



European Union Network for the
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of Environmental Law

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Romanian National Environmental Guard (RNEG)

REPORT
National Peer Review Initiative (NPRI)
on
Inspections of transboundary shipments of waste and
goods at risk of being smuggled wastes
(v.01)

NPRI IMPEL Project VI WG 9
Period 2022 – February 2023



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Foreword

The NPRI project aims to develop the capability and capacity of one or more authorities that work in the area of Environment Protection within a Country, to conduct *peer reviews* as a tool to improve their performance.

In the first years of the project (2019 - 2021), the NPRI project team developed a rationale and a manual with guidelines. It was envisaged that the project team would also have the role of supporting the first efforts to carry out peer reviews in countries willing to implement the tool.

This report briefly describes the experience developed in Romania in the period 2022 – early months of 2023, based on the initiative of the Romanian National Environmental Guard (RNEG), which was willing to use NPRI as a tool to improve the import procedure of wastes and goods at risk of being smuggled wastes.

In the end, many Stakeholders were involved in the initiative, because it was clear that a systemic approach to the issue was needed, with the participation in the NPRI activities of almost the entire compliance chain regarding the border crossing of materials of various nature in Romania.

This situation has highlighted the transversal dimension of Peer Reviews carried out on *procedures*, as a complex of actions involving several parties.

In this case, Peer Reviews are not only an instrument to improve the performance of an organization based on the confrontation and advice of *peers*, but it is an instrument to make possible the improvement of a service provided to Citizens in its entirety, with the concurrence of various public entities.

IMPEL's cooperation with the Romanian authorities, in the case described in this report, as just explained, is largely aimed at the implementation of the peer reviews at national level, and all the technical and legislative aspects, whether national or EU, dealt with in this report have been managed by the Romanian authorities participating in the peer review.

Based on the results of the peer review, the Romanian authorities will evaluate whether further specialised support from IMPEL could be requested, i.e. from the Wastes and TFS Expert Team, or from other IMPEL Expert Teams.

The NPRI approach is also considered important also from this point of view, as it can best focus the country's needs and opportunities to optimise further specialised support, whether from IMPEL or other relevant organisations.

Introduction

The Romanian National Environmental Guard (RNEG) aims to carry out more coordinated and harmonised inspections at border crossing points when importing and exporting waste and goods at risk of being smuggled wastes. Currently, the RNEG is facing challenges in this respect. RNEG stakeholders such as customs, police, customer protection authority and prosecutors who have roles and responsibilities in this area face similar challenges. There is currently a lack of a framework with guidelines for carrying out and following up inspections in this area. In principle, this concerns all activities and measures required to manage the traceability of waste, or second-hand goods, from its generation to its final disposal or reuse, but also the conduct of inspections. RNEG considers IMPEL's National Peer Review Initiative (NPRI) approach as an important tool to explore how to improve the current situation. The NPRI approach will also explore collaboration with key stakeholders and develop options for solutions.

During the implementation of the NPRI, experiences and good practices on inspections and on tracking and monitoring of transboundary second-hand goods and waste movements will be shared and further explored. One of the outcomes will be the development of guidelines to enable the RNEG to implement effective measures to inspect and deter international waste smuggling, whether managed by companies or criminal organisations.

This report describes the implementation and results of the NPRI to date. It should be noted that this report is an interim report with indications of follow-up steps to be taken.

Aim and scope of the NPRI

The objective of using the NPRI approach by the RNEG is to gain insight into the (formal) responsibilities of each stakeholder, the willingness, ability, capacity and opportunities to support a harmonised approach and inspections of transboundary shipments of waste and second-hand goods by the Romanian National Environmental Guard and other Stakeholders involved in the transboundary procedures. It also aims to identify opportunities to shape, strengthen or maximise cooperation and partnership along the compliance and enforcement chain, while respecting and recognising each other's formal responsibilities and powers. The focus will be on the implementation of effective, efficient, harmonised and coordinated inspections and follow-up of transboundary shipments of waste.

By conducting an NPRI, the RNEG aims:

- To gain insight into how competent authorities and the (regional organisations of the) RNEG carry out border controls in relation to the import and export of waste and second-hand goods.
- Whether, based on the findings, there are opportunities for the organisations involved to carry out inspections and related activities in a more effective and harmonised manner.
- To develop, adapt and/or revise frameworks and guidelines on the basis of peer review activities that will enable the RNEG to implement effective measures to control and deter the international movement of waste, whether managed by companies or criminal organisations.
- To provide guidance in the conduct of inspections of waste and second-hand goods transfers at border crossings and in the conduct of inspections relating to the traceability of these materials.
- to ensure that all authorities involved in the control of waste and second-hand goods at borders and in their results are aware of the issues they face and seek common solutions that meet all technical and legal requirements.

To achieve an effective and harmonised implementation of inspections at national level by the RNEG in coordination and cooperation with relevant partners, using an agreed framework and guideline for cross-border waste and second-hand goods control consisting of a set of uniform and standard operating procedures.

Project management

At the start of the project, RNEG's management established high-level contacts with the management of key stakeholders. Active participation in the project was promised. Contacts at senior management level with the Public Prosecutor, Customs Office, Border Police and Customer Protection Authority.

At a more operational level, the RNEG project manager contacted his counterparts and agreements were reached on concrete cooperation in the project and the contribution of the various organisations. The resulting *peer review organisation*, with RNEG acting also as coordinator and technical secretariat of the initiative, shaped the NPRI. The **IMPEL NPRI Project Team** supports and advises the **Romanian peer review organisation** in the implementation of the NPRI (fig. 1).

The NPRI Project Team considered it very important to follow the Romanian Peer Review closely, not only with an active support role, but also to gain the maximum of benefit in terms of practical experience to share with IMPEL and to improve the NPRI guidelines. From the beginning of the NPRI, several documents were produced in consultation and discussion with the RNEG to guide the NPRI. Frequent consultation took place through several conference calls and country visits.

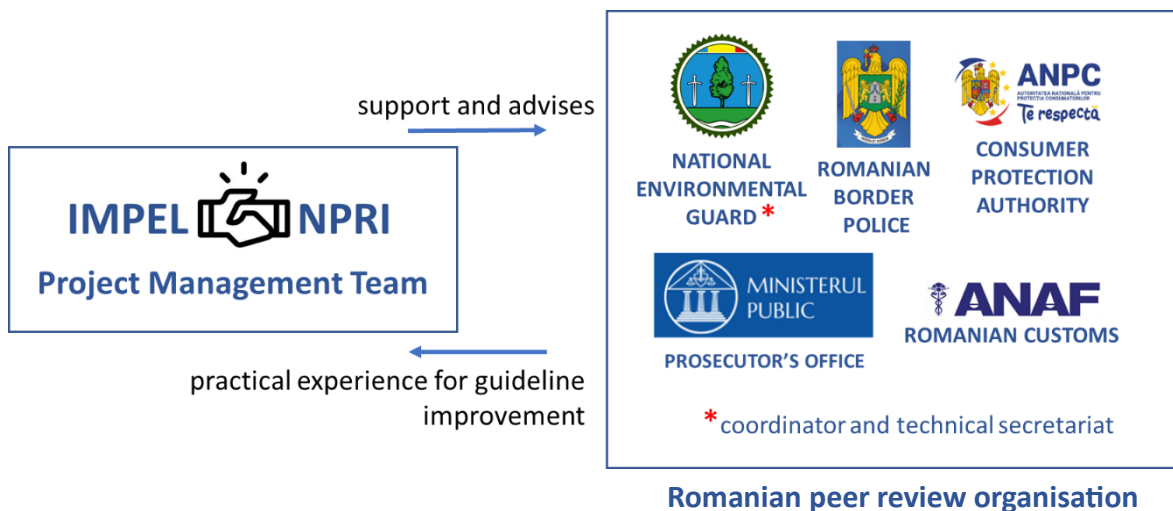


Figure 1: Actors and roles in NPRI on Wastes and Goods Checks at Romanian Borders

Tele conferences, meetings, country visits and seminar

In 2021, 2022 and 2023, several conference calls were held between RNEG representatives and NPRI project managers to develop the NPRI. Various discussion documents were developed as input to the calls and short reports of the discussions were prepared. Action items and their progress were discussed during the calls. The calls were also used to prepare and evaluate the Country visits.

