

**UNITED NATIONS DEVELOPMENT PROGRAMME  
PROJECT DOCUMENT**

**Project Title: Building Environmental Citizenship to Support Transboundary Pollution Reduction in the Danube: A Pilot Project in Hungary and Slovenia.**

Project Number: RER/99/G35/A/1G/72  
Duration: 1.5 years  
Project site: Regional – Hungary and Slovenia  
ACC/UNDP sector: 0400 1940 Development & Technology Transfer / 2040 Awareness  
Executing agency: The Regional Environmental Center for Central and Eastern Europe  
Implementing agency: UNDP  
UNDP-GEF inputs: \$750,000 (Medium Size Project)  
UNDP PAC approval date: January 2000  
Estimated Start Date: 15 February 2000  
Estimated End Date: 15 August 2001  
GEF Task Manager: Andrew HUDSON

UNDP/GEF & cost sharing

GEF/UNDP	\$ 750,000
Cost-sharing	\$ <u>832,995</u>
<b>TOTAL</b>	<b>\$1,582,995</b>

**Summary Project Description** The project's objective is to enable Hungary and Slovenia, two key participants in the Danube Strategic Action Plan (SAP), to operationalize and institutionalize public access to environmental information and public participation measures in support of reducing transboundary pollution from the discharge of nutrients and toxics into the Danube River. At the “global” environmental level, the project will demonstrate how these measures can help Central and Eastern European countries to achieve the important global environmental goals of the Danube SAP, the Aarhus Convention, and the Danube River Protection Convention signed by Hungary, Slovenia and other countries of the Danube River basin. The activities conducted in Hungary and Slovenia will serve as a pilot for future efforts to operationalize public involvement in support of pollution reduction in the Danube in other countries in the Danube River basin.

<b>On behalf of:</b>	<b><u>Signature</u></b>	<b><u>Name/Title</u></b>	<b><u>Date</u></b>
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<b>UNDP</b>	_____	_____	_____
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<b>Gov't of Hungary</b>	_____	_____	_____
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<b>Gov't of Slovenia</b>	_____	_____	_____
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<b>Regional Environmental Centre</b>	_____	_____	_____
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1. Sub-contract for Legal Support in Facilitation of Public Access to Environmental Information
2. Sub-contract for Policy Support in Facilitation of Public Access to Environmental Information
3. Sub-contract for Hungarian and Slovenian National Environmental Law & Policy Support
4. Main Staff Positions:
  - (4a) Project Coordinator/Manager;
  - (4b) Country Program Directors (2 positions)
  - (4c) Capacity Building/Training Expert
  - (4d) Senior Legal Expert
  - (4e) Environmental Public Participation Experts (2 positions)

### Acronyms:

APR	Annual Project Report
CEE	Central and Eastern Europe
DEF	Danube Environmental Forum
EMLA	Environmental Management and Law Association
EU	European Union
GEF	Global Environment Facility
ICPDR	International Commission for the Protection of the Danube River
MoU	Memorandum of Understanding
NGO	Non-Governmental Organization
NYU	New York University School of Law
PCU	Project Coordination Unit
PIR	Project Implementation Review
PIT	Project Implementation Team
PSC	Project Steering Committee
REC	Regional Environmental Center for Central and Eastern Europe
RFF	Resources for the Future
SAP	Strategic Action Program
TPR	Tri-partite Review
UNDP	United Nations Development Programme
UN-ECE	United Nations Economic Commission for Europe

## **A. CONTEXT**

### **1. Background**

The Danube SAP, developed under the auspices of UNDP/GEF and the European Union's Phare and Tacis programmes and coordinated by the Danube Program Coordination Unit ("PCU"), provides for a concerted region-wide attack on the deterioration of water quality in the Danube River. Increased human activity and polluted effluents discharged into the Danube have produced high loads of nutrients and toxins that, in turn, contribute to eutrophication in the Danube and the Black Sea. The sources of these high levels of nutrients and toxins include chemical fertilizers and manure from intensive, large-scale livestock and other agricultural operations, municipal wastes, and discharges from various industrial sources. Hungary and Slovenia discharge significant amounts of these pollutants, which contribute to transboundary pollution of the Danube and ultimately, the Black Sea.

The SAP identifies a variety of tools to achieve the goal of ecological restoration and conservation. One is public participation and awareness raising to stimulate SAP success through interest group participation and changes in consumer behavior. The SAP recognizes that a large number of non-governmental actors must be mobilized in order to reach the goals set out in the Plan. To this end, the GEF has supported the Danube Environmental Forum (DEF) and other regional activities to assure the participation of NGOs in planning and implementation activities.

Hungary and Slovenia each have a strong stake in the environmental health of the Danube River. Each is an active participant in the SAP and supports the aims of the Danube Pollution Reduction Programme, a linked Danube restoration program. Each has a demonstrated commitment to increasing public involvement in environmental decision making. Each has recently signed the United Nations Economic Commission for Europe (UN-ECE)-sponsored Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, adopted at Aarhus, Denmark on June 25, 1998 (hereafter referred to as the Aarhus Convention). In this Convention, they committed to institute measures to ensure public access to environmental information and public participation in environmental decision making. Both countries are currently in the process of accession to the European Union, which will require them to meet the standards for public involvement adopted by the EU. These commitments connect with the growth in recent years of the environmental NGO sector in these countries. Citizen groups and NGO organizations in both countries have participated in or are concerned about efforts to restore the Danube.

The pilot project will develop effective and replicable mechanisms for institutionalizing and operationalizing environmental public participation in Hungary and Slovenia in support of the goals of the SAP and Danube Pollution Reduction Programme, as well as of parallel efforts to protect the Black Sea. In coordination with the Danube PCU and the International Commission for the Protection of the Danube River (ICPDR), the project will integrate the mutually reinforcing goals of the SAP, the Danube Pollution Reduction Programme and the Aarhus Convention with the intent of supporting the reduction in the discharge of toxics and nutrients into the Danube that have national and transboundary effects.

## **B. STRATEGY FOR USE OF UNDP RESOURCES**

### **2. Current situation w/respect to Hungary's and Slovenia's Transboundary Pollution of the Danube**

Hungary and Slovenia contribute significantly to transboundary pollution of the Danube and are committed to play an active role in addressing the problem. Only about 28% of total Hungarian wastewater receive adequate treatment, and less than half of total Slovenian wastewater is adequately

treated. The majority of untreated domestic effluent in Hungary is released from Budapest and downstream into the Danube and three sites located along the Tisza. While not itself a riparian Danube country, Slovenia is drained by major Danube tributaries, the Drava and the Sava, and over half of its land area and 80% of the total Slovenian population is in the Danube catchment area. Portions of both the Drava and the Sava are seriously contaminated with pollutants, including heavy metals and agricultural wastes. These discharges, stemming from both point and non-point sources, contribute significantly to transboundary pollution in the Danube.

These discharges to the Danube also have a profound impact on the Black Sea. A survey of total nitrogen and total phosphorous in the Black Sea reveals that the Danube River delivers 58% of the total nitrogen and 68% of the total phosphorous load. Nutrients characterized by total nitrogen and total phosphorous are of special concern since they are directly responsible for significant water quality problems in the form of eutrophication. Thus, efforts to reduce nutrients and toxins loading in Hungary and Slovenia will have a substantial impact not only on the success of the SAP, but also on parallel efforts to restore the Black Sea.

Hungary and Slovenia have agreed to involve a variety of governmental and non-governmental actors in reducing transboundary pollution of the Danube. It is recognized that non-governmental actors can play a key role in achieving the goals of the Danube SAP if they have access to environmental information. However, meaningful public access to environmental information is still an elusive goal. The obstacles that must be overcome are rooted in unique domestic issues in each country. Difficulties operationalizing international and domestic commitments to citizen access to environmental information include inadequate legal and institutional frameworks; inadequate guidance to and training for public employees implementing the existing laws and other requirements; inadequate or unworkable laws governing confidential business information, official and state secrets; and limited practical experience with establishing and maintaining cost-effective systems for assembling and disseminating relevant environmental information to NGOs and the public.

Moreover, the pilot countries' efforts to establish public involvement programs to date have focused largely on securing public involvement in addressing *domestic* environmental problems. Far less attention has been given to the development of public involvement measures that can also work to produce *transboundary* benefits.

The pilot project will help build capacity in the governments of Hungary and Slovenia to establish the legal, institutional, social and practical infrastructure that is a prerequisite to increasing informed and meaningful public participation to support efforts to protect the Danube from nutrient and toxic discharges with transboundary implications. The development of this infrastructure will also reinforce the role of non-governmental actors and enable them to be actively and constructively involved in efforts to reduce these discharges. The results of the pilot project are expected to lead the way for creating similar enabling conditions for sustainable development in the other countries in transition that are engaged in the Danube process.

At the end of the 18-month pilot project the following specific outcomes are expected:

- Assessment of legal, institutional and practical barriers to and opportunities for implementation of public access to environmental information and public participation measures in Hungary and Slovenia that will lead to reductions in discharges of point and non-point discharges of transboundary nutrient and toxic pollutants to the Danube River;
- Identification of "best practice" legal, institutional and practical options in the EU, U.S., countries in transition, and elsewhere and development of specific national legislation, regulations and/or policies,

for addressing these barriers and seizing these opportunities, through capacity developed in training workshops, study tours, and technical assistance activities;

- Field testing of specific, replicable public involvement measures to address actual point and non-point discharges of pollutants to the Danube in Hungary and Slovenia through a case study that will concretely demonstrate how such public involvement measures can further the goals of the SAP;
- Recommendations for follow-up actions to ensure the transfer of pilot project lessons learned and replicable elements to other Danube countries in CEE, thus leveraging potentially greater reductions in point and non-point transboundary pollution throughout the Danube region;
- Strengthened inter-governmental and government-to-NGO cooperation and partnerships to enable joint learning on viable approaches to public participation in the context of control and prevention of point and non-point transboundary water pollution;

### **C. IMMEDIATE OBJECTIVE, OUTPUTS, INDICATORS AND ACTIVITIES**

#### **3. Summary of Strategic Approach:**

This project is an innovative, NGO-implemented public awareness and participation initiative.

**Objective:** To enhance opportunities for meaningful citizen awareness of and participation in the pollution reduction efforts in the Danube River Basin.

**Project Purpose:** Hungary and Slovenia will operationalize public access to environmental information and public participation in a manner that advances the goals of reducing toxics and nutrient discharges to the Danube River Basin.

#### **Project Outputs:**

**Output 1:** Identified, legal, institutional, and practical barriers to public access to environmental information to support public involvement in Hungary and Slovenia for Danube pollution reduction goals.

