

NATURE SCORE CARD



Romania

Romania has been a member of the European Union since 2007. Its Natura 2000 network consists of 597 sites, covering 60.577 km². Terrestrial sites are covering 54.214 km² of the land area (22,74% of the land area) while marine N2000 sites are covering 6.362 km². The below analysis and recommendations suggest that national authorities still need to make further efforts in order to fully implement the Birds and Habitats Directives and effective conservation of threatened species and habitats to be achieved on the ground.

	<ul style="list-style-type: none"> • Transposition of the Birds and Habitats Directives-
	<ul style="list-style-type: none"> • Site designation • Management of sites • Species protection • Habitats and species monitoring • Stakeholder engagement, public participation and communication
	<ul style="list-style-type: none"> • Avoid deterioration of sites, disturbance of species and implementation of appropriate assessments • Landscape connectivity • Funding and resources • Promotion of research • Non-native species

ACTION PLAN FOR NATURE IN ROMANIA

<p>Transposition and designation</p> <ul style="list-style-type: none"> • Asses and finalize the designation of new protected areas based on biodiversity gap analysis • Insure the stability and integrity of the legal framework 	<p>Prevention of negative impacts</p>
<p>Active management to achieve favourable conservation status</p> <ul style="list-style-type: none"> • Develop a comprehensive and realistic protected area strategy for Romania • Review the management type for the protected area system and ensure the qualification of the specialized personnel 	<p>Funding</p> <ul style="list-style-type: none"> • Develop a dedicated budget for the management of PAs , especially Natura 2000 sites • Develop proper mechanisms for financing the conservation measures aiming to implement the management plans • Create and implement mechanisms related to payments for ecosystem services
<p>Monitoring and research</p> <ul style="list-style-type: none"> • Create data coherency and transparency. Create a unified data base with management plans and scientific studies, available for public 	<p>Stakeholder engagement</p> <ul style="list-style-type: none"> • Develop and implement mechanisms related to financial and social incentives for the Protected Areas local communities • Develop, support and implement conservation enterprises in the PAs local communities

The information in this scorecard is based on expert analysis from NGO Federation "Coalition Natura 2000 Romania". Full details on the following pages.

LEGAL REQUIREMENT	STATUS IN ROMANIA
Transposition	<ul style="list-style-type: none"> The transposition of the Birds and Habitat Directives is completed.
Site designation Designate and establish sites that form the Natura 2000 network of protected areas <i>Habitats Directive, art. 3 & 4</i> <i>Birds Directive, art. 3 & 4</i>	<ul style="list-style-type: none"> Terrestrial Natura 2000 sites are at present covering 22,74% of land (434 SCI and 171 SPA). The designation of the terrestrial Natura 2000 network is almost complete in Romania. The last SPA proposal for enlargement was blocked by the ministry in 2016. The designation of the Natura 2000 network in the marine territory of Romania is mostly complete. We don't have any data of the percentages of the marine territory designated in Romania. Most of the Black Sea Romanian seaside was designated either SCI or SPA, or both (only the entrance in Constanta port is not designated). The process for SAC designation hasn't started yet. Since 2016, 272 Natura 2000 sites have management plans approved by Ministry order (this number includes sites both being SCI and SPA). The boundaries of the Natura 2000 sites have been improved at the scale 1:5000 during a project implemented between 2014-2015 (in conformity with Inspire Directive). However, the new limits have not been approved by a Governmental decision yet. The Natura 2000 sites are integrated in the protected areas' system, Natura 2000 is a category within the national system of protected areas.
Management of sites Establish site protection measures in Natura 2000 sites <i>Habitats Directive, art. 6(1)</i> <i>Birds Directives, art. 4(1) & 4(2)</i>	<ul style="list-style-type: none"> Conservation objectives have been set for SCIs and SPAs, but the process to designate SACs hasn't started yet. The Ministry of Environment made updates to the Standard Data Forms in 2016, but not to all, and there is a need for updated information as the data in some of the forms is old. Management plans have been developed and approved by Ministerial order for almost 300 Natura 2000 sites. The quality of the approved management plans differs significantly from site to site. At least 2 years of implementation are needed to be able to assess if the plans are fit for purpose. Management plans are implemented only in certain areas, e.g. where protected areas management bodies are in place or wherever NGOs' projects are materialized or other, usually EU funded, projects are implemented. Financial support from the Government is needed for the implementation of the Management plans. The EU funding from LIOP (Large Infrastructure Operational Program) will only partially cover the financial needs for management plans implementation. For more than 50% of the Natura 2000 sites, the administration of the sites is in the hands of the National Agency for Natural Protected Areas. This agency is not fully developed in its structure, and there is no financing insured for the management of Natura 2000 sites. The other Natura 2000 sites, are administrated by other organizations. There are 44 contracts for the administration of the most important sites and 262 conventions for the administration of the smaller sites. There are 4 types of management entities: 1) Private companies – 25¹; 2) State owned national forest operator (including park administration and forest directorates) – 42; 3) Public institutions (agencies for environment protection, research institutes, county councils, museums, local councils) – 36; 4) NGOs – 81. There are few comprehensive measures regarding climate change in the management plans but local issues like desertification and invasive species issues are addressed in some cases.
Species protection Ensure species protection <i>Habitats Directive, art. 12-16</i>	<ul style="list-style-type: none"> There are some species action plans approved, for bats, for the lesser spotted eagle (<i>Aquila pomarina</i>), some bird species (<i>Aythya nyroca</i>, <i>Phalacrocorax pygmeus</i>). The action plans for brown bear (<i>Ursus arctos</i>) and wolf (<i>Canis lupus</i>) are under development.

