

## **MINISTRY OF ECONOMY AND COMMERCE**

### **ORDER No. 479**

From July 10, 2006

In order to ensure the implementation conditions agreed with the World Bank, based on the Loans Agreements between Romania and the International Bank for Reconstruction and Development, for financing the two projects: Mine Closure and Social Mitigation Project and Mine Closure, Environmental and Socio-Economic Regeneration.

Taking into account:

The Government ordinance no. 64/1997 regarding the opening of National Agency for Development and Implementation of Reconstruction Programs for the Mining Regions, with later changes and adding.

The Law no. 167/2005 regarding the ratification of the Loan Agreement between Romania and the International Bank for Reconstruction and Development, for financing the Mine Closure, Environmental and Socio-Economic Regeneration Project, signed in Bucharest at January 28, 2005;

The Government Decision no. 347/21.04.2005 regarding the implementation conditions for the Mine Closure, Environmental and Socio-Economic Regeneration Project;

The Government Decision no.1059/2005 regarding the supporting, based on a grant, through National Agency for Development of the Mining Regions, of the public authorities from the mining regions, for the infrastructure program implementation mentioned in Law no.167/2005 regarding Loan Agreement reinforcement between Romania and the International Bank for Reconstruction and Development, for financing the Mine Closure, Environmental and Socio-Economic Regeneration Project, signed in Bucharest at January 28, 2005.

Based on the Government Decision no. 738/2003 regarding the organization and functioning of the Ministry of Economy and Commerce, Romanian Parliament Decision no. 24/2004 for granting trust to the Government and the Presidential Decree no. 1178/2004 for appointing the Romanian Government,

The Minister of Economy and Commerce issues the following:

**ORDER:**

**Art.1.** It is approved the operational handbook for the increasing institutional capacities at the communities level (Community capacity building), attached as annex, as part of this order.

**Art.2.** The Increasing institutional capacities at the communities level Program is implemented in the National Agency for Development of Mining Regions, operating area, as defined in the operational handbook, stipulated in art.1

**Art.3 (1)** The National Agency for Development of Mining Regions (NADMR) is authorized to administrate and use the funds mentioned on art.2 of the Government Decision no.1059/2005 regarding the NADMR support to the Public Local Administration in the mining regions, based on a grant agreement, for the implementation of the infrastructure program stipulated in the Law no. 167/2005, regarding the ratification of the Loan Agreement between Romania and the International Bank for Reconstruction and Development, for financing the Mine Closure, Environmental and Socio-Economic Regeneration Project, signed in Bucharest at January 28, 2005, for the implementation of the program stipulated at art.2.

(2) For the increasing institutional capacities at the communities level program implementation, NADMR is authorized to spend sums as additional operational expenditures, as described in annex 1 to the Loan Agreement, as expenditures made by NADMR, under part C2 of the project for Mine Closure, Environmental and Socio-economic Regeneration, in order to implement the program, including expenditures for: vehicles, communication (including phone, internet) and costs for trips inside the country (including per diem and accommodation);

(3) The expenditures will be made according to the legal provisions based on the proposal of PMU-SER program coordinator for the sums from the loan and NADMR program coordinator appointed by NADMR General Director, for the sums from the local component;

(4) The expenditures will be made in the limit of the operational budget of the scheme approved by the Project Coordinator, specified in the Subsidiary Loan Agreement and in the own budget of NADMR.

**Art.4 (1)** The National Agency for Development of Mining Regions (NADMR) with the assistance of PMU-SER, is authorized to give support to the eligible mining communities, according to the annual running program, approved by the Project Coordinator.

(2) The support consists in technical assistance services, direct consultancy, advocacy, training, studying visits in country and abroad, exchange of experience, according to the operational handbook, stipulated at art.1, for the local development through the participatory mechanism.

(3) NADMR with the assistance of PMU-SER, will organize working commissions for different stages of evaluation, verification and monitoring.

(4) NADMR could hire specialized companies or individual consultants for supplying some services, according with the annual schedule of the project and the operational handbook.

**Art. 5.** (1) NADMR is authorized, with the assistance of PMU-SER, to sign co-operation protocols with local authorities from eligible mining communities, for a duration of 48 month.

(2) The protocols with the local authorities will be approved by the county councils representatives regarding their involvement in assuming the responsibilities resulting from operational manual for implementation of increasing communities institutional capacity component.

**Art.6.** (1) NADMR with the assistance of PMU-SER, within the received support, as partners of the mining eligible communities, will take care that the strategic plan of socio-economic development, elaborated in a participatory manner.

(2) NADMR will consider as being eligible only those requests submitted by mining communities which are showing also the strategic socio - economical development plan issued on participating mode, as per operational manual requests of each program of socio-economic regeneration component, sub-component of local development;

(3) NADMR with the assistance of PMU-SER, will verify that 75% of proposals for measures/project to be financed for the state budget, for that companies which present development plans, elaborated before the project starting, to be found on the priorities list, resulted from the jointly process of the elaboration of the strategic plan for the socio-economic development.

(4) NADMR with the assistance of PMU-SER, will verify that the local public administration to organize at least once a year, public meetings with the citizens in order to updated the strategic plans of the socio-economic development.

**Art.7.** NADMR will not take into consideration the proposals from the mining communities, which not follow the legal regulation regarding the responsibilities, terms and conditions stipulated within the operational handbook in art.1, or that did not fulfill the measures included in the schedule of the program implementation, according to the protocol signed by NADMR and the communities' representatives.

**Art.8.** (1) The regional program coordinators from regional offices/local branches, will send: (i) monthly, to NADMR and PMU-SER program coordinators, monitoring reports of the implementation of the community capacity building program; inclusive (ii) periodically, to NADMR and PMU-SER monitoring and evaluation coordinators, social-economic monitoring reports and evaluation of the increasing institutional capacities at the communities level program; including the recommendation to improve the operational handbook, stipulated at art.1;

(2) NADMR General Director will present to the Project Coordinator, each semester, the synthesis of the reports from the NADMR and PMU-RSE program coordinators and will ask for approval of the recommendation on the operational handbook improvement, stipulated at art.1.

**Art.9.(1).** The NADMR is authorized, that for starting the Socio-Economic Regeneration component and local development sub-component, by: Social Development Scheme for Mining Communities, Small Grants Scheme and Local Infrastructure, to run a pilot stage of the increasing institutional capacities at the communities level program implementation.

(2) The implementation of the pilot program will be done in selected communities presenting a local development plan.

**Art.10.** This order will be published in the Official Gazette, Part I.

**Art.11.** NADMR, PMU-SER, and MEC Budget, Economic Finance, Administrative and Accounting will carry out the provisions of this order.

MINISTER

**Ioan Codrut Seres**

**Bucharest, July 10, 2006**

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