- Document analysis of national/regional policy implementation of EU policies in Romania and stakeholder Interviews & synthesis of answers -

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The implementation of the Habitats Directive in Romania

Summary

Implementation of the Habitats Directive (HD) has become a priority in Romania since 2004 with a fully transposition into domestic regulatory system after joining European Union in 2007, including measures for the pre-accession period. This report presents the concepts, instruments and measures before transposition of the HD and explores the role of domestic institutional frameworks and processes for the implementation of directive in Romania through a document analysis of national policy implementation and stakeholder interviews and synthesis of answers. The Ministry of Environment has the focal role for coordination the development of policies and instruments required for successful implementation of HD in Romania, and by its territorial representatives assure an effective coordination of the implementation of Natura 2000 (N2000) network at national, regional and county scales. The sectoral approach in designing and developing strategies resulted in a poor coordination between HD objectives and other environmental and development objectives, while insufficiently trained personnel and lack of funds weakens the coordination among national actors involved in the directive implementation. Moreover, there is difficult to speak about application of HD requirements and implementation of the N2000 measures in absence of an appropriate financing of this process and the lack of human resources to apply the required measures. The allocation of funds for the implementation of N2000 site specific measures that was planned within the National Plan for Rural Development 2007-2013 is conditioned by the existence of management plans, but most sites currently do not have them. This task needs to be finished within two years since the administrators contracts are signed, the development of site specific management plans and measures being co-financed under Sectoral Operational Programme Environment, but there was a delay in designation of sites as well as in administration allocation.

Introduction

As elsewhere in Europe significant changes in the land use and structural configuration (eg. species richness; species/populations distribution and abundance; habitat types and fragmentation; ecosystem types and distribution) and functioning capacity of the natural capital (NC) of Romania have been described for the 19th and 20th centuries (Axenciuc, V. 1996, Vadineanu, A. 1998, 2004, 2009, Vadineanu et al. 1992, Kueemmerle, T., et al. 2009) under pressure of wide range of political, institutional, technological and economic drivers. However by the beginning of last social and economic transition (1990) Romania still owned a diverse and rich biophysical structure of NC, with high potential to provide plenty of renewable resources, and regulation and information services. Unfortunately the economic transition has been designed and implemented through sectoral policies and development
programs without taking into consideration the critical role of the domestic NC as foundation and services supplier to local and national socio-economic systems (Vadineanu, 1998). Although the protection of nature and environment has been promoted in the domestic policy as one of major objective, according with the provisions of some of the most important UN–conventions (eg. CBD, FCCC, WHC, Ramsar), which have been adopted by the national parliament in early 1990's, in fact, its operationalization has been postponed or restricted on some particular areas (eg. Danube delta) during first phase (1990/1999) of last socio-economic transition. Even in such particular cases the financial support was not enough for full implementation of the established management plans, and in a high extent relied on external sources (UN-GEF, EBRD, European Commision and some western countries – Netherlands, Swiss, UK, Germany).

1. Document analysis of national/regional policy implementation of Habitats Directive


The concepts concerning “nature protection and the initiatives to designate first protected areas and natural monuments” (e.g. an endemic species with very restricted distribution; a single old tree / age > 250 years; a particular geologic formation) have been formulated or adopted by natural scientists, and implemented since the beginning of 20th century.

At the beginning the concept was to keep out of any direct and indirect human interventions, except well designed and formally approved scientific observations and research activities, aiming to preserve pristine natural areas of tens, hundreds or thousands of hectares with rich flora and fauna, representing valuable “centres” of untouched nature as well as sources for centrifugal distribution of the native species (or biogenetic pools) or to preserve at small space scale (usually < 0.5 hectares) particular, but very valuable components of nature, as “natural monuments”.

This concept has been promoted by the natural scientists under umbrella of National Academy. As the result of intensive and extensive dissemination of the concept and successful lobby carried out by most distinguished natural scientists among influential policy and decision makers, the first protected area of 1800 hectares, representing the old growth forest from eastern Carpathian Mountains, has been established in 1904 – “Codrul secular Slatioara”. By 1930 has been issued the first “Nature Protection Law” and has been created within the National Academy, the “Commission for Nature Protection (CNP)” in charge for coordination the implementation of the Law. Following these important institutional and organizational achievements there have been identified and established until second World War: i) a new pristine area Retezat Mountains National Park of 6000 hectares in the Southern Carpathian Mountains consisting of alpine habitats (grasslands, bogs, fens, lakes), streams and upper limit forests with very rich flora and fauna, and ii) a set of other 36 designated
areas for nature protection across the country with an average size of 575 hectares. By the year 1939 there were recorded 38 protected areas and natural monuments, with a total surface of 28500 hectares.

Most of those sites have been described and proposed by scientists in cooperation with the public and private landowners, followed by the analysis and selection in the Commission of Nature Protection according with the adopted concept and criteria and finally designated through decision of local governments.

The management focused on prevention of any human impact has been usually designed in cooperation between CNP, selected custodians (e.g. universities, research institutes, forest management bodies, individual expert and landowners), and local authorities, and applied by the custodians, under supervision of CNP. We noticed that most of the land covered by the established protected areas was public or community owned, except some natural monuments which were owned by private individuals.

In the late 1940’s and beginning of 1950’s the former regulation system has been changed to allow for land expropriation and collectivization. In this context the “Council of Ministers” has issued in 1950 a new “Law for Nature Protection”.

In principle have been maintained the former established protected areas and the role of the Romanian Academy and its specialized body – Commission for Nature Protection / CNP. Moreover CNP applied, at least between 1950/1955 the same concept regarding protection of identified spots of “pristine nature”. Between 1950 and 1965 the number of sites for nature protection increased to 130 and the total land surface under severe protection rules increased up to 75000 hectares.

The land use programmes applied between 1965-1989 aimed for arable land extensification (mainly by wetlands conversion) and intensification, on one side, and better management and even slightly increases of forested land, on the other side, required also significant changes in the legal system. In addition such changes have been required by extensive and intensive urbanization and industrialization. It has been understood that under new circumstances only setting aside relatively small number and size (<< 1% of land area) of more or less untouched spots of nature did not help for effective and long term nature protection.

The Law no. 9/ 1973 on the “Protection of the Environment” took advantage of the emerging innovative concepts concerning the complex and dynamic relationships among environment, nature and socio-economic systems. Transition from classical concept and practice of nature protection towards a broader or holistic concept which consider the dynamic complexity among the components of nature and environment (including humans, their artefacts and metabolism) across space and time scales, as is the case of NATURA 2000 (N2000) network of protected areas, required a couple of intermediary steps.

In that regard we have identified the following steps:

- Identification of vulnerable ecosystems and habitats, endangered and rare species within biophysical structure of nature and regional and national scales and their integration in the formal network of protected areas, based on similar procedures
applied in the past. By the end of 1980s there were recorded about 600 protected areas with a total area of 476 thousands (2% of land area) of hectares, among which three Biosphere Reserves (BR) (UNESCO – MAB Council Decision / 1980) from Southern (Retezat) and North – Eastern (Pietrosul Mare / Calimani) Carpathian Mountains, and Danube Delta (Letea Forest & Rosca – Buhaiova complex of Shallow lakes and marshes).

- In accordance with the provisions of L 9/1973 the Forest Law has been amended in order to allow changes in the forest management and to designate large, forested areas with special aim for environment (including nature) protection (e.g. local and regional climate regulation, water purification, water flow regulation, air purification, diverse habitats and species richness).

After almost 20 years of implementation of this mechanism the total surface of forest under special management centred on major functions of environment protection has been established at more than 190 thousands hectares or 2.8% from forested land.

- The established Ministry of the Environment, Waters and Forests / January 1990 and the Commission of Ecology of the new democratic parliament, in cooperation with UNESCO-MAB Secretariat, IUCN and the Secretariat of the World Heritage Convention adopted and implemented the “broader concept of nature protection” in the case of Danube Delta (including Razim – Sinoe lagoons / (~ 0.5 million of hectares), one of well preserved large delta system in the world but, endangered in the last 1980s by the elaborated plan of extensive polderisation (a final phase of the Lower Danube floodplain conversion into arable land). By September 1990 Danube Delta has been designated as BR through governmental decision and recognition of UNESCO – MAB Secretariat, and after ratification by the Parliament of the World Heritage and Ramsar Conventions this very diverse and rich area (species of flora and fauna, habitat types, but also cultural and ethnic diversity, traditional knowledge and expertise) has been designated and integrated within the global network of World Heritage sites (December 1991) and Ramsar sites (June 1991). The spatial and management planning of this area relied on and tested the emerging holistic concept on Biosphere Reserve (UNESCO – MAB Conference/ Seville/1995) and emerging concept of 3D – sustainability. Thus the Danube Delta BR was one of few pilot areas in the world established for the operationalisation of these concepts.

After the year 1992 the provisions for biodiversity and nature conservation have been integrated in the Law of Environment/1992 complemented by a special law for Danube Delta BR/ No. 82/ 1993 as well as by the revised Water and Forest Laws / 1993. Moreover in 2000, following a joint proposal of the Romanian and Ukrainian MAB Committees and the approval of the International MAB – Council Meeting/December 1999, has been designated one of the first transboundary BR – “Danube Delta Biosphere Reserve Romania - Ukraine”.

We also noticed the intention of new established policy and decision making authorities to adapt the existing protected areas and/or to designate new ones, according with the tested and validated concepts of nature protection and sustainability, and in that regard was launched
and carried out an extensive and intensive research program 1991/1993 aiming for: i) building and feeding a comprehensive data base regarding composition, structure and status of the national bio and eco-diversity; ii) identification of major humans drivers and pressures; iii) identification and assessing vulnerable species, ecosystems and landscapes, and; iv) delineation and description of the national ecoregions (Vadineanu et al. 1992).

However, during first phase of transition (1990/1999), the most influential stakeholders considered that any investments in biodiversity conservation and reduction of the environmental liability of the existing built infrastructure, will significantly limit the rate of macro-economic reform and economic growth.

That explains why by the beginning of the pre-accession phase (2000/2006) when first “National Strategy for Sustainable Development/2000” has been elaborated and approved, the nature conservation has received only poor consideration, which in fact reflected the limitations in the “action plan” of first “National Strategy for Biodiversity and Action Plan/1998”. The limitations of the action plan for biodiversity conservation consisted in the absence of any estimation of the costs of implementation of the proposed measures and indication of the financial sources. In addition we found that, although, the policy and strategic objectives of such domestic documents were more or less similar with those of the EU strategies, there was impossible to identify direct and clear bindings with EU-legislation, in particular with Habitat and Bird Directives.

One of most complex and demanding process of the preparatory phase for EU-Accession was that focused on two critical targets: i) harmonization of the composition and structure of the domestic regulatory system with that developed and applied in the EU-space, by organic integration of the EU directives and regulations, and; ii) development and improvement the organizational and institutional capacity to effectively use the EU rules, mechanisms and standards in the implementation of the harmonized regulatory system. Unfortunately by January 2007, when Romania became EU-member State, the second target has not been fully accomplished and remained of special concern for both EU-Commission and Romanian Government, which has been formalized in a particular “mechanism of assessment and evaluation”. This mechanism is still valid and reflects significant weaknesses in the implementation of the EU legislation, which in turn explains large delays and low efficiency in the implementation EU-CAP agri-environmental measures, and nature and environment protection directives.

In spite of these we noticed that with the help of the scientific support created by the 1991/1993 research program and updated through some focused studies, the environmental/nature protection authorities elaborated and the parliament issued the Law no. 5/ 2005 which promoted the use of IUCN classification system of protected areas and also designated a number of 18 national and natural parks (1,234 million hectares) to be managed based on the concepts of biosphere reserve and 3-D sustainability.
1.2. Policy instruments and measures under Habitat Directive

In this context we noticed that the Habitat Directive (HD) and Bird Directive (BD) have been first adopted within the domestic regulatory system by Law 462/2001 and followed by changes in the former domestic legislation. In particular the Habitat directive has been fully transposed in the domestic regulatory system in two steps: i) first by issuing the Government Emergency Ordinance (GEO) no. 57/June 2007\(^1\) and; ii) second by issuing the Law 49/April 2011\(^2\). These legal developments have been created the conditions to launch a specific, complex and critical process consisting in: a) the assessment (starting by 2004) of the status of the existing network of protected areas and the habitats (identified and described according with CORINE classification by Donita et al. 2005), wildlife flora and fauna outside protected areas and the establishment of provisional “important conservation sites” – Sites of Community Importance (SCI) according with HD and “special areas for bird protection“ - Special Protection Area (SPA) according with BD; b) discussion and getting approval of major stakeholders – landowners; local, regional and national authorities in charge for land and environment policies development and implementation; scientists, managers and NGO\(^8\); c) legal designation by Government Resolution (GR) 1284/2007\(^3\) the first set of 108 of SPA\(^8\) and by Order of the Minister (OM) of Environment 1964/2007\(^4\) the set of 273 of SCI\(^8\) as the national contribution to the EU-N2000 network; d) enlarging the number of SPA\(^8\) up to 148 and the number of SCI\(^8\) up to 383 by issuing GR 971/October 2011\(^5\) and respectively OM 2387/November 2011\(^6\).

By the end of 2011 the process of identification and designation the N2000 sites (383 SCI and 148 SPA) on the Romanian territory has been completed. This network consisting in a total of 531 sites extends over 5.3 million hectares (22.6% of total land area) across the country and types of habitats or ecosystems (Fig.1).

We also noticed a significant overlap in the distribution of the designated SPA\(^8\) and SCI\(^8\), as well as among them and former protected areas (e.g. natural and national parks, BR\(^8\), Ramsar, natural monuments or strict protect areas).

