in nature and could be potentially fine-tuned by adding aspects of location. This should be balanced by the extra resource needed to populate a site specific system.
- Risk assessment procedure carried out by NEG does not take into account information/intelligence gathered from other agencies. Consider how to do this.
- Compare risk assessment tools from other countries to see if you could gain any benefits (by borrowing the practice of others).
- Consider an online risk assessment system.
- Non-compliances are analysed and used to drive thematic inspections. This is done on a national scale/need but sometimes it may be necessary to do this based on a local need.

### Enforcement

- Large unreported catch of fish. Research indicates that the marketplace sells about 500,000 tons whereas the licenses given out total about 250,000 tons. Find ways to tackle this problem. It appears that NEG maybe do not have full sight of the challenge in this area.
- Conflict of interest in that the people are embedded in the local population making it difficult to carry out enforcement. They have tried to carry out a new programme whereby some inspectors inspect in a neighbouring district. It is noted that it is made difficult by the cost of re-housing. It may make sense for enforcement to lie wholly within one agency that is not so embedded.
- There appears to be an imbalance between the NEG's fine system and the degrees of deterrence.
- Inspectors are not allowed to testify in court. This would be considered an unusual practice elsewhere in Europe.
- The DDBRA identify many repeat offenders indicating that the sanctions are not a deterrent. Consider how stronger and more serious levels of deterrence can be employed or the existing ones made more effective.
- Consider how DDBRA can claim 'proceeds of crime' income.

- Law allows for the confiscation of equipment e.g. fast boats however the law does not allow them to use it. This would seem an easy way to get the resources needed.
- There have been no criminal prosecutions. Speak to the prosecutors and judges networks to see how this problem has been dealt with elsewhere. Communicate more to improve on an apparent lack of awareness of environmental problems. Consider joint training with judges and prosecutors. Agree on which subjects with prosecutors that will be covered.
- Consider the development of an integrated / regional enforcement programme for all participating organisations. Although NEG has multiple protocols it is unknown whether other agencies also have a similar number. Consider the development of one protocol with all organisations signing it.
- Common training programmes for all agencies on common areas / themes. Agreeing level of fines with neighbouring countries.
- Consider enforcement action against the hunting associations for the actions of its members. If there was a strong deterrent a degree of peer pressure to protect an associations licence would be forthcoming.
- Fines set in law but not updated (Index link in law). They also need to be increased to improve deterrence. Evaluation is perhaps required to understand how it is working in practice.

### Communication

- Get inspection reports published on the NEG website. Push results to media e.g. non-compliances. Consider more strategic communications such as targeting the messaging towards fisherman / associations.
- Consider how to use the results of the IMPEL project on 'reporting to the public' (IED article 23 etc...).
- Reporting the significant seizures to other EU level enforcement bodies e.g. EU TWIX.
- Improving sharing of intelligence with other EU level agencies and organisations. Consider how to improve cooperation.

## Annex 1 – Terms of Reference (ToR)

### Terms Of Reference (TOR) for an IMPEL project

#### 1. Project title & version control

<b>1.1 Name of project Eliminating Illegal killing of birds II</b>			
Eliminating Illegal killing of birds			
<b>1.2 Abbreviated project name (where deemed required)</b>			
IMPEL IKB			
<b>1.3 Version Control (enter current version number of TOR &amp; date e.g. V1 03/03/13)</b>			V1 04/10/2013
<b>1.4 Where was this TOR amended to current version (e.g. Spring cluster 2013)?</b>			
<b>1.5 How many years do you foresee this project lasting?</b>			2 years
<b>1.6 Current year of project?</b>	2014	<b>1.7 Approved at which G.A?</b>	Vilnius/ December 2013