**Output 2:** Improved capability of Hungarian and Slovenian public authorities to provide public access to relevant environmental information and related opportunities for public participation

**Output 3:** Appropriate legal, regulatory, and policy recommendations in support of public access to environmental information identified and drafted as necessary

**Output 4:** Key Government and non-Governmental stakeholders trained in development of well-functioning public access to environmental information and public involvement programs

**Output 5.** Lessons learned materials developed and recommendations made and disseminated concerning replicable elements of pilot program.

In order to increase opportunities in Hungary and Slovenia for public involvement in support of the Danube SAP and Danube Pollution Reduction Programme, the pilot project will conduct an 18-month capacity building and technical assistance program for key Hungarian and Slovenian government officials and NGOs. The program will begin with an assessment of the barriers to, and opportunities for, operationalizing public involvement in support of reducing discharges of nutrients, toxins and other transboundary pollutants to the Danube. The project will build capacity through seminars, workshops, technical assistance activities and a study tour in an EU country and the United States, using a case study approach. The participants will identify and develop new institutions and mechanisms to promote public access to environmental information and

public involvement in support of reducing transboundary pollution in the Danube, including drafting legislation, administrative regulations, and other specific measures to implement this objective. Case studies will assure that the workshops and technical assistance are practical and meet the needs of officials who seek to address transboundary discharges.

In-region teams, consisting of 3-4 key government officials and an NGO lawyer from each of the two pilot countries, will work with the Regional Environmental Center for Central and Eastern Europe (REC), Resources for the Future (RFF) and New York University School of Law (NYU), the three institutions that proposed and will carry out this project (hereafter referred to as REC/RFF/NYU) to ensure that each element of the pilot program is consistent with the circumstances in and goals of the pilot countries, will meet the needs of the participants, and will incorporate lessons from good practice in the U.S., Western Europe and relevant international legal instruments. In addition, to ensure consistency with the pilot countries' efforts towards EU accession, an EU legal expert will be engaged by the project, the project will consult and coordinate with EU accession units in each pilot country, and participants will visit an EU country during the study tour. In addition, REC will apply its own substantial expertise on EU approximation to the pilot project. Careful planning for and conducting of training sessions, preparation of useful analyses and other written materials for participants, as well as the provision of technical assistance throughout the project (as described below), are labor-intensive activities which will engage the full energies of REC/ NYU/RFF personnel, and of the in-region and EU law consultants engaged by the project, throughout the 18-month period.

#### 4. Outputs and Activities to Produce Outputs:

In order to achieve project's purpose the following specific outputs will be produced and their related activities implemented:

**Output 1:** Described and analyzed legal, institutional, and practical barriers to supportive public involvement for Danube pollution reduction in Hungary and Slovenia. (US \$105,134)

##### **Activity 1.1:** Conduct Needs Assessment

The project will commence with a needs assessment that will identify legal, institutional, programmatic, and practical barriers to as well as opportunities for public access to information and related public participation that will support the transboundary pollution reduction goals of the SAP and the Danube Pollution Reduction Programme. The needs assessment will draw upon and supplement existing research and analysis conducted by REC and NGOs, as well as by the Hungarian and Slovenian governments, with respect to the implementation of the Aarhus Convention. Existing analyses do not focus on the adequacy of public access to environmental information measures in Slovenia and Hungary to reduce transboundary pollution of the Danube, and related impacts of public involvement. The needs assessment will focus on additional public access to environmental information measures and public involvement that are needed to achieve transboundary results.

##### **Activity 1.2:** Identify Case Studies in Hungary and Slovenia

The needs assessment will also identify one or more case studies in both Hungary and Slovenia involving sources of transboundary nutrients and/or toxic substances discharged to the Danube as the focus of the training and technical assistance activities of the project. These case studies will focus on relevant "hot spots" identified through the Danube GEF Program and thus will provide a concrete set of circumstances in response to which public involvement measures will be developed and "field tested." Because agricultural sources are significant contributors to transboundary nutrient pollution,

the project will carefully consider using a case study, which addresses agricultural point and non-point source pollution, such as Slovenian pig-farms.

**Output 2: Improved Capability of Hungarian and Slovenian public authorities to provide public access to relevant environmental information and opportunities for public participation (US \$238,861)**

**Activity 2.1: Design and Conduct In-Region Training Program**

The project will conduct seminars and workshops for officials of relevant public authorities, including environment, water and agricultural ministry officials and their regional agencies in Hungary and Slovenia. The workshops will be designed to enable the officials to develop specific legal, institutional and practical mechanisms for establishing and maintaining effective public access to environmental information that will support the goal of reducing nutrient and toxins discharges to the Danube. The training will involve the participants in identifying, analyzing and, where relevant, drafting legislation, administrative regulations, and other specific measures to implement this objective. The training will be conducted through a series of three in-region workshops during the 18-month period. Using the case study approach, the workshops will bring into focus specific and concrete opportunities for public access to information and resulting public participation that can reduce discharges with transboundary impacts. The specific issues to be addressed could include: (1) how to balance the need for protection of confidential or government secret information with the goal of providing public access to relevant information; (2) overcoming practical barriers to making data available to members of the public in a timely fashion; (3) public involvement mechanisms related to public access to environmental information, that can augment government enforcement capacity; and (4) legal and institutional mechanisms for ensuring public involvement.

The options and strategies presented at the workshops will draw upon relevant experience from the CEE region, Western Europe and the United States. Public information measures that increase public access to relevant environmental information have been particularly successfully in reducing nutrient and toxic discharges in the United States. The workshops will be conducted with members of the in-region teams and other government officials from each country who have responsibility for controlling pollution of the Danube and for implementing public access to information programs. Representatives from business and from NGOs will also be invited to participate. These capacity building efforts and workshops will be tailored to the practical needs of participants and the circumstances in the two pilot countries, and will include the full involvement of in-regional experts, as well as international and EU expertise.

**Activity 2.2: Prepare recommendations to make public access to environmental information a workable reality**

Based in part upon insights gained from the above workshops, recommendations will be provided to achieve programs for public access to environmental information for implementation in Hungary and Slovenia. The program will be designed in a manner that is appropriate to the existing social, political, and economic realities in Hungary and Slovenia but with an eye to the future and providing assistance in better integrating the countries' environmental management practices into those of the EU.

**Output 3: Recommendations for appropriate legal, regulatory, and policy changes in support of public access to environmental information under consideration by policy makers in Hungary and Slovenia (US\$ 199,650)**



**Activity 3.1:** Provide technical assistance to improve legal and institutional framework

The project will also provide ongoing technical assistance to officials with environmental responsibilities to strengthen the institutional and legal framework for environmental public involvement in Hungary and Slovenia. Technical Assistance activities will be directly linked to the other project activities and coordinated with them.<sup>1</sup>

The aim of the Technical Assistance is both to support and draw on the results in the workshops by providing assistance in developing legislation, regulation, and/or policies in Hungary and Slovenia that address key issues, based on the priorities identified in the needs assessment, the case study or studies selected for the pilot project, and the potential for replicability of this project element in other CEE/Danube countries. The technical assistance will be supported and coordinated by REC, NYU and RFF, but will involve a collaborative effort of all parties, in particular the country partners and NGOs. An electronic group address system has been established to facilitate the exchange of information. Interdisciplinary research, identification of best practices, and other assistance from project participants and international experts will feed into the collaborative process of assistance.

Specific tasks to ensure provision of relevant information and public involvement in decision-making relating to discharges of point and non-point transboundary pollutants under this activity could include the discussion, development, and drafting of:

- Public access to information legislation
- Related legal/regulatory measures
- Improved practices at local, district or national levels
- Institutional reform measures at local, district or national levels
- Strengthening the public information elements of existing multilateral mechanisms to address transboundary pollution of the Danube

**Output 4:** Key Government and non-Governmental stakeholders trained in the development of well-functioning public access to environmental information programs (US \$114,439)

Study tours will be conducted in Months 12-13 of the pilot project. They will enable four Hungarian and four Slovenian participants to consult directly with public participation and environmental information specialists and water pollution control experts in the United States and the European Union, to review legislative/regulatory/policy measures that have been identified and analyzed in the prior workshops and the technical assistance, and to obtain practical knowledge and advice from U.S. and EU counterparts.

**Activity 4.1:** Conduct study tour to local, regional, and national agencies in the Netherlands

A study tour will be organized to the Netherlands to ensure full consideration of best European and current EU models and best practices for provision of public access to information and public participation, including their relevance to accession. Because the Netherlands has a well-developed public access to information program, it is being considered as a potential venue for the European portion of the study tour. It is anticipated that an EU visit in the study tour will provide invaluable information about European practices in achieving the goals of the Aarhus Convention. The program

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<sup>1</sup> A more comprehensive discussion of the training and technical assistance components of the project is provided in Annex 2.

will be conducted so as encourage the establishment of networks for information exchange and mutual learning among CEE and U.S. and EU counterparts.

Note: in the planning stage and throughout the study tour, REC/NYU/RFF will be engaged in an interactive dialogue with the study tour participants to assure that the study tour meets the needs of the participants.

**Activity 4.2:** Conduct study tour to local, regional, national agencies in United States

The U.S. portion of the study tour will take place in New York and the Washington, D.C. area. It will be developed in close consultation with REC and the regional partners, and will draw on the extensive experience of NYU and RFF in developing successful U.S. study tours under similar circumstances<sup>2</sup>. The U.S. was chosen for a major portion of the study tour since public information and related programs for public involvement are mature and well-functioning and have a strong track record of helping to combat point and non-point source transboundary water pollution. The Aarhus Convention was in large part based on the U.S. model. The U.S. portion of the study tour will give CEE participants an opportunity to learn first-hand from individuals and organizations who have been closely involved in the success of public information and involvement programs, including federal, state, inter-state, and local authorities, and at NGOs and business organizations. The study tour sessions will focus on the kinds of systems, procedures, legal instruments, and personnel that have made public information and involvement programs work effectively and how these programs can help governments combat point and non-point source transboundary water pollution problems. This portion of the study tour will include examples of successful U.S. programs to control interstate releases of nutrients and toxins, such as coordinated efforts by five jurisdictions that impact the Chesapeake Bay. The program will be conducted so as encourage the establishment of networks for information exchange and mutual learning among CEE and U.S. and EU counterparts.

Note: in the planning stage and throughout the study tour, REC/NYU/RFF will be engaged in an interactive dialogue with the study tour participants to assure that the study tour meets the needs of the participants.

**Output 5: “Lessons learned” materials developed and recommendations made and disseminated concerning replicable elements of a pilot program. (US \$61,918)**

**Activity 5.1:** Identify and disseminate replicable elements of pilot program that could leverage transboundary pollution reduction in other Danubian countries in transition;

Publish recommendations for replication in other CEE Danube countries. Recommendations will identify successful, replicable elements of the pilot program and recommend measures for implementing public access to environmental information, including legislation, administrative regulations, and institutional and practical arrangements and strategies in support of point and non-point source pollution reduction that could be applied to other Danube countries in the CEE region in future projects. In particular, the project will outline and recommend additional training and technical assistance programs that might serve as useful follow-on projects in such countries.