\(^1\) Government Emergency Ordinance no. 57/2007 on the regime of protected natural areas, conservation of natural habitats, wild flora and fauna


\(^3\) Government Resolution no. 1284/2007 declaring Special Protection Areas for birds as part of the European ecological network Natura 2000 in Romania

\(^4\) Order of the Minister of Environment and Sustainable Development no. 1964/2007 on the establishment of the protected natural area of Sites of Community Importance as part of the European ecological network Natura 2000 in Romania


The current structure and land area of the N2000 network of sites from the Romanian territory is expected to allow that both the habitats and the species which are listed in the annexes to the law, to be protected and the ecosystems or landscapes integrity to which they belong, to be maintained or / and restored if, the management plans and measures will be properly designed, developed and implemented.

According to proposals the SCI will become Special Areas of Conservation (SAC) by 2016, thus leading to an effective functional network of N2000.

In the meantime the site specific management plans, including the present state, the target for favourable protection status, detailed site maps, proper package of specific measures and specific action plans have to be developed.

But before initiation the development of site specific management plans it has been required to establish the administration or custody for each of them. By 2012 have been selected and contracts signed with 42 administrators representing: local authorities (4), ROMSILVA (Romanian National Forest Administration) and its regional offices of forest administration (26); NGO (8); universities or research institutes (1); Commercial Societies (2) and others (1), and with 304 custodians as follows: local authorities (20); ROMSILVA and its regional offices (94); universities and research institutes (25); Commercial societies (7); NGO (134); local environmental agencies (11); consortia (6) and others (7). The funds for development
300 of the N2000 management and action plans have been secured within Sectoral Operational Programme Environment (SOP-ENV), Axis 4 for a total amount of 191,098,548 Euro from which 90% or 171,988,693 Euro comes from the European Regional Development Fund (ERDF) and the rest of 10% from domestic budget. By June 2012 has been reported an allocation of 114 millions Euros to 98 projects (www.posmediu.ro).

As far the stakeholders are required to respect and implement site specific protection measures, it is crucial that direct compensatory payments are available to maintain public understanding and trust with respect to the N2000 network. In that regard the National Plan for Rural Development (NPRD) 2007 - 2013 addresses N2000 sites through scheme 213/ N2000 payments on agricultural land, and scheme 224/ N2000 payments on forestry land, with a total available fund of more than 16 million Euros.

Due to the fact that N2000 management plans are not yet ready⁷, meaning that there is much uncertainty about what conservation measures should be implemented by farmers and forest landowners the payments from 213 and 224 will not be eligible. However has been accepted the possibility of allowing payments related to N2000 sites from other schemes (e.g. 214/ Agri-environment payments and 221/ First afforestation of agricultural land), based on the existing management plans of protected areas, which are currently part of N2000 network, or based on management contracts with landowners.

It is mandatory according to Law 49/2011 that any regional, county and municipal planning has to consider the targets, site maps and measures of the approved site specific management and action plans or to adapt it according if the N2000 plans will be finalized and approved later.

It is also mandatory that the management plans to follow the strategic environmental assessment procedure before entering into operation as well as that for any proposed changes inside N2000 sites or new projects around the sites the assessment of the potential implications should be carried out.

Primary and secondary stakeholders’ participation during both, elaboration and implementation of the N2000 management and action plans is a very important instrument which is enforced by law 49.

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⁷ by April 2013 there are 5 Natura 2000 management plans approved by law for:
- Călimani National Park that was included in ROSCI0019 Călimani – Gurghiu (GR.no. 1035/2011)
- Bucegi Nature Park that was included in ROSCI0013 Bucegi (GR .no. 187/2011)
- Balta Mică a Brăilei Nature Park that was designated as ROSCI0006 Balta Mică a Brăilei and ROSPA0005 Balta Mică a Brăilei (GR no. 538/2011)
- SPA ROSPA0063– Lacurile de Acumulare Buhuși – Bacău – Berești (OM.no. 2681/2012)
- SCI ROSCI0164 - Pădurea Plopeni (OM No.249/2013)
1.3. Delegation of roles

The Ministry of Environment, under its various names over time\textsuperscript{8}, is in charge for coordination the joint (interministerial) development of policies and instruments required for successful implementation of HD and BD in Romania.

In particular, the ministerial directorate of Nature Conservation, Biodiversity and Biosafety is the national coordinator for the development of the N2000 network and its operation.

The effective coordination of the implementation of N2000 network of sites at national, regional and county scales is the responsibility of the:

- National Environmental Protection Agency (NEPA), established in 2004 with attributions starting 2005 in implementing the Community legislation. In the same time the regional and county environmental protection agencies previous subordinated directly to the Ministry of Environment were assigned under NEPA;
- Regional Environmental Protection Agencies (8 REPA\textsuperscript{5});
- County Environmental Protection Agencies (42 CEPA\textsuperscript{5});
- National Environmental Guard (NEG).

The site specific management and action plans development and implementation is regulated under Article 21 of the GEO.57/2007, depending on structures that were empowered to administer the site, as follows:

- For sites that require the establishment of a management structure (Natura 2000 sites that are also scientific reserves, national parks, nature parks, natural monuments, nature reserves etc.), the management plan will be developed by the appointed administrators in consultation with the Advisory Board, with the scientific approval of the Scientific Council; its legal approval is done by government decision on a proposal from the central public authority for environmental protection. Advisory boards and scientific councils are bodies operating within the special management structures established for these sites. Advisory Councils are formed by stakeholders: NGOs, landowners, residents, etc.. Scientific councils serve as scientific

\textsuperscript{8} 1989-1990 Ministry of Water, Forest and Environment
1990-1992 Ministry of Environment
1992-1996 Ministry of Water, Forest and Environmental Protection
1996-1998 Ministry of Water, Forest and Environment
1998-2000 1996 Ministry of Water, Forest and Environmental Protection
2000-2003 Ministry of Water and Environmental Protection
2003-2004 Ministry of Agriculture, Forests, Waters and Environment
2007-2008 Ministry of the Environment and Sustainable Development
2008-2009 Ministry of Environment
2009-2012 Ministry of Environment and Forests
starting December 21, 2012 Ministry of Environment and Climate Change (with a minister delegate for the water, forests and fisheries, attached to the Ministry of Environment and Climate Change)
authority and their members are proposed by the site administrator, with the scientific approval from Romanian Academy and legal approval from the Ministry of Environment.

- For sites that do not require the establishment administration structures, the management plan shall be prepared by the custodians, noticed by the Environmental Protection Agency and approved by the Ministry of Environment.

- If the site does not have administrator /custodian or the elaboration of the management plan is funded by national and European projects, the management plan can be produced by other entities (consulting firms or other commercial companies, universities, NGOs etc.) and the administrator / custodian and the stakeholders (authorities governing activities within the site, local residents, owners / land managers of the site and its vicinity) have to comply and implement it.

### 1.4. Financial aspects

- Description and evaluation of potential SCI\(^6\) and SPA\(^8\) sites according to BD and HD have been co-financed under: a) Life+ programme (seven projects received 5.5 million Euro of which 4.1 million Euro from EU); b) PHARE programme and c) SOP-ENV;

- Development of site specific management plans and measures are co-financed, since 2008, under SOP-ENV, Axis 4 with an amount of 191,098,548 Euro (90% from ERDF and 10% from domestic budget);

- For the implementation of site specific measures in those N2000 sites where the management plans was supposed to be finalized and approved by 2010 or 2011, there were planned within NPRD/2007-2013 a total amount of 16 million Euros under scheme 213 and 224 (see also 1.2). Unfortunately the current development level of the N2000 management plans allow as to assume that will not be possible to allocate this fund;

- In some specific conservation measures, applied to habitats and species in the former protected areas (eg. BR\(^5\), national parks) or in the land area managed under contracts with landowners the payments have been accepted from the agri-environment scheme (see also the EU-CAP document).

### 1.5. Stakeholder involvement

A wide range of stakeholders have been or are involved in the development and implementation of the N 2000 network of sites and its management plans: owners of agricultural and forested land; farmers; representatives of the responsible authorities for policy development, coordination and implementation in the field of nature conservation and
environment protection; representatives of industry, tourism, energy and transport sectors; academic and research experts and the public as large.

1.6. Implementation barriers

Some of most visible barriers originate in the previous applied concepts and practice regarding nature protection.

- We noticed that in the implementation of HD and BD, the conventional concepts and practice (extensively discussed in the document) were frequently promoted by most active actors (in particular experts in nature conservation, scientific staff and NGO's active in nature conservation), which might explain the controversy occurred during identification and describing SPA and SCI sites at space scale as well as targets and conservation measures in their management plans.
- A large time lag between designation SCI and SPA sites and the effective compensatory payments for the implemented measures. That due to significant delays in the development and approval of the site specific management plans.
- The results of these two major constraints are reflected by declining the public understanding and trust with respect to the N2000 network.

2. Synthesis of interviews responses

2.1 Survey method

In order to analyse national implementation of the Habitat Directive, 8 key person, representative for interested stakeholder groups (e.g. experts, politicians or political branch of authorities, central authorities, local and/or regional authorities) were interviewed in the period October – November 2012 (table 1).

Table 1. Romanian respondents which had referred on Habitats Directive

<table>
<thead>
<tr>
<th>Type of interview persons</th>
<th>Romanian interviews</th>
</tr>
</thead>
<tbody>
<tr>
<td>Experts</td>
<td>EX</td>
</tr>
<tr>
<td></td>
<td>• An ecologist who have worked in 2007-2011 for implementation of nature policies in the Ministry of Environment (ME), currently being expert on biodiversity for protected area</td>
</tr>
<tr>
<td>Ministry</td>
<td>MIN1</td>
</tr>
<tr>
<td></td>
<td>• The Director of Biodiversity Department - ME</td>
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<tr>
<td></td>
<td>MIN2</td>
</tr>
<tr>
<td></td>
<td>• The Head of Protected Areas Compartment in Biodiversity Department – ME</td>
</tr>
<tr>
<td>Central authorities</td>
<td>CA</td>
</tr>
<tr>
<td></td>
<td>• The Coordinator of the River Basin Management Plan – Romanian Waters Authority</td>
</tr>
<tr>
<td>Local and/or regional authorities</td>
<td>LRA1</td>
</tr>
<tr>
<td></td>
<td>• A representative of the Protected Areas Department of Braila Environmental Protection Agency</td>
</tr>
</tbody>
</table>
2.2 Interviews results

A. National transposition

Investigating the transposition of the HD in the Romanian legislation, the responses reveal that our legislation sufficiently and adequately covers the required measures according to the directive. However, one opinion shows that the transposition is not precise enough, the activities permitted in and out N2000 site are not clearly define and regulated. Provisions of the national law which obliges to perform an impact assessment of activities effects on N2000 ensure avoiding a negative impact regardless of distance from the site and thus, according to the respondents, the N2000 sites are sufficiently protected from activities outside the protected areas.

While the obligation specified in the national legislation is to protect habitats and species listed in HD both inside and outside N2000 sites, opinions of representatives of the local authorities and expert consider that the habitats and species located outside of the N2000 sites are not sufficient protected.

The transposition of the HD not resulted in a complex administration basis, speaking only about one normative act (GEO 57/2007), but with many subsequential legislation (especially MOs and GRs for establish a horizontal legislation). In respondents’ opinions, the transposition could have been done differently (not just in legislative terms) in order to have a clear distinction/delimitation in the perception of different stakeholders between N2000 sites and other statute of protection on the same area (protected areas with national and international interest, like National and Natural Parks, Ramsar Site, etc) for their easier understanding/interpretation.

➢ Sufficient for Habitats Directive objectives?

Q.1. Does the national legislation in your opinion sufficiently cover the required measures according to the HD?

EX: Yes, fully.
MIN1: Legislation transposition is sufficient and adequate, the legislation covers all steps required by HD. Efficiency analysis of the N2000 sites designation is underway, the former designation from September 2011 was followed by a new evaluation of the current list.
MIN2: Full transposition was completed in 2008, and is complete and appropriate. Otherwise, the European Union would impose a state of infringement.  
CA: Yes, transposition into national law was made and reflects in an appropriate and sufficient way the measures required for HD.  
LRA1: Yes, by GEO 57/2007, approved with amendments and completions by Law no. 49/2011  
LRA2: Transposition of the Directive is not sufficiently precise or clear, so the following aspects are not cover:  
- there are sites that have less than 1% represented by the priority habitat type for witch the designation was made  
- the permitted activities are not specified, especially in urban areas under N2000  
- the distances away from the site, to which the activities with impact are allowed, are not specified  
- the priority goal of the sites are not specified  
- the connection with elements of sustainable development and legislation in other areas (eg, energy, tourism, infrastructure, forestry, etc.) is not made  
LRA3: Legislation, in large part, yes, but the budget allocation so far, no.  

Q.2. Are the N2000 areas in your opinion sufficiently protected from activities outside the N2000 areas (chapter 6 protection)? How?  

EX: There are legislative measures in this regard by requiring an impact assessment.  
MIN1: Yes, the provisions of national law which dictates to perform a valuation of activities effects on N2000 sites ensure avoiding a negative impact regardless of distance from the site.  
MIN2: Yes, outside activities with potential impact on site must follow a procedure for assessing the environmental impact  
CA: From my professional experience, I found out that N2000 sites are not protected enough considering the following aspects:  
- the law does not specify / define "the vicinity of the protected area";  
- there were not appointed administrators / custodians for all protected areas;  
- there were not developed / approved management plans of protected areas and their regulatory acts;  
LRA1: Yes, issuing regulatory acts for plans / projects / activities whose location is adjacent to N2000 sites require case-by-case impact analyzes within the following procedures:  
- environmental assessment  
- impact assessment  
- authorization of activities with significant environmental impacts through environmental assessment.  
LRA2: GEO 57/2007 with amended Article 28 prohibits activities with impact in N2000 sites. For activities outside the limits there are not specified the distances depending on the nature of the activities.
Q.3. To which extent are habitats and species, which are protected by the HD, but located outside N2000 areas, sufficiently protected by the domestic legislation?