The purpose of the Country visits was to share information with and among stakeholders on the progress of the NPRI project and to inform other Countries about the NPRI approach based on practical experiences. The country visits also proved to be an excellent opportunity for stakeholders to get to know each other better, to learn about each other's roles and responsibilities and to strengthen mutual cooperation. Country visits took place in:

- Bucharest from 27 – 29 July 2022: attended by 12 people and representatives from 4 countries, and 3 stakeholders: RNEG, Romanian Prosecutors Office, Border Police



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Figure 2: the NPRI Project Team and the Romania NPRI Team in Bucharest, 27 – 29 July 2023

- Oradea from 6 – 9 February 2023: attended by 28 people and representatives from 7 countries, and 4 stakeholders: RNEG, Romanian Prosecutors Office, Border Police, Romanian Custom Office



Figure 3: NPRI Meeting, Oradea, 6 – 9 February 2023

The NPRI project manager from the RNEG participated in the NPRI seminars that were held in Lisbon in September 2022. Presentations on the progress of the NPRI were given in the 'country experiences' sections. All the presentation delivered during the meetings are available at the Basecamp NPRI Project Page.

Formal and legal framework

It is important to have a full understanding of the laws and regulations, guidelines, operating procedures, inspection regimes and best practices that apply to the import and export of waste, and the obligations of regulators in this context. This also applies to the roles and responsibilities of other stakeholders in this context. This complete overview provides an important basis for the development of an evaluation framework for the NPRI. In principle, these are the following:

Romanian legislation

- DECISION no. 788 of 17 July 2007 on the establishment of measures for implementation of the European Regulation no. 1013/2006 regarding waste transfer modified in December 2021.
- METHODOLOGICAL RULES from 10th 2022 regarding the control of waste transfers approved by Order 1.647/2022:
 - The import/transfer of waste of any kind in Romania, for the purpose of its elimination, is prohibited!
 - The Transport/Transfer of waste without the documents specified in EU Regulation no. 1.013/2006 on the transfer of waste, is prohibited!
 - Waste loads, as well as those with second-hand goods, must meet all the standards, respectively the specific criteria of acceptability in Romania, in accordance with the subsequent legislation for which specific control documents are drawn up by each competent authority.
 - After the completion of the specialized control in the case of second-hand goods, the competent authority draws up a specific control act which is handed over to the representatives of the Romanian Border Police/customs, for the continuation of the applicable procedures in the case of the transport subject to control.
 - The operators who introduce waste into the country to be recovered have the obligation to unload it only at the point of operation of the recovery facility stated in the documents accompanying the shipment and to be registered in a register established at the Administration of the Environment Fund (ROAFM), including information on the authorized annual processing capacity, as well as the annual estimates of the quantities of waste from intra-Community import / transfer.

Procedures and guidelines

- Formalized (inspection) procedures and guidelines.
- Formal agreements between relevant stakeholders in the Romanian compliance and enforcement chain.

International legislation

- 'The REGULATION (EC) No 1013/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 June 2006 on shipments of waste' as the framework for the inspections in the field of import and export of waste.
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes.

Gathering information and analysis

Relevant and often specific information has been collected for the implementation of the NPRI. This includes information from open sources such as laws and regulations, data from stakeholders such as audits carried out, violations and prosecutions identified, etc. Information was also gathered from interviews with subject matter experts, IMPEL colleagues and IMPEL projects such as SWEAP. Bilateral discussions were held with Romanian stakeholders and a specific questionnaire was developed, in cooperation between RNEG and the NPRI Project team and sent to relevant stakeholders. The information received was analysed, where the results of the analysis were checked against the established assessment framework and discussed in plenary meetings with the most involved stakeholders. This approach led to the identification of shortcomings as well as opportunities for improvement and development.

The content of the questionnaire has been organised to cover the main issues related to border checks of waste and goods suspected of being smuggled waste:

1. General information
2. Context
3. Inspection tools
4. Workload
5. Resource availability
6. National Stakeholder collaboration
7. Romanian National Environmental Guard Guidelines
8. Regulation EC No. 1013/2006 on shipments of waste
9. International stakeholder collaboration
10. Critical events
11. Indicators or 'spy' crimes or situations
12. Any further information and comments

The respondents to the questionnaire were:

- General Inspectorate of the Romanian Border Police, Countering and Preventing Illegal and Cross Border Crime Directorate
- Prosecutors Office attached to the High Court of Cassation and Justice (General Prosecutors Office)
- National Environmental Guard

The main results of the analysis of the questionnaire responses were:

- Multiple stakeholders are involved in the implementation of control of transboundary waste shipments
- There is cooperation in carrying out the tasks, sometimes laid down in cooperation agreements, however there is room for improvement.
- There is insufficient understanding of the issues on which cooperation takes place and how stakeholders can complement each other.
- Training of inspectors on the issue of inspections of transboundary shipments of waste is largely lacking.
- This also applies to prosecutors. There is a need for specific ENVI training
- There are significant concerns about financial, human and technical resources. These are currently inadequate.
- There is a need to unify procedures and guidelines that can improve the effectiveness and efficiency of those involved.
- The way in which information is collected and processed is unclear.
- There is a need to prepare now for the situation after Romania's accession to Schengen

Assessment Framework

To test the extent to which the current situation corresponds to the desired situation of being able to adequately carry out inspections of transboundary waste, an 'assessment framework' for this NPRI has been developed, consisting of 4 elements.

These elements, set out in the NPRI Project guidelines, are:

1. Applicable laws and legislation
2. Procedures and standards
3. Collaboration
4. Organisational

Testing against the assessment framework provides a qualitative insight into each stakeholder's formal responsibilities, willingness, ability, capacity and opportunities to shape cooperation and partnership in the light of the objective. The assessment framework was mainly used as a discussion model. In this context, it was discussed that 'collaboration' is essential to achieve the main objective and is subject to the following co-determining factors, which were considered in the discussion between the stakeholders:

- The willingness to work together to contribute to the agreed topic.
- The degree of interdependence to adequately carry out roles and responsibilities to achieve the agreed objective and to link the links in the compliance and enforcement chain.
- The extent to which the cooperation contributes to achieving of the objectives of each stakeholder involved.
- The willingness and ability to share relevant monitoring and investigative information.
- The extent to which a stakeholder has (or is prevented from having) the legal and organisational capacity to cooperate with other stakeholders.
- The extent to which a stakeholder is constrained by a lack of resources (human, financial and otherwise) to conduct inspections and their possible follow-up in a cooperative format.

Element Assessment Framework	Indicator
1. Laws and legislation (national and applicable international regulations)	<i>Each stakeholder is aware of the relevant legislation on transboundary shipments of waste and performs its derived duties in accordance with its assigned tasks and responsibilities.</i>
2. Procedures and standards	<i>Procedures, protocols and standards have been developed and are used by all stakeholders which, when applied, provide guidance on roles and responsibilities and contribute to the harmonised performance of inspection tasks.</i>
3. Collaboration	<i>There is cooperation between the stakeholders involved to ensure that inspections are carried out efficiently and effectively, while respecting the responsibility and authority of each party in the inspection process. This cooperation is set out in formal agreements.</i>
4. Organizational	<i>The stakeholder organisation is fully capable of adequately carrying out the tasks and responsibilities related to the inspection of transboundary shipments of waste. There are no organisational barriers and inspectors are adequately trained and sufficient resources are available.</i>

The Memorandum Application Assessment Framework NPRI Romania developed specifically for Romania is attached in Annex I.

Stakeholder analysis

Several organisations play an important role in the implementation and follow-up of inspections of transboundary waste shipments. These stakeholders have been identified and discussions have been held with them. There is some cooperation with them. The main stakeholders with different degrees of involvement in the import procedure are:

- Romanian National Environmental Guard (RNEG)
- General Inspectorate of the Romanian Border Police (RBP), Countering and Preventing Illegal and Cross Border Crime Directorate
- Prosecutors Office attached to the High Court of Cassation and Justice (General Prosecutors Office)
- Romanian Customs Office (ANAF)
- Customer protection Authority of Romania (ANPC)

These stakeholders are directly involved in NPRI activities as Romanian Project Management team.

The following stakeholders are included because of their role in the direct or indirect consequences of importing waste and goods that do not comply with EU and Romanian regulations:

- Ministry of Health through the County Public Health Authorities
- Romanian Car Registry,
- National Sanitary Veterinary and Food Safety Authority
- National Environmental Protection Agency (NEPA)

These authorities will be involved in the implementation of the results of the NPRI's end-of-mission agenda, once the final report has been approved.

The following picture can be drawn of the roles and responsibilities of these organisations and their commitment and involvement in the inspections is described.

RNEG

Tasks and responsibilities

The Romanian National Environmental Guard is a public institution and functions as a specialised body of the central public administration, fully financed from the state budget and subordinated to the Ministry of the Environment. The RNEG can take measures to sanction, suspend, or stop the activity resulting from pollution and deterioration of the environment for non-compliance with the conditions imposed by the regulations. It also plays an active role in European and international inspection networks, cooperates with other international authorities, and bodies and participates in projects and programmes in the field of environmental protection.