¹ Number of companies managing Natura 2000 sites

Birds Directive, art. 5-9

- Several action plans have been elaborated in the context of projects (e.g. LIFE, cross border cooperation programs) and officially approved by ministerial order.
- Only few measures to ensure species protection in their natural habitat are implemented by the stakeholders. Some measures have been integrated in the management plans of some protected areas.
- Permits and derogations for activities impacting protected species are being issued and published. Bears and wolfs can be hunted only by special permit emitted by the Ministry of Environment, as an intervention measure in special situations. A ministry order for the extraction of 140 bears and 97 wolfs has been issued in September 2017.

Avoid deterioration of sites, disturbance of species and appropriate assessment

Ensure no deterioration of habitats and disturbance to species in Natura 2000 sites

Habitats Directive, art.6(2)

Ensure that plans or projects likely to affect Natura 2000 sites are subject to appropriate assessment

Habitats Directive 6(3)

Ensure that developments affecting the integrity of the site are not approved unless there are no alternative solutions, and for imperative reasons of overriding public interest and if compensatory measures are taken

Habitats Directive 6(4)

- The legal framework allows for the appropriate assessment to be part of the environmental impact assessment.
- From the first Ministerial Decision to transpose the EU Habitats Directive, the process of appropriate assessment is full of deficiencies. Although there are several and recent revisions (the new EIA Directive) in the appropriate assessment specifications (special ecological assessments), it is doubtful whether the procedure fully conforms to the Directive requirements.
- On several cases the national justice courts have decided to cancel the issuing permit procedure, abolishing the environmental permits issued by the Environment protection agencies. There are many cases of violations that are documented and ruled by Romanian courts, especially on water bodies and aquatic species. For example, the decision nr. 1728/2016 issued on the White River small hydropower plant projects².
- What works well is that since 2013, the protected area administrators have been involved in the proper evaluation procedures, by setting limits for the implementation of the plans/projects, according to the management plans or management measures. The majority of the environment protection agencies are applying SEA/EIA/AA accordingly.
- The main gaps regarding the Art 6(3) procedures are:
 - The lack of involvement of stakeholders form the incipient steps of the procedure and lack of transparency.
 - Superficial classification of projects, within the EIA procedure. In many cases, the agencies conclude that the project has no impact and therefore AE studies are not necessary, although the project is developed in a SCI or SPA.
- There are also problems with the experts and evaluators:
 - The registered experts are allowed to have specializations irrelevant for the studies there are supposed to conduct.
 - Lack of penalties for registered specialists. They can elaborate poor studies without consequences.
 - The members of the approving committee for the National Registry of evaluators aren't practitioners, they don't have practical experience and they don't ensure the transparency of the admission process.
 - The consultants assessing the various types of plans or projects are contracted and paid directly by the developers. This particularity does create a consultancy market which encourage first of all the consultants with reports closer to beneficiaries demands and in many cases with no highlights on real impacts
- The adverse effects on the site are not always correctly assessed
- In general, the precautionary principle is not being applied.
- Regarding the "overriding public interest criteria", there is a tendency to ease approval of projects of national infrastructure by using public interest criteria, in some cases by modifying the legal frame.
- Regarding the decisions on compensation measures, according to published opinions by the EU in accordance to art. 6 (4), this provision has never applied on a Romanian plan or project.
[\[http://ec.europa.eu/environment/nature/natura2000/management/opinion_en.htm\]](http://ec.europa.eu/environment/nature/natura2000/management/opinion_en.htm)

Landscape connectivity

Encourage the management of landscape features to improve the ecological coherence of the

- Although the National Biodiversity Strategy and the National Climate Change Adaptation strategy, propose the implementation of measures to improve landscape connectivity, no specific relevant measures in this direction have been instituted.