EX: To a lesser extent, almost not at all I could say, the legislation exists but as long as there isn’t a management system for their protection, their preservation is zero.
MIN1: National legislation stipulates the obligation to protect habitats and species listed in HD both inside and outside N2000 sites.
LRA1: there are no measures to protect habitats outside N2000 sites.
LRA2: Not enough.
LRA3: I do not know the situation at national level, but in terms of the Danube Delta and surrounding areas I believed that have been covered many conservation requirements (actually, most of the county - according to some sources over 80% - is covered by N2000).
LRA4: Generally, the habitats recorded in HD, but located outside N2000 sites, are not protected; most are not currently identified.

➢ Adequate for administration?

Q.4. Are sector laws amended due to the transposition (e.g. nature protection, forests, agriculture), if yes, which or has a “N2000 law” been adopted?

EX: Nature protection laws were amended and specific N2000 GR and OM were issued.
MIN1: The “Protected Areas” Law was revised, thus included the stipulation about N2000 Network implementation (in 2007 and amended in 2011). There isn’t a special law for N2000, but the “Protected Areas” law contains provisions to ensure a proper implementation of this network
CA: From a legal perspective, in 2011-2012 several acts were published which amends the basic law (Law 49/2011, OM 2387/2011 and GR 971/2011, OM 2535/2011\(^9\)). Ecological network of N2000 sites was completed by designating new sites and expansion of existing ones. Both Water Framework Directive and the Romanian Water Act provide articles on HD. Furthermore, although Romanian National Water Administration (RNWA) do not have specific legislation on HD, they consider this Directive and regulate activities that take place or are promoted in protected areas only in the conditions imposed by the administrator / custodian of the protected area.
LRA1: Revised legislation is:
- GEO no. 57/2007 on the regime of protected areas, conservation of natural habitats, flora and fauna, approved with amendments and completions by Law no. 49/2011, that establishes the institutional and penalties for violation of provisions contained in the Birds and Habitats Directives, is the main piece of transpose legislation.

\(^9\) Order of the Minister of Environment and Forests no. 2535/2011 approving the organization and functioning regulation of the Scientific Council of protected areas requiring management structure
-GR 1284/2007 on Special Protection Areas declared as part of the European ecological network N2000 in Romania, with subsequent GR 971/2011
-OM no. 1964/2007 establishing a system of protected area sites of Community importance as part of the European ecological network N2000 in Romania, with subsequent OM 2387/2011

LRA2: This is the main negative point; sectoral legislation is not correlated with that on protected areas. An example in this regard is the fact that the norms for forestry activities are not adapted for protected areas.

LRA3: The Natural Protected Areas Law was revised, now GEO No. 57/2007 on the regime of protected of natural habitats, flora and fauna, approved by Law no. 49/2011. Have been issued regulations for designation of sites within the N2000 network and approval procedures for investment, plans and programs (GR 1284/2007 declaring special bird protection areas as part European ecological network N2000 and MO no. 1964/2007 establishing a system of protected area sites of community importance as part of the European ecological network N2000, amended by OM no. 2387/2011). You can not say that there is a "law N2000", although there are some regulations concerning the implementation of HD, at least in terms of environmental authorities.

Q.5. Has the transposition of the Habitats Directive resulted in a (too) complex administration basis (many laws, many executive orders)?

EX: No.
MIN1: It's one law, but required a number of subsequent legislation (mainly OM and GR) for horizontal legislation.
CA: NO
LRA1: No, major legislation is GD no. 57/2007, GD 1284/2007 and Order no. 1964/2007 with subsequent amendments
LRA3: The most representative law for network "N2000" is GD 57/2007 approved by Law no. 49/2011 which, together with other acts law provides for now the conservation framework, but the biggest problem is that the requirements can not be fully implemented because of lack of funds for implementing the legal provisions into force.
LRA4: Not so "many laws" but rather laws uncorrelated according to their different interests, such as the Ministry of Environment and Forests legislate that hunting in national parks is prohibited, while the Ministry of Agriculture and Sustainable Development, which coordinates the administration of hunting, is currently trying to allow hunting in national parks, hence the orchestrated media campaign related to bears and wild boars which have increased excessively.

Q.6. Could the transposition have been done differently (other/new legal acts etc.) to be more adequate in your opinion?

MIN1: Defining N2000 sites as protected areas has created confusion in implementation; would have been more appropriate to have a specific legislation to separate N2000 sites
from the rest of protected areas of national and international interest. No legislative issues involved, just the perception of the factors involved: the separation will have ease the understanding.

MIN2: It could be implemented differently to be more suitable, but not in sense of issuing new legislation, there's models in other countries, for example those states that have the obligation that N2000 sites, at least SCI, to overlap with areas of national interest (more clear: internally to be a reservation and externally a N2000 site). There is no such provision in our legislation, cataloguing them as independent protected areas, so in the sites designation processes there are many discrepancies: i.e. N2000 sites which overlap partially or completely with protected areas of national interest.

CA: Standard form of each site refers to custodian/administrator, rules and management plan of the protected area. From my perspective, I think it would have been more useful, in terms of regulation, as these forms to be more explicit, to state clearly the responsible authority in the protected areas, considering that most of these have not yet an administrator or custodian nominated.

LRA1: No.

LRA2: Yes, legal provisions had to be clearer. One such element is the GIS maps with the site boundaries (arbitrarily drawn) that are not known by the cadastre, the majors investors etc. Lack of correlation with other regulations is slowing down some urban investments, of which the utilities (e.g. water supply and treatment, sewerage) were assumed under the Accession Treaty. An element of dysfunction is the modality for granting custody in the N2000 sites (not every NGO is able to manage a protected area) and another element is the legal provision that it cannot be issued any regulatory acts without the agreement of the custodians (often important project are postponed on indefinite term as a custodian opposes).

LRA3: To see what is missing we first have to apply entirely the current legislation.

LRA4: In the present Romanian legislation for N2000 the focus is strictly on the protection of habitats and species, and the preservation of human activities that are friendly to habitats and species is not an objective, thus creating artificially unnecessary tensions among resources and services users, and leading to a general national perception anti N2000 and anti Birds and Habitats Directives. For example: in a SCI on Siret River, the human activity in the past 50 years, gravel and forestry, had created some specific condition to which various species listed on HD adapted to. It is a friendly human activity to those species that we must maintain. Of course if you would construct a reservoir/lake or would build a nuclear plant would change the situation.

B. The structure of the enforcement administration

The Ministry of Environment has the focal role for coordination the joint (interministerial) development of policies and instruments required for successful implementation of HD in Romania, and by its territorial by its territorial representatives (NEPA, REPA, CEPA and
NEG) assure an effective coordination of the implementation of N2000 network at national, regional and county scales. While agencies are responsible for management of the N2000 Network, the NEG has roles in control, according with specific legislation. Regarding the coordination among national actors, the respondents consider that there was and there are difficulties related to insufficient specialized human resources, lack of financing and lack of a national strategy for this. The solution for a better coordination could be to increase the awareness and responsibility of the personal involved in implementation of the HD.

In the local authorities’ views, the coordination between HD objectives and other environmental objectives exist but is not sufficient because it is not much reflected in the implementation phase due to a sectoral approach in designing and developing strategies. The coordination is institutionalized in few cases, being often on personal basis. However, a good example in this regard could be cooperation between RNWA and NEPA which is responsible for coordination of water policies implementation into the watershed management plans.

> Administrative coordination?

Q.7. How are the obligations and tasks distributed between specific units?

EX: The Ministry of Environment is responsible for the legislative part and NEPA for the implementation, but although the roles were established, at the beginning, the Ministry of Environment was doing also the implementation, the Agency being newly established and poorly prepared for it (implementation of the HD), but later on the Agency took up it’s role.

MIN1: For the time being the responsibility is divided between environmental authorities at national, regional and local level depending on jurisdiction. Thus for sites that are located in at least two regions the NEPA is responsible, for sites that span in one region the REPA is responsible and for sites that extend to the level of a county the CEPA is responsible. The work is coordinated vertically from the Ministry.

MIN2: The authorities responsible for implementing the law at national level are coordinated by the focal responsible for transposing the Directive – the Ministry of Environment and collaborating institutions, NEPA, REPA, CEPA, NEG and inspectorates, custodians and managers of protected areas and Danube Delta National Institute for Research and Development (DDNIRD).

The NEPA is working with the Ministry of Environment in the monitoring of SPA and SCI, in establishing the European ecological network N2000 and provides public education and information regarding the obligations for the protection and conservation of natural capital at national, regional and local levels.

Regional and local agencies identify and propose natural areas for inclusion in the N2000 network, organize information campaigns and public consultation on the N2000 network and monitor and prepare reports on the state of conservation of the protected areas.
NEG and inspectorates are responsible for monitoring the compliance with the legislation in the protected areas and control the application of the conservation measures, while also control the activities impact on species and habitats. Custodians and managers of protected areas are required to develop and enforce regulations and management plans of protected areas.

DDNIRD is the technical coordinator in the validation process of N2000 sites.

CA: According to the commitments undertaken by Romania under the complementary position document - Chapter 22 "Environment", for the "protection of nature" there are no transitional period for transposition and implementation; the Community provisions must be fully transposed at accession date. Responsible for transposing the HD is the Ministry of Environment and Forests in collaboration with the NEPA, regional and local agencies for environmental protection, NEG and inspectorates authorities, custodians and managers of protected areas, and the DDNIRD.

LRA1: There is one national unit responsible, Ministry of Environment and Forests which, by subordinated units, organize and coordinate the development and proper administration of the national network of protected areas by creating the management structures for every protected area that requires their establishment. The Ministry approves the management rules for all protected areas and the execution of the compliance control with specific legislation is made by the NEG.

LRA2: The coordination at the environmental authority is hierarchical; duties are set by GR 918/2010. Malfunction is due to the fact that regulation is at the environmental agencies level and the control is at NEG. In this way monitoring of protected areas is broken into two parts.

LRA4: Ministry of Environment is responsible for the legislation and NEPA for implementing.

Q.8. How is the work coordinated among national actors and between national, regional and local levels? Is the organization of tasks and obligations in your opinion adequate?

LRA1: The Ministry of Environment and Forests provides interministerial coordination of the development of policies and strategies

LRA2: Coordination of the economic agents is done through regulatory acts issued specific for their activity. Dysfunctions appear because they do not use best practices for information before beginning major actions related to protected areas (land acquisition, feasibility studies, etc.)

Coordination of custodians and administrators through conventions / custody contracts / administration contracts. Dysfunctions due to the lack of a unified framework in order to determine appropriate reactions from them.

Organization is appropriate, but putting into practice is sometimes difficult due to shortages of materials and training.

10 Government Resolution no. 918/2010 on the reorganization and functioning of the National Agency for Environmental Protection and its subordinated public institutions
LRA3: I believe that it takes more coordination from the responsible parts for the implementation of national HD: Ministry of Environment and Forests and the NEPA. I believe that the two central institutions and also those from the territory: regional and local environmental public authorities have insufficient specialized personnel and lack of funds for implementation.

Q.9. Do you find the coordination sufficient? Do you see any barriers to coordination? And what could enhance the coordination?

EX: Many difficulties arose because right after the establishment of the NEPA the Ministry of Environment had to fill in the role of this new institution in implementing the HD. Maybe it was a good idea to set up the proposed (at some point) nature conservation agencies, but it must be specified the need for quality trained personal and the proposed agencies would have been using the existing personal, so the key would be better training to enhance the coordination.

MIN2: The existence of specialized agencies (such as one that existed only on paper - National Agency for Natural Protected Areas- with 50 people and the Parliament decided the reduction of 80 posts thus abolishing the agency) to coordinate and take into administration the protected areas (not necessarily all at once, but gradually - first parks, protected areas of international interest, etc.) and have the financial mechanisms required for implementation (e.g. finances: on structural funds there were available / allocated 200 million Euros during 2007-2013; if the specialised agency would have been created and would have been the sole beneficiary, with 50 million Euros in five years spend to employ staff and run this agency you may attract 200 million, because we would have a uniform approach to all protected areas and thus there will be written financing projects for all protected areas and not only in some cases that have personal that knows how to write EU projects. Currently I do not know which will be the result of the 200 million and what management plans will generate.)

LRA1: No, due to insufficient staff. The organization of tasks and obligations is not appropriate because there are legal provisions for delegation of task to subordinate institutions in order to ensure the management that have not yet materialized.

LRA2: Coordination should be made on the basis of a strategy. The absence of such planning added to the lack of trained personnel from environmental protection agencies (which should have restricted responsibilities only on issuing authorization and environmental permits). Under these conditions, the existence of specialized agencies to ensure the coordination would be a solution.

LRA3: Insufficiently trained personnel at all levels, lack of a national strategy, lack of funds. Difficulties in coordination occur due to the lack of a national strategy. Approach with increased responsibility the DH issues could enhance this coordination.
Coordination between Habitats Directive objectives and environmental objectives

Q.10. How is coordination and priority between Habitats Directive objectives and other environmental or nature protection issues at national / regional / local level? Do you find them adequate?

MIN1: Still to be analysed.
LRA1: Implementation of the HD made a lower priority from domestic policies and measures for the protection of nature / environment. HD implementation was the subject of priority action plans since 2004, including measures for the pre-accession period, the designation of N2000 sites finishing at the end of 2011.
There is interaction but not sufficient
LRA2: not sufficient

Q.11. Is the coordination institutionalized, or more on an ad hoc / personal basis?

MIN1: It is institutionalized only in very few cases
CA: Between authorities responsible for the application of Community laws, there is good coordination at national / regional and local level, there is consultation (written, verbal, as a result of participation in the Advisory Technical Committee meetings held weekly by each Environmental Protection Agency, etc.) and exchange of information. This collaboration exists between Romanian Water Administration Agency - National Environment Protection Agency - Ministry of Environment and Forests, Romanian Water Administration Agency – Watershed Administration, Watershed Administration – Regional and local Environmental Protection Agency.
LRA3: more on personal basis

Q.12. Especially, how is the coordination between the WFD and Habitats Directive objectives and implementation? Is coordination already established or on its way?