**Activity 5.2:** Produce final report on results of pilot project.

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<sup>2</sup> A portion of international travel costs has been co-financed by a grant from the Trust for Mutual Understanding.

The pilot project Final Report will synthesize the lessons learned in Hungary and Slovenia and disseminate them to leverage change both in these countries, and in other CEE countries that are contributing to transboundary pollution of the Danube.

The Final Report will be disseminated to governments, NGOs, businesses and other stakeholders throughout CEE through the network of independent experts convened by REC to monitor implementation of the Aarhus Convention; the Danube PCU; the ICPDR; the network of NGOs participating in the Danube SAP process; REC's Szentendre, Hungary headquarters and its local offices located throughout Central and Eastern Europe; and through future Meetings of Signatories to the Aarhus Convention. The REC will use a variety of tools such as the World-Wide Web to distribute information. Targets will include NGOs, other civil-society organizations, water and environmental ministry officials and other parties interested in the goals of the SAP, the Danube Pollution Reduction Programme, and the Aarhus Convention. The Project Steering Committee and Project Implementation Team, two entities that are described in greater detail later in this project document, will also assist in the dissemination of this information. The Slovenian and Hungarian governments will ensure wide dissemination of the project results domestically. NYU and RFF will disseminate the Report to their networks of government officials, NGOs, academics, and others who might help promote the Danube restoration effort. Finally, UNDP will be considered a resource in the dissemination of information. Support will be sought to translate the Final Report into local languages in the region.

**Activity 5.3:** Recommend follow-on training/technical assistance programs for additional Danubian countries in CEE.

This activity will lay the groundwork for future efforts to operationalize public involvement in support of Danube SAP in these countries.

5. **Table 1. Outputs and Indicators of Success**

Outputs	Year 1 (2000)	Year 2 (2001)
<p><b>Output 1:</b> Described and analyzed legal, institutional, and practical barriers to supportive public involvement for Danube pollution reduction in Hungary and Slovenia.</p> <p><i>Indicators:</i></p> <ul style="list-style-type: none"> <li>▪ Report prepared on Needs Assessment and Case Study</li> <li>▪ Case study topics identified</li> </ul>	<ul style="list-style-type: none"> <li>• Relevant laws, institutional arrangements and practices identified</li> <li>• Relevant laws, institutional arrangements and practices assessed and analyzed;</li> <li>• Agreement reached among project participants concerning relative importance of issues identified in Output 1</li> <li>• Needs assessment finalized</li> <li>• Case study research completed</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
<p><b>Output 2:</b> Improved capability of Hungarian and Slovenian public authorities to provide public access to relevant environmental information and related opportunities for public participation</p> <p><i>Indicators:</i></p> <ul style="list-style-type: none"> <li>• Three capacity building workshops for approximately 25-30 participants, including members of the project's in-region teams, other key Hungarian and Slovenian government and NGO representatives, and representatives of other Danubian countries in CEE.</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Potentially applicable EU and US model legal measures, procedures and institutional arrangements identified</li> <li>• Potentially applicable EU and US model legal measures, procedures and institutional arrangements assessed for suitability</li> <li>• Comparisons between best practices and existing procedures completed</li> </ul>	<ul style="list-style-type: none"> <li>• Tasks identified for achievement of improved public access to environmental information</li> <li>• Agreements reached on prioritization of tasks</li> <li>•</li> </ul>
<p><b>Output 3:</b> Appropriate legal, regulatory and policy recommendations in support of public access to environmental information and related public participation under consideration by policy makers in Hungary and Slovenia</p> <p><i>Indicators:</i></p> <ul style="list-style-type: none"> <li>• Draft Hungarian and Slovenian laws/regulations/practices and/or identify institutional changes needed to address key obstacles to public access to environmental information and related public involvement in reducing transboundary pollution of Danube</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• recommendations provided for specific improvements to current legal, regulatory and policy measures, institutional arrangements or practices to appropriate Hungarian officials</li> <li>• recommendations provided for specific improvements to current legal, regulatory and policy measures, institutional arrangements or practices to appropriate Slovenian officials</li> </ul>	<ul style="list-style-type: none"> <li>• Dialogue with appropriate Hungarian officials concerning efficacy of recommendations in Hungarian circumstances</li> <li>• Dialogue with appropriate Slovenian officials concerning efficacy of recommendations in Slovenian circumstances</li> </ul>
<p><b>Output 4:</b> Key Government and non-Governmental stakeholders trained in development of well-functioning public access to environmental information and related public involvement programs</p> <p><i>Indicators:</i></p> <ul style="list-style-type: none"> <li>▪ Study tour completed by 3 Hungarian and 3 Slovenian government officials and 1 Hungarian and 1 Slovenian NGO representative; Report on Study Tour.</li> </ul>	<ul style="list-style-type: none"> <li>• Meetings/exchanges with European practitioners</li> <li>• Meetings/exchanges with European users of environmental information</li> <li>• Meetings/exchanges with U.S. practitioners</li> <li>• Meetings/exchanges with U.S. users of environmental information</li> </ul>	<ul style="list-style-type: none"> <li>• Report prepared on lessons learned from study tour</li> </ul>

<p><b>Output 5: “Lessons learned” materials</b> and recommendations made and disseminated concerning replicable elements of a <b>pilot program</b></p> <p>Indicators:</p> <ul style="list-style-type: none"> <li>Final Report completed and disseminated to all relevant actors and interested parties</li> </ul>		<ul style="list-style-type: none"> <li>Distribution through networks of partner institutions and others</li> <li>Feedback loop to Signatories to the Aarhus Convention</li> <li>Presentation of project results at workshops and conferences for regional decision makers, GEF and UNDP policy makers, etc</li> <li>Assessment and evaluation of project</li> <li>Plan for implementing access to information in neighboring Danube Countries</li> </ul>
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## D. INPUTS

Please refer to Co-funding Input Budget in Section J.

## E. RISKS AND PRIOR OBLIGATIONS

### 6. Risks and Assumptions

The following risks and assumptions are entailed:

- Hardware and technical support sufficient at the project level to support effective participation from within a significant number of project sites
- Funds released in timely fashion, allowing activities to be carried out systematically.

The project will be designed and implemented in close partnership with key government officials and ministries in Hungary and Slovenia, and leading environmental NGOs. A project planning task force has already been formed; it includes key government officials and NGOs from Hungary and Slovenia, who have already made commitments toward the success of the project. Inclusive efforts will be complemented by substantial outreach toward other NGOs and other stakeholders. REC’s strong working relationships and collaborative programs with environmental officials throughout the CEE region, and its region-wide local offices and contacts with NGOs, will also help to ensure that the progress achieved through the pilot project is sustained over the long-term.

There is a risk that measures to support public access to environmental information developed through the pilot project will encounter political or other obstacles in one or both of the pilot countries that will prevent their adoption or implementation. In addition, differences between the two pilot countries’ laws, institutional arrangements, and political and social realities may increase the challenges of developing common approaches to public involvement. An additional project risk could be failure to receive adequate government commitment beyond environment ministries or changes in political leadership that impact the environmental ministries. The pilot project will work to minimize these risks by carefully considering from the outset the unique objectives and circumstances of each pilot country, and the differences between them. Pilot country participants will include government representatives in addition to those

from the Hungarian and Slovenian environmental ministries, as well as such as regional or local water management experts to increase the likelihood of follow-through after conclusion of the project.

Stakeholder involvement is a key element of the success of this project, and indeed what the entire project is all about. A major objective of this project is to build capacity in the governments of Hungary and Slovenia to involve interested members of the public and NGOs in efforts to reduce discharges to the Danube of point and non-point source transboundary pollutants. The major stakeholders in the pilot countries, including water and environment ministry officials of Hungary and Slovenia and NGOs and representatives of municipal government and agricultural and industrial concerns that generate point and non-point sources of pollution, will be involved at all relevant stages of project planning and implementation and will play a central role in designing and carrying out the project activities.

The relevant officials from Hungary and Slovenia have already made significant commitments to the pilot project. Two prominent environmental NGOs, EMLA in Hungary and Labeco in Slovenia, have also been included in planning, and have indicated their strong interest in participating in the pilot project. In addition, the pilot project will have close links to a concurrent, related project being managed by REC, in which NGOs and other interested experts from throughout the CEE region and NIS countries have formed a network to monitor implementation of the Aarhus Convention. In addition, there will be a regular link with the DEF, whose representatives will be invited to the major project events and who will receive regular information about the project results.

The REC/RFF/NYU team will also closely coordinate and consult with the Danube PCU and ICPDR, another major stakeholder. The proposed project has already benefited from input received from the PCU on project design and implementation. Regular consultation and cooperation will guarantee that this project is complementary to the projects and programs run by the ICPDR.

## **7. Financial Sustainability**

This project is designed to be a pilot project and as such is not designed to develop a mechanism whereby project inspired activities are supported or enabled over the long term. However, the approach taken by the project in building capacity of Government and NGO institutions to increase public access to information is in itself something that is intended to make pollution control measures in the Danube Basin more “organic,” and therefore more sustainable.

## **8. Prior Obligations**

None.

## **F. MANAGEMENT**

### **9. Project Implementation Arrangements:**

The Project will be executed by the Regional Environmental Center for Central and Eastern Europe (REC). The REC is the pre-eminent environmental policy resource in Central and Eastern Europe for governments, NGOs and businesses. Begun in 1990, the REC is firmly rooted in the CEE region, headquartered in Szentendre, Hungary, immediately outside Budapest. The REC also has country offices in each of the 15 countries of Central and Eastern Europe, including Hungary and Slovenia and has supported government and NGO projects in the region.

REC will be responsible for procuring and delivering project inputs, and ensuring their conversion to project outputs. In view of the nature of skills required to implement the project, with expertise needed in participatory learning and planning methodologies, institutional strengthening, REC will be designated as the executing agent based on rules and procedures established by UNDP.

**Project Steering Committee (PSC):** A Project Steering Committee will be established to serve as an advisory and consultative body to facilitate effective project implementation. The PSC will facilitate inter-agency co-ordination of the project at the national level, provide avenues for maintaining international linkages, and ensure that the lessons learned from implementation of the project are integrated into their countries' overall conservation programme. The PSC meetings will be held three times during the life of the project: at the beginning, at the end of the first year, and to close the project at the end of 18 months. Steering Committee meetings will also serve as the for a for Tri-Partite Reviews (TPR) of the project. PSC meetings will most likely be convened in Budapest and/or New York, but could take place in conjunction with in-region workshops or the study tour or even via teleconference. The PSC will be comprised of key stakeholders from the Governments and relevant NGOs and will be chaired by the REC. Members will include: UNDP-GEF's Chief Technical Advisor for International Waters or his designate, Jernej Stritih or Magdolna Toth Nagy from REC, Nandor Zoltai from Government of Hungary, A representative of the Government of Slovenia, Ruth Greenspan Bell from RFF, and Jane Bloom Stewart from NYU. Other members can be added as the project develops.