The RNEG is responsible, among other things, for the supervision and control of the transfer, import and export of waste (hazardous and non-hazardous). The focus is on monitoring compliance with Regulation (EC) No 1013/2006 on shipments of waste.

The organisation's inspection efforts are concentrated on 4 border crossing points (BCP), as well as inspections at 21 other BCPs, working in 2 shifts and at the request of the RBP.

The workload at the BCPs varies. Sometimes few transports cross the border and on other days it can be extremely busy for the RNEG inspectors. The RNEG uses the standard inspection procedure in

conjunction with a reflection/recording system (ROAFM). No specific investigative tools or checklists are used by the RNEG. The ROAFM application may facilitate this.

The technical role of the checks performed by the RNEG at border crossing points includes the verification of the substantive and administrative aspect of the import of second-hand goods, which should respect specific rules regarding the placing on the market of this object or material; also personal belongings imported in Romania from abroad are checked from a “coherence” perspective, not being subject to the normal rules regarding second-hand goods.

There are no safety and security protocols for conducting inspections. The RNEG states that it has insufficient resources (human, financial, technical, equipment), which makes it difficult to carry out its formal duties. According to the RNEG, a set of technical means and rules for detection and tracing from source to destination is needed. The RNEG does not have a contingency budget for unexpected situations such as remediation, destruction of seized waste, analysis etc.

Training

RNEG staff are basically self-taught. Specific training however is required, and there is a constant need to improve working methods.

Collaboration

The RNEG cooperates (on the basis of protocols) with the Border Police, the National Consumer Agency, the Customs Agency, the Anti-Fraud Agency and the National Environmental Agency. Joint operations are also reported in the annual reports. The RNEG has an action plan involving the RBP and there are also plans for joint operations under the auspices of SELEC, Interpol or Europol. However, cooperation needs to be improved. There are no regular meetings with stakeholders. Cooperation with neighbouring countries exists but is limited to mutual information on specific cases of non-compliance or requests for information. There are international contacts with IMPEL, the Basel Secretariat, Interpol or Europol. The RNEG indicates that a joint meeting should be held with the stakeholders involved to analyse strengths and weaknesses, and to develop improvements for cooperation and alignment. Take-back procedures for waste are initiated by the National Environmental Protection Agency.

Information sharing

The RNEG does not have access to the databases of other actors. The anti-fraud unit of the ANAF provides information on request. In the last 6 years, the NEG has prepared 60 criminal reports for illegal transfers of waste and forwarded them to the criminal investigation authorities.

Schengen

When Romania joins Schengen, several procedures will be changed. This will also affect control and inspection procedures. At the moment there is no discussion about anticipation and adaptation to the new situation.

Prosecutors Office (PO)

The Public Prosecutor's Office plays the role of the prosecution of environmental offences and, more generally, in the fight against environmental crime. This includes offences or crimes related to the illegal import and export of waste materials. The PO opens a criminal case (waste trafficking offence) based on a report from the NEG. A specially appointed public prosecutor coordinates the specialised judicial police, which investigates the case and refers it to court. There are about 180 prosecutors throughout the country who deal with environmental crimes, but only a few prosecutors are really specialised in fighting environmental crimes. The PO cooperates with other actors such as the police, the RNEG and the National Environmental Protection Agency (NEPA). There is a protocol of cooperation (2018) between the PO and the Ministry of the Environment. The PO supports the development of a harmonised set of rules involving all stakeholders operating at the CBP. Meetings with stakeholders are held from time to time. Information sharing is limited due to legal restrictions. The PO indicates that

cooperation with other key stakeholders needs to be improved, for example by developing a legal framework that allows specialised staff in environmental crime matters to participate in investigations. The PO is not equipped with technical tools to conduct investigations, but technical expertise can be ordered from institutes for the collection of technical evidence. The PO is currently working on guidelines for the investigation of waste management crimes. A draft of these guidelines was shown and commented on during the meeting with other stakeholders. It is also pointed out that prosecutors need special training to gain expertise in investigating waste trafficking and ENVI crimes.

General Inspectorate of the Romanian Border Police (RBP)

The RBP has the task of ensuring compliance with the state border regulations for the transport of waste (by Decree No. 831/49/2022). It cooperates with the RNEG and the National Authority for Consumer Protection (second-hand goods), regional authorities, Frontex specialists from other countries, the Coast Guard and Eurojust. The RBP has no specific procedures for the investigation of waste shipments. No checklists are used. The RBP point to the need for a harmonised set of rules involving all actors in the CBP. A set of uniform and standard operating procedures and a guide to their use is also desired. Some RBPs have installed portals to detect radioactive or dual-use materials. The RBP works in shifts around the clock and does not have dedicated staff and equipment for transboundary waste shipments. Staff are not specifically trained to inspect waste shipments. The workload of the RBP related to the control of waste shipments is highly variable and case dependent. Available data from the RBP indicate that the countries of origin of waste are in Europe, Asia, North America and Australia. RNEG and RBP have signed a cooperation agreement, but there are no joint work plans and no access to information on waste shipments. There is international cooperation with other countries on waste shipments (project 6 - 15 September 2022 - TOX operation) on awareness raising, identification of offences, risk analysis, promotion of cooperation, etc. The RBP is involved in many criminal cases and cooperates intensively with other organisations. In 2022, 182 waste shipments were not allowed to enter Romania.

Custom Office

The Romanian Customs Authority operates under the Ministry of Finance. Currently, the customs authority has a very wide range of supervision and control responsibilities regarding goods imported into the customs territory of the European Union. It not only collects customs duties, VAT and excise duties, as applicable, on imported goods, but also checks those goods for many non-fiscal purposes to ensure they meet the requirements of the E.U. on product compliance, food, health and environmental standards and regulations, and more.

The customs authority also checks the compliance of imported goods with the rules on the protection of intellectual property rights, controls imports of drug precursors to prevent their illegal diversion to drug production, controls trade in cultural goods, trade in wild species of fauna and flora and waste shipments, to prevent illegal export and import and apply rules to combat illicit cash flows entering or leaving the European Union as part of EU law. on combating money laundering.

As a conclusion, the customs authority institutes measures aimed, in particular, at the following:

- to protect society and the Community's financial interests;
- to support the competitiveness of European enterprises;
- to facilitate legal trade;
- to control and manage the supply chains used for the international movement of goods;
- to maintain, develop and enhance quality cooperation between the customs authorities of the member states, between them and other government agencies, as well as between the customs authorities and the business community.

At this time they do not have a set of uniform and standard operating procedures and a guide to their use, for the waste shipment. Their working hours are only 8 hours per day and does not have dedicated

staff and equipment for transboundary waste shipments. Staffs are not specifically trained to inspect waste shipments.

Consumer protection Authority

The National Authority for Consumer Protection (A.N.P.C.), is a public institution and functions as a specialized body of the central public administration, subordinate to the Government and coordinated by the Minister of Economy, Energy and the Business Environment.

A.N.P.C. coordinates and implements the Government's strategy and policy in the field of consumer protection, acts to prevent and combat practices that harm the life, health, security and economic interests of consumers.

A.N.P.C. has the following main attributes:

- participates in the realization of domestic and international programs in the field of consumer protection, collaborating with organizations and institutions from the country and abroad, according to the powers that belong to it according to the legal provisions in force;
- presents periodic information to the Government and the interested central public administration bodies, at their request, regarding its own activity regarding the observance of the rights and interests of consumers;
- carries out market surveillance activities for products and services intended for consumers;
- controls compliance with the legal provisions on consumer protection, regarding the security of products and services, as well as the defence of the legitimate rights of consumers, by carrying out market controls at producers, importers, distributors, sellers, service providers, including financial services, and in the customs units, having access to the places where the products are produced, stored or marketed or where the services are provided, as well as to the documents related to these, with the exception of hygienic-sanitary and sanitary-veterinary controls at producers, in the case of food products;
- controls whether the measuring instruments used on the market are accompanied by the documents required by law certifying their verification from a metrological point of view.
- At this time they do not have a set of uniform and standard operating procedures and a guide to their use, for the waste shipment or second hand goods. Their working hours are only 8 hours per day and does not have dedicated staff and equipment for transboundary waste shipments or second hand goods. Staffs are not specifically trained to inspect waste shipments and or second hand goods.

The role of stakeholders in the import procedure

It was considered important to have a clear scheme of the actions conducted by the various stakeholders in the framework of the import procedure, in order to see *at a glance* the actions, roles, links between the different competences and responsibilities.