MIN1: Linking the objectives is achieved, the implementation is poorly done. The interconnection between the two directives appears for the development and update of register of protected areas. Responsibilities for providing information and data necessary for the register have the following institutions:
- Romanian National Water Administration - areas designated for the abstraction of drinking
- National Forest Administration - areas designated for the protection of aquatic species of economic importance;
- territorial public health directorates - bodies of water designated as recreational waters, including areas designated as bathing waters;
- directions for agriculture and rural development - nutrient sensitive areas, including areas designated as vulnerable zones;
Environmental Protection Agencies - areas designated for protection of the habitat and species

CA: In the process of developing river basin management plans were considered all the protected areas for habitats or species where the improvement of the water status is an important factor (including relevant sites for N2000). WFD (in our case Water Law no. 107/1996 with subsequent amendments) requires the establishment of register of protected areas; this register is the result of collaboration between the two institutions Romanian Water Administration Agency and Environment Protection Agency, locally, regionally and nationally. All data are reported to Minister of Environment and Forests.

LRA1: Correlation is established. WFD is transposed by amendment to Water Law no.107/1996, which contains special provisions for N2000 sites that are included in the register of protected areas established in each river basin, with data provided by environmental authorities. The enforcement of water law is not in the competence of Environmental Protection Agencies. In issuing regulatory acts for these sites is legally required to have water management permits from the authorities responsible for implementing the water law.

LRA3: Coordination / interaction is about to be established.

LRA4: In the territory has not yet been reached that level of implementation that reflects the correlation HD with other laws.

C. Measures

Regarding the sufficiency in designation of the N2000 sites for complete implementation of the HD objectives, from ministerial point of view, the recognition of the N2000 sites statute need to be quickly followed by the application of the biodiversity conservation measures. By law, after two phases (2007 and 2011), the number of areas designated as N2000 sites is now of 148 SPA and 383 SCI. According to Order no. 1948/2010, administrators or custodians must elaborate, by involvement of all interested stakeholders, and submit for approval to the responsible authority (Ministry of Environment) the management plan for every protected area. This task needs to be finished within two years from the signing of the administrators / custodians contract, excepting those N2000 sites that are beneficiary of a project financed by SOP-ENV. Actually, for some sites the approval of the management plans is ongoing and many of them have not yet appointed an administrator, so the majority of the Romanian N2000 sites do not have a management plan. In the case of those N2000 sites that are overlapping BR or Natural Parks, the existing management plans need to be adjust to include the measures required by N2000.

11 Order of the Minister of Environment and Forests no. 1948/2010 on approval of the Allocation methodology for the management of protected natural areas that require the establishment of administrative structures and procedures for awarding custody of protected areas that do not require the establishment of management structures
Q.13. Has the Natura2000 designation in your opinion been sufficient to implement the objectives of the HD?

MIN1: No. The designation of 148 SPAs by GR 971/2011 compared to only 108 declared by GR 1284/2007 and of the 383 SCI by GR 971/2011 to 273 by GR 1284/2007, has to be followed very quickly by conservation measures.
LRA1: No.
LRA2: Yes
LRA3: No. Upon designation of N2000 sites significant efforts to implement adequate public awareness, education and management. The current implementation is far below the requirements and obligations.

Q.14. Are or will management plans for N2000 areas be produced? – when, deadlines?

EX: Part of the plans are developed (some N2000 sites already have a Scientific Council, those sites that are located in National Parks / Natural Parks / BR already have a management plan), another part are enacted and others are being under development / approval by the Ministry.
MIN1: There are management plans for few sites, many are under preparation (especially those that are under development by SOP-ENV Axis 4) and for others N2000 sites still are not taken any steps. By law (OM 552/200312 and Annex to OM 1948/2010), two years are provided for the elaboration of a Management Plan: administrators must develop and submit for approval the protected area management plan within 2 years since signing the administration contract. Stakeholder involvement and consultation are required.
CA: Quite a large number of protected areas, including those with N2000 status, were given in custody or administration by 2012. This was the first step, the development of the management plans, or, at least, the establishment of the minimum measures for the conservation of habitats and species being the prerogative of the administrators. The management plans for Natural and National Park that include N2000 areas were approved by GR.
LRA1: Management plans must be made by site administrators or by other entities in funded national / European projects. Until the management plan is ready, the administrators / custodians are required to establish conservation measures, for which they can claim compensation. Protected areas that are not assigned in custody are managed by the Environmental Protection Agencies that has the obligation to elaborate the necessary minimum conservation measures and regulations for natural areas without own administration structure or custodian. Most sites currently do not have management plans because they do not have an administrator.
LRA2: There aren’t many management plans for N2000. For sites designated in 2007 the deadline has passed.

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12 Order of the Minister of Agriculture, Forests, Waters and Environment no. 552/2003 approving the zoning inside national and natural parks, in terms of the need for conservation of biological diversity
LRA3: I’m not aware of the real situation at national level. In the Danube Delta BR there were designated 3 N2000 sites and the Management Plan should be revised. In this regard it was submitted to the SOP-ENV a project proposal for delineation of habitats and revision of the management plan.

Q.15. Which specific measures have been used for protection in N2000 sites?

MIN1: For most sites the conservation measures are either not developed or not approved.
CA: Currently, because the scientific studies and management plans of protected areas are not completed, there is not enough information on conservation measures and requirements for favourable conservation status of species and habitats.

Q.16. Do you have any suggestions concerning other measures which would enhance the implementation of the Habitats Directive objectives in Romania?

MIN1: It would be necessary to develop specific minimum conservation measures for each habitat / species nationwide to be applied immediately.
CA: Although HD has been transposed into national legislation, there are still gaps and mismatches so the legislation needs to be reviewed and completed with explicit notes regarding:
- the selection and appointment of administrators / custodians of protected areas: it would be necessary to consider both the professional experience and the existence of a draft management plan for the protected area (which should substantiate the request for award for administration / custody of the protected area)
- critical situations that the authorities subordinated to the Ministry of Environment had to deal with (learn from experience);
- outputs from public debates;
- results from monitoring, scientific research and scientific committee activity.

It should be noted the key role of Scientific Councils for protected areas management, their perspective being needed to be explicit, technical and professional and to be provided both in the Technical Advisory Committee meetings held in the environmental protections agencies and also in notices related to activities in the protected areas.
LRA3: Involve all stakeholders with responsibilities in the area and attract the private sector and the civil society

D. Implementation process

Implementation process of the HD in Romania is relatively new, the latest phase for designation of N2000 sites being in 2011. Many barriers regarding this process identified by respondents were focused on the inappropriate organization of the public consultation
debates that was one of the key factors for the obstacles manifested in the implementation phase. Thus, land owners often consider N2000 sites like a barrier for their economical development and hardly accept nature conservation measures. Moreover, there is difficult to speak about implementation of the N2000 measures in absence of an appropriate financing of this process and the lack of human resources to apply the required measures.

Q.17. How are the objectives of the HD being prioritized and has the implementation of the HD had detrimental or positive consequences for domestic nature policy implementation?

EX: Implementation of the HD and especially the N2000 network was done more like an obligation than a responsibility.

LRA2: The consequences are positive for domestic nature policy implementation even if there is not a correlation with the sustainable development principles; generally speaking, perceptions towards biodiversity conservation are on extreme, meaning that conservationists do not want to do anything in the protected areas, and investors consider them as a barrier for development.

LRA4: I would say rather that we talk more about a pushing over than a prioritization, taking into account the haste to implement the HD.

Q.18. Which stakeholders were involved in the designation of the N2000 sites? Were there any barriers, which and why?

MIN1: All interested stakeholders participated in the designation, the problem stemmed from a poor awareness campaign that prevented those interested in expressing a wittingly position.

LRA1: Representatives of scientific institutions, local government, NGOs, land owners were involved in designation besides authorities established by law (Environmental Protection Agency)

LRA2: Stakeholders were involved by the local Environmental Agencies through public debates about N2000 sites and their views were recorded. A major problem was that the site boundaries were drawn arbitrarily without regard to local particularities (urban, forest parcel boundaries, natural boundaries, overlapping protected areas).

LRA3: I believe that the main shortage in the designation process, at least in northern Dobrogea, is that the proposals for the sites were not accompanied by raising public awareness and consultation with land owners, which drew dissatisfaction of land owners, representatives of local communities and local authorities. Moreover, the site designation was done by area (80% of Tucea county is N2000).

LRA4: Stakeholders involved in designation were interested Ministries, municipalities, environmental protection agencies, Waters Directorates and the local population. I think the main barriers are rooted in the fact that public consultation processes have been made, at least in the first phase of designation after formal consultations.
Q.19. Which barriers do you experience for implementation of the Habitats Directive objectives?

EX: The main barriers were related to lack of personnel (in the Ministry) to cope physically all designated sites and the reluctance of land owners after the actual designation. Reluctance was due to poor information made by environmental protection agencies.

MIN1: Administrative. Other obstacles were those regarding how is perceived the biodiversity conservation (its means is perceived as an interdiction provider), the lack of coordination between legislation on different areas and the appropriate management for these protected areas.

MIN2: Some barriers are related to: insufficient staff, lack of funds or lack of correlation between different fields (obligation to expand N2000 network vs. sky development areas or wind farms); another problem – custodians who often are NGO’s created only to have access to funds and not putting the conservation interest first. Although the Ministry signs administration or custody contracts it can not allocate the money directly, there are only funds available through competition in SOP-ENV and National Environmental Fund, so it can not fully control the situation on the ground, this is where lack of personnel intervenes (Environmental Protection Agencies have only one person to check: who did the management plan?, is it integrated?, addresses also the legislation in other sectors?)

LRA1: Establishing and implementing management measures is seen as a brake on the economic development, too many legal restrictions, too many and laborious procedures governing the activities of the N2000 sites and neighbouring area.

LRA2: Often land owners consider N2000 sites as barriers in their work / activity, getting legal approval to do something in the areas is taking a lot of time. Because of a poor consultation and information process during designation now the land owner are discontent with the restrictions.

LRA3: From the point of view of the manager of a protected area the barriers related to insufficient staff and funds.

LRA4: The barriers have two main causes: on the one hand - the lack of responsibility ("it is done because it is required by Brussels and not in conscience because we want to / consider necessary"), and on the other hand - the haste with which the measures were adopted to create the N2000 network (2007 – 2011). Other obstacles are the manifestation of local conflicts that decrease the efficiency of management and conservation. These factors are accompanied by legal problems caused by a lack of correlation between different laws and many conflicts of interest and lack of a national plan for conservation (National Strategy for Biodiversity Conservation through its action plan should define exactly what and how much we want to preserve)

E. Finances
In many cases, most of the needed funds for developing of the management plans for N2000 sites are from EU sources, projects apply in SOP-ENV. National budget covers the finances for environmental authorities’ activities.

Q.20. Is there an own budget for the implementation of the Habitats Directive? Or is it part of a general nature/environment/overall budget?

MIN1: The funds for implementing of HD are very poor. No specific resources are allocated, only SOP-ENV programme had brought funds.
LRA1: For the activities of the environment responsible authorities are allocated funds from the national budget, in accordance with the current legislation.
LRA3: Danube Delta BR Administration’ budget do not allocate specific funds for HD measures implementation (do not have a particular budget chapter for HD); but the funds are taking into account all the designations and conservation targets in the protected area.
LRA4: The resources for HD implementation are only partial, for human resources.

Q.21. From your point of view, are financial resources sufficient in relation to national objectives?

MIN: No.
LRA1: The provided financial resources are not sufficient toward national aims for biodiversity conservation.
LRA2: There is no funding.
LRA3: No.

Q.22. Where does funding for specific measures derive from (EU, national)?

LRA1: Especially from EU.
LRA2: Speaking about short time, there are some projects like those of SOP-ENV or Life programmes.
LRA3: National and EU.
LRA4: Most of the funds come from EU: structural funds SOP-ENV, Life and national through Environmental Fund that assure cofinancing for Life projects.

F. Implications of the Habitat Directive implementation on nature protection

Regarding the impact of HD implementation, the respondents say that have not yet appeared landscape changes due to this. The occurred changes were due to the socio-economic systems development. The impact of HD on national environmental protection can be assessed as positive in terms of improving the legislative framework.

- Impact on land use and landscape
Q.23. Do you perceive any landscape changes as a consequence of the Habitats Directive implementation?

MIN1: No.
LRA1: Not yet.
LRA2: No.
LRA3: Actually, we can not assess in this regard as long as the implementation is at an early stage. At least in the Danube Delta Biosphere Reserve, we can not talk about landscape changes as a consequence of the HD implementation, because now are visible the effects from implementing the conservation measures already in function before HD.
LRA4: The occurred changes were due to socio-economic systems evolution, not related to HD.

Q.24. Has (agricultural) land use in N2000 areas been extensified as a consequence of the designation?

MIN1: No.
LRA1: Until now, there have not been any changes in the agricultural land use.
LRA4: No.

Impact on national nature protection

Q.25. (How) do the instruments/measures differ from what they were before?

MIN: The measures do not show a significant difference, only their application is more visible. The instruments and regulation are not concentrated more on N2000 objectives at the expense of former protection measures.
LRA1: The instruments are the same and the focus did not move from the general landscape to N2000 sites.
LRA3: In the Danube Delta Biosphere Reservation, the administration of our protected area provides a combination of regulations, adopting the most restrictive measures.

Q.26. Which impact do you think the change has had on the possibilities of protecting nature in our country? (positive or negative for the protection of nature)?

MIN1: Positive.
LRA1: The changes are not sufficiently for a positive impact on the field but their impact regarding national policies for nature conservation that follow the HD has been positive, the development of the legal framework being finished.
LRA2: Positive.
LRA3: The impact was positive at least in terms of the improvement of the legislative framework, but it is needed to harmonize the existent regulations.
G. Monitoring issues

The Ministry of Environment has the responsibility for monitoring but a national integrated system for this and the financial tools together with a state infrastructure for the coercion are needed.

Q.27. The effects of implementation should be monitored. Who is responsible?

MIN1: Ministry of Environment has the responsibility for monitoring the HD implementation.
LRA3: I believe that HD implementation needs to be monitored at the national level by the NEPA, through a special program for monitoring.
LRA4: Ministry of Environment has responsibility but, until now, such program does not exist and there is not a financial tools or a state infrastructure involved in coercion.

