Main changes needed in the Recovery and Resilience Plans before their approval

What is the opportunity? The Recovery and Resilience Plans can be improved until they are approved. We have a couple of weeks to provide information to the members of the Scrutiny Group in the European Parliament and to the European Commission services analyzing the plans.

At this stage, we need to focus on issues on which the Parliament and the Commission can take action: aspects that are not compliant with EU law, the "rotten apples" in your country's plan. However, RRPs often might not be clear enough to detect non-compliance. This is why we should also identify **measures and projects which clearly *risk* breaching legislation, or are not compliant with EU policies and strategies**.

What's in for you? Please identify the two or three key issues that should be changed in your country's recovery and resilience plan by filling in the form below. Deadline: 28 May 2021. No obligation to answer all questions.

Country: Romania

37% climate action target: Indicate whether this percentage has been met, not met, or has been met **through significant greenwashing** (and why).

It is not specified in the NRRP how will be meet, and how was calculated this percentage.
Some big investments can be considered as investments which contribute to achieve the climate action target like the project of the construction of metro lines from Cluj-Napoca and Bucharest. These projects probably will improve the public transport system but without a clear calculation these investments will be considered as an unrealistic big contribution to the 37% from the climate target, giving space to other investments which don't contribute at all to achieve this target.

There are situation in which the consequences of the investment concerning the climate target are not formulated. For example the Investment 2 from Annex 1, propose the realization of common septic tanks in the rural areas, without to specify how will be transported the waste water from these tanks to the treatment stations. Probably will be transported by vacuum machines, and the transport will result a lot of emission of greenhouse gases.

Do No Significant Harm: List below 2 or 3 reforms, projects or investments in the plan that risk causing significant harm to the environment.

[*Example: infrastructure projects in Natura 200 sites putting pressure on ecosystems. Fossil gas roll out (e.g. in heating, electricity, hydrogen)]*

I.1. Water Management

The reforms and investments in water management presented in the document are providing, to an extremely limited extent, the innovatory solutions and low ambition to change and adapt to the future climate conditions. Although the non-structural measure is mentioned one time in the text, the list of investments comprises only "grey" measures, proving in this way the low awareness regarding the future climate scenario and limited openness to reform the water management system in Romania.

The reform (R2) of the National Water Authority (ANAR) is unclear and looks that the proposed reforms are going in the direction to improve more the financial self-sustainability of these institution. It is not mentioned the better implementation of the WFD (restauration of habitats, improvement of the lateral connectivity, etc.), better involvement of the stakeholders (local authorities and the large public) in the decisions concerning of the water management by improving the function of the River Basin Committees which actually functioning more formally than in reality. The all function mechanism of the National Water Authority has to be reformed to adopt the actual needs, to implement climate and nature friendly measures, instead of "hard" measures inherited from the 60th concepts.

Regarding the **Modernization of drainage systems - drainage to prevent and reduce the risk of floods and wilting (I4),** Romania is already facing extreme water phenomena and it is well known that wetlands and swamps have a buffering effect. Under no circumstances should drainage and drainage works be carried out, but wetland rehabilitation works and the correlation of rehabilitated areas with agricultural and recreational activities. Thus, all works must be in accordance with the Water Framework Directive and the River Basin Management Plan. Romania's land improvement infrastructure was designed and built over 60 years ago when the effects and severity of climate change were unknown. Thus, any investment in infrastructure (including adaptation to new climatic conditions) must be designed on the basis of future scenarios to identify those solutions that help a long-term adaptation of the economic sector, the development of local communities and the restoration of degraded natural ecosystems.

The investments foreseen in drainage system are designed considering the former water regime and the new climate change conditions have not been considered (for example, some investments in the drainage system is planned for the south of Romania, for areas facing desertification phenomena). To increase the cost-efficiency, the solutions for this region should follow the non-structural measures criteria to reduce the flood risks, with a focus on nature-based solutions (restoration of aquatic habitats) that provide long-term resilience and ensure multi-benefits for local communities.

Regarding **adapting to climate change by modernizing dams with complex use, increasing storage capacity and adapting the operation to ensure ecological conditions,** existing dams are in many cases a problem for the ecological system, and it needs to be clarified what is meant by their modernization, and how this modernization contributes to integrated management. Investment alternatives to certain dams should be evaluated, including considering their removal as adaptation to climate change and ensuring multiple benefits to local communities and restoring degraded ecosystems.