#### 2. Outline business case (why this project?)

<b>2.1 Legislative driver(s) (name the Directive, Regulation etc)</b>	
Birds directive, Habitat Directive	
<b>2.2 Link to MASP priority work areas (indicate which of the following apply)</b>	
Assist members to implement new legislation.	
Build capacities in member organisations including through the IMPEL review initiatives.	Yes, but exploring this for the green enforcement area
Work on trans-frontier shipment of waste.	
Work on 'problem' areas of implementation identified by IMPEL and the European Commission.	Bird directive, Habitat directive
<b>2.3 Description of the project (include reasons why the project is needed)</b>	
Halting and reversing the loss of biodiversity by 2020 is a priority within the European Union. The implementation of EU Nature legislation (the Birds and Habitat Directives) is essential to achieve the EU 2020 biodiversity target. However, implementation and enforcement need to be improved. A relatively high number of complaints and	

infringement procedures related to these nature Directives reach the EC every year. There is a lot of work to be done if we want to reach the goals for 2020: only 17% of species and habitat assessments indicate a favourable conservation status. We need to strengthen the inspection and enforcement on this item and to do so it is necessary to join forces with other Nature networks in Europe. IMPEL is willing to combine the effort of all these networks and use its experience in inspection and enforcement.

#### **2.4 Desired outcome of the project (what do you want to achieve?)**

Capacity building, awareness raising, extend the network, strengthen collaboration with EU network from prosecutors and judges

#### **2.5 Which Cluster will review this TOR (I or TFS)?**

Cluster I

### **3. Structure of the project**

#### **3.1 Describe the activities of the project (What are you going to do?)**

1. Awareness raising: **Collaboration with EU network of prosecutors,**
2. Extend network, share expertise, and developing tool: **Expert meeting & draaiboekje (after example TFS waste book)**
3. Develop tool and exchange of information: **Format on sharing information about illegal activities between member states**
4. Collegial support: **Impel Review Initiative focussed on implementation and execution green legislation Romania,**
5. Improve implementation: **Recommendations on ringing birds,**

#### **3.2 Describe the products of the project (What are you going to produce?)**

Ad 1. Agenda and Preparation document, meeting between delegations, minutes with recommendations for follow up, topics for meeting: discussion about the need minimum and maximum rates for fines, possibility of harmonizing burden of proof, etc.  
 Ad 2. Questionnaire, inventory of existing guidelines, programme expert meeting, expert meeting, overview with guidelines, Basecamp filled with information, draaiboekje,  
 Ad 3. Format for sharing information about illegal activities between member states,  
 Ad 4. Preparation document IRI - execution IRI- report with recommendations,  
 Ad 5. Recommendation for MS on legislation/prescriptions for ringing of birds

#### **3.3 Describe the milestones of this project (How will you know you are on track to complete the project on time?)**

##### **January 2014:**

- 1: meeting with delegation from IMPEL, Network of Prosecutors, Network of Judges,
- 2: project team meeting (back-to-back – after meeting with network Prosecutors, Judges) to discuss:
  - results meeting with networks,
  - preparation for IRI,
  - adoption programme expert meeting,
  - adoption opdracht voor draaiboekje,
  - adoption of questionnaire,
  - adoption format for exchange information about illegal activities,
  - adopt recommendations for ringing birds for MS

**February 2014:**

- 3: Send recommendation on ringing to MS/EC,
- 4: Send out en instruction for use of format for exchange information on illegal activities,
- 5: Send out questionnaire to make inventory of existing guidelines,
- 6: Tender voor draaiboekje,

**March 2014:**

- 5: preparation meeting in country that volunteers for IRI,

**June 2014**

- 6: IRI Romania

**June - September 2014:**

- 7: IRI report

**September 2014**

- 8: expert meeting organised in country were IRI will take place - Romania

**2015:**

**IRI Macedonia (t.b.c.)**

#### 4. Organisation of the project

<b>4.1 Lead (Who will lead the project: name, organisation &amp; country)</b>
John Visbeen, The Netherlands Joseph van der Steegen, EC/DG ENV section nature.
<b>4.2 Project team (Who will take part: name, organisation &amp; country)</b>
John Visbeen (Netherlands) H1 Martin Baranyai (Czech republic) T1, H1 Joseph van der Steegen, (EC/DG Env.- Nature dep.) Panicos Panayides, (Cyprus) T1, H1, (Portugal) T1, H1 Manuela Florean (Romania) T1, H1 Ivana D'Allesandro (Bern Convention) T1, H1 Willem van den Bossche (Birdlife) Cy Griffin (FACE) Darko Blinkov/Cecile Claude Monnier (Themis Network) T1, H1 Jaap Reijngoud (EU TWIX) H1
<b>4.3 Other IMPEL participants (name, organisation &amp; country)</b>
Expert meeting: 2 participants from 20 MS IRI-team: Stanley Gatt (Ma), Darko Blinkov (Macedonia)
<b>4.4 Other non-IMPEL participants (name, organisation &amp; country)</b>
Ivana D'Allesandro (Bern Convention) Willem van den Bossche (Birdlife) Cy Griffin (FACE)