Q.28. In your opinion, is the current monitoring practice adequate? Or how could monitoring be enhanced?

MIN1: The monitoring programme is just at the beginning and for this reason, probably, it do not seem to be adequate.
LRA1: No.
LRA2: No, the monitoring programme could be enhanced by funds allocation.
LRA3: I do not know about any national integrated system for monitoring. Adoption of a national monitoring system based on rules for protected habitats and species could lead to improve monitoring.
LRA4: The monitoring activities could be better by the existence of some financing funds needed for this.

Conclusions

The Romanian national legislation transposition of HD is sufficient and adequate and was done mainly by one normative act (GEO no. 57/2007 approved with amendments and completions by Law no. 49/2011) followed by subsequent Government resolutions and Order of the Minister for the establishment of a horizontal legislation (GR no. 1284/2007 amended by GR no. 971 din 2011, OM no. 1.964/2007 amended by OM no. 2387/2011).
By the end of 2011 the process of identification and designation the N2000 sites (383 SCI and 148 SPA) on the Romanian territory has been completed. This network extends over 5.23 million hectares (22.3% of total land area) with significant overlap in the distribution of the
designated SPA§ and SCI§, as well as among them and former protected areas (e.g. natural and national parks, BRS, Ramsar, natural monuments or strictly protect areas).

Although there is a full transposition into domestic regulatory system after joining the EU in 2007, the application and the enforcement of the requirement of HD is still lacking, mainly because of the delays in establishing the administration or custody for N2000 sites and developing the management plans for most sites, hence poor resources for specific conservation measures, as long as the financial allocation within NPRD is related to the management plan existence, positioning Romania in the compliance category of “World of dead letter”.

The following findings of the analysis carried out on the collected interviews validate, on one side, some major barriers listed in the “Document analysis of national/regional policy implementation of EU policies in Romania” and identify and explain other constraints. Result of the interviews confirmed and completed the major barriers listed in the “document analysis” of national implementation of HD in Romania as follows:

- different controversies occurred during identification and description of SPA and SCI sites at space scale as well as in defining targets and conservation measures in the N2000 sites management plans (document analysis);
  - some mistakes were made during the process of designation the N2000 sites, in some cases the public consultation was not done in a proper way and the awareness level is low (interview – LRA2, LRA3, LRA4);
  - organising inadequate public awareness and consultation campaigns for land owners in designation of the N2000 sites process was source for poor presence of all interested stakeholders’ opinions (interview – EX, MIN1, LRA3);

- conflicts of interest between different stakeholders related to the use and management of N2000 sites, particularly between those aiming to make economic profit from activities conducted on the protected areas/ N2000 sites and conservationists, and lack of mechanisms to solve them (interview – LRA4);

- the large time lag between designation of the SCI and SPA sites and the effective compensatory payments for the implemented measures was a cause for significant delays in the development and approval of the site specific management plans (document analysis and interview – MIN2);

- poor training of some persons in institutions responsible for implementing HD and the low level of awareness and responsibility of those employees, often resulted in a formally implementation of specific laws for nature conservation; some tasks being perform only in order to respond to the requirements imposed by the legislative harmonization at EU level, without taking into account specific realities for sites (interview – EX, LRA4);

- a better coordination of the responsible authorities for the national implementation of the HD (Ministry of Environment and NEPA) will assure the needed stability (reflected in policies continuity) for effective application of biodiversity conservation measures at sites’ level (interview – LRA1);
lack of correlation between legislation/regulations/political views for different economical sectors/domains (e.g. Forests, transports, agriculture, environmental protection, etc.) (interview – MIN1, MIN2);

• low effectiveness of the biodiversity conservation measures and lack of the co-management between protected area managers and local population (different stakeholders) (interview – LRA4);

• poor institutional capacity to access the required funds for fully implementing the legal stipulations from the national transposition of the HD (document analysis and interview – MIN2);

• lack of financed measures for protected areas management with three exceptions (exceptions are represented by: i) Danube Delta BR because this administration is subordinated directly to Ministry of Environment; ii) protected areas that have administrations under ROMSILVA „umbrella”/ management (but they have financial resources only for salaries) and; iii) protected areas administrations that are financed by SOP-ENV projects (only for a short time and only for infrastructure and Management Plans development) (interview – MIN2, LRA3, LRA4);

• absence of Management Plans, not yet developed or not approved by Law, for many protected areas, as well as their Regulation Acts (document analysis and interview – EX, MIN1, CA, LRA1).

The Ministry of Environment, through the Nature Conservation, Biodiversity and Biosafety directorate is responsible for legislative part developing environmental protection agencies for the implementation of HD in Romania.

The agencies identify and propose natural areas for inclusion in the N2000 network, organize information campaigns and public consultation and monitor and prepare reports on the state of conservation of the protected areas.

NEG verify the compliance with the legislation in the protected areas and control the application of the conservation measures, while also control the activities impact on species and habitats.

Custodians and managers of protected areas are required to develop and enforce regulations and management plans of protected areas.

National budget covers the finances for environmental authorities’ activities, while the administrators have to apply in SOP-ENV for accessing funds required for development of the management plans.

Implementation process of the HD in Romania is relatively new, the latest phase for designation of N2000 sites being in 2011 and no landscape changes as a consequence of the HD implementation were reported.

References


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The implementation of the CAP-AE measures in Romania

Sumary

This report presents the implementation of European Union Common Agricultural Policy (EU-CAP) measures in Romania and puts into context the agricultural sector by presenting the land reforms that took place after the collapse of communism in the country. The starting point for adjustment of the domestic policy and instruments for implementation of EU-CAP was the year 2000 when the preparatory process for joining the EU began, but the effective use of the specific institutions, regulations and capacity created during pre-accession phase was after 2007, post EU accession. The Ministry of Agriculture and Rural Development has the leading role for development and coordination the “rural development policy and programme” For the implementation of first (pre-accession/2000-2006) and second (post-accession/2007-2013) National Plan for Rural Development (NPDR) have been created specific institutions at national, regional, county and local levels. The composition and structure of the agricultural landscape, at the end of pre-accession phase of land reform was devided in more than 3.8 millions of subsistence exploitations and more than 4.2 millions of subsistence and semi-subsistence exploitations. Fragmentation of agricultural land into so many small or for subsistence exploitations together with unfavorable age structure of farmers population, and lack of capital and expertise have been further accompanied by large (1-2 mill. of hectars) area of abandoned land. The access to the single area payment scheme under CAP triggered farm development and important reduction of agricultural land abandonment Funding requirements for the implementation of CAP measures, according with national specific needs and targets, has been secured from the EAFRD, European Plan for Economic Recovery (EPER) and domestic public and private sources

Introduction

By the end of 1989 the Romanian socio-economic system, restructured and managed between 1948-1989 according with the communist principles and practices, entered in a transition process from the former structural and functional configuration towards a new attractor, defined by the capitalist concepts of private property and free market economy. One of the particular dimensions of transition which reflects the reform of land system (e.g. ownership, land use) and of the agricultural and rural economy has been adopted as the general frame for carrying out the analysis of the European Union Common Agricultural Policy (EU-CAP) and specific agro-environmental policy transposition and implementation.
1. Document analysis of national/regional policy implementation of CAP-AE measures

**Basic characteristics of the land reform in Romania**

The analysis of major changes occurred in the land system and agriculture during last 22 years, allowed to distinguish three major phases of the transition:

1) first phase between 1990-1999; 2) second phase between 2000-2006, when major preparatory measures for EU – accession and; 3) third phase between 2007-2012, when EU-CAP and related agro-environmental schemes and measures were implemented.

### 1.1. First phase of land reform (1990-1999)

The aim of the phase 1 (1990/1999) of land reform was to change the former (1948/1989) socialist system of state and collective land ownership (established by expropriation and collectivization), and the centralized and command-control policy and decision making into private landownership, and decentralized and market based governing system. In order to achieve the aim of land reform, a set of specific objectives and related legal instruments and measures have been established and implemented (Fig. 1).

i) Dissolution of agricultural cooperatives, established between 1950/1960 by forcing former small (≤ 5 ha) and medium size (10-20 ha) land owners. By the end of 1989, 74% of agricultural land (~10.8 x 10^6 ha) (including arable land, grasslands and permanent crops-ochards and wineyards) has been owned by about 5000 cooperatives with an average size of 2100 ha per cooperative.

ii) Distribution of small (0.5 ha) parcels of land to all former members of cooperatives who did not own land before collectivization by enforcing Decree Law 42/1990. That was viewed mostly as a social assistance measures.

iii) Restitution of up to 10 ha of the collectivized land to the former owners or their heirs by enforcing L 18/1991. The result of the implementation of both measures consist in 9.5 x 10^6 ha of land, returned /distributed to 4.7 x 10^6 people of which 57% being > 60 years old and 30% living in urban areas and working part time in agriculture (Rusu 2001, Dumitru 2002).

It has to be outlined that by 1947 the structure of agricultural land ownership has been dominated by 5.05 millions (mill.) or (91%) of small properties (< 5 ha) from which those of less than 2 ha (average 1 ha) accounted for almost 68%. About 6.7% of landholders owned between 5-10 ha, 1.6% of them owned between 10 to 20 ha, 0.33% owned between 20 to 50 hectares and only 0.2% owned more than 50 ha of land (Galopentia and Onica 1948, Axenciuc 1996). This situation which covers also the 10% of remained private land from the mountainous areas, explains in very significant proportion the structural (4.7 x 10^6 small and
Figure 1 Major steps and policy instruments applied in the first phase (1990-1999) of agricultural land reform in Romania
fragmented exploitations) and functional characteristics (e.g. subsistence farms, low productivity, land abandonment) of agricultural landscapes by mid 1990⁵.

**Conversion of state farms (IAS) and “Machinery stations” (SMA) into Commercial Societies (CS)**

Conversion of large state farms (average size 4835 ha) established at late 1940⁵ and beginning of 1950⁶ by expropriation the land of large private farms, and between 1960-1987 by draining and polderization of floodplains and wetlands, for cropping (annual and permanent crops) and managing 16% of total agricultural land, as well the related “agricultural machinery stations” (SMA) and intensive livestock farms into “Commercial Societies” (CS), as first step in the more complex and long term process of privatization.

In that regard has been issued and enforced the first policy instrument which is Law (L) 15/1990. According to this legal instrument, in the first instance the entire capital of each CS was held by the state in share. The former land owners became, according the L 18/1991, share holders of the CS. Although their property rights were recognized, the physical restitution of land has been postponed until 2006.

Next steps along conversion of state farms refer to: L 54/1998 which provides provisions for land transactions between juridical and physical entities, and; L 1/2000 which provides provisions for restitution of up to 50 hectares of land (agricultural or forested land) to former large owners or their heirs.

By the end of 2000 the physical and financial capital of 289 CS has been privatized and by 2004 the privatization has been completed with the remained 450 CS⁸ (Amblard & Colin, 2009). By enforcing L 18/1991 and L 1/2000, 37% of total forested land (6.52 x 10⁶ hectares) has been privatized.

**Aggregation of small size and for subsistence farms into economically viable associations of crop production – “agricultural societies” (AS)**

The initiation of this process has been enabled by adoption L 36/1991 and further consolidation was done by issuing and enforcing L 16/1994 and modified in 1998 which allowed for leasing land based on contracts between “agricultural societies” and non-members who own land.

We noticed that by adoption these legal instruments (in particular L 16/1994 & 1998) has been created conditions to develop and use the land rental market as an efficient mechanism to restructure the large number of the subsistence and semisubsistence exploitations.
Development the functional market for land transaction

By the year 2000 we noticed that the basic legal instruments required for re-establishing the full property rights upon the former collectivized land, and reasonable level of property rights upon the former expropriated land were issued and enforced. We also noticed that by mid 1990 most part of the agricultural land were divided into a large (2.82 mill.) number of very small (< 2 ha) properties and subsistence farms and that were created legal instruments which allowed in the first instance association of small farmers into AS (L 36/1991) and in the second step legal conditions for land rental market. But in order to achieve the goal of first phase of land reform has been accepted (although too late) the need to create legal instruments for buying and selling the land (L 54/1998) and by doing that to stimulate creation the functional market for land transaction. By the end of 1999 there was identified evidence which proved that market for land rental and transaction was functioning and began to produce effects in the farming system.

The institutional and organizational achievements during first phase of land reform (1990/1999) provided background conditions and opportunities for further restructuring of agricultural landscape and economy. However it has been considered that for having a more complete picture on the first phase of land reform, to outline some of most critical constraints faced during the process as well as a couple of outputs which determined other direct and indirect effects on medium and long term.

The established or adopted cognitive, normative and regulatory frameworks which allowed to enforce and guide the land reform and transition of rural socio-economic system between 1990/1999 have been combined with: many miss-interpretations of laws and rules; long delay before final decisions on property rights have been issued, partialy due to many gaps in data or conflicts among former owners and/or their heirs; corruption of staff members from local authorities in charge to re-establish the property rights on land; overloaded courts by cases derived from unclear or “wrong” solutions regarding the size of property, field position, number of parcels and distance between them and soil quality, and; political and social instability.

These particularities of transition might be explained, on one hand, in terms of lack of experience and resources which, certainly were needed for handling such complex and long term process, or in terms of conservative mentalities, and on the other hand, in terms of intentional actions of former activists of the communist regime to create confusion and uncertainty in order to maximize their own profit.
Outputs of first phase of land reform:

Several outputs of land policy implementation have had a great importance and impact for and upon second and third phases of the reform.