I.2. Reforesting Romania and protecting biodiversity

However in this chapter of the pillar I there are promising proposals concerning the reform of the forestry management systems (R1) based on a public consultation in which were involved more than 200 experts, and very good proposals for investments in reforestation including in urban forests and hedges, there are concerns about the efficiency of the measures concerning the illegal logging, namely concerning the fundament of the statement from the page 123 of the document: "Concerning the fight against illegal logging, todays control system has proven inefficient, in spite of past and present investments in the SUMAL software".

This analysis lacks a systematic approach, since it fails to list the main causes of deforestation, which should be addressed through reforms and project proposals. According to Greenpeace Romania and other NGOs, one major root cause of deforestation is a very influential, corrupt lobbying activities.. As a consequence, the proposed measures will probably fail to bring significant improvement to the state of forests, therefore missing compliance with other relevant EU policies. The analysis creates a false narrative about the causes of illegal logging. Moreover, the document inaccurately highlights the inefficiency of the official electronic wood tracking system SUMAL (and SUMAL 2.0), by falsely stating that SUMAL "has proven inefficient, in spite of investments in the past and present".
The inherent lack of factuality and causality concerning the history of SUMAL / SUMAL 2.0 and the proposed forest and forestry related projects will probably result in ineffective measures and investments that will fail to significantly reduce illegal logging.
The target of increasing the forest covered surface of Romania, as presented in the NRRP, will probably not be met via the proposed measures. As a consequence, it is highly questionable, if the "37% climate action target" of the RRF or the requirements of the European Union Timber Regulation (EUTR) and of other relevant EU policies will be met.

Another consideration concerning this chapter is that: outside the national forest fund (FF) there are about 500,000 ha of forests, most of them developed over meadows, a figure that can be easily observed by the difference between the National Statistics Institute figure of 6,427.3 million ha of forests in 2019 (forest inside FF), compared to 6,929 million ha in the National Forest Inventory (forests all over the country).
The Study of Strategic Options for National Forest Policy Development, a document mentioned in the NRRP as the basis for the elaboration of the National Forestry Strategy 2020-2030 for Romania, paid attention to these forests outside FF through the strategic direction of increasing areas covered

with forest vegetation. The measure identified to save these areas is the sustainable management of forested land outside the forest fund.
As integration in FF of these areas involves compliance with the forest regime that brings limitations of the property right, a possibility is to define a distinct category among the lands with agricultural destination - which could fall in the category of NRR reforms - and / or a NRR financial mechanisms for owners to maintain these natural forests, but which risk being removed / reduced to maintain the functionality of the meadows, where small areas occupied by woody vegetation are used as shade and seasonal habitat for domestic and wild animals.

Concerning the proposed reforms in this chapter with the aims to improve the management of the biodiversity:

Reform 2 - Reform of the management system of protected natural areas through the coherent and effective implementation of the European Biodiversity Strategy
Although it is specified that the proposed reform creates a unitary legal and procedural management framework at the level of protected natural areas, unfortunately, this is not in fact achieved through the investments proposed in this reform (I.6.a. updating management plans, I.6.b. identifying potential protection areas strict and the few specific situations of ecological reconstruction from 1.7).
The plan contains, unfortunately, no reference to terrestrial ecological corridors (legislative reform, identification, designation and integration in territorial planning systems).
Also, PNRR contains erroneous information (page 130) regarding the fact that Emergency Ordinance 57/2007 and MMAP Order no. 1822/2020 for the approval of the Methodology for allocating natural protected areas in the administration would regulate the participatory modality in the management of protected areas of civil society and thus would have created the general framework for involving all relevant actors in maintaining and consolidating biodiversity conservation. It is notorious the removal, in 2018, from the administration of ANP of environmental NGOs, therefore we cannot talk about the involvement of all relevant actors.

About the proposed investments in biodiversity:
With regard to investments 1.6.a and 1.6.b., they are important and necessary, but not sufficient. As stated in the PNRR itself, at the level of 2019, MMAP approved a number of 240 management plans targeting 284 Natura 2000 sites out of a total of 606 sites. From the analysis performed by us (since on the ANANP website there are no data subsequent to 2019), 5 Ministerial Orders entered into force for the approval of management plans in 2020 and 9 in 2021. So there are approved management plans for 300 out of 606 sites (less than half). In these conditions, we consider to be a priority to develop and approve management plans for sites that have not yet developed them. Moreover, this need for funding is also provided in the draft Priority Framework for Action for Natura 2000 sites for the period 2021-2027.
We consider that the updating of management plans must involve / have as objectives the evaluation of the efficiency of the implementation of the approved management plans, especially from the perspective of improving the conservation status of species and habitats, as well as the realization of scientific studies and solutions proposals to maintain their effectiveness.