#### 5. High level project budget projection over life of project

	Year 1	Year 2	Year 3	Year 4	Year 5
<b>Year</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>		
<b>How much money do you require from IMPEL?</b>	45.065	8000	8000		
<b>How much money is to be co-financed?</b>	5.000				
<b>Total cost</b>	<b>50.065</b>	<b>8000</b>	<b>8000</b>		

**6. Detailed cost of the project during 1<sup>st</sup> year (subsequent years see annex1)**

<b>6.1 Meeting costs</b>	<b>Event 1</b>		<b>Event 2</b>		<b>Event 3</b>	
	<i>Name meeting of networks back to back with workshop</i>		<i>Name project team meeting</i>		<i>Name Prep meeting IRI</i>	
	<i>Month January</i>		<i>Month January</i>		<i>Month March</i>	
	<i>Country Belgium Brussels- House of Dutch Provinces</i>		<i>Country Belgium Brussels-House of Dutch Provinces</i>		<i>Country Voluntary</i>	
	€	No.	€	No.	€	No.
Total numbers of participants		9		11		2
Travel costs/numbers	2400	6 <sup>1</sup>	2400	6	800	2
Catering costs/numbers	175	9	550 (2 times)	11	100 (2 times)	2
Hotel costs/number	540	6	1440 (2 nights)	8	360 (2 nights)	2
Total costs	3115	See note 1	4390		1260	
<b>6.1 Meeting costs continued</b>	<b>Event 4</b>		<b>Event 5</b>		<b>Event 6</b>	
	<i>Name IRI</i>		<i>Name Expert meeting</i>		<i>Name</i>	
	<i>Month June</i>		<i>Month September</i>		<i>Month</i>	
	<i>Country Voluntary</i>		<i>Country Voluntary</i>		<i>Country</i>	
	€	No.	€	No.	€	No.
Total numbers of participants		5				
Travel costs/numbers	2000	5	16000	40		
Catering costs/numbers	750 (3 times)	10	2000 (2 times)	40		
Hotel costs/number	1350 (3 nights)	5	7200 (2 nights)	40		
Total costs	4100		25200			
<b>6.2 If you use a consultant what is the total cost?</b>				10.000		
<b>6.3 What is the total amount of any other costs?</b>				Meeting venue expert meeting: 2000		
<b>6.4 Where a consultant is used what will they do?</b>						

<sup>1</sup> 3 travels for 3 prosecutors and 3 judges if there is no budget in their own network facilities

Making of format for draaiboekje, take care of first edition, preparation expert meeting, make documentation expert meeting available for green force inspectors.
<b>6.5 Where there are other costs what will they be spent on?</b>
2000 euro's is taken into account if hosting country don't have meeting rooms available and we have to pay for them
<b>6.6 Where money is co-financed detail which organisation(s) will provide the money?</b>
Dutch provinces: 5000
<b>6.7 Where money is co-financed describe how that money will be spent?</b>
Part of contribution to draaiboekje

## 7. Communication & follow-up (ensuring value for money)

<b>7.1 How will you communicate the outputs of the project?</b>
<ul style="list-style-type: none"> <li>- Basecamp,</li> <li>- IMPEL website,</li> <li>- publish article about project, also within networks like Birdlife, Face, Bern Convention, EU TWIX, Interpol,</li> </ul>
<b>7.2 Who will you communicate the outputs of the project to?</b>
<ul style="list-style-type: none"> <li>-Member states,</li> <li>-IMPEL,</li> <li>-European Commission,</li> <li>NGO's like Birdlife, Face, Bern Convention, EU TWIX, Interpol,</li> </ul>
<b>7.3 What follow-up will you undertake to ensure the outputs of the project are embedded? (Include how &amp; when you intend to carryout the follow-up)</b>
<ul style="list-style-type: none"> <li>- appointments about follow up recommendations IRI,</li> <li>- appointments how to make information from expert meeting available for green force inspectors, within member states,</li> </ul>