The Flow charts developed are presented in Annex II

They are organized with regard to:

- the role of the stakeholders operating at the border check points, or involved because of the checks
- the situation of the checks after the entrance of the cargo on the Romanian territory
- different procedures and options for the different types of cargo and situations: waste, transit of waste, second-hand goods,

In fig. 3, as an example, the role of the RNEG in the control of waste at the borders and the illustration of the chain of the actions and responsibilities

Process flow chart – National Environmental Guard - WASTE

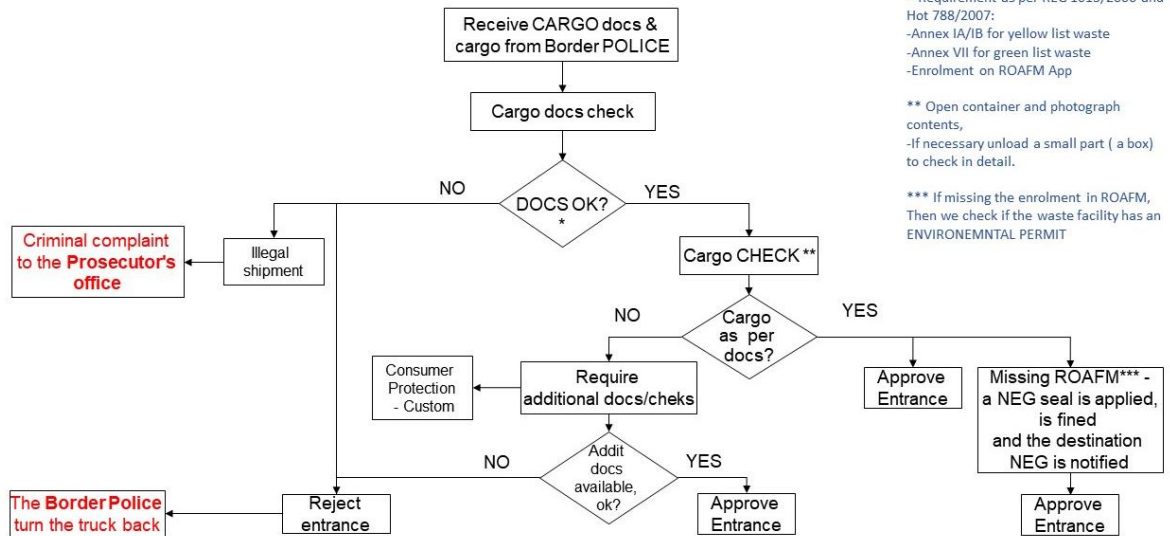


Figure 3: Stakeholder Analysis - Role of NEG in wastes checks at borders, actions and connection with other stakeholders. For a complete picture of activities and roles see also other flowcharts in Annex II

Products planned for the next steps

As a result of the NPRI, a handbook will be developed to provide guidance to inspecting organisations and thus contribute to a harmonised implementation of both supervision and criminal law approach to (illegal) shipments. The manual will contain uniform and standard operating procedures to be used by the RNEG and its stakeholders in waste transport and traceability from source to destination, thus contributing to a harmonised implementation of both supervision and criminal law approach regarding (illegal) shipments. The manual and framework to be developed will consider and take into account the existing procedures and control regimes for the shipment of waste governed by the applicable legislation.

The content of the manual to be developed will reflect the (desired) way of working and cooperating. The manual will be prepared based on the draft 'Table of Contents' in Annex III of this report. It is important to bear in mind that the desired way of working between the different actors may have legal, financial and organisational consequences. These consequences are briefly outlined in Annex VI of this document. It is also important to note that the realisation of a common level of ambition may take place in different steps with different timelines. The Manual is therefore a 'living' document and should be used as such:

- support a uniform and harmonized implementation of inspections by involved and responsible authorities;
- have a content and text which is unambiguously interpretable;
- be easy to use in practice as a reference;
- have limited text, be short and to the point;
- not contain (extensive) theory. It must be a working document;
- should be a living document that can be updated and modified as needed;
- not include management discussions or considerations. These belong in accompanying and or decision-making documents.

Where possible, existing guidance documents for stakeholders will be integrated into the manual, which will be developed specifically for the purpose of inspections of transboundary shipments of waste. This will also apply to any derived working procedures.

Field Activities

During the period of the development of the project activities, many border controls were performed as for the normal operational programme. In addition, a special dedicated inspection session was held to give to the NPRI project team and to the Romanian peer review team the opportunity to review the situation on the ground and to discuss it on the basis of shared experience.

General results of the survey activity on checks at border crossing points in the first period of application of the new methodological rules

The permanent inspection system at the border crossing point started on 1st of July, with the implementation of the methodological rules regarding the control of waste shipments approved by the Order 1.647/2022.

In the week of 18 July – 22 July 2022 inspections were carried out at various Border Crossing points. The main information on the checks carried out is as follows:

- 20 waste transports related to Annex VII
- 29 transports were identified that carried goods and second-hand items
- 6 transports were banned to cross the state border of Romania

In particular, evaluation of the inspections during that week, with regard to Arad, Bihor and Giurgiu County led to the following observations:

- There is a lack of staff to carry out inspections adequately. This also applies to scanning equipment.
- The lack of a search engine e in the ROAFM register. It also lacks an option to make corrections in it.
- Lack of consistency between applicable laws (e.g. for transfers not included in ROAFM, there are penalties in HOT 788. The minister's decision says it should be banned. However, it does not say it should be banned if it is not registered).
- The methodology should highlight whether the NEG seal is still applied in situations where the consignments are delivered with a customs seal and its verification at destination is required because the cargo is not visible at the border crossing.
- HG 788/2007 should be amended and/or supplemented to clearly specify the conditions under which crossing the state border of Romania is prohibited. Currently, facts found to constitute an offence are not specified whether these facts include the prohibition to cross the state border of Romania, as an additional sanction to non-registration in the ROAFM register, etc.).
- It is necessary to register in a database 'those who continue to move' with personal property (or create a section for those with property other than waste)
- Lack of collaboration between the Border Police, NEG and the Authority for Consumer Protection.
- As mentioned in Article 16(3), upon completion of a specialised control in the case of second-hand goods, the competent authority shall prepare a specific control decision. This decision is handed over to the representatives of the Romanian Border Police and Customs, for the continuation of applicable procedures in the case of transport subject to controls.
- As stated in Article 11(6), 'The specialised inspection ... shall be carried out within a maximum of 24 hours from the time of the request of representatives of the Romanian Border Police'. Clarity must be obtained whether it is legal to hold up a transport at the border post for such a long time?



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The inspection session carried out in the presence of the NPRI Project team and the Romanian NPRI team in Oradea, 07 February 2023

During the Oradea NPRI Mission, which took place from 06 – 09 February 2023, the NPRI Project Team and the Romanian NPRI Team participated in an inspection session in Bors, at the border between Romania and Hungary. The experience was very meaningful to share practical experiences and observations among the participants of the NPRI project.

Among many observations, which were also shared during the subsequent project meetings in Oradea, the most important were related to second-hand goods and personal belongings.

- The importance of good quality, properly filled travel documents, in order to be able to trace at best the origin and the destination of the goods
- In many cases there are objective difficulties in distinguishing second-hand goods and used personal belonging from waste. The first case can be tackled with the use of the current rules, on some minimal aspects regarding the quality and the safety of the materials shared with the Consumer Protection Authority, while the second case is much more slippery, as there are no rules applicable to this situation. It is felt that there is a need of a common understanding and evaluation method for all the inspectors involved in all of the crossing point
- When a truck is rejected, there is a high probability that it will try to cross the Romanian border at another crossing point. Consequently, the need is felt for the best implementation of a rapid reporting system, which, by alerting all the crossing points, can prevent this type of event.



Figure 4: the NPRI Team at Bors Border Crossing Point, 07 February 2023

Issues and Challenges

In addition to the observations from the inspections carried out in July 2022 and in February 2023, the results of the discussions at the Bucharest (2022) and Oradea (2023) meetings highlighted many important topics, i.e:

Risks and vulnerabilities

Waste criminality may be a foreshadowing phenomenon, as there are some differences/asymmetries between countries in terms of legislation, waste management policies, culture, knowledge and awareness. Illegal activities in this area can take different forms or being committed in different ways:

- transport of waste on the black market
- mixing different types of waste
- declaring hazardous waste as non-hazardous
- classification of waste as second-hand goods
- the price difference of waste neutralisation between other European countries (500 EUR) and Romania (20-50 EUR)

This makes it difficult to distinguish between legal and illegal waste shipments, and thus difficult to apply legislation to combat illegal waste imports.