The PSC will play the following role:

- Facilitate project co-ordination;
- Facilitate the provision of policy guidance;
- Facilitate stakeholder input to project implementation;
- Facilitate adherence to UNDP guidelines for the administration of project funds.

As the executing agency, REC will be accountable to UNDP for the quality, timeliness and effectiveness of the services it provides, activities it implements, and the project funds it receives. The REC will have the following additional functions:

- operational management of the project;
- accounting and funds management, according to the approved budget and annual work plan;
- recruiting and fielding personnel for work in the project sites (in partnership with RFF/NYU and in consultation with UNDP);
- entering into sub-contracts with entities with specific technical expertise required for the implementation of selected project activities;
- micro-planning, scheduling and organization of activities and tasks in partnership with RFF/NYU;
- preparing quarterly work plans for submission to UNDP;
- managing equipment; and
- monitoring and reporting to UNDP on the progress of implementation.

In consultation with UNDP, the REC will appoint a Project Manager with technical expertise and skills relevant to the Project. The Project Manager will be responsible for organization and management of project activities to produce outputs, provision of technical assistance for project implementation, co-ordination and supervision of project personnel, and reporting. The PM will be responsible for the level of excellence and successful implementation of project activities. The Project Manager will be based at the REC's main office and will maintain linkages with the key regional stakeholders, UNDP, New York University and Resources for the Future. The Project Manager will serve as Secretary to the project Steering Committee, reporting at each Steering Committee meeting on project implementation progress and integrating Steering Committee recommendations into any necessary revisions in the budget or work plan.

To facilitate smooth implementation, the REC will form a Project Implementation Team (PIT) to oversee work. The PIT will be comprised of a Project Manager (PM), a Training Program Director, the project's two main sub-contractors, and support staff. The PIT will ensure the effective implementation of project activities and production of project outputs. The PIT will work directly with partner stakeholder institutions to produce desired outputs and achieve objectives.

**Sub-contracts:** The REC, under the authority of the PSC and in consultation with UNDP, will sub-contract designated activities as required for the delivery of project outputs. The project would engage expertise from other institutions to assist project staff and project participants, who include government and local communities, to achieve the purposes of the project, including the issues development, workshops and study tours. The Terms of Reference for the subcontracts are listed in Annex D. Sub-contractors are responsible to the REC for the timely delivery and quality of inputs. A separate document provides the rationale for RFF and NYU, who have worked as equal partners with REC in the development of this project, as contractors obtained without competitive bidding. Contractual responsibilities would be governed under the terms of a MoU signed with the REC.

Executing the training, technical assistance, study tour and other aspects of the project will demand a high level of cooperation and effort among stakeholder institutions. For example, the PIT will conduct in-region plenary and training sessions, in coordination with other experts retained by the project. REC will provide logistical support for and will host these meetings and training sessions at its conference facilities or other appropriate locations in Hungary and Slovenia. Subcontractors RFF and NYU will develop study materials and law and policy analyses to support these meetings and training sessions and will share responsibility with REC for performing other preparatory and follow-up tasks relating to these meetings/training sessions. An expert consultant will be retained to assure consistency with and integration of EU accession requirements.

Similarly, as part of the technical assistance program, REC and subcontractors will do on-site consultation with ministry officials to assist with law drafting and formulation of institutional and policy options for public involvement. In addition, at their home bases in the U.S., NYU and RFF will conduct legal, institutional and policy-related research and prepare options papers needed to support these law drafting and policy/institutional development efforts in the pilot countries.

Preparation for and implementation of the study tour will also be coordinated among the three agencies. NYU will administer and host the New York leg of the study tour, RFF will administer and host the Washington, D.C. leg of the study tour, and REC will administer the E.U. portion of the study tour.

## **10. Public Involvement Plan**

### ***Stakeholders:***

Key stakeholders in the pilot project are:

- a) Governments of Hungary and Slovenia and other governments throughout CEE that have signed the SAP and the Aarhus Convention;
- a) CEE, Danube-country-based organizations that support environmental and civil society goals. These can include environmental, women and youth groups, private sector groups, political parties, labor and academic organizations (including, but not limited to the independent network of experts convened by REC who are monitoring implementation of the Aarhus Convention, and NGOs participating in the SAP process, e.g., through the DEF);
- b) local communities in the pilot countries who will benefit from or could be potentially affected by the project activities;



- c) farmers and agricultural entities, including large-scale livestock operations, industrial dischargers and municipal dischargers;
- d) The Danube PCU and ICPDR

### ***Information dissemination and consultation***

The project has been designed to meet the needs of the Hungarian and Slovenian Governments and NGO participants in the project and the Danube PCU. Ongoing consultation with stakeholders is also incorporated directly into the project activities, including through three plenary meetings (two of which are linked to the in-region capacity building workshops). These plenary sessions will convene a broad cross-section of interested stakeholders, including local government officials, NGOs, private sector representatives, and representatives from other CEE/Danube countries. Additional consultations during project implementation will take place with UNDP/GEF and the Danube PCU and ICPDR. In addition, through the PSC, the PIT will reach out to solicit the views of a broader group of interested parties.

Key project documents, including the Needs Assessment and final Report and Recommendations, and other relevant information learned through the pilot project, will be disseminated as set out above in the description of project activities.

### ***Participation in training activities***

The training activities are being designed to provide a solid foundation upon which effective public involvement can be maximized in support of the objectives of the Danube SAP. There will be 35 participants attending the plenary sessions and 30 participants in the training sessions. Approximately two-thirds of the participants will be government officials. The remainder of the participants will be composed of national and regional NGOs, representatives of the private sector, and stakeholders from the region. (See below for a more detailed explanation of stakeholder participation.)

The plenary sessions will focus on a comparative analysis of the legislation, institutional frameworks and practical measures in Hungary and Slovenia in light of experience in the E.U. and U.S. implementing successful public involvement programs designed to reduce transboundary releases of pollutants. The goal of the plenary sessions is to identify and develop recommendations for addressing priority issues. The participants invited to join the plenary sessions will generally be stakeholders involved in the development and promulgation of environmental information, water and agricultural legislation and policies that are relevant to nutrient and toxic releases to transboundary waters.

The specific focus of the plenary sessions will depend on the stakeholders' identification of priority issues. However, three broad subjects are likely to be addressed in these sessions: (1) gaps in existing measures in Hungary and Slovenia that impede public involvement in efforts to reduce releases of transboundary pollutants to the Danube; (2) E.U., U.S. and Western European domestic environmental legislation, institutions and policies, as well as "best practices" from other CEE countries, that might serve as models for more effective public involvement measures in the two pilot countries; and (3) obligations undertaken by the pilot countries under relevant international environmental instruments, including the Aarhus Convention.

Each aspect of the capacity building workshops will be designed in conjunction with the regional and local NGOs and the government officials in order to ensure that key issues are properly identified and addressed. Case studies that address hot-spot coastal issues will be chosen and developed in co-operation with all of the main stakeholders. For example, one case study being considered is the problem of nitrate run-off from hog farms. The workshop activities will focus on the practical issues involved in addressing the case studies, which will be used as a framework for analysis and problem solving. The results and lessons learned from the case studies will be presented in the final report, which will be disseminated to a wide audience of government officials, private parties, and NGOs.

The training program is an iterative process. The results, recommendations and key issues arising out of the training activities will direct the focus of the technical assistance and study tour. In addition, lessons learned through the training program will also inform the process of evaluating elements that might be replicated or modified in follow-on projects in other Danubian countries in CEE and the recommendations in the final report.

### ***Stakeholder participation***

As the principal target stakeholders for the project, government officials of the pilot countries will be involved in every aspect of the project. The choice of case studies, the focus of the plenary meetings and training sessions, and the direction of the technical assistance will be primarily guided by the key issues that are identified by key Hungarian and Slovenian government officials and NGOs participating in the project. Government officials and NGOs of the pilot countries who will be invited to participate in the project will include national level officials of environmental, water and agricultural ministries, as well as regional, municipal and local level officials with relevant experience or a significant connection to the case study. The workshops will address the day-to-day obstacles these stakeholders face in the practical tasks related to access to environmental information and public participation in environmental decision-making. Additionally, government officials from other CEE countries will also be included in the plenary meetings and training sessions to ensure that the project will yield lessons applicable or useful to these countries.

As both expert consultants to the project and representatives of the NGO community, EMLA (Hungary) and Labeco (Slovenia) will play a significant role in preparing the needs assessment, choosing an appropriate case study, identifying legislative, institutional and policy measures that can provide meaningful public access to environmental information, and helping to shape the recommendations contained in the project's final report. As environmental law experts, these NGOs will serve as indispensable resources in the analysis of Hungarian and Slovenian legislation. They will also analyze the legal implications for the pilot countries of the Aarhus Convention. They will prepare country-specific legal analyses and other written materials for, and will present their expertise and experience at, the plenary meetings and training sessions. As key stakeholders and likely users of environmental information systems in the pilot countries, and as organizations closely linked to the region's broader NGO community, these NGOs will help ensure that the project's outputs are disseminated to and are relevant to the concerns of interested citizens and NGOs in the pilot countries and in other Danube countries in CEE. Other pilot country and regional NGOs (such the Danube Environmental Forum), consumer interest organizations, and environmental NGOs from other CEE countries along the Danube will be invited to attend appropriate plenary sessions and/or training workshops to ensure that the project is closely coordinated with other ongoing public involvement efforts and programs to protect the Danube.

In order to gain the perspective of private sector entities that will be users of or affected by public involvement programs and to broaden the scope of public participation in the project, members of the pilot countries' private sector will be invited to participate in plenary sessions and key training workshops. Participants from the private sector may include representatives from key industrial and agricultural dischargers to the Danube, chambers of commerce, and industry and farmers' associations. Private sector participants may also include industrial or agricultural industry representatives from other countries where successful water discharge reduction programs have been implemented.

## **11. NGO Execution by Regional Environmental Center for Central and Eastern Europe**

***Overview of REC.*** The Regional Environmental Center for Central and Eastern Europe (REC) is a non-partisan, non-advocacy, non-for-profit organization with a mission to assist in solving environmental problems in Central and Eastern Europe (CEE). The REC fulfills this mission by encouraging cooperation

among non-governmental organizations, governments, businesses and other environmental stakeholders, by supporting the free exchange of information and by promoting public participation in environmental decision-making.

The REC is the pre-eminent environmental policy resource in Central and Eastern Europe for governments, NGOs and businesses. Begun in 1990, the REC is firmly rooted in the CEE region, headquartered in Szentendre, Hungary, immediately outside Budapest. The REC also has country offices in each of the 15 countries of Central and Eastern Europe, including Hungary and Slovenia and has supported government and NGO projects in the region.