Also, in close connection with this issue, as stated at the Reform level, it is imperative that the natural resource management plans be harmonized with the overlapping Natural Protected Areas (NPA) management plans and the priority regime for the protection of natural areas to be included in the sectoral legislative framework so as to ensure harmonization and cross-sectoral integration of NPA conservation objectives (eg. establishment of a mechanism for correlating legislation specific to different sectors of activity with an impact on biodiversity, namely education, agriculture, forestry, hunting, tourism, land use planning, transport and energy)

We consider that in order to create a true unitary management framework at the level of protected natural areas, to ensure the updating and implementation of management plans in accordance with the strategic lines generated by the EU Biodiversity Strategy for 2030, several measures are needed, as follows:

-Efficiency in the management of protected areas and ecological corridors (after their identification and designation), both in terms of conservation of natural values (and other associated values, if any) for which they were designated, and the use of human, material and financial resources invested. To this end it is necessary that:

1. The management of the NPAs should be carried out in a unitary and efficient framework, based on the systematic (annual) evaluation and monitoring of the management efficiency of the national system of protected natural areas, by using CCPAMETT (or another tool developed for this purpose and recognized of WCMC)

2. Planning in protected natural areas should be improved and carried out in a participatory and transparent way (including by drawing up management plans where they do not exist - as we have shown above, this is the case for more than half).

3. The responsible authority in the field of environmental protection shall ensure access to information on NPAs, including data resulting from national biodiversity inventory and monitoring programs.

4. The natural resource management plans are harmonized with the overlapping NPA management plans and the protection regime of NPA is included in the sectoral legislative framework so as to ensure a harmonization and inter sectoral integration of the ANP conservation objectives.

5. The management capacity of ANP can be increased:

a. By increasing the capacity of ANANP:

- by attracting financial and human resources;
- through continuous professional development programs (ANANP staff needs continuous training at European standards to effectively manage NPA);
- through legislative amendments, aiming at assigning regulatory powers (environmental approval) for plans / programs / projects / activities that affect the NPA.

b. By identifying legislative and institutional gaps, evaluating and improving existing instruments. The evaluation / review / development of new types of NPA governance will also be considered, in line with IUCN principles and recommendations.

c. By providing the necessary resources for the management of NPA, either through European or national funding, from the state budget, including by setting up a national system of payments for ecosystem services (taxation of resource use).

Some of these measures are provided for in Reform 2 (page 130), but are limited to certain aspects related to I.6 and without these actions being supported by investments related to increasing the institutional capacity of ANANP, for example. These measures are: creation of a national database

related to spatial distribution, conservation status and parameters for species and habitats in protected natural areas - limited but: based on updating data from management plans, ensuring continuous information, setting up an interinstitutional commission analysis of the legal framework applicable to sectors with an impact on biodiversity that will develop and promote proposals to amend and / or supplement the legal framework based on up-to-date information on the distribution and dynamics of species and habitat conservation. (if the analysis will be limited to the data provided by updating the management plans, it will cover only half of the Natura2000 network), identification and designation of ecological corridors for a truly integrated Natura 2000 network.

I.3. Waste management

In this chapter are proposed important measures concerning the implementation of the circular economy (R1), but having the experience of the previous years we consider that has to be clarified several questions.

1. It is not clear how will be implemented the proposed measures in the conditions when many deadlines were not respected and in many municipalities even the selective collection of the municipal waste is not solved. The Ministry of Environment/ National Fund Administration does not have the technical capacity to deliver the implementation. For example, they had 3 years to adopt the Circular Economy directives (3 directives with deadline of transposition July 2020 and the SUP directive with deadline July 2021) and they did not fully transpose any of them. The Ministry and the subordinate institutions – Fund Administration, Environment Guard don't have the resources to implement the approved legislation/policies concerning waste (example – National Waste Prevention and Management Plan from 2017 that was not implemented). A lot of the investments are related to SMIDs- Integrated Waste Management Systems that were developed through EU funds and the majority of them are not functional.
As the first step it is recommended to build the technical capacity to deliver the reforms and to pursue the investments. The first reform should be within the Ministry and subordinate institutions, a reorganization according to the 2021 needs and to absorb the expertise that would be able to deliver the reforms and investments and to build a functional technical network to support local administration in order to deliver the reforms. The compost management is still with many shortcomings, doesn't exist an institution for the compost quality, in order to put in market the industrial compost, in the conditions which this should be an important preoccupation of the authorities, the organic waste being about 58% of the municipal waste.

2. There are no prevention measures, a national information campaign is needed after changes in the Anti Food Waste law that would make it functional, with mandatory requirements for retailers. Insert prevention and waste management mandatory in academic curriculum, with actions and targets.