Other vulnerabilities and shortcomings:

- small number of prosecutors specialised in environmental crimes
- small number of environmental inspectors assigned to the territorial structures of the National Environmental Guard;

Methods used by Criminals

- Illegal shipments of waste are carried out in a container system through the ports of Constanța and Constanța Sud – Agigea, disguised as commercial activities with various goods and merchandise;
- The shipments are carried out and disguised in most cases as commercial activities with various goods and merchandise and less directly by highlighting the presence of waste in the transport documents;
- In order to avoid detection of waste imports they use a wide range of cover goods such as used household items, tyre casings, used clothing, computer parts and accessories and plastic scrap to divert the attention of control authorities from the waste being transported.

Issues regarding the check activity and the involved stakeholders

- Multiple stakeholders are involved in the implementation of control of transboundary waste shipments'.
- Stakeholders express they need each other.
- There is cooperation in carrying out the tasks, sometimes laid down in cooperation agreements, however there is room for improvement.
- Stakeholders benefit from each other, e.g. risk assessment methodology. This will be explored further.
- Judgements on waste or not is an ongoing challenge.
- Much background material is available, however scattered over different organisations.
- There is insufficient understanding of the issues on which cooperation takes place and how stakeholders can complement each other.

- Training of staff on the issue of inspections of transboundary shipments of waste is largely lacking.
- This also applies to prosecutors. There is a need for specific ENVI training
- There are significant concerns about financial, human and technical resources. These are currently inadequate.
- There is a need to unify procedures and guidelines that can improve the effectiveness and efficiency of those involved.
- Collection, processing and exchanging of information could be improved.
- There is a need to prepare now for the situation after Romania's accession to 'Schengen'. This is currently not the case.

Opportunities for Development

The stakeholders (RNEG, Prosecutor Office, Border Police, Customs Office and Consumer Protection authorities):

- Reached agreement to establish a joint working group (Steering Group) of all relevant key players to discuss the strengthening and formalising of the cooperation between them.
- Agreed that the working group should be formalized and to be given a concrete mandate and set of tasks. The attending executive management agreed with this approach.
- Identified the need to develop a joint action plan with a time schedule, with a clear allocation of topics to stakeholder(s)
- Agreed to (jointly) draft a multidisciplinary guide on inspections of transboundary waste shipments. The current prosecutor's guide will be integrated in this guide.
- Agreed to take the initiative to discuss and concretising actions regarding the consequences of Romania's accession to Schengen to anticipate the changes that will affect the work of the different stakeholders and their forms of cooperation.
- Agreed on further exploring training needs training of all stakeholders and to develop them into concrete plans. Where possible, links will be established with existing initiatives and programmes such as IMPEL's TFS.

Next steps shared among Stakeholders

- Assemble a working group with key stakeholders;
- Formalise and mandate the working group based on a concrete proposal;
- Form a high-level Steering Committee that guides the project at executive level and has the mandate to take key decisions;
- Based on the outcomes of the NPRI to date, take stock of what actions need to be taken in the short and medium term;
- Complete the stakeholder analysis based on the organisations involved in the inspections carried out in July 2022;
- Define the ideal situation regarding the conduct of inspections of cross-border waste shipments and determine what needs to be done based on a comparison with the elements of the assessment framework;
- Examine existing protocols and manuals and integrate them as much as possible;
- Test the manual and protocols and adjust if necessary after evaluation;
- Include all actions in an action plan to be drawn up that also includes concrete deadlines for actions and deliverables, as well as the necessary funding for them;
- Start with 'low hanging fruit' that allows a quick and visible result to be achieved and presented.

Products planned for the next steps

As a result of the NPRI, a handbook will be developed to provide guidance to inspecting organisations and thus contribute to a harmonised implementation of both supervision and criminal law approach to (illegal) shipments. The manual will contain uniform and standard operating procedures to be used by the RNEG and its stakeholders in waste transport and traceability from source to destination, thus contributing to a harmonised implementation of both supervision and criminal law approach regarding (illegal) shipments. The manual and framework to be developed will consider and take into account the existing procedures and control regimes for the shipment of waste governed by the applicable legislation.

The content of the manual to be developed will reflect the (desired) way of working and cooperating. The manual will be prepared based on the draft 'Table of Contents' in Annex III of this report. It is important to bear in mind that the desired way of working between the different actors may have legal, financial and organisational consequences. These consequences are briefly outlined in Annex VI of this document. It is also important to note that the realisation of a common level of ambition may take place in different steps with different timelines. The Manual is therefore a 'living' document and should be used as such:

- support a uniform and harmonized implementation of inspections by involved and responsible authorities;
- have a content and text which is unambiguously interpretable;
- be easy to use in practice as a reference;
- have limited text, be short and to the point;
- not contain (extensive) theory. It must be a working document;
- should be a living document that can be updated and modified as needed;
- not include management discussions or considerations. These belong in accompanying and or decision-making documents.

Where possible, existing guidance documents for stakeholders will be integrated into the manual, which will be developed specifically for the purpose of inspections of transboundary shipments of waste. This will also apply to any derived working procedures.

Evaluation of the use of NPRI Methodology

Value NPRI

The NPRI approach was perceived by stakeholder representatives and participants in the various meetings as a valuable one with significant added value, facilitating the process of achieving the objectives set by the stakeholders and accelerating the search for solutions to the problems identified. The NPRI process acted as a platform that brought together, for the first time, key stakeholders in the compliance and enforcement chain related to the control of transboundary waste shipments. Sharing, exchanging and discussing experiences, knowledge and challenges was considered extremely valuable by all stakeholders. The NPRI acted as a tool to facilitate discussion among stakeholders on the need for common procedures and guidelines that could improve the effectiveness and efficiency of those involved.

The NPRI as a platform enabled senior officials and decision-makers from key organisations to actively participate in the discussion on how to work together. Inspired the organisations involved to develop a common roadmap for further action, based on a concrete management mandate with clear deadlines

for actions and deliverables, including the development or updating of existing cooperation agreements between the stakeholders involved.

Use of NPRI Guidance and Methodology

The NPRI manual and guidelines were actively used in the design of the NPRI for the RNEG and proved particularly useful. The flexible nature of the manual allowed the use of the parts that were needed. In particular, the parts on scoping, objective formulation, stakeholder analysis and evaluation framework are worth mentioning in this context. The method of collecting relevant information, e.g. through a questionnaire, and the analysis of the information obtained also proved very useful.

Issues and challenges in using NPRI Methodology and in the development of the Project, lesson learnt.

Reflections on Issues and Challenges

The work done in the first phase of the NPRI project (2019 – 2021), where it was deemed important to put at disposal of IMPEL members a comprehensive manual, with the aim of building a scientific base and a robust scheme for Peer Reviews in IMPEL, produced an highly articulated and rather complex and long text.

The first approach to the NPRI Methodology book by Romania NPRI Project members, in the willingness to use its contents, produced a significant need of explanations and simplifications. The needed explanations were delivered by the Project Team Leaders in the preparatory phase of the implementation of the project in Romania, through continuous contacts.

The simplification of the strategical contents of the Methodology has been achieved, in practice, with the full support delivered by the Project Team in the planning, phase per phase, of the actions to be taken to carry out all the parts of the Methodology deemed relevant to the implementation on the NPRI in Romania. Also some strategic specific discussion documents were produced by the Project Leaders, to steer the practical activity of the Romanian Colleagues on the basis of the concepts contained in the NPRI Methodology.

Care has been taken by the Project Leaders in distinguishing the role of the NPRI Team, devoted to the implementation of the NPRI Methodology in the specific case chosen by Romanian Colleagues, from the role of technical support in the specific field of wastes.

The development of the Project in Romania, due to the wideness of the scope and the opportunity to involve many Stakeholders, required a significant work commitment by the RNEG, almost overlapping with the normal activities of the Officers mainly involved in the Project.

From the general point of view, the management of the NPRI ToR requires a lot of care, because of the quantity of unforeseeable situations generated by the timing between the ToR formalization and its actual implementation, where local situation in the Country willing to host a NPRI can change, even significantly.

Lessons learnt

- a Quick Start NPRI Manual should be produced, as tool to take a rapid overview of the scheme to help in stepping into the NPRI logic and Manual, and a guidance to the use of the NPRI full set of guideline
- the support of the NPRI Project leaders and members in all the phases of the NPRI activity is to be considered crucial to find out the more convenient path toward the performance of a first Peer Review, and a high level of willingness and of flexibility of the NPRI Project team is required.
- The Governance Structure foreseen by the NPRI Methodology is, as well, an fundamental element for the positive development of the Initiative, both for the management of the needed human resources and for the endorsement of the work to be done and of its results.