## 8. Review & approval

<b>8.1 Which cluster meeting(s) will you discuss the project? (Include what you plan to discuss e.g. progress reports and/or draft documents)?</b>
<p>Cluster 1:</p> <ul style="list-style-type: none"> <li>- reporting activities in 2013: (A) project plan, (B) minutes of first round table meeting in Brussels, (C) minutes of workshop in Malta,</li> <li>-Terms of Reference Eliminating Illegal Killing of Birds 2014</li> </ul>
<b>8.2 Which General assembly will you seek to get final approval by?</b>
Vilnius: December 2014

## Annex 2 – programme of IRI



### IMPEL Review Initiative (IRI) Romania on Biodiversity field Tulcea & Bucharest, Romania, 1 – 5 September 2014



## Agenda

*Monday, 1 September 2014*

14:00 Travelling from Bucharest Airport to Danube Delta (Tulcea)

*Tuesday, 2 September 2014 - Hotel Delta, Tulcea, Romania*

09:00 – 10:00 **Welcome** on behalf of General Commissar of National Environmental Guard and Governor of Danube Delta Biosphere Reserve Authority

Introduction, Simon Bingham - Chair of IRI and Florin Homorean – RO  
National Coordinator

Presentation of Danube Delta Biosphere Reserve Authority – Ms. Liliana Ivancenco (Danube Delta Biosphere Reserve Authority)

10:00 – 11:00 Competent authorities on inspection in Danube Delta Biosphere Reserve – Ms. Liliana Ivancenco (Danube Delta Biosphere Reserve Authority) and Mr. Florin Homorean (commissar, NEG)

11:00 – 11:20 Coffee break

11:20 – 12:00 Enforcement of Biodiversity Conservation Law; Risk assessment in planning of “green” inspections – Ms. Manuela Florean (commissar, NEG)

12:00 – 13:00 Objectives, strategies and planning of inspections performed by “Delta Danube Biosphere Reserve Commissariat” – Ms. Codruta Chiriac (commissar NEG)

13:00 – 14:00 Lunch

14:00 – 15:00 Inspection framework: cooperation protocols, ISO certification, training, guidelines – Mr. Valentin Beloiu (commissar, NEG)

15:00 – 16:00 Collaboration with other authorities. Joint enforcement actions – Mr. Nicolae Badea (deputy general director, NEG)

16:00 – 16:20 Coffee break

16:20 – 17:00 Inspection process and reporting form – Mr. Cristian Trupina (commissar, NEG)

17:00 – 18:00 Conclusions of the day

19:00 Dinner

*Wednesday, 3 September 2014 - Hotel Delta, Tulcea, Romania*

09:00 – 18:00 Visit on Danube Delta Biosphere Reserve; practical exercises and discussions about site visits

*Thursday, 4 September 2014 - Hotel Delta, Tulcea, Romania*

09:00 – 09:30 Summary of previous 2 days

09:30 – 10:30 NEG – NGOs relationships; Public reporting of NEG's inspection activities – Mr. Valentin Beloiu (commissar, NEG)

10:30 – 11:30 Investigation of environmental crime across Danube Delta Biosphere Reserve – Mr. Cornel Badea (Delta Police)

11:30 – 12:00 Coffee break

12:00 – 13:00 IRI team discussions and reporting

13:00 – 14:00 Lunch

14:00 – 15:00 IRI results – Simon Bingham, Chair

15:00 Travelling from Danube Delta (Tulcea) to Bucharest

*Friday, 5 September 2014 – Bucharest, Ministry of Environment and Climate Change*

10:00 – 10:30 Welcome on behalf of Environmental and Climate Change Minister

10:30 – 11:30 IRI results and recommendations

11:30 – 12:30 Implementation of IRI results and proposal for follow up projects

12:30 End of IRI

13:00 – 14:00 Lunch

14:00 Leaving Bucharest

## Annex 3 – Summary IRI presentation

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# IMPEL REVIEW INITIATIVE ROMANIA NATIONAL ENVIRONMENTAL GUARD

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Danube Delta Biosphere Reserve  
2nd-4th September 2014



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## IMPEL REVIEW INITIATIVE (IRI)

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- Review not audit
  - Peer review
  - 21st review
  - Good Practice
  - Opportunities for Development
  - Report
  - Next steps
-



## HISTORIC IRI

21st IRI, 1st Country/IMPEL member to have 2 IRIs, 1st "Green" IRI.