REC has an established track record for successful grant management from governments and international agencies, including implementation of projects on public participation in environmental decision-making. The REC achieves this with an experienced, highly skilled team. The REC staff involved in the project have unique analytical and technical capacity to execute the project based on extensive prior experience in the region and specifically in the issue-area of public access to environmental information. See Annex A (first section) for a general description of REC and its contractual relationship with UNDP.

***Benefits of NGO Execution by the REC.*** UNDP views NGOs as development partners that play increasingly important roles in the development cooperation of the organization. Collaboration with civil society organizations, and specifically with NGOs, is based on the document “Building partnerships for sustainable human development, UNDP and civil society organizations, policy statement” (June 1997), which was distributed to all resident representatives, under a 2 July 1997 cover memorandum from the Administrator, on documents to facilitate collaboration with NGOs and other organizations of civil society. A summary of the benefits provided by NGO execution through REC are below. A more detailed treatment can be found in Annexes A and B.

***Regional location:*** The REC is located in the region in which the project will take place, and has country offices in both Hungary and Slovenia. The REC, with its long-standing ties in the region, is well-placed to reach and mobilize local governments, NGOs and other associations at the local level to interpret and communicate policies, goals and strategies, and to bring participatory access and community work experience and methodologies to the project. REC is also well placed to facilitate dialogue and partnership arrangements between the governments involved and all other entities. The regional location will also facilitate REC's ability to provide travel support for participants in training and the study tour.

***Cost effectiveness:*** REC will charge less for serving as Executing Agency than OPS would charge. REC's fee for serving as Executing Agency is in an amount roughly equal to 5% of the total GEF budget. OPS would charge closer to 8% of total budget. REC also provides a far more extensive package of support services. The REC's rates for workdays are much lower than is usual in western or United Nations rates.

***Responsive financial management:*** As indicated in more detail in the matrix, REC is proactive in monitoring the budget and cash flow for all of its projects. It has in place systematic reviews of progress and benchmarks, and early warning systems to signal that available funds are nearing depletion. The experience gained in 10 years of financial management totaling approximately 6 million EUR/year, and grant management of approximately one million EUR annually, will be applied to this project, including the use of the REctivity Project Management System and SunSystem accounting software. The REC is accustomed to meeting the specific accounting requirements of a diverse group of donors including, over the course of its history, the European Commission, governments (including the United States, Japan, Netherlands, Denmark, Norway, Switzerland, Austria, Canada, Finland, France, Germany, Hungary, the Czech Republic, Slovakia, and the UK), international organizations (including the UNDP and UNEP) and foundations (including, for example, Soros and Mott), altogether more than 100 donors.

*Streamlined procedures:* REC provides tested streamlined procedures to authorize and manage expenditures and subcontracting. This will allow the project to move quickly into the implementation phase, and will also facilitate simplification of travel arrangements and reimbursements.

*Cost savings in travel:* REC has considerable experience obtaining the lowest possible charges for international and intra-regional travel and accommodations, having done this for innumerable workshops and training sessions since 1989. It is important to note that REC has considerable experience providing travel and accommodations for participants who often do not have credit cards or sufficient funds to be able to work on a cost-reimbursable basis, an understandable issue in many of the countries in transition. REC routinely manages travel-related issues such as obtaining visas for regional travelers.

*Advantages to project staff:* The REC organization structure will allow the Hungarian REC team full employee benefits including: health insurance, retirement and savings plans, disability and travel insurance, dental insurance, payment of regular salaries by direct deposit; deduction of appropriate taxes; and training programs. A separate package of benefits is provided the foreign employees of the REC, including a limited diplomatic status that allows exemptions from Hungarian VAT. Similarly, the organizational sub-contracting of RFF and NYU will allow the same benefits for project staff at each of those organizations.

*Organizational support:* REC routinely provides organization support for the many projects that it runs throughout Central and Eastern Europe, including preparation of annual reports, audits, reports to donors, employee training programs, and organizational legal counsel. Similarly, the subcontracting entities, RFF and NYU provide similar organization support on a routine basis.

- See Annex A for standard NGO Project Cooperation Agreement to be signed between UNDP and the REC.
- See Annex B, second through fourth section for summary of REC services

### ***Rationale for Waiver of Competitive Bidding.***

This project qualifies for UNDP's exception to the normal requirement of competition. UNDP rules state that competition is unnecessary when an NGO submits and UNDP and the concerned governments accept an unsolicited proposal that is unique, innovative or proprietary, and represents an appropriate use of UNDP resources.

This proposal meets those criteria. It represents a unique, innovative approach toward operationalizing the transboundary pollution reduction goals of the Danube Strategic Action Plan and the Danube River Basin Pollution Reduction Program. The concept document outlining this proposal, which was prepared jointly by REC, NYU and RFF, was sent unsolicited to UNDP/GEF in October 1998, and approved by the GEF Secretariat in December 1998. On the basis of GEF SEC's approval of the concept document, the three organizations jointly prepared and submitted a project brief, elaborating the pilot project. The project brief was endorsed by Hungary and Slovenia, the two participating governments, and was approved by GEF SEC in November, 1999. Thus, the project's history meets exactly GEF's rules concerning exceptions to the normal rule of competition.

- See Annex C for a more detailed Rationale for Waiver of Competitive Bidding.
- See Annex B for matrix used to assess the REC's capacities to execute this project.

## **G. MONITORING and EVALUATION**

The project will be subject to the evaluation and review mechanisms of UNDP, including Project Performance and Evaluation Review, Tri-partite Review, and an external Evaluation and Final Report prior to the conclusion of the project. The project will also participate in the annual PIR (Project Implementation Review) exercise of the GEF. An Annual Project Report (APR) will be prepared for the project. UNDP, REC, and the participating governments will conduct a Tripartite Review. The project will also participate in the GEF Project Implementation Review (PIR). These measures will ensure that the project is monitored and evaluated in accordance with relevant UNDP and GEF procedures.

## **H. LEGAL CONTEXT**

This Project Document shall be the instrument referred to as such in Article 1 of the Standard Basic Assistance Agreement between the Government of those participating countries which have signed such Agreement and the United Nations Development Programme.

The following types of revisions may be made to this project document with the signature of the Principal Project Resident Representative (PPRR) only, provided he or she is assured that the other signatories of the project document have no objections to the proposed changes:

1. Revision in, or addition of, any of the annexes of the project document.
2. Revisions which do not involve significant changes in the immediate objectives, outputs or activities of the project, but are caused by the rearrangement of the inputs already agreed to or by cost increases due to inflation
3. Mandatory annual revisions which rephrase the delivery of agreed project inputs or increased expert or other costs due to inflation or take into account agency expenditure flexibility.

# **I. Project Work Plan for Implementation of Activities by Output**

	<b>Year 1</b>						<b>Year 2</b>		
Months	1 -2	3-4	5-6	7-8	9-10	11-12	13-14	15-16	17-18
<b>Outputs/Activities</b>									
<b>Output 1:</b> Described and analyzed legal, institutional, and practical barriers to public access to environmental information and related public involvement.									
1.1 Conduct Needs Assessment									
1.2 Identify and develop case studies in Hungary and Slovenia									
<b>Output 2:</b> Enabled Hungarian and Slovenian Ministries									
2.1 Design and Conduct In-region Training Program									
<b>Output 3:</b> Newly prepared recommendations for appropriate legal, regulatory and policy changes									
3.1 Improve legal and institutional framework									
<b>Output 4:</b> Trained Gov't and Non-governmental stakeholders									
4.1 Study Tour in United States									
4.2 Study Tour in Europe									
<b>Output 5:</b> Lessons learned materials									
5.1 Identification and dissemination of replicable elements.									
5.2 Produce final report on project results.									
5.3 Recommend follow-on technical assistance programs.									

**J. Budgets: UNDP-GEF Inputs by Year**

<b>UNDP-GEF Implementation Budget</b>				
<b>BL</b>	<b>DESCRIPTION</b>	<b>Total</b>	<b>2000-01</b>	<b>2001-02</b>
10	PERSONNEL			
11	International Specialists			
11.01	EU Study Tour Coordinator	8,000	8,000	0
11.02	EU Law Expert	15,000	11,250	3,750
<b>11.99</b>	<b>Sub-total</b>	<b>23,000</b>	<b>19,250</b>	<b>3,750</b>
<b>15.01</b>	<b>Indpendent Evaluation</b>	<b>15,000</b>	<b>0</b>	<b>15,000</b>
<b>16.01</b>	<b>Local travel for national professionals</b>	<b>196</b>	<b>196</b>	<b>0</b>
17	National Professionals			
17.51	Project Manager	35,409	26,557	8,852
17.52	Slovenia Program Director	13,200	9,900	3,300
17.53	Hungary Program Director	5,500	4,125	1,375
17.54	Capacity Building/Training Expert	4,477	4,477	0
17.55	Aarhus Implementation Expert	16,500	12,375	4,125
17.56	Environmental Public Partic. Expert	29,040	21,780	7,260
17.57	Environmental Public Partic. Expert	10,582	7,936	2,646
17.58	Publications Officer	3267	1,633	1,634
<b>19</b>	<b>National Personnel component subtotal</b>	<b>117,975</b>	<b>88,783</b>	<b>29,192</b>
20	SUB-CONTRACTS			
21.01	NYU	224,713	168,535	56,178
21.02	RFF	210,501	157,876	52,625
21.03	Hungarian/Slovenian Environmental Support	30,000	22,500	7,500
21.04	Audit	2,500	0	2,500
<b>29</b>	<b>Sub-contract component subtotal</b>	<b>467,714</b>	<b>348,911</b>	<b>118,803</b>
30	TRAINING			
32.01	Study Tours	8,094	8,094	0
32.02	In-Country Training and Technical assistance	51,942	38,956	12,986
<b>39</b>	<b>Training component subtotal</b>	<b>60,036</b>	<b>47,050</b>	<b>12,986</b>
40	EQUIPMENT			
45.01	Non-expendable (\$1,000 or more)	2,200	2,200	0
<b>49</b>	<b>Equipment component subtotal</b>	<b>2,200</b>	<b>2,200</b>	<b>0</b>
50	MISCELLANEOUS			
53.01	Sundries (postage,telephone costs, other misc.)	13,380	10,035	3,345
53.02	Reporting: Printing/Distribution/Translation.	12,800	12,800	0
<b>59</b>	<b>Misc. component subtotal</b>	<b>26,180</b>	<b>22,835</b>	<b>3,345</b>
<b>90</b>	<b>TOTAL</b>	<b>712,301</b>	<b>529,225</b>	<b>183,076</b>
94	NGO Execution Fee (REC) 5.3%	37,699	28,274	9,425
<b>99</b>	<b>GRAND TOTAL (UNDP)</b>	<b>750,000</b>	<b>557,499</b>	<b>192,501</b>