- By distribution of 0.5 ha of land to members of the cooperatives who did not owned land and by restitution the property rights to former landholders or their heirs, followed by opportunities to establish agricultural associations (AS) and commercial societies (CS), have changed the large agricultural exploitations (state and cooperatives) established during comunist regim by expropriation and collectivization into a mosaic of more than 4.5 mill. of subsistence and semi-subsistence exploitations and about 150 thousands of comercial exploations most of 15 to 30 hectares and less (<1000) of hundreds and even thousands of hectares.
- The mixed (main crops of corn and wheat, and livestock consisting in pigs and chicken) subsistence and semi-subsistence farms played and use to play a significant role of social assistance for, more than 45% of rural population and for many of those who lost their jobs in the mining and processing industry.
- About 60% from total landholders were old people (≥ 60 years) or already retired and only about 17% of them used to work full time in agriculture.
- The owners of subsistence and semi-subsistence exploations were faced not only with ageing but, also with lack of equipament and financial resources required for „modern agricultural practices”. Under such circumstances other direct effects have been recorded such as:
  - up to 20 -25% (equivalent to about 2 mill. hectares) of arable land has been abandoned; b) sharp decrease with more than 70% of former inputs (specific to intensive agriculture) of fertilizers and pesticides, and with about 85% the capacity for irrigation of crops and; c) very limitted capacity to implement measures and standards for food quality and biosafety (eg. avian influenza, pig plague).
  - Although the rental market was in place by mid of 1990⁸, the effects occured slowly and reached a level far from what was expected and this due to low trust of the landholders determined by the ways the contracts (most of them informal in that time) have been respected by the managers of the AS⁸.

In the case of the market for land transaction the major constrain was given by very high cost of transactions (due to a set of 7 taxes) which rose up to 25% of the value of land.

- Between 1990 – 1999 the economy of the country has been faced with negative economic growth and thus the capacity for applying subsidies in agricultural sector, even for stimulating crop and animal production, was practicaly zero.
However the above listed outputs, in particular those with limiting effects on agricultural economy, have had also beneficial effects on habitats and biodiversity and environmental protection, through abandonment of large surface of arable land (equivalent to „set aside land” target of the CAP) and reduction of material inputs into agrosystems, and consequently reduction of diffuse pollution of soils, ground and surface waters.

1.2. Pre-accession or phase 2 of land reform/2000-2006

The adopted and implemented policy instruments and measures during first phase of land system reform have been focused on: i) restoration of agricultural and forested land ownership; ii) development of the land rental and transaction markets and; iii) development legal conditions to stimulate association of the subsistence farms into production and more market oriented agricultural exploitations.

As it was previously shown there were not clearly established specific policy objectives and agri-environmental measures directly related to biodiversity conservation and pollution control.

The main results of first phase consisted in: i) a huge number of subsistence and semi-subsistence exploitations and; ii) the owners of most exploitation exceeded or there were closed to the age of retirement. In addition most farmers were faced with lack of capital, know how and motivation which completed the set of most important barriers in front of the land reform. It has been understood that breaking these barriers and managing new opportunities had to be the priority in a new changing regime of the Romanian land and rural system. The opportunity of shifting the attractor and changing regime occurred in 2000, when European Commission opened the door for new member states.

Taking that into account and the political will to start by the year 2000, the preparatory process for joining the EU explains the two major policy objectives in the phase II (or pre-accession) of land and rural reform:

- Transposition of EU-CAP policy objectives, mechanisms and standards, into domestic policy for land and rural reform, aiming to create a significant level of compatibility and competitiveness with that of EU countries.
- Development and consolidation of specific institutional and regulatory frameworks and capacity (including farmers and administration) for implementing CAP objectives, and financing programmes and mechanisms.
Legal Implementation

To achieve the policy objective of phase 2 (2000 – 2006), the specific regulatory system created and already applied in phase 1 of the reform, has been extended in order to facilitate the use of financial resources available from EU Special Accession Programme for Agriculture and Rural Development (SAPARD). Among them has been distinguished: i) laws and governamental ordinances (GO) and resolutions (GR) aimed to establish specific institutional infrastructure responsible for the implementation of the SAPARD programme such as – GR 147/september 2000 which established the National Agency for the implementation of the SAPARD programme and its regional offices; L 1/2004 which provide provision to establish the „Agency for Payments and Intervention in Agriculture”/ APIA; GR 361/2005 which established the „National Authority for Property Restitution” including land property > 50 ha, and the „Property Fund”; GO 13/2006 which established the „Agency of Payments for Rural Development and Fishery/ APRDF, and „Agricultural Chambers”, and: ii) laws and GR aimed to create and use specific financial mechanisms, which were needed to get access to the SAPARD resources; L 150/2004 which provide provisions to create and deliver the „agricultural credit” (this law has been later modified by GR 477/2007 and GR 195/2008); L 231 and 218/2005 which established rules and criteria to get funds from available sources aiming to create commercial farms (Farmer program); L 247/2005 which established a specific economic incentive „Renta Viagera Agricola” addressed to old (> 62 years) landholders of 1 – 10 ha, aiming to stimulate decision for saling or leasing out the land.

Policy instruments and funding sources

The main policy instrument available for agricultural and rural area during preparatory phase for EU accession was the SAPARD programme and the related „National Plan for Agriculture and Rural Development” (NPARD) and “National Plan for Rural Development” (NPRD) for 2000-2006.

The EU financial support allocated from SAPARD has been available to a wide range of pilot micro-projects dealing with all kinds of aspects of the land reform and rural development, clustered in 4 groups (axis) in the NPRD/2000-2006, and to micro-projects dealing with the development of organizations, institutions and capacity (administration, farmers and other rural agents) which have to allow the implementation the post-accession programmes.

A particular policy instrument, important for the applying agri-environmental measures, was the EU-Life-Nature Programme.
The National Strategy for Biodiversity Conservation and Action Plan (NSBC-AP)/2000-2010 might be also viewed as an important policy instrument in the field of restoration and conservation habitats (eg. alpine, forests, meadow, floodplains) and conservation endemic and endangered species (eg. *Vipera ursinii rakosiensis*, *Branta ruficollis*, large carnivors). The objectives of 27 co-financed (8.4 mill. Euros from EU and 4.9 mill. Euros Ministry of Environment and Forests) life nature projects implemented between 1992 – 2006 have been established in accordance with identified priorities listed in NSBC-AP and EU- Habitats and Birds Directives ([http://ec.europa.eu/life](http://ec.europa.eu/life)).

In this phase of land reform some important market instruments (eg. tax reduction for land transaction, agricultural credits, state guarantees for agricultural credits, subsidies for biodiversity conservation and organic farming) have been tested and adopted, as well as, training programmes, technical assistance and dissemination of good practice and information.

The objectives of phase 2 (pre-accession) of the land reform (2000-2006) have been fully and embodied into first NPRD (2000-2006).

The structure of NPRD comprises schemes and measures clustered in four axes. The implementation of the plan was co-financed from EU-SAPARD programme (75%) and domestic (25 %) sources (mainly from central and local budgets).

By December 2000 the structure of NPRD and the budget estimated at 1.132 billions of Euro have been approved of the Committee on agricultural structures and rural development (STAR Committee Meeting/ EU). As has been shown in the SAPARD balance issued by the Commission at the end of 2009 ([www.sapard.ro](http://www.sapard.ro)) the implementation of the proposed budget was with almost 10 per cent lower (1.023 billion Euros) due to miss-management identified in the case of some contracted projects.

A brief analyse of the allocated budget shown that 88 per cent of the total fund has been used by 3200 projects which were approved and executed for three dominant schemes (S): S2.1 – Investments in rural infrastructure (~ 350 mill. Euros); S1.1 – Processing and trading agricultural and fishery products (~ 300 mill. Euros) and; S3.1 – investments in agricultural exploitations (~ 250 mill. Euros).

The specific agri-environmental measures have been identified within the schemes 3.3 and 3.5, which promoted “environment friendly agricultural production methods and practices” and respectively “silvicultural measures (eg. roads infrastructure, sustainable management of forest ecosystems, afforestation of degraded agricultural land)”

We noticed that scheme 3.3 was thought as a pilot, aiming to develop the abilities, practical expertise and the capacity of farmers and administration staff to implement the agri-environmental measures. Although very important schemes (S3.3 & S3.5) they received a financial support of 39 mill. Euros and respectively 127 mill. Euros and from that amounts only 47% (18.3 mill.), respectively 58% (74.4 mill.) have been allocated to projects by July 2007 (the
date when the implementation of the SAPARD budget by contracting project was stopped). It has to be stressed that the amount of 18.3 mill. Euros from S 3.3 has been allocated to the projects focused on traditional agricultural practices, important grasslands for birds, green fertilizers and organic agriculture, while from S 3.5, 62.9 mill. Euros have been allocated for building forest roads, 11.45 mill. Euros for afforestation agricultural land, and zero allocation for projects dealing with sustainable management. This rather low efficiency in allocation the proposed fund might be explained by taking into consideration the following constrains:

- Both schemes have been accredited only at late 2005 and first session for receiving applications was established in May 2006 and last session was in July 2007;
- Too small number of pilot area eligible for S 3.3;
- Excessive bureaucracy based on many documents and proofs (eg. most critical was to provide the land property title);
- Fast changes of the ownership of forested land and the responsibility of the management bodies;
- Many private or public agents were facing with significant debts (no debts was a criteria for eligibility);
- The credits, in most cases needed for co-financing, have been too expensive.


The other aspects such as – delegation of roles and stakeholder involvement will be discussed by the end of the report together with the synthesis of major constrains which have impacted the land and rural reform.

**Outputs of the second phase (pre-accession) of land reform**

- The composition and structure of the agricultural landscape, at the end of second or pre-accession phase of land reform, preserved the basic features of that resulted after particular policy objectives implementation during first phase of the process. Data from table 1 clearly show that 43% and 59 % of total agricultural land was devided in more than 3.8 mill. of subsistence exploitations and more than 4.2 mill. of subsistence and semi-subsistence exploitations.

Table 1. The composition and structure of the agricultural landscape by the end of second phase of land reform

<table>
<thead>
<tr>
<th>Type of exploitations</th>
<th>Size in EDU’ and hectares**</th>
<th>Nº of exploitations</th>
<th>Surface (mill. hectares) Percentage of total agricultural land</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Subsistence</td>
<td>&lt; 2 (1.63)</td>
<td>3,871,242</td>
<td>6.31 (43%)</td>
</tr>
</tbody>
</table>
2. Semi-subsistence 2-8 (6.7) 354,317 2.352 (16%)
3. Family 8-40 (44) 25,541 1.124 (7.6%)
4. Comercial (large) 40-100 (114) 3084 0.352 (2.4%)
5. Comercial (large) > 100 (2368) 1968 4.562 (31%)

<table>
<thead>
<tr>
<th>Size categories</th>
<th>0-2 EDU**</th>
<th>2-8 EDU</th>
<th>8-40 EDU</th>
<th>40-100 EDU</th>
<th>&gt; 100 EDU</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age (years)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt; 34</td>
<td>210,056</td>
<td>13,902</td>
<td>1,983</td>
<td>185</td>
<td>100</td>
<td>226,226</td>
</tr>
<tr>
<td>35-39</td>
<td>246,853</td>
<td>20,962</td>
<td>2,436</td>
<td>267</td>
<td>151</td>
<td>270,669</td>
</tr>
<tr>
<td>40-54</td>
<td>905,500</td>
<td>81,394</td>
<td>9,785</td>
<td>1,602</td>
<td>1,050</td>
<td>999,331</td>
</tr>
<tr>
<td>55-64</td>
<td>849,094</td>
<td>90,505</td>
<td>5,939</td>
<td>762</td>
<td>532</td>
<td>946,832</td>
</tr>
<tr>
<td>&gt; 65</td>
<td>1,659,739</td>
<td>147,554</td>
<td>5,398</td>
<td>268</td>
<td>135</td>
<td>1,813,094</td>
</tr>
<tr>
<td>Total</td>
<td>3,871,242</td>
<td>354,317</td>
<td>25,541</td>
<td>3,084</td>
<td>1,968</td>
<td>4,256,152</td>
</tr>
</tbody>
</table>

* Economic Dynamic Unit
** average hectares in brackets

However we may notice the existence of rather small number of very large exploitations, comparable with former cooperatives, which cover almost 31% of the agricultural land.

- The age structure of the owners of small farms and managers of commercial exploitation continued to be dominated (42.5%) by retired people (> 65 years old) and those closed to retirement (22.2%). The proportion of young (< 40 years) farmers or managers remained at very low level (~ 11.7%) (Table 2).

Table 2. Distribution of total number of farm managers per age class and farm size (NIS*, 2005)

- Fragmentation of agricultural land into so many small or for subsistence exploitations together with unfavorable age structure of farmers population, and lack of capital and expertise have been further accompanied by large (1-2 mill. of hectares) area of abandoned land.
- The young institutional infrastructure in charge for implementation the CAP’s programme and operational tools, into domestic rural policy, programme and operation has shown a significant vulnerability against political, social and economic disturbing factors, and consequently low level of operational capacity.
- Preservation, within the structure of agricultural landscape, a large surface of “abandoned” land and the implementation of first set of agri-environment projects,
combined with prevalence of the non-intensive agriculture (based on traditional practices)
allow to conclude that during entire pre-accession phase the conservation of habitats and
biodiversity, and protection of environment have been some of the most important
beneficial effects.

The polarization of the effects of land policy objectives and programmes implementation,
reflected by fragmentation, extensification and low crop productivity of the farm system, on the
one hand, and by conservation of habitats and species, and protection of the environment, on the
other hand, was the most challenging phenomenon, during first and second phase of land and
rural reform.

1.3. Third phase (post-accession) of land reform (2007-2013)

Significant steps forward have been done during the pre-accession phase of land reform for
reconfiguration of the domestic agricultural and rural policy objectives (eg. environment
protection, conservation of habitats and biodiversity, multifunctional rural/agricultural
landscapes, biosafety, animals welfare, adaptation the agricultural and rural infrastructure to
major effects of climate change – droughts and floods, integrated water resources management)
and standards as well for adaptation and strengthening the institutional and regulatory systems,
and the capacity to integrate within domestic agricultural rural development plan the targets and
measures of the CAP programmes and the implementation tools (eg. agri-environment scheme
and measures; structural funds).