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## REVIEW TEAM

- Marco Avanzo - Italy
- Stanley Gatt - Malta
- Martin Baranyai - Czech Republic
- Jaap Reijngoud - Netherlands
- Darko Blinkov - Macedonia
- John Visbeen - IKB Project Lead
- Chris Dijkens - IRI Observer - IMPEL Vice President
- Michael Nicholson - Rapporteur - IMPEL Secretariat
- Simon Bingham - Review Team Leader



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# FOCUS OF IRI

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- Green Issues (Conservation areas, hunting, fishing, illegal logging etc)
  - Illegal killing of birds
  - National Environmental Guard (NEG & NEG-DDBR)
  - Danube Delta Biosphere Reserve Authority
  - Danube Delta Police Department
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# BUILDING ON PREVIOUS IRI

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- 2010 NEG Cluj
  - Complimentary to 2014
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# DANUBE DELTA GLOBALLY IMPORTANT

## IRI FINDINGS APPLICABLE OUTSIDE DANUBE

SOME FINDINGS ONLY APPLICABLE TO THE LOCAL SITUATION

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## GOOD PRACTICE & OPPORTUNITIES FOR DEVELOPMENT

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- Organisation
  - Collaboration
  - Resources
  - Inspection Process
  - Enforcement
  - Communication
-

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# ORGANISATION (ROMANIA) - GP

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- 25% Natura 2000
  - Biosphere Reserve
  - Updated law
  - Structural organisation (DDBRA, NEG-DDBR)
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# ORGANISATION - OP

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- Financing - polluter pays principle - inspections
  - Tulcea County Council - agricultural land to nature
  - Scientific information (Romania)
  - Maximise sharing of data & intelligence
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## COLLABORATION - GP

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- Protocols between inspection agencies, public organisations & NGOs
  - Setting up of associations eg. Fishermen
  - Joint enforcement actions
  - Voluntary corps
  - Strategy of awareness raising
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## COLLABORATION - OP

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- Maximise sharing of enforcement actions
  - Develop external state sharing of intelligence
  - Protocols & actions with Danube neighbouring states
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## RESOURCES - GP

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- Well qualified staff (college & university)
  - Police trained in environment
  - DDBRA recruit local staff
  - Own laboratory & boats
  - 24/7 response & 'green line'
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## RESOURCES - OP

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- Equip agencies to match criminals
  - Fuel
  - Explore other funding opportunities
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# INSPECTION PROCESS - GP

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- Risk assessment process (compliance)
  - Non-compliance used to drive thematic inspections
  - Inspect at night and weekends (strategies)
  - Focus on preparation
  - Artemis - field access possible
  - Integrated ISO - structure
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# INSPECTION PROCESS - OP

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- Map intelligence from other agencies to risk assessment
  - National thematics; consider local also
  - Place more emphasis on location or proximity to protected areas in hunting risk assessment
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## ENFORCEMENT - GP

Good range of enforcement tools available\_ lots of action  
Hunting is forbidden, Sturgeon fishing is forbidden\_  
development

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## ENFORCEMENT - OP

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- Map intelligence to understand scale of issues
  - Explore additional strategies eg. Border control
  - Fines not a working deterrence - repeat offenders - indexed
  - Training and awareness raising for prosecutors/judges
  - Integrated enforcement programme (gaps, overlap, joint)
  - Additional tools eg hunting association, keeping tools
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## COMMUNICATION - GP

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- DDBRA - awareness raising strategy
  - Media releases after joint inspection activities
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## COMMUNICATION - OP

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- Reporting to the public (IED art 23)
  - Shared intelligence
  - Reporting to EU level enforcement bodies
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# CONCLUSIONS



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DEDICATED ORGANISATIONS THAT  
PLAY A KEY ROLE IN PROTECTING THE  
ENVIRONMENT

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THE TOOLS ARE IN PLACE TO ENSURE  
ENVIRONMENTAL PROTECTION TAKES  
PLACE

MANY FINDINGS APPLICABLE TO ALL  
EUROPE

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PREVENT THE BOAT BEING LOST  
'BUT FOR A BARREL OF TAR'

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