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- The immediate follow-up of the first NPRI performed in a Country with other NPRI is very important to avoid that the local experience and competence created get lost, and the NPRI Project team should remain involved, at least as with a consultation role, in the planning of further initiatives and in their realization.
- Also fluid contacts with the technical expertise on the theme choose by the Country for the development of NPRI, available in IMPEL, are to be developed, in the perspective that these expertise can be useful in the phase of implementation of the results of an NPRI.
- Training of the Officers of the hosting Country on the NPRI Methodology, delivered at present essentially along with the performance of the NPRI with the support of the Project Team in a *learning by doing logic*, is to be planned and developed as a specific part of the NPRI general Project, together with other countries and IMPEL Stakeholders, also as instrument to develop and strenghten an *IMPEL Peer Review culture*.
- About the variation of the activity to be actually put in place compared to that one described in the ToR are to be followed with maximum attention and shared with IMPEL Internal Stakeholder as soon as possible.



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Annexes

- Annex I: Memorandum Application Assessment Framework NPRI Romania (Draft)
- Annex II: Processes flowcharts used in Stakeholders Analysis
- Annex III: Table of contents 'Manual for inspections of transboundary waste shipments'
- Annex VI: Potential consequences of harmonisation and strengthening cooperation.

Annex I - Memorandum application assessment framework NPRI Romania - Draft

Introduction

This memorandum serves as an introduction to applying an Assessment Framework with respect to the implementation of an NPRI in Romania.

It should be noted that conducting the peer review in connection with the established Assessment Framework, is a labor-intensive process. However, it will provide a good and representative picture of the current situation as well as insight into where needs to be focused on to reach the desired situation. This memorandum highlights the two main objectives of the NPRI and aims to support a discussion on the application of an Assessment Framework to be developed and used. A discussion document on the Assessment Framework is attached to this memorandum.

Objectives NPRI

The NPRI in Romania actually includes two parallel objectives, namely:

- 1) contributing to a harmonized implementation of inspections of transboundary waste shipments by the (regional services of) RNEG, and
- 2) strengthening cooperation between all organizations involved in these inspections in order to connect them to strengthen the chain of compliance and enforcement.

Both goals contribute to further optimizing contemporary approaches to waste and commodity controls at national borders.

Consequently, it is proposed to develop and implement two assessment frameworks under this NPRI regarding:

- 1) NPRI on the inspection procedure carried out by RNEG on wastes and goods;
- 2) NPRI on the import, export and transit procedures, involving RNEG and other Stakeholders who have a role in carrying out the procedure and related follow-up actions regarding compliance/non-compliances.

The two activities, and the corresponding assessment frameworks, cover two different groups of border waste and goods control activities, namely aiming at:

- homogenizing the implementation of controls by the RNEG within its own competences
- streamlining and optimizing joint activities involving the stakeholders,

Assessment Frameworks

1. NPRI on the inspection procedure carried out by RNEG on wastes and goods

Despite the existence of a specific inspection procedure, the homogeneity of the conduct of inspections at different border crossings is not considered satisfactory. The use of tools and the conduct of analyses, or their unavailability, are also a problem or could be improved.

The assessment framework for this part of the NPRI is therefore specific to the RNEG, while the other stakeholders are not directly involved. However, it is very important that the other stakeholders are satisfied with how the RNEG conducts the inspection. Since all stakeholders in this issue are part of the "compliance and enforcement chain," there is thus an interdependence.

The development of the assessment framework for this particular NPRI should be based on two viewpoints:



- 1) The views of RNEG officers, which can be obtained through a specific consultation within the regional organisations of the RNEG by distributing a questionnaire that further examines how inspections of cross-border waste shipments are conducted.
- 2) The position of the Stakeholders who should indicate what, from their point of view, are the strengths and weaknesses of the technical procedure carried out by the RNEG. If the questionnaire already distributed provides insufficient information in this regard and it is not considered desirable to provide a new specific questionnaire, the necessary information can be obtained during stakeholder meetings to be organized.

2. NPRI on the import procedure, involving RNEG and other Stakeholders

A questionnaire has already been distributed to stakeholders at an earlier stage and responses are available. The results of that survey appear to be diverse in nature and need to be analyzed in conjunction with results from other parts of the review.

To avoid re-approaching and overburdening stakeholders with a questionnaire, additional questions and interviews, it is suggested to take a slightly different approach, while maintaining the developed Assessment Framework.

The following is proposed:

1. The implementation of a thorough analysis of results of the questionnaire and discussions with stakeholders that have taken place so far and a qualitative review of these.
2. Additional interviews through conference calls with some selected stakeholders can be held. If necessary, the in-depth questions belonging to the 4 elements (*applicable laws and legislation; procedures and standards; collaboration; and organizational*) of the assessment framework (can be used to guide the interviews).
3. To request, collect and examine existing operating procedures of the concerned stakeholders regarding the activities under their competence
4. Supplementing the analysis with the results of steps 2 and 3 and to compare the results of the analysis with the four elements as mentioned, accompanied with in-depth questions, also considering the co-determining factors about 'coordination'. This will provide a qualitative picture of the current situation, identification of gaps and opportunities for further improvement. The stakeholder meeting in Romania can also be used to discuss how the different parts of the chain of compliance and enforcement can be connected and everyone's role in that chain.
5. To use opportunity of the planned visit in Romania (late January/early February 2023) to further deepen the analysis through open discussion and brainstorming, and to discuss a table of contents of a manual (living document) to be prepared and to be proposed for approval to the Steering Committee.
6. Development of a draft manual and coordination and consultation with stakeholders.

Attachment to Annex I: Discussion document Assessment Framework NPRI Romania

Introduction

The **Romanian National Environmental Guard (RNEG)** has set the goal of further professionalizing inspections of cross-border shipments of waste and to enhance and intensify cooperation with other stakeholders on this subject and to achieve a harmonized approach to carry out inspections and follow-up processes. The approach should also help connect the organizations that are vital links in the chain of compliance and enforcement.

The tool of NPRI is used to support the process of achieving the aspired goal. In practice, this means several steps in this process:

Activity	Status
Organizing a stakeholder meeting	<ul style="list-style-type: none"> • Is done
Support of the initiative and the joint goal by the highest management of the stakeholders involved	<ul style="list-style-type: none"> • Support is expressed
Formulating a joint level of ambition	<ul style="list-style-type: none"> • To be done
Creation of a complete picture of the roles, tasks, responsibilities, working procedures as well as constraints of the stakeholders involved in carrying out cross-border waste shipments	<ul style="list-style-type: none"> • Partly done through a questionnaire • Additional questionnaire to be sent out • Comprehensive survey and analysis needed by using an assessment framework
Creating and formalizing working agreements	<ul style="list-style-type: none"> • To be done
Developing and establishing a practical manual for the implementation of inspections of transboundary waste shipments	<ul style="list-style-type: none"> • To be done
Testing the manual and providing training on its use	<ul style="list-style-type: none"> • To be done

Objective

The objective of the NPRI can be summarized as follows:

‘The implementation of effective and efficient inspections and related follow-up of transboundary waste shipments through maximising cooperation between the relevant authorities, respecting and recognizing each other’s formal duties and powers.’

Assessment framework

The assessment framework to be designed for this NPRI and when applied, must provide insight into the formal responsibilities of each stakeholder, the willingness, ability, capabilities, and opportunities to shape collaboration and partnership considering the objective.

In that context, it is important to realize that ‘collaboration’, which is essential for achieving the main objective, is subject to a number of co-determining factors:

- The willingness of each stakeholder to work together to contribute to the agreed upon topic
- The degree of dependency on each other to adequately carry out tasks and responsibilities to achieve the agreed goal and to connect the links of the chain of compliance and enforcement
- The degree to which cooperation contributes to the realization of the goals of each individual stakeholder involved
- The willingness and ability to share essential surveillance and investigation information with each other
- The extent to which a stakeholder has (or is hindered from having) the legal and organizational ability to cooperate with other stakeholders.
- The extent to which a stakeholder is constrained by the lack of resources (human, financial and other) to conduct inspections and their possible follow-up in a collaborative format.

The proposal is to design the assessment framework with a qualitative approach considering the factors mentioned above. It is important to note that the review should focus on the stakeholder's relationship with inspections of transboundary waste shipments. The following elements in a qualitative context can be examined for each stakeholder involved with related questions:

Applicable laws and regulations (national and applicable international regulations)

- What national legislation applies to the (cross-border) shipment of waste?
- What international regulations apply to the (cross-border) shipment of waste?
- Which organizations have a statutory role in conducting inspections of transboundary waste and what is their role?
- What authority does each stakeholder have regarding inspections of transboundary waste transport?