The aim of the first post-accession NRDP/ 2007-2013, has strong links with the overall and
long term attractor adopted in the last transition of the Romanian Socio-Economic System,
and underlines the need for significant increase of the compatibility and competitiveness of
the Romanian agricultural and rural economy within EU space by effectively use of created
specific institution regulations and capacity during pre-accession phase.

In that regard the policy objectives and actions for agricultural and rural development in the post
accession phase (2007-2013) have been focused on:

i) changing the composition and structure of agricultural landscape and rural economy
through effective use of land rental and transaction markets and through significant reduction of
the proportion of subsistence exploitations and land abandonment, and the increase the
proportion of semi-subsistence family and medium size market oriented exploitations;

ii) stimulating the significant increase of the number of young and professional
farmers or farm managers;
iii) development and improvement the rural infrastructure and modernization of physical capital and the production and processing technologies in agricultural exploitations and dependent enterprises, while preserving traditional knowledge and cultural heritage of different human communities and rural landscapes;

iv) improving food quality and biosafety according to EU standards, and the access on the market;

v) implementing the environmental and biodiversity standards according with the provisions of a wide range of EU directives, and regional and global conventions (eg. Habitats and Birds directives, WFD, GWD, Nitrogen Directive, Black Sea Convention, CBD);

vi) increase the efficiency and effectiveness of information, training and technical assistance programmes and related institutional and stakeholders capacity to adapt and implement the domestic development programmes, tools and standards according with those of EU (including financing programmes and mechanisms).

The aim of this post-accession phase is looking for significant increase the compatibility and competitiveness of the Romanian agricultural and rural economy within EU space by effectively use of created specific institutions, regulations and capacity during pre-accession phase.

Policy instruments and funding sources

The main policy objectives and priorities which underpinned the NPRD/ 2007-2013 have been established according with the priorities stated in the EU-Strategic Road Map and Regional development Plans (RDP), National Strategic Plan (NSP) and the needs/ identified by assessing the status of agricultural landscape and rural economy.

Funding required for the implementation of a wide range of measures according with the identified specific needs and targets has been secured from the European Agricultural Fund for Rural Development (EAFRD), European Economic Recovery Plan (EERP) and domestic public and private sources.

The NPRD has been completed and approved by the end of 2007 and effectively launched since 2008.

The proposed and approved structure of NPARD/2007-2013 consists of sets of schemes and specific measures divided in four axes. The identified targets and related measures reflect the urgent needs of actions required for bringing the Romanian agriculture and rural economy at the basic European standards (eg. quality of life of rural population, food security, environment protection, increased capacity for adaptation to, and mitigation of climate changes).
Eighty per cent of total cost of implementation was estimated to come basically from the EAFRD and EPER.

Thus the total available funds for full implementation of the NPRD measures has been designed at 9547.564 mill. Euros, from which 7744.08 millions of Euros available for the selected schemes and measures (see table 3, 5 and 8) with direct positive impact on biodiversity and environment (eg. S 214 and S 221) or indirect impact via changes in structural configuration and functions of rural landscapes.

Table 3. The list of schemes promoted in the NPRD/Axis 1/2007-2013 and the related available and allocated\(^1\) funds from EAFRD (98.8%) + EPER (1.2%), and the per cent allocation by March/2012 (compiled from http://www.acrafe.ro)

<table>
<thead>
<tr>
<th>Code</th>
<th>Type of measure</th>
<th>Total amount (mill. Euros) to be allocated</th>
<th>Millions Euro allocated by March 2012</th>
<th>% allocated</th>
</tr>
</thead>
<tbody>
<tr>
<td>S 111</td>
<td>Training (professional formation), information, dissemination</td>
<td>88.02</td>
<td>5.61</td>
<td>6.3</td>
</tr>
<tr>
<td>S 112</td>
<td>Support for young farmers</td>
<td>337.22</td>
<td>78.19</td>
<td>23.1</td>
</tr>
<tr>
<td>S 121</td>
<td>Modernization of agricultural exploitations</td>
<td>1168.5</td>
<td>346.44</td>
<td>29.6</td>
</tr>
<tr>
<td>S 123</td>
<td>Increase added value of agri-silvicultural products</td>
<td>1196.54</td>
<td>228.07</td>
<td>19.1</td>
</tr>
<tr>
<td>S 141</td>
<td>Support for semi-substance farms</td>
<td>476.08</td>
<td>82.46</td>
<td>17.3</td>
</tr>
<tr>
<td>S 142</td>
<td>Financial support for establishing groups of producers</td>
<td>25.00</td>
<td>0.53</td>
<td>2.1</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>3291.36</td>
<td>741.30</td>
<td>22.5</td>
</tr>
</tbody>
</table>

1. The funds requested in the signed contract of the selected projects which safeguard their successful implementation
2. In addition a contribution of 1168.5 mill. Euros from private sector has been expected;
3. Additional contribution of 1772.8 mill. Euros from private sector;
4. A new call for applications was planned for June/2012 for an available amount of 112.74 mill. Euros;
5. An open session for applications during 2012 is expected to allocate the rest of 24.47 mill. Euros

Table 4. Number of implemented projects and related amount of allocated funds (mill. Euros) in the Less Favourable Areas (LFA’) for „young farmers” (S 112) and “modernization of agricultural exploitations (S 121)” by June 2012 (compiled from http://www.acrafe.ro)

<table>
<thead>
<tr>
<th>Code of measure</th>
<th>Nº of projects in LFA</th>
<th>Allocated funds (mill. Euro)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mountains</td>
<td>Other</td>
</tr>
<tr>
<td>S 112</td>
<td>529</td>
<td>632</td>
</tr>
<tr>
<td>S 121</td>
<td>121</td>
<td>336</td>
</tr>
</tbody>
</table>
It can be noticed that by June 2012 only 37.7 per cent or 2921.8 mill. Euros have been effectively allocated to projects from the total available amount of 7744.08 mill. of Euros.

It is expected by the authorities in charge for the coordination and implementation of NPRD (2007-2013) that in the next one and half year to increase the allocation rate above 75% or even to complet allocation of formally established funds, if the proposal of the Romanian Government to extend over 2014 the applicability of european funds will be accepted by the EU-Commission and Parlment.

However it has to be noticed the higher rate of allocation (78.33%) recorded in the case of agri-environment measures (S 214/table 5).

Table 5. The list of measures included in the NPRD/Axixs 2/2007-2013 and the related available and allocated funds (mill. Euros) from EAFRD (98.5%) + EPER (1.5%) and the rate of allocation by June 2012 (compiled from http://www.acrafe.ro)

<table>
<thead>
<tr>
<th>Code</th>
<th>Type of measure</th>
<th>Total amount to be allocated (mill. Euros)</th>
<th>Millions of Euro allocated by June 2012</th>
<th>% allocated</th>
</tr>
</thead>
<tbody>
<tr>
<td>S 211</td>
<td>Support to farmers from less favoured mountain areas (LFMA)</td>
<td>607.15</td>
<td>388.15</td>
<td>64</td>
</tr>
<tr>
<td>S 212</td>
<td>Support to farmers from less favoured non-mountainous areas (LFNA)</td>
<td>493.08</td>
<td>210.71</td>
<td>42.7</td>
</tr>
<tr>
<td>S 221</td>
<td>Financial support to stimulate first afforestation of agricultural land</td>
<td>229.34</td>
<td>2.32</td>
<td>1.01</td>
</tr>
<tr>
<td>S 221</td>
<td>• Extended from SAPARD in 2007</td>
<td></td>
<td>13.8</td>
<td></td>
</tr>
<tr>
<td>S 214</td>
<td>Financial support for implementation the agri-environmental measures</td>
<td>936.23</td>
<td>733.4</td>
<td>78.33</td>
</tr>
<tr>
<td>S 214</td>
<td>• Extended from SAPARD</td>
<td></td>
<td>9.5</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>1800.0</td>
<td>1332.3</td>
<td>74.1</td>
</tr>
</tbody>
</table>

Table 6. Number of accepted projects and related amount of allocated funds (mill. Euro) in the LFA§ for “agri-environment/ S 214” and “first afforestation/ S 221” by June 2012 (compiled from http://www.acrafe.ro)

<table>
<thead>
<tr>
<th>Cod of measure</th>
<th>No of projects in LFA</th>
<th>Allocated funds (mill. of Euro)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mountains</td>
<td>Other LFA</td>
</tr>
<tr>
<td>S 214</td>
<td>190824</td>
<td>11374</td>
</tr>
<tr>
<td>S 221</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>
Table 7. Number of accepted projects for S 214/”agri-environment” by years and type of measures and total land surface involved (compiled from http://www.acrafe.ro)

<table>
<thead>
<tr>
<th>Year</th>
<th>Grasslands of High Natural Value (HNV)</th>
<th>Traditional agricultural practices</th>
<th>Important grasslands for birds</th>
<th>Green fertilizers</th>
<th>Ecological agriculture</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nº of applic.</td>
<td>Surface (ha)</td>
<td>Nº</td>
<td>Surface (ha)</td>
<td>Nº</td>
</tr>
<tr>
<td>2008</td>
<td>1204</td>
<td>10876 5</td>
<td>72433</td>
<td>744164</td>
<td>-</td>
</tr>
<tr>
<td>2009</td>
<td>54042</td>
<td>26318 6</td>
<td>17106 4</td>
<td>881856</td>
<td>54</td>
</tr>
<tr>
<td>2010</td>
<td>43255</td>
<td>25718 0</td>
<td>18085 4</td>
<td>951968</td>
<td>76</td>
</tr>
<tr>
<td>2011</td>
<td>42689</td>
<td>25152 5</td>
<td>18637 6</td>
<td>966866</td>
<td>98</td>
</tr>
</tbody>
</table>

Table 8. The list of selected measures included in the NPRD/AX 3&4/2007-2013 and the related available and allocated funds (mill. Euros) from EAFRD (99.65%) + EPER (0.35%), by June 2012 (compiled from http://www.acrafe.ro)

<table>
<thead>
<tr>
<th>Code</th>
<th>Type of measures</th>
<th>Total amount (mill. Euros) to be allocated</th>
<th>Allocated funds (mill.Euro) by June 2012</th>
<th>% allocated</th>
</tr>
</thead>
<tbody>
<tr>
<td>S 312</td>
<td>Financial support to set up and develop small enterprises</td>
<td>531.84</td>
<td>163.7</td>
<td>30.7</td>
</tr>
<tr>
<td>S 313</td>
<td>Support for rural tourism</td>
<td>388.28</td>
<td>24.8</td>
<td>6.4</td>
</tr>
<tr>
<td>S 322</td>
<td>Support for the improvement and development of infrastructure for rural population and economy</td>
<td>1726.07</td>
<td>654.75</td>
<td>37.9</td>
</tr>
<tr>
<td>S 431-1</td>
<td>Building public-private parteneriat (GAL - Local Action Group)</td>
<td>6.53</td>
<td>4.96</td>
<td>75.9</td>
</tr>
</tbody>
</table>

TOTAL: 2652.72 848.21 31.9%

The low average rate (37.7%) and very low (eg. 1%/S 221, 6.3%/S1.1, 2.1%/S142) rates of allocation of the planned funds by June 2012 are the results of many constraints we faced in the last 3 years and half, among which the most effective were: economic recession and low capacity for co-financing the projects; political and social instability; institutional vulnerability and bureaucratic procedures; high rate of migration, especially young people from rural area. To the
above specific constraints has to be added some of those which have been specific to first and second phases of land reform as such: lack or weak motivation of land holders of very small (< 2 ha) and small (< 5 ha) pieces of land to adopt and implement the CAP measures and standards; lack of capital and know how by owners of subsistence and semi-subistence farms; low capacity of specialized bodies eg., National consulting and Training Agency in Agriculture) in charge to provide technical assistance to farmers; high cost of the land transactions and credits; or serious distortion on land rental market (eg. many contracts which were not legally notified and consequently not respected by large corporate farms).

Delegation of roles

The Ministry of Agriculture and Rural Development has the leading role for development and coordination the“ rural development policy and programme”.

From the political and legal perspective it is supposed to be established a strong and effective cooperation with the Ministry of Environment, Water Management and Forests which has the leading role in policy and programmes elaboration and coordination for environment, water and forests.

In order to elaborate coherent policies and integrated management programmes has been also recognized that the interests of other economic and social sectors and wide range of stakeholders or “agents” should be discussed and accommodate, as well the need for scientific and technical evidence. In that regard ther’ were established “Interministerial Committees” and “Scientific and Technical Advisory Councils”. The advisory bodies have a large composition, including not only scientific and technical experts, but also representatives of NGO’s and other stakeholders from public and private sectors. This kind of approach and arrangements started to be applied in the pre-accession phase and slightly improved during post-accession phase.

It has to be also highlighted that during first phase of land reform, the approach was sectoral and the Ministry of Agriculture was in charge for policy elaboration and coordination.

The implementation of agricultural policy and programmes, with their very specific objectives and targets, was the responsibility of the “County’ Directorates for Agriculture” (CDA) in cooperation with the county and municipal administrations, regional and local “cadastral offices” and new established “Agency for Technical Assistance in Agriculture” (ANCA/1997).

For the implementation of first (pre-accession/2000-2006) and second (post-accession/2007-2013) NPRD have been created specific institutions such as:

- National Agency for SAPARD and its regional offices in charge for the implementation the SAPARD programme through the NPRD/2000-2006 and later (2007) renamed as National Authority for NPRD (2007-2013) implementation;
• Agency for Administration of State owned land (ADS);
• National Agency for Fishery and Aquaculture (NAFA) in charge for policy implementation regarding conservation and management of aquatic resources;
• Agency of Payments and Intervention in Agriculture (APIA) in charge for technical and financial implementation of European funds (European Agricultural Guarantee Fund – EAGF and EAFRD);
• Agency of Payments of Rural Development and Fishery in charge for technical and financial implementation of the EAFRD);
• National consulting and Training Agency.

These specific institutions established during preparatory and accession phase for the implementation of agricultural and rural development programmes have or should have close links with other complementary institutions like:

• National Agency for Forest Management/ ROMSILVA and its local offices for forest management;
• National and River Basin Authorities for integrated water resources management;
• National and regional Agencies for Environment Protection;
• County and municipal authorities.