Co-funding Input Budget									
BL	Description	Total co-financing	REC	GoH	GoS	NYU	RFF	NGOs	UNDP
10	PERSONNEL								
11	International Specialists								
11.01	EU Law Expert	0							15,000
11.02	EU Study Coordinator	0							8,000
11.03	Environmental Law Expertise	270000				270,000			
11.04	Clean Water Policy Development	153940					153,940		
11.99	Sub-total	423940				0	0		23,000
15.01	Evaluative missions	0							15,000
16.01	Local Travel	61,724	12,111	10,840	1,800	21,137	15,836	9,642	196
	Sub-total	61,724							15,196
17	National Professionals	0							
17.51	Project Manager	65,180	26,180	39,000					35,409
17.52	Slovenian Program Director								13,200
17.53	Hungary Program Director								5,500
17.54	Capacity Building Expert	60,866	21,422	20,000	19,444				4,477
17.55	Senior Legal Expert								16500
17.56	Environ. Public Part. Expert								29040
17.57	Environ. Public Part. Expert								10582
17.58	Publications Officer								3,267
17.53	Support Staff	20,400		20,400					
19	Personnel component total	146,446							117,975
20	SUB-CONTRACTS								
21.01	NYU	0							224,713
21.02	RFF	0							210,501
21.03	Environmental Law Experts								30,000
21.04	Audit	0							2,500
29	Sub-contract component total	0							467,714



<b>30</b>	<b>TRAINING</b>								
<b>32.01</b>	<b>Study Tours</b>	<b>0</b>							<b>8,094</b>
<b>32.02</b>	<b>Training Programme</b>	<b>166,860</b>	<b>143,125</b>	<b>2,235</b>				<b>21,500</b>	<b>51,942</b>
<b>39</b>	<b>Training component total</b>	<b>166,860</b>							<b>60,036</b>
<b>40</b>	<b>EQUIPMENT</b>								
<b>45.01</b>	<b>Non-expendable</b>	<b>2,682</b>		<b>2,682</b>					<b>2,200</b>
<b>49</b>	<b>Equipment component total</b>	<b>0</b>							<b>2,200</b>
<b>50</b>	<b>MISCELLANEOUS</b>								
<b>53.01</b>	<b>Sundries and misc.</b>	<b>21,701</b>		<b>13,933</b>	<b>4,018</b>			<b>3,750</b>	<b>13,380</b>
<b>53.02</b>	<b>Printing/Dissemination</b>	<b>0</b>							<b>12,800</b>
<b>59</b>	<b>Misc component total</b>	<b>21,701</b>							<b>26,180</b>
<b>90</b>	<b>Total (w/o support cost)/h</b>	<b>832,995</b>	<b>202,838</b>	<b>109,090</b>	<b>25,262</b>	<b>291,137</b>	<b>169,776</b>	<b>34,892</b>	<b>712,301</b>
<b>94</b>	<b>Executing agency support</b>								<b>37699</b>
<b>99</b>	<b>UNDP Total</b>	<b>750,000</b>							<b>750,000</b>
	<b>Co-Financing</b>	<b>832,995</b>							
	<b>GRAND TOTAL</b>	<b>1,582,995</b>							

## **ANNEXES**

Annex A Project Cooperation Agreement: UNDP-REC (NGO)

Annex B Assessment of REC's Capacity for NGO Execution: General Description, Relationship with UNDP, Management and Administrative Services, Finance, Employee Benefits, and Overhead Rate

Annex C Rationale for Waiver from Competitive Bidding

Annex D Terms of Reference: Roles and Functions

1. Sub-contract for Legal Support in Facilitation of Public Access to Environmental Information
2. Sub-contract for Policy Support in Facilitation of Public Access to Environmental Information
3. Sub-contract for Hungarian and Slovenian National Environmental Law & Policy Support
4. Main Staff Positions:
  - (4a) Project Coordinator/Manager;
  - (4b) Country Program Directors (2 positions)
  - (4c) Capacity Building/Training Expert
  - (4d) Aarhus Convention Implementation Expert
  - (4e) Environmental Public Participation Experts (2 positions)

## **Annex A:**

### **PROJECT COOPERATION AGREEMENT**

**between**

**THE UNITED NATIONS DEVELOPMENT PROGRAMME**

**and**

**The Regional Environmental Center for Central and Eastern Europe**

**Whereas** the United Nations Development Programme (hereinafter referred to as "UNDP") and The Regional Environmental Center for Central and Eastern Europe (REC) (hereinafter referred to as "the NGO") have, on the basis of their respective mandates, a common aim in the furtherance of sustainable human development;

**Whereas** UNDP has been entrusted by its donors with certain resources that can be allocated for cooperative programmes and projects, and is accountable to its donors and to the Executive Board of UNDP and the United Nations Population Fund (UNFPA) for the proper management of these funds and can, in accordance with the UNDP Financial Regulations and Rules, make available such resources for cooperation in the form of a Project;

**Whereas** the NGO, its status being in accordance with national regulations, is committed to the principles of participatory sustainable human development and development cooperation, has demonstrated the capacity needed for the activities involved, in accordance with the UNDP requirements for project execution; is apolitical and not profit-making;

**Whereas** the NGO and UNDP agree that activities shall be undertaken without discrimination, direct or indirect, because of race, ethnicity, religion or creed, status of nationality or political belief, gender, handicapped status, or any other circumstances;

**Now, therefore,** on the basis of mutual trust and in the spirit of friendly cooperation, the NGO and UNDP have entered into the present Agreement.

## **Article I. Definitions**

1. For the purpose of the present Agreement, the following definitions shall apply:

- (a) "Parties" shall mean the NGO and UNDP;
- (b) "UNDP" shall mean the United Nations Development Programme, a subsidiary organ of the United Nations, established by the General Assembly of the United Nations;
- (c) "The NGO" shall mean The Regional Environmental Center for Central and Eastern Europe (REC), a non-governmental organization that was established in and incorporated under the laws of Republic of Hungary, with the purpose of assisting in solving environmental problems in Central and Eastern Europe (CEE);
- (d) "The Agreement" or "the present Agreement" shall mean the present Project Cooperation Agreement, the Project Document (annex A), which incorporates the Project Objectives and Activities, Project Work Plan, Project Inputs being provided by UNDP resources, and Project Budget, and all other documents agreed upon between the Parties to be integral parts of the present Agreement;
- (e) "Project" shall mean the activities as described in the Project Document;
- (f) "Government" shall mean the Government of *Republic of Hungary, Ministry of Environment; Republic of Slovenia, Ministry of Environment*;
- (g) "UNDP Resident Representative" shall mean the UNDP official in charge of the UNDP office in the country, or the person acting on his/her behalf;
- (h) "Person in charge of the Project" or "Project Director" shall mean the person appointed by the NGO, in consultation with UNDP and with the approval of the national coordinating authorities, who acts as the overall coordinator of the Project and assumes the primary responsibility for all aspects of it;
- (i) "Expenditure" shall mean the sum of disbursements made and valid outstanding obligations incurred in respect of goods and services rendered;
- (j) "To advance" shall mean a transfer of assets, including a payment of cash or a transfer of supplies, the accounting of which must be rendered by the NGO at a later date, as herein agreed upon between the Parties;
- (k) "Income" shall mean the interest on the Project funds and all revenue derived from the use or sale of capital equipment, and from items purchased with funds provided by UNDP or from revenues generated from Project outputs;
- (l) "*Force Majeure*" shall mean acts of nature, war (whether declared or not), invasion, revolution, insurrection, or other acts of a similar nature or force;
- (m) "Project Work Plan" shall mean a schedule of activities, with corresponding time-frames and responsibilities, that is based upon the Project Document, deemed necessary to achieve Project results, prepared at the time of approval of the Project, and revised annually.

## **Article II. Objective and Scope of the Present Agreement**

- 1. The present Agreement sets forth the general terms and conditions of the cooperation between the Parties in all aspects of achieving the Project Objectives, as set out in the Project Document (annex A of the present Agreement).
- 2. The Parties agree to join efforts and to maintain close working relationships, in order to achieve the Objectives of the Project.

## **Article III. Duration of Project Agreement**

1. The term of the present Agreement shall commence on [*date of start of Agreement*] and terminate on [*date of end of Agreement*]. The Project shall commence and be completed in accordance with the time-frame or schedule set out in the Project Document.

2. Should it become evident to either Party during the implementation of the Project that an extension beyond the expiration date set out in paragraph 1, above, of the present Article, will be necessary to achieve the Objectives of the Project, that Party shall, without delay, inform the other Party, with a view to entering into consultations to agree on a new termination date. Upon agreement on a termination date, the Parties shall conclude an amendment to this effect, in accordance with Article XVII, below.

#### **Article IV. General Responsibilities of the Parties**

1. The Parties agree to carry out their respective responsibilities in accordance with the provisions of the present Agreement, and to undertake the Project in accordance with the document “UNDP procedures for project execution by a non-governmental organization”, which forms an integral part of the present Agreement.

2. Each Party shall determine and communicate to the other the person (or unit) having the ultimate authority and responsibility for the Project on its behalf. The Person in charge of the Project or Project Director shall be appointed by the NGO, in consultation with UNDP and with the approval of the national coordinating authorities.

3. The Parties shall keep each other informed of all activities pertaining to the Project and shall consult once every three months or as circumstances arise that may have a bearing on the status of either Party in the country or that may affect the achievement of the Objectives of the Project, with a view to reviewing the Work Plan, Budget and implementation of the Project.

4. The Parties shall cooperate with each other to facilitate the obtention of any licenses and permits required by national laws, where appropriate and necessary for the achievement of the Objectives of the Project. The parties shall also cooperate in the preparation of any reports, statements or disclosures which are required by national law.

5. The NGO may only use the name and emblem of the United Nations or UNDP in direct connection with the Project, and subject to prior written consent of the UNDP Resident Representative in the country.

6. The activities under the present Agreement are in support of the efforts of the Government, and therefore the NGO will communicate with the Government as necessary. The Project Director will be responsible for day-to-day contacts with the relevant national authorities and UNDP on operational matters during the implementation of the Project. The UNDP Resident Representative will act as the principal channel for communicating with the Government national coordinating authorities regarding the activities under the Project Cooperation Agreement, unless otherwise agreed with the Parties and the Government.

7. The UNDP Resident Representative will facilitate access to information, advisory services, technical and professional support available to UNDP and will assist the NGO to access the advisory services of other United Nations organizations, whenever necessary.

8. The Parties shall cooperate in any public relations or publicity exercises, when these are deemed appropriate or useful by the UNDP Resident Representative.