² <http://www.rolii.ro/hotarari/58950b9ae490096c1a000b77>

<p>Natura 2000 network <i>Habitats Directive art. 3(3) & 10</i></p>	<ul style="list-style-type: none"> • Throughout a project financed by the Norwegian Government, a methodology for designation of ecological corridors has been elaborated. However, the quality of the methodology is questionable and there is no legal enforcement possible. • Designation of other protected areas is not used to improve connectivity. Some NGO's are putting effort into it. There is the possibility to designate corridors, but no obligation. • There are some Natura 2000 sites designed initially for habitats and species but that in fact are playing also an important role as ecological corridors connecting two neighbouring N2000 sites. Probably there is no inventory of the number and sufficiency of this connectivity.
<p>Funding and resources Identify funding needs <i>Habitats Directive, art. 8</i></p>	<ul style="list-style-type: none"> • On December 2012 the Prioritized Action Framework (PAF) was concluded, but it was not taken into consideration during the programming period 2014- 2020. • The PAF estimates the annual needs of the Natura 2000 network in Romania at minimum €412 million and an optimal of €503,9 million. It is difficult to assess the current necessity costs as the network has been extended after the PAF elaboration. • There is no national dedicated budget to cover Natura 2000 needs. PA Administrators and central institutions can access European funds through the Structural Fund - Operational Programs. While the budget is dedicated, it's not guaranteed or sufficient for the management of PA. • There are no Natura 2000 compensations measures applied in Romania. The only compensation form available is for forest on national compensation schemes. There are discussions ongoing between the Ministry of Water and Forests and the Agriculture Ministry to improve the National Plan For Rural Development in order to introduce N2k payments • There is no sufficient staff dedicated to Natura 2000, relevant services and authorities are understaffed.
<p>Habitats and species monitoring Undertake monitoring of the conservation status of habitats and species of Community importance <i>Habitats Directive, art.11</i></p>	<ul style="list-style-type: none"> • A national monitoring system is not in place, but Romania managed to submit reports according to art. 12 (Birds Directive) and 17 (Habitats Directive). The data on the art.17 can be contested. • On national reports, there is more than 25% unknown and absent information on birds. • In the management plans, a special chapter is dedicated to monitoring of species and habitats. By default, in the administrated sites, the managers have to apply these measures. There are PAs with approved management plans, but no administrators. By default, the administration is insured by the National Agency for Natural Protected Areas. • The assessment of conservation status is of good quality, but some underlying data is questionable. • Data is publicly available the Commission's website, they are not available nationally.
<p>Promotion of research Encourage research and scientific work <i>Habitats Directive, art. 18</i> <i>Birds Directive, art. 10</i></p>	<ul style="list-style-type: none"> • There is no specific national promotion of scientific and research activity for species and habitats.
<p>Non-native species Ensure that introductions of non-native species do not prejudice native habitats and species <i>Habitats Directive, art. 22</i> <i>Birds Directive, art. 11</i></p>	<ul style="list-style-type: none"> • Measures to address threats caused by invasive alien species are present in some management plans, from case to case. • The national legal framework has been adapted in order to implement the European Regulation 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species in 2016, but the national list of invasive species has not been developed. • There are several documented cases of invasive alien species introduced by Fish and Hunters Associations and private companies, sometimes in big amounts (fish, American mink, medicinal or decorative plants).
<p>Stakeholder engagement, public participation and communication Stakeholder engagement and</p>	<ul style="list-style-type: none"> • There is a legal obligation to engage stakeholders for site designations but only near the approval of the legal act, not during the preparation of the designation, when real engagement is needed. • There is no adequate stakeholder participation in the development of management plans. Although there is a legal requirement for public consultation

public participation are key to ensuring effective implementation

during the elaboration of the management plans, this process has only been pretended to be fulfilled in many of the cases. Also, there is a lack of interest from the public, as there is a lack of education on culture of cooperation, dialogue and civic culture.

- The management plans are approved through a Ministry Order, which involves a minimum of 10 days of public consultation.
- Is there adequate stakeholder participation and public consultation on the granting of authorisations under Article 6?
- Public consultation processes on the granting of authorisations under Article 6 are foreseen, but they are not adequate. For example, there is no central online system of information with respect to the consultation processes that are taking place. Positions of various stakeholders are not public. Public consultation procedure is often simulated.
- There is no full public participation and transparency in decision-making impacting nature. As stated above, there is a lack of interest from the public, as there is no culture of cooperation, dialogue and civic culture.
- A few awareness raising activities on Natura 2000 at the national/regional level have taken place, only when required within the implementation of projects financed by European funds. The majority have a local impact.
- Natura 2000 communication strategy for the local level (site level) might exist; if some PA management plans have communication and awareness chapters, but we don't have a national overview regarding these measures.

RECOMMENDATIONS FOR ROMANIA

- Develop a comprehensive and realistic protected areas strategy for Romania
- Develop a dedicated budget for the management of PAs, especially Natura 2000 sites.
- Develop proper mechanisms for financing the conservation measures aiming to implement the management plans, applied for the whole range of protected areas administrators
- Create data coherency and transparency. A unified data base with management plans and scientific studies, available for public.
- To create and implement mechanisms related to payments for ecosystem services
- To develop and implement mechanisms related to financial and social incentives for the Protected Areas local communities
- To develop, support and implement conservation enterprises in the PA's local communities
- Insure the stability and integrity of the legal framework
- To assess and to finalize the designation of new protected areas based on biodiversity gap analysis, for instance to designate wildlife corridors
- Review the management type for the protected areas system and ensure the qualification of the specialized personnel