2. Synthesis of interviews responses

2.1. Survey method

In order to analyse national implementation of the CAP-AE measures, 4 respondents, representative for interested stakeholder groups (e.g. politicians or political branch of authorities, central authorities, local and/or regional authorities) were taken into consideration (table 9).

<table>
<thead>
<tr>
<th>Type of interview persons</th>
<th>Romanian interviews</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministry</td>
<td>• MIN</td>
<td>• A person from the Department of Natural Resources Management and Less-favored areas, Ministry of Agriculture and Rural Development</td>
</tr>
<tr>
<td>Central authorities</td>
<td>• CA</td>
<td>• A person from the Agency for Payment and Intervention in Agriculture (APIA)</td>
</tr>
</tbody>
</table>
a point of institutional view and were not like a personal point of view from own experience of the person who responded. Although the person who was invited to respond was the head of this organisation, finally, the responses were from a person delegated with public relations in APIA.

| Local and/or regional authorities (depending on roles in implementation) | • LRA1 | • The Executive Director of the Arges county Department of Agriculture |
| • LRA2 | • A person from Protected Areas Department of Environmental Protection Agency – Braila |

2.2. Results of interviews

A. National transposition

*In Romania, the agri-environmental schemes for the periods: 2000-2006, 2007-2013 were selected and stated in the NPARD - Axis II. The measures under this axis target the conservation and improvement of the rural environment by a sustainable management for both agricultural and forested areas. The schemes address the local problems, although some of the used indicators for delineating specific areas eligible for financial support under CAP-AE were considered by the respondents not very relevant and valid for all zones.*

*The respondents’ assertions highlight that the available schemes are an improvement from the former program, generalization of good practices being established by setting the criteria for good agricultural and environmental conditions.*

Q.1. Is the domestic AE program selected appropriate for the problems in Romania?

MIN: Yes. According with EC Regulation no. 1698/2005 on support for rural development by the EAFRD, the NPARD 2007-2013 has implemented some of the measures targeted in art.36. Among major challenges for Romanian agricultural system were natural resources management issues like: biodiversity conservation, sustainable management of areas of high natural agricultural value, sustainable management of the aquatic resources, soil conservation and reduction of the pollution from agricultural sources, climate changes and production of energy from renewable sources.
CA: Yes. The APIA adapted the national legislation and internal procedures to European Rules for supporting the rural development, selecting the following measures:

- **Measure 211** – Compensatory payments for less favoured mountain areas
- **Measure 212** – Compensatory payments for specifically and significantly handicapped areas due to natural conditions
- **Measure 214** – Agri-environment payments:
  - Package 1 - high nature value grassland;
  - Package 2 – traditional farming;
  - Package 3 - grassland supporting important birds;
  - Package 4 – green cover crops;
  - Package 5 – ecological agriculture;
  - Package 6 – important grassland for butterflies (Maculinea sp.);
  - Package 7 – arabil lands important as feeding areas for red breasted goose (Branta ruficollis).
- **Measure 221** – first afforestation of agricultural land.

LRA1: The selected agri-environment schemes are in accordance with the local problems (microzones problems) although the used indicators for zonation were not very relevant and valuable for all areas.

LRA2: The selected schemes for the periods: 2000-2006, 2007-2013 are those that were assigned by the NPARD – Axis II. The measures of this axis target the conservation and improvement of rural enviroment by a management for sustainable development for both agricultural and foresters areas, that are very important sector in Romania. The supporting for disadvantaged areas is considered a priority in order to ensure the continuation of agricultural activities. Another goal is the preservation of traditional farming systems and of the agricultural land that had an extensively management as elements for supporting the wildlife species diversity and their habitats (mainly applicable to semi-natural grasslands). Also, priority support will be given to forest areas characterized by a high level of biological diversity. Support for Natura 2000 sites will be given in order to compensate the economic loses suffered by farmers and foresters due to restrictions imposed in these areas. Also within this axis is encouraged to adopt measures for soil protection against erosion (eg establishment of green crops) or for land use change (eg conversion of arable land to grassland). In order to contribute to Romanian international commitments for reduction of the greenhouse gases emissions was provided support for increasing the forest cover and the provision of biomass from agriculture and forestry as a renewable energy source was encouraged. Also, supporting the development of the forestry sector and its sustainable management will directly contribute to flood prevention and conservation and prevention of soil degradation.

Q.2. Do you think that the schemes now available present an improvement to former programs? – Why?

MIN: The agri-environment payments are needed for support the rural society. Payments granted under this programme will help farmers to continue their activities but will also
encourage them to return something to the entire society by introducing or continuing the application of those agricultural production methods that are compatible with the environmental, landscape, natural resources, soil and genetic diversity protection and improvement.

CA: Yes, this programme is targeted towards the conservation and improvement of the rural lands quality in agricultural and forestry. Moreover, it is targeted the animal husbandry domain, especially through high standards for promoting the animal welfare.

LRA1: the more precise (concrete) zoning of the agricultural land and the contract that stipulates the criteria for agricultural and environmental good practices bring more benefits.

LRA2: Yes

B. The structure of the enforcement administration

The Ministry of Agriculture and Rural Development has the leading role for coordinating the rural development policy and programmes. From the political and legal perspective it is has to established a strong and effective cooperation with the Ministry of Environment, Water Management and Forests which has the leading role in policy and programmes elaboration and coordination for environment, water and forests.

APIA is the responsible unit for the implementation of direct payments schemes for agriculture with finances from the EAGF, EAFRD as well as the national budget. Respondents’ assessments show that distribution of roles and responsibilities for compensatory payments/subsidies allocation were adequate. The responsibility for the final decision regarding the subsidies allocation needs to be and it is decentralized, at the county level, but the personnel involved in the decision making process must be maintained at a certain critical level of competence and trained periodically. Regardless of the level of decentralization for implementing and monitoring of the targeted measures, the vertical coordination needs to have a flexible and strong framework.

The main barriers in the vertical coordination derived from competence insufficiency and from the malfunction of a real monitoring programme with feedback effects.

Q.3. Is the distribution of roles and responsibilities adequate?

MIN: Yes
CA: APIA with county and local subordinate directions, are the responsible units for direct payments schemes for agriculture with financing sources from the EAGF, EAFRD as well as funds from national budget. In the period 2007-2010, the subsidies for arable crops were paid from EAFRD and national budget. According with Law 1/2004 with subsequent amendments, APIA is subordinated to the Ministry of Agriculture and Rural Development and it has 1 central unit, 42 county units and 210 local subunits.
LRA1: The distribution of roles and responsibilities is appropriate to local conditions, but the final decision can be more decentralized and it must be taken by county decision makers that prove a certain critical level of competence and training. At the county level could also be taken into consideration the local conflicts and incompatibilities. The decentralization of the implementation and monitoring require a flexible and strong framework for vertical coordination.

LRA2: The funds are allocated by the agency for payments for rural development and fishing, but according with a protocol, the environmental protection authorities provide relevant information regarding Natura 2000 sites.

Q.4. Do you experience any obstacles in the vertical coordination between central government and local administration for implementation of the schemes?

LRA1: The main barriers in the vertical coordination derived from insufficient professional competence and from the malfunction of a real monitoring programme with feedback effects.

C. Implementation process

The successful implementation of the support schemes for farmers is carried out by means the Integrated Administration and Control System (IACS) that assures a complete management of area payments for farmers, from national and European funds. The agri-environment schemes have been applied according with the general sheets without adaptations, the level of compensations being the attractor for farmers accessing these measures.

Regarding to obstacles in the process of identifying and receiving subsidies, the responses reveal difficulties derived from incorrect surfaces identification due to many mistakes occurred during the process of establishing property rights and land limits do to the lack of cadastre maps, especially in areas that were not included in cooperatives.

Annually, APIA organizes information campaigns for farmers on subsidies, eligibility and compliance with good agricultural and environmental conditions. The campaigns were conducted at all levels, and the information was disseminated by leaflets, press releases, interviews on TV or advertising spots. At the same time, the farmers are informed by official websites: www.madr.ro, www.apia.org.ro, www.pndr.ro.

Q.5. Are the schemes successfully implemented and what are the factors influencing success/failure?

MIN: By now, the financial allocations are high (almost 74%) so, the implementation of the agri-environment measures in Romania was achieved in a complex and efficient mode.

CA: The successful implementation of the support schemes for farmers is achieved through a special system IACS. The IACS components are targeted to manage payment applications
from farmers and to ensure the accuracy of the reported information, as well as to comply with the requests of payment schemes and support measures.

LRA1: The agri-environment schemes for payments have been applied according with the general sheets for measures without adaptations. The attractiveness for farmers was in the first place the compensation of their incomes.

Q.6. Do you experience any obstacles in the process of seeking, allocating and receiving subsidies – which? How are farmers informed of the possibilities for seeking subsidy?

MIN: The farmers are informed by several sources like mass-media, official websites: www.madr.ro, www.apia.org.ro, www.pndr.ro, informational papers distributed on the central and local level of authorities, advertising and TV.

CA: Annually, the Agency for Payments and Interventions in Agriculture had organized information campaigns for farmers on subsidies, eligibility, and compliance with good agricultural and environmental conditions. These campaigns were conducted at all levels (Mayoralties, Agriculture Departments in County Councils, etc.) and information was distributed by leaflets, press releases, interviews in TV broadcasting.

LRA2: A barrier that could be mentioned consist in difficulties in correctly identifying the lands, the main causes being the many mistakes in establishing propriety rights and limits of lands, as well as the lack of the cadastral maps, especially in the areas that was not in co-operatives regime.

The farmers are informed on accessing opportunities for compensatory payments by informational campaigns, press announcements, specific letters etc.

Q.7. Do the information reach all farmers, and if not, why?

MIN: This information goes to all farmers who require support for all measures of the NPARD 2007-2013.

LRA1: Yes, all agricultural county authorities made efforts to promote and share information, by all possibile information ways, in order to reach all interested farmers.

D. Finances

The access of the single area payment scheme triggered farm development and important reduction of agricultural land abandonment. Anyway, the local authorities’ respondents consider that the resources used by transfer from pillar I did not grow due to non-allocation of funds from national annual budgets. Therefore the EU funds were not fully used. The representative of local authorities affirms that subsidies are crucial for farmers.

Q.8. To which extent has the financial options given from EU been fully used, and are the schemes sufficiently attractive for farmers? Are the subsidies sufficiently attractive to farmers? How could they be improved?
CA: The access to the single area payment scheme, independently of what and how farmers produce was an impulse for their development and for reducing of the agricultural land abandonment. The eligibility is conditioned only by the cross compliance requirements for conservation of the farmland in good agricultural and environmental condition.

LRA1: The use of the resources available by transfer from I Pillar did not increase due to non-allocation of funds from national annual budgets. Therefore EU subsidies were not fully used. The subsidies are very important for farmers, but the majority focused on area related payment scheme.

E. Impact

Application of the agri-environmental schemes helps the protection of the biodiversity through application of the good agricol and environmental conditions that are need to be fulfilled by farmers in order to receive direct payments. Their implementation do not resulted in landscape changes.

A major measure for biodiversity conservation and for important landscape changes in the plain areas could be the afforestation of the agricultural lands, especially the establishment of the green belts.

Q.9. Do the schemes influence land use and landscape change, and do they help protecting biodiversity?

MIN: NO, YES
CA: The agri-environment payments are needed for supporting the rural sustainable development and to respond to increasingly demand of the society for environmental services. These services depend too on conformation to good agricol and environmental conditions for all holdings. The good agricol and environmental conditions (GAEC) are mentioned in national legislation by Ministry Order 30/147/2010, with subsequent amendments and completions, and have to be fulfilled by farmers in order to receive direct payments. The Order 187/2155/42/2011 from Ministry of Agriculture and Rural Development and from Ministry of Environment and Forests and from President of the National Authority for the Sanitary and Veterinary Safety of Food established statutory environmental management requirements (SMR), as well as the identification and registration of animals within farmers support schemes and measures in Romania for 2012, as follows:

- **SMR 1** Conservation of wild birds
- **SMR 2** Protection of groundwater against polluting with harmful substances
- **SMR 3** Protection of environment, especially soil when sewage sludge is used in agriculture
- **SMR 4** Protection of water against pollution caused or induced by nitrates from agricultural sources
- **SMR 5** Conservation of natural habitats and of wild flora and fauna

LRA1: Largely the occurred landscape changes are due to operating parameters and maintenance.
LRA2: The landscape changes were not a consequence of agri-environment schemes.

Q.10. Which processes would you point to as the major drivers of landscape change?

LRA1: An important measure for biodiversity conservation and for major landscape changes in the plain areas could be agricultural land afforestation, especially forest shelterbelts (unfortunately this measure has not correct understanding both for promoters and beneficiaries).

Q.11. What would adequate schemes/measures under the RDP for protecting biodiversity in your opinion look like?

MIN: The 211, 212, 214, 215 and 221 measures of NPDR 2007-2013, that are actually implemented and used, are properly ways for biodiversity conservation.

LRA1: Current measures are useful for biodiversity conservation, but it is needed a new monitoring strategy based on feedback analysis.

Conclusions

The following findings of the analysis carried out on the collected interviews validate, on one side, some major barriers listed in the “document analysis” of national policy implementation of CAP in Romania and identify and explain other constraints:

- low level of awareness related to agri-environmental schemes and measures, primarily generated by the recent implementation in Romania of EU-CAP (document analysis and interviews – MIN, CA, LRA1);
- despite the efforts of the Ministry of Agriculture and Rural Development to inform farmers about agri-environment scheme through debates, leaflets, guides; in general they do not have used such funds (interviews – MIN, CA, LRA1, LRA2);
- aged population and their reticence on applying for agri-environmental measures (document analysis and interviews – MIN);
- areal restrictions for accessing agri-environmental schemes, certain measures are applied only in specific areas delineated in the NPRD (interviews – LRA1, LRA2).

References