#### **Article V. Personnel Requirements**

1. The NGO shall be fully responsible for all services performed by its personnel, agents, employees, contractors or subcontractors (hereinafter referred to as "Personnel").

2. The NGO's Personnel shall not be considered in any respect as being the employees or agents of UNDP. The NGO shall ensure that all relevant national labour laws are observed.

3. UNDP does not accept any liability for claims arising out of the activities performed under the present Agreement, or any claims for death, bodily injury, disability, damage to property or other hazards that may be suffered by NGO Personnel as a result of their work pertaining to the project. It is understood that adequate medical and life

insurance for Personnel, as well as insurance coverage for service-incurred illness, injury, disability or death, is the responsibility of the NGO.

4. The NGO shall ensure that its Personnel meet the highest standards of qualification and technical and professional competence necessary for the achievement of the Objectives of the Project, and that decisions on employment related to the implementation of the Project shall be free of discrimination on the basis of race, religion or creed, ethnicity, ethnicity or national origin, gender, handicapped status, or other similar factors. The NGO shall ensure that all Personnel are free from any conflicts of interest relative to the Project Activities.

#### **Article VI. Terms and Obligations of Personnel**

1. The NGO undertakes to be bound by the terms and obligations specified below, and shall accordingly ensure that the Personnel performing project-related activities under the present Agreement comply with these obligations:

(a) The Personnel shall be under the direct charge of the NGO which functions under the general guidance of UNDP and the Government;

(b) Further to subparagraph (a) above, they shall not seek nor accept instructions regarding the activities under the present Agreement from any Government other than the Government of Hungary and Slovenia or other authority external to UNDP ;

(c) They shall refrain from any conduct which would adversely reflect on the United Nations, and shall not engage in any activity which is incompatible with the aims and objectives of the United Nations or the mandate of UNDP;

(d) Subject to the requirements outlined in the document “UNDP public information disclosure policy”, information that is considered confidential shall not be used without the authorization of UNDP. In any event, such information shall not be used for individual profit. The Project Director may communicate with the media regarding the methods and scientific procedures used by the NGO, however, UNDP clearance is required for the use of the name UNDP in conjunction with Project Activities in accordance with Article IV, paragraph 5, above. This obligation shall not lapse upon termination of the present Agreement, unless otherwise agreed between the Parties.

#### **Article VII. Supplies, Vehicles and Procurement**

1. UNDP shall contribute to the Project the resources indicated in the Budget section of the Project Document.

2. Technical and logistical equipment, non-expendable materials, or other property furnished or financed by UNDP shall remain the property of UNDP and shall be returned to UNDP upon completion of the Project or upon termination of the present Agreement, unless otherwise agreed upon between the Parties, and in consultation with the national coordinating authorities. During Project implementation and prior to such return, the NGO shall be responsible for the proper custody, maintenance and care of all equipment. The NGO shall, for the protection of such equipment and materials during implementation of the Project, obtain appropriate insurance in such amounts as may be agreed upon between the Parties and incorporated in the Project Budget.

3. UNDP will place on the supplies, equipment and other materials it furnishes or finances such markings as will be necessary to identify them as being provided by UNDP.

4. In cases of damage, theft or other losses of vehicles and other property made available to the NGO, the NGO shall provide UNDP with a comprehensive report, including police report, where appropriate, and any other evidence giving full details of the events leading to the loss of the property.

5. In its procedures for procurement of goods, services or other requirements with funds made available by UNDP as provided for in the Project Budget, the NGO shall ensure that, when placing orders or awarding contracts, it will safeguard the principles of highest quality, economy and efficiency, and that the placing of such orders will be based on an assessment of competitive quotations, bids, or proposals, unless otherwise agreed to by UNDP.

6. UNDP shall make every effort to assist the NGO clearing all equipment and supplies through customs at places of entry into the country(ies) where Project activities are to take place.

7. The NGO shall maintain complete and accurate records of equipment, supplies and other property purchased with UNDP funds and shall take periodic physical inventories. The NGO shall provide UNDP annually with the inventory of such equipment, property and non-expendable materials and supplies, and at such time and in such form as UNDP may request.

### **Article VIII. Financial and Operational Arrangements**

1. In accordance with the Project Budget, UNDP has allocated and will make available to the NGO funds up to the maximum amount of US\$750,000. The first installment of [*amount of first installment*] will be advanced to the NGO within [*number of working days*] working days following signature of the present Agreement. The second and subsequent installments will be advanced to the NGO quarterly, when a Financial Report and other agreed upon documentation, as referenced in Article X, below, for the activities completed have been submitted to and accepted by UNDP as showing satisfactory management and use of UNDP resources.

2. The NGO agrees to utilize the funds and any supplies and equipment provided by UNDP in strict accordance with the Project Document. The NGO shall be authorized to make variations not exceeding twenty (20) per cent on any one line item of the Project Budget, provided that the total Budget allocated by UNDP is not exceeded. The NGO shall notify UNDP about any expected variations on the occasion of the quarterly consultations set forth in Article IV, paragraph 3, above. Any variations exceeding twenty (20) per cent on any one line item that may be necessary for the proper and successful implementation of the Project shall be subject to prior consultations with and approval by UNDP.

3. The NGO further agrees to return within two (2) weeks any unused supplies made available by UNDP at the termination or end of the present Agreement or the completion of the Project. Any unspent funds shall be returned within two (2) months of the termination of the present Agreement or the completion of the Project.

4. UNDP shall not be liable for the payment of any expenses, fees, tolls or any other financial cost not outlined in the Project Work Plan or Project Budget, unless UNDP has explicitly agreed in writing to do so prior to the expenditure by the NGO.

### **Article IX. Maintenance of Records**

1. The NGO shall keep accurate and up-to-date records and documents in respect of all expenditures incurred with the funds made available by UNDP, to ensure that all expenditures are in conformity with the provisions of the Project Work Plan and Project Budgets. For each disbursement, proper supporting documentation shall be maintained, including original invoices, bills, and receipts pertinent to the transaction. Any Income, as defined in Article I, paragraph 1 (k), above, arising from the management of the Project shall be promptly disclosed to UNDP. The Income shall be reflected in a revised Project Budget and Work Plan and recorded as accrued income to UNDP, unless otherwise agreed between the Parties.

2. Upon completion of the Project/Termination of the Agreement, the NGO shall maintain the records for a period of at least four (4) years, unless otherwise agreed upon between the Parties.

### **Article X. Reporting Requirements**

1. The NGO shall provide UNDP and the national coordinating authorities with periodic reports on the progress, activities, achievements and results of the Project, as agreed between the Parties. As a minimum, the NGO shall prepare an annual progress report.

2. Financial reporting will be made on a quarterly basis, as described in the document “UNDP procedures for project execution by a non-governmental organization”.

(a) The NGO is expected to prepare a Financial Report and submit it to the UNDP Resident Representative within thirty (30) days after the end of each quarter, in English.

(b) The purpose of the Financial Report is to request a quarterly advance of funds, to list the disbursements incurred on the Project by budgetary component on a quarterly basis, reconcile outstanding advances and foreign exchange loss/gain during the quarter.

(c) The Financial Report has been designed to reflect the transactions of a project on a cash basis. Because of this, unliquidated obligations or commitments should not be reported to UNDP, i.e., the reports should be prepared on a "cash basis", **not** an accrual basis, and thus will only include disbursements made by the NGO and **not** commitments. However, the NGO shall provide indication when submitting reports as to the level of unliquidated obligations or commitments, for budgetary purposes.

(d) The information furnished on the Report forms the basis of a periodic financial review, and its timely submission is a prerequisite to the continuing funding of the Project. Unless the Financial Report is received, requests for advances of funds from UNDP will not be acted upon by the UNDP Resident Representative.

(e) Any refund received by an NGO from a supplier should be reflected on the Report as a reduction of disbursements on the component to which it relates.

(f) UNDP will provide the NGO with a financial personal computer-based system for financial reporting.

3. Within two (2) months of the completion of the Project or of the termination of the present Agreement, the NGO shall submit a final report on the Project activities and include a final Financial Report on the use of UNDP funds, as well as an inventory of supplies and equipment.

#### **Article XI. Audit Requirements**

1. The NGO shall submit to the Resident Representative of UNDP a certified annual financial statement on the status of funds advanced by UNDP. The Project will be audited at least once during its lifetime, but may be audited annually, as will be reflected in the annual audit plan prepared by UNDP Headquarters (Division of Audit and Performance Review), in consultation with the Parties to the Project. The audit shall be carried out by the auditors of the NGO or by a qualified audit firm, which will produce an audit report and certify the financial statement. UNDP Headquarters (Division of Audit and Performance Review) approval is not required in the selection of a qualified audit firm.

2. Notwithstanding the above, UNDP shall have the right, at its own expense, to audit or review such Project-related books and records as it may require, and have access to the books and record of the NGO, as necessary.

#### **Article XII. Responsibility for Claims**

1. The NGO shall indemnify, hold and save harmless, and defend at its own expense, UNDP, its officials and persons performing services for UNDP, from and against all suits, claims, demands and liability of any nature and kind, including their cost and expenses, arising out of the acts or omissions of the NGO or its employees or persons hired for the execution of the present Agreement and the Project.

2. The NGO shall be responsible for, and deal with all claims brought against it by its Personnel, employees, agents or contractors.

#### **Article XIII. Suspension and Early Termination**

1. The Parties hereto recognize that the successful completion and accomplishment of the purposes of a technical cooperation activity are of paramount importance, and that UNDP may find it necessary to terminate the Project, or to modify the arrangements for execution of a Project, should circumstances arise which jeopardize successful completion or the accomplishment of the purposes of the Project. The provisions of the present Article shall apply to any such situation.

2. UNDP shall consult with the NGO if any circumstance arises that, in the judgment of UNDP, interferes or threatens to interfere with the successful completion of the Project or the accomplishment of its purposes. The NGO shall promptly inform UNDP of any such circumstance that might come to the NGO's attention. The Parties shall cooperate towards the rectification or elimination of the circumstance in question and shall exert all reasonable efforts to that end, including prompt corrective steps by the NGO, where such circumstances are attributable to it or within its



responsibility or control. The Parties shall also cooperate in assessing the consequences of possible termination of the Project on the target beneficiaries of the Project.

3. UNDP may at any time after occurrence of the circumstance in question and appropriate consultations suspend execution of the Project by written notice to the NGO, without prejudice to the initiation or continuation of any of the measures envisaged in paragraph 2, above, of the present Article. UNDP may indicate to the NGO the conditions under which it is prepared to authorize a resumption of execution of the Project.

4. If the cause of suspension is not rectified or eliminated within fourteen (14) days after UNDP has given notice of suspension to the NGO, UNDP may, by written notice at any time thereafter during the continuation of such cause: (a) terminate the Project; or (b) terminate the NGO's execution of the Project, and entrust its execution to another Executing Agency. The effective date of termination under the provisions of the present paragraph shall be specified by written notice from UNDP.