3. Green Public Procurement adoption with high targets for public institutions, as part of the implementation of the Circular Economy Strategy/Action Plan. Civil servants should be trained to fully implement the circular economy principles as part of their everyday jobs. Note: Implement

Polluter pays principle for reusable and recyclable packaging with full funding as an EPR scheme. In the Governance Plan 2020-2024 this measure is presented to be implemented using EU funds and not to apply the Polluter pays principle.

I.4. Sustainable Transport

This chapter propose an important improvement of the railway system which is absolutely necessary in the situation in which the railway network in Romania is in very bad condition.

In the same time it is very difficult to explain how it is included in the Sustainable Transport chapter the construction of Motorways. It is an argumentation about the lack of motorways in Romania in comparison with the other countries, which is true, but in our opinion from this fund it is not supposed to finance Motorways. There are proposed investments in 4 Motorways (A1, A3, A7 & A8 Motorways), and if in the case of A1, A3, A7, the investments are motivated to ensure the interconnectivity of the different regions, in the case of A8 the construction of the two proposed sectors (Tg. Mures – Miercurea Nirajului, Pascani-Leghin) doesn't have any logical reason, they will stop in the middle of a rural area without any continuation, being only a landscape fragmenting element, and charging high traffic to these rural areas.

I.6. Energy

In this chapter it is proposed to develop the production and the distribution of the hydrogen, which is good as intention, but we think that the implementation of these proposals has to be reevaluated form several aspects.

Investment 2 – Infrastructure for distribution of the natural gas and hydrogen is looks as a greenwashing due to the fact that Romania is not prepared and do not have expertise in production and transport of hydrogen. In fact probably the aim is to consolidate and extend the National transport grid of natural gas, obstructing in this way the development of other viable projects in renewable energy. We believe that such an investment in fact masks the consolidation and expansion of the national natural gas transmission network, thus preventing the development of other viable and sustainable renewable energy projects.

The potential for mixing hydrogen in the current gas network is very small (the maximum volume of hydrogen that can be integrated is around 10%), which means that the development of such an infrastructure only promotes the continuous use of gas.

We cannot produce enough green hydrogen to meet the current demand and use of natural gas. To produce hydrogen on a large scale so that it can replace natural gas, we need a large amount of electricity from renewable sources. However, we do not have enough electricity produced from renewable sources to cover all the needs for green hydrogen production. For example, at EU level, the total renewable energy sources could replace around 15% of the total current gas consumption. Green hydrogen powered by electricity and produced by electrolysis also has a significant impact on land use and biodiversity. Electrolysis requires large amounts of water. Thus, sustainability criteria should take into account the impact on resources used, such as water and land use.

The plan states that blue hydrogen could also be used in the network. But the production of hydrogen from fossil fuels leads to significant carbon emissions: for every tone of hydrogen produced from natural gas, 10 tons of carbon dioxide are released. Hydrogen production from natural gas and coal is today responsible for around 830 million tons of carbon dioxide emissions per year, which is the equivalent of CO2 emissions in the United Kingdom and Indonesia combined.

In the production of blue hydrogen, carbon capture and storage (CCS) technologies are used, but CCS is not proven to be carbon neutral.

We believe that priority should be given to direct electrification with renewable energy sources, and the use of renewable hydrogen should be limited to sectors where decarbonisation cannot be achieved in other ways (steel and chemical industry, etc.).

Investment 3: Demonstrative Hydrogen projects – there are utopical projects, only for the state companies that increase their capacities of energy production using the state aid and producing distortion of the market. Also, the companies do not have experience on hydrogen production and there are in financial difficulties. There investments are probably greenwashing for the gas companies as well.

Alignment of the Plans with improved 2030 climate and energy targets and with EU policies.

[*Examples: a) The plan is based on the old NECP – here are the most evident discrepancies between RRPs commitments and what is needed for higher 2030 ambition; b) lack of reference to the agroecological transition and lack of commitment to reduce industrial livestock farming contradict the objectives of the EU Farm to Fork Strategy. Less than 1% of the funds are dedicated to biodiversity, which is not in line with the ambitions of the EU Biodiversity Strategy, etc.*]

The EU commission has noted in the Environmental Implementation Review from 2019 the absence of a clearinghouse overseeing EPR schemes for packaging, checking that recycling and recovery requirements are met and checking producer compliance (identifying free riders). The Recovery plan should aim at the reform of the monitoring and reporting system on waste related data, taking into account the lack of reliable data presented yearly by Romania which is currency based only on the reports from producers/ generators and not cross-checked by the authorities.

Sources*:* *https://www.greenpeace.org/romania/implica-te/salveaza-l-pe-sumal/*
[add here relevant links to more in-depth analysis]

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