Procedures and standards

- Are there any internal rules or procedures regarding inspections of cross-border waste shipments? If so, what do they consist of?
- Does the organization have (quality) standards that inspection performance must meet? If so, what do they consist of?



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- Does your organization experience any limitation about conducting inspections of transboundary waste transports? If so, what are they and of what nature?

Collaboration

- Is there currently cooperation among stakeholders on transboundary waste issues, and if so, what does it consist of?
- Does your organization have legal limitations to cooperate with other authorities on inspections of cross-border waste shipments? If so, what restrictions are they and how can they be overcome?

Organizational

- Does your organization have sufficient resources to adequately conduct inspections? If not, what is missing and why?
- Does your organization have organisational limitations to cooperate with other authorities on inspections of cross-border waste shipments? If so, what restrictions are they and how can they be overcome?

Analysis

Information obtained from the questionnaire and additional information in response to the sub-questions belonging to the aforementioned four topics should be analysed. From this a picture will be obtained of the current situation and the desired situation, the possibilities for achieving it, as well as an inventory of possible obstacles. The resulting complete picture can be used to develop proposals on how to reach the desired situation and how to overcome obstacles.



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Annex II: Processes flowcharts used in Stakeholders Analysis



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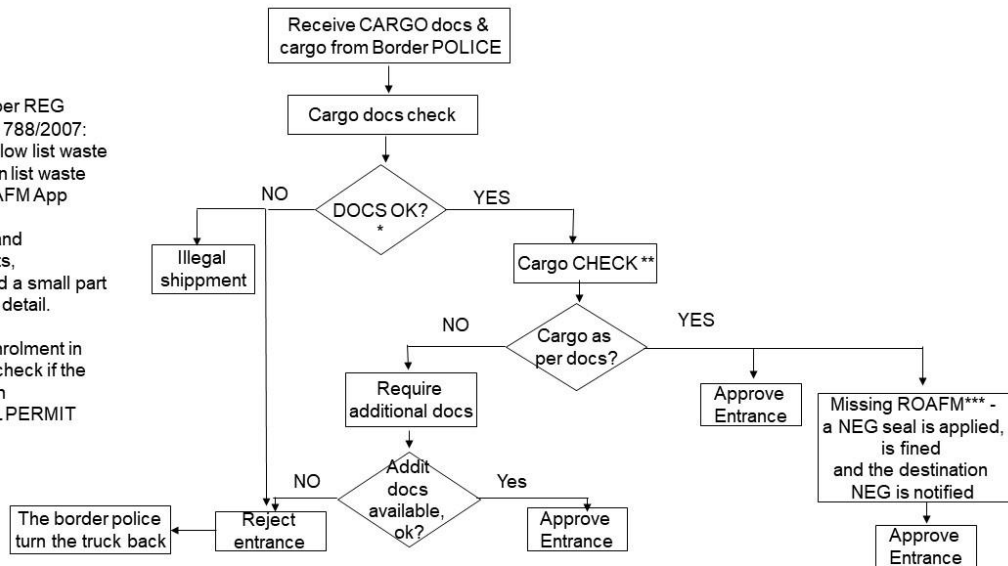
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Process flow chart – National Environmental Guard - WASTE

* Requirements as per REG 1013/2006 and Hot 788/2007:
 -Annex IA/IB for yellow list waste
 -Annex VII for green list waste
 -Enrolment on ROAFM App

** Open container and photograph contents.
 -If necessary unload a small part (a box) to check in detail.

*** If missing the enrolment in ROAFM, Then we check if the waste facility has an ENVIRONMENTAL PERMIT



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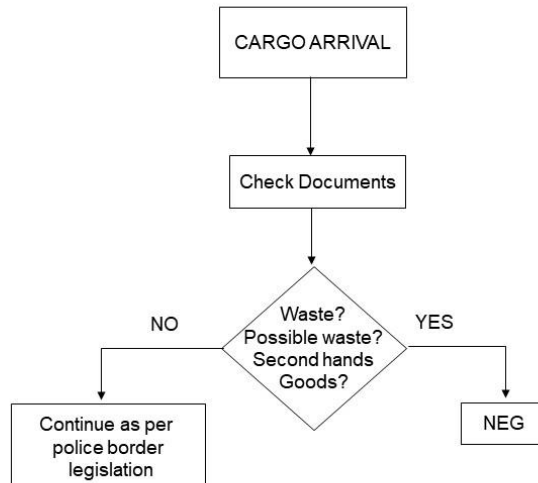


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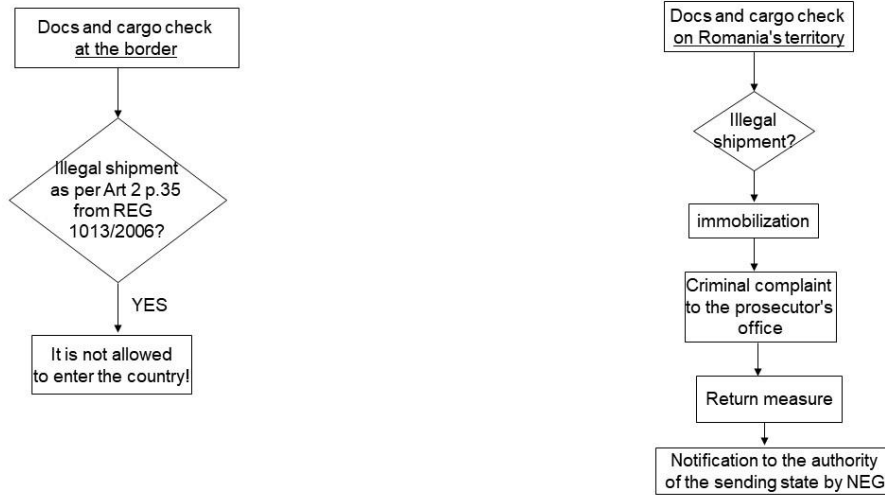


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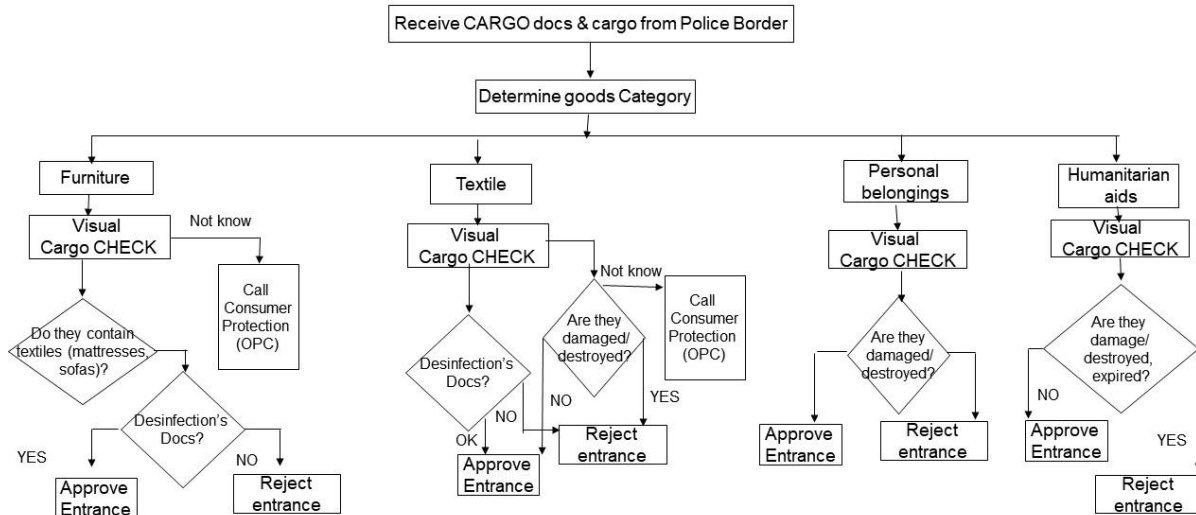
Process flow chart – Police Border