5. Subject to paragraph 4 (b), above, of the present Article, the NGO may terminate the present Agreement in cases where a condition has arisen that impedes the NGO from successfully fulfilling its responsibilities under the present Agreement, by providing UNDP with written notice of its intention to terminate the present Agreement at least 30 days prior to the effective date of termination, if the Project has a duration of up to six (6) months, and at least sixty (60) days prior to the effective date of termination, if the Project has a duration of more than (6) months.

6. The NGO may only terminate the present Agreement under point 5, above, of the present Article, after consultations have been held between the NGO and UNDP, with a view to eliminating the impediment, and shall give due consideration to proposals made by UNDP in this respect.

7. Upon receipt of a notice of termination by either Party under the present Article, the Parties shall take immediate steps to terminate activities under the present Agreement, in a prompt and orderly manner, so as to minimize losses and further expenditures. The NGO shall undertake no forward commitments and shall return to UNDP, within thirty (30) days, all unspent funds, supplies and other property provided by UNDP, unless UNDP has agreed otherwise in writing.

8. In the event of any termination by either Party under the present Article, UNDP shall reimburse the NGO only for the costs incurred to execute the project in conformity with the express terms of the present Agreement. Reimbursements to the NGO under this provision, when added to amounts previously remitted to it by UNDP in respect of the Project, shall not exceed the total UNDP allocation for the Project.

9. In the event of transfer of the NGO's responsibilities for execution of a Project to another Executing Agency, the NGO shall cooperate with UNDP and the other Executing Agency in the orderly transfer of such responsibilities.

#### **Article XIV. Force Majeure**

1. In the event of and as soon as possible after the occurrence of any cause constituting *Force Majeure*, as defined in Article I, paragraph 1, above, the Party affected by the Force Majeure shall give the other Party notice and full particulars in writing of such occurrence, if the affected Party is thereby rendered unable, in whole or in part, to perform its obligations or meet its responsibilities under the present Agreement. The Parties shall consult on the appropriate action to be taken, which may include suspension of the present Agreement by UNDP, in accordance with Article XIII, paragraph 3, above, or termination of the Agreement, with either Party giving to the other at least seven (7) days written notice of such termination.

2. In the event that the present Agreement is terminated due to causes constituting *Force Majeure*, the provisions of Article XIII, paragraphs 8 and 9, above, shall apply.

#### **Article XV. Arbitration**

The Parties shall try to settle amicably through direct negotiations, any dispute, controversy or claim arising out of or relating to the present Agreement, including breach and termination of the Agreement. If these negotiations are unsuccessful, the matter shall be referred to arbitration in accordance with United Nations Commission on International Trade Law (UNCITRAL) Arbitration Rules. The Parties shall be bound by the arbitration award rendered in accordance with such arbitration, as the final decision on any such dispute, controversy or claim.

#### **Article XVI. Privileges and Immunities**

Nothing in or related to the present Agreement shall be deemed a waiver, express or implied, of any of the privileges and immunities of the United Nations and UNDP.

#### **Article XVII. Amendments**

The present Agreement or its Annexes may be modified or amended only by written agreement between the Parties.

**IN WITNESS WHEREOF** the undersigned, being duly authorized thereto, have on behalf of the Parties hereto signed the present Agreement at the place and on the day below written.

For the NGO:

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Place: \_\_\_\_\_

Date: \_\_\_\_\_

For UNDP:

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Place: \_\_\_\_\_

Date: \_\_\_\_\_

**Annex B**  
**ASSESSMENT OF REC'S CAPACITY FOR NGO EXECUTION**

**Project title:** Building Environmental Citizenship to Support Transboundary Pollution Reduction in the Danube: A Pilot Project in Hungary and Slovenia.  
**Executing NGO:** The Regional Environmental Center for Central and Eastern Europe  
**Project number:** RER/99/G35/A/1G/72

(a) <u>REQUIREMENTS FOR EXECUTION</u>	(b) FINDINGS AND CONCLUSIONS
<b><u>Technical Capacities</u></b>	
Technical Analytical Capacity	<p>The Regional Environmental Center for Central and Eastern Europe (REC) is a non-partisan, non-advocacy, non-for-profit organization with a mission to assist in solving environmental problems in Central and Eastern Europe (CEE). The REC fulfills this mission by encouraging cooperation among non-governmental organizations, governments, businesses and other environmental stakeholders, by supporting the free exchange of information and by promoting public participation in environmental decision-making.</p> <p>The REC is the pre-eminent environmental policy resource in Central and Eastern Europe for governments, NGOs and businesses. Begun in 1990, the REC is firmly rooted in the CEE region, headquartered in Szentendre, Hungary, immediately outside Budapest. The REC also has country offices in each of the 15 countries of Central and Eastern Europe, including Hungary and Slovenia and has supported government and NGO projects in the region.</p> <p>REC has an established track record for successful grant management from governments and international agencies, including implementation of projects on public participation in environmental decision-making. The REC achieves this with an experienced, highly skilled team. The REC staff involved in the project have unique analytical and technical capacity to execute the project based on extensive prior experience in the region and specifically in the issue-area of public participation in environmental decisionmaking and public access to environmental information.</p> <p>The REC's effort would be supervised by Jernej Stritih, with Magdolna Toth Nagy managing the day to day aspects of the project. Mr. Stritih, Executive Director of REC, has expertise in environmental public participation issues rooted in his experience in government, environmental consulting, and working as an NGO leader. Magdolna Toth Nagy, directs the REC's Public Participation Program. She has been a key actor in the UN-ECE convention negotiations that led to the agreement signed at Aarhus, Denmark and has been involved into many region-wide projects on public participation.</p>

Consultations with Beneficiaries, Implementing Agents and Contractors	<p>The REC and its partners, Resources for the Future (RFF) and New York University School of Law (NYU), have already established a cooperative work relationship with the major project beneficiaries and stakeholders, including the governments of Hungary and Slovenia, civil society groups, and the Danube Secretariat, secured their buy-in for the project, and have developed a plan for consultations during the project. This existing work relationship with the Executing Agency will facilitate efficient future consultations.</p> <p>The REC has been working in both countries since its establishment, and its knowledge of the region and experts helps it to find reliable and highly professional partners and contractors. Its location and the existence of country offices in both of the countries involved in the project will also add to the REC's ability to communicate regularly with beneficiaries and contractors.</p>
Monitoring	<p>The project will be monitored and evaluated in accordance with relevant UNDP and GEF procedures:</p> <ul style="list-style-type: none"> <li>(i) The executing agency has developed periodic benchmarks and monitoring procedures to ensure that the project advances according to the timeline laid out in the Project Document. These include a Needs Assessment at the start of the project;</li> <li>(ii) the UNDP-GEF IW Advisor has monitored the project through its development phase and will be regularly informed and updated by the executing agency so that he can continue to do so in the implementation phase;</li> <li>(iii) an Annual Project Report (APR) will be prepared for the project;</li> <li>(iv) a Tripartite Review will be conducted with UNDP, the executing agency and the participating governments;</li> <li>(v) the project will participate in the GEF Project Implementation Review (PIR); an independent external evaluation will follow completion of the project.</li> <li>vi) The close proximity of the REC to the target locations and the availability of country offices in Hungary and Slovenia provides the REC with ability to monitor project development in both countries on the permanent basis.</li> </ul>
<b><u>Managerial Capacity</u></b>	

Management structure	<p>During the 10 years of its existence, the REC has managed hundreds of regional and national environmental projects, funded by more than 100 donors. Donors, include among others, the European Commission, the governments of US, Japan, the Netherlands, Denmark, Norway, Switzerland, Austria, Canada, Finland, France, Germany, Hungary, Czech Republic, Slovakia, and UK, international organizations such as the UNDP, UNEP, WHO, and UNECE, and private foundations such as Mott and Soros. The REC annually manages funds totaling approximately 6 million EUR/year, of which about 1 million EUR are grants. The management structure of the REC has been designed to ensure the efficient, solid and reliable management of an international organization that operates in 15 countries and simultaneously runs hundreds of projects, including those run by its 15 country offices</p> <p>The REC is governed by a Board of eight Directors elected for three years by the Signatory Governments to the REC Charter. Current Board members include <i>Bedrich Moldan</i>, the Chairman of the Board, Director, Charles University Center for the Environment; <i>Anna Kalinowska</i>, Adviser to the Minister of Environmental Protection, Natural Resources and Forestry of Poland, Director, Bureau of Education and Public Relations of the Ministry Minister of Environmental Protection, Natural Resources and Forestry of Poland, National Coordinator CCMS/NATO; <i>Thomas Becker</i>, Energy and Environment Counsellor at the Danish Embassy to the Organisation for Economic Cooperation and Development (OECD); <i>Tom Garvey</i>, former Deputy Director General, DG.XI, European Commission (1992-1998); <i>Robert Herbst</i>, Chief Executive Officer, Global Environment and Technology Foundation, USA; <i>Hiroyuki Ishi</i>, Professor, University of Tokyo, Chairman, Japan Council of Sustainable Development, member, Advisory Commission to the Minister of Trade and Industry of Japan; <i>Dana Nicolescu</i>, Director, Opportunity Associates, Romania; and <i>Istvan Tokes</i>, Liaison Officer, UNDP Liaison office for Hungary. The Board is advised by a General Assembly composed two-thirds by delegates of Signatory Governments and one-third by independent members. Activities of the Board include, but are not limited to, approval of the yearly project plan and budget.</p>
	<p>Daily operations of the REC are managed by the Executive Director assisted by the Deputy Executive Director. The Coordination Committee of the REC, consisting of Heads of Programs and Departments, meets every one or two weeks depending on needs to assist the Executive Director in daily organizational management and strategic planning in-between the Board meetings.</p> <p>General project planning within the REC is done by the Project Manager and is subject to revision by Executive (or Deputy) Director and Finance Department. The work within the project team is traditionally based upon principles of cooperation, consensus and shared responsibility. The project “Building Environmental Citizenship To Support Transboundary Pollution Reduction in the Danube” will be run by a highly qualified team that, besides REC’s Executive Director and highly qualified Project Manager, includes REC’s top EIA expert, the directors of the REC Country Offices in Slovenia and Hungary, Senior Legal Specialist, Head of the Finance Department and other professional staff such as conference service department, project assistants, etc.</p>

Ability to Plan	The REC has a well-developed planning system. The normal REC project planning process includes development of a detailed project workplan (based on the milestones identified in the RECTivity management system on project preparation stage), and breakdown of project activities based on an annual schedule (for projects over one year in length). The project progress is reviewed and financial and narrative reports are prepared on a quarterly basis. A final content report and financial report are prepared within a month of completion of the project.
Ability to coordinate complex activities	REC's ability to plan and coordinate complex activities has been confirmed by ten years of experience