Process flow chart – National Environmental Guard – ILLEGAL WASTE



Process flow chart – National Environmental Guard – SECOND HAND GOODS





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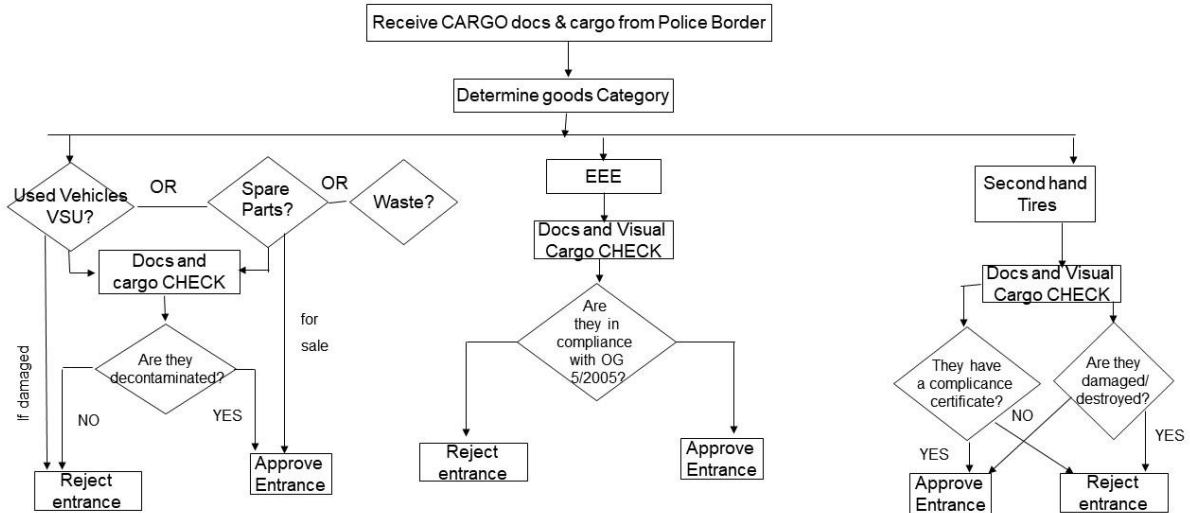


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Process flow chart – National Environmental Guard – SECOND HAND GOODS



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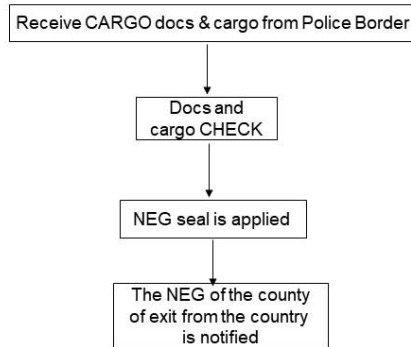


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Process flow chart – National Environmental Guard – Waste transit



Annex III: (Draft) Table of contents ‘Manual for inspections of transboundary waste shipments’

TABLE OF CONTENTS:	
Introduction	
Scope	
Definitions	
Legal Framework	<ul style="list-style-type: none"> • Legal framework of transborder waste inspections <ul style="list-style-type: none"> ○ National legislation (if applicable) ○ International: EU Waste Shipment Regulation and other waste regulations (such as Basel Convention) ○ Waste categories (lists according to regulations)
Authorities involved in inspections	<ul style="list-style-type: none"> • Brief description of the authorities involved in (transborder) waste inspections <ul style="list-style-type: none"> ○ Role ○ Responsibility ○ Connection with other stakeholders on this specific topic ○ Availability (24/7 or office hours)
Inspection	<ul style="list-style-type: none"> • Organizational procedures for inspecting waste transports (import, transit and export) • Risk analysis, targeting and setting priorities • Working method: how to carry out an inspection (checklists, manuals etc.) <ul style="list-style-type: none"> ○ Technical and administrative inspection ○ Reference material on identification on types of waste (such as ‘Waste Watch’) ○ Routine – unexpected – ad random inspections ○ Collection of data ○ Documenting findings ○ Information exchange between stakeholders ○ Procedures on when and how to contact other authorities and asking for expert support, assistance or information ○ Sampling of waste and sampling procedures (protocols, safety, costs, legal matters etc.) • Chain of decision making (acceptation, rejection, further investigation etc.)
Non-compliance and infringements	<ul style="list-style-type: none"> • Procedures in cases of non-compliances <ul style="list-style-type: none"> ○ Procedure evidence gathering in case of identified non-compliances (investigating modus operandi) ○ Officially informing the non-compliant (e.g. the use of templates of letters) ○ ‘Freezing’ the situation of non-compliance and ensuring responsibility and liability) ○ Notification procedures by authorities (e.g. if there are needs for expert assistance and or informing Public Prosecutors) ○ Seizure of goods and financial responsibilities ○ Chain of decision making ○ Requirements for official reports (for Police and Public Prosecutor)



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International cooperation	<ul style="list-style-type: none">• Cooperation with neighboring countries• Procedures to inform other countries and international authorities (Basel Convention, EU, Interpol etc).
Remarks and tips	
Safety	
Useful contacts and links	
Annexes	

Annex IV: Potential consequences of harmonisation and strengthening cooperation.

Introduction

Further professionalization of the system of inspections of cross-border waste shipments may have several legal, financial and organisational consequences and need to be evaluated. These will depend on a developed level of ambition, decision-making about it, and the timeframe for achieving this level or parts of it. It is important to include these aspects in follow-up discussions. The following potential consequences were discussed by the project team:

Legal

Adjustment or expansion of authority

It may be necessary to adapt or expand the authority of inspectors to enable them to make official reports, or to act as co-investigators in situations where investigations are conducted together with customs and police of situations of non-compliance or in cases of criminal investigations. Obviously, these are powers appropriate to the performance of their specific duties. Aligning their powers with those of other key stakeholders can significantly speed up criminal investigation processes and even improve their quality. If it is decided that these powers should be granted or if the current powers of inspectors should be expanded, then adaptation of regulations will have to be adjusted accordingly.

Information exchange

Information and exchange of information is critical in conducting inspections. Various information systems are available, which are mainly focused on the task and responsibility of the individual stakeholder. Access of stakeholders to specific information that concerns waste shipments requires formal agreements and practical arrangements based on the law or formal rule that allows this. Sometimes adaptation of regulations is necessary.

Holding up and 'freezing' a transport for inspection

Sometimes transports must be held up for a certain time for inspection. This may result in complaints and discussions with the carrier or transport organization due to the loss of time which costs them money. The government may be held liable for this. Although in general the responsibility always rests with the carrier, and in case such a situation it is not regulated by law, it is recommended that it be properly regulated legally. The competent authority must be legally covered to hold and 'freeze' a transport for a certain period. Also, the law must allow the inspector to act immediately, such as by direct verbal notice to the driver and written confirmation to the transport company.

Seizure

There are situations that waste shipments containing cargoes which are acutely dangerous to human health or the environment, must be seized as part of a criminal investigation. This can lead to issues such as to store the cargo safely, as well as the coverage of the costs of storage. Should it be decided that the contents should be destroyed under supervision, the aspects of these cost also come into play. Clarity about (legal) liability in these situations is of importance. The basic principle must be that the

party causing the damage bears the costs and that all costs can, in principle, be recovered from the party causing the damage.

Financial

Sampling and outsourcing analysis to (external) laboratory facilities

It may be necessary to take a samples of cargo for verification of accompanying transport documents and/or for purposes of evidence for a criminal investigation. Proper sampling according to an established procedure is very important. If the organizations do not have their own laboratory, samples will have to be outsourced to (recognised and accredited) external laboratories for analysis. Performing analyses costs money and it is important that budget set aside budget for this purpose.

Training

In further strengthening and intensifying the cooperation between the involvement, it will likely be necessary to develop and provide training to new and existing employees of the various organizations. The training could then focus on the implementation of the procedures as included in the manual. Manpower and money will be needed to develop the training and implement it. The involvement of an external organization in the development of the training should not be excluded. It is recommended that budget and time is set aside for this by the agencies involved.

Information technology

Information sharing and management related to inspections of transboundary waste shipments is crucial for rapid and effective action. Accessing (parts of) each other's information systems to consult information or supplement databases with information can be important. In that case, adaptations of software etc. should not be excluded and costs can be involved. Technology can help in performing inspections efficiently. Tablets with Internet connection with access to information systems can be used to retrieve or process information directly. They can also be used to retrieve templates that can be completed on site and sent as letters or reports. Purchasing these 'next generation' tools and/or adapting information infrastructures requires expertise, money, and manpower. Reservation of budget is important.

Organizational

Maximising cooperation between stakeholders involved in border controls of waste shipments will be explored. Several options for this can be considered. For example, one possibility is to place a specialized inspector at each border crossing who focuses solely on waste inspections. Depending on the numbers of shipments, the inspector will be busy or not. An option to be considered could be that Customs and or Border Police perform primarily the initial inspection and contact an expert (inspector from the National Guard) in case of questions or ambiguities about the nature and destination of the transport. In other words, the inspector is available on call. In this option formal and legally sound agreements and arrangements must be made between the stakeholders involved about availability, accessibility, compensation of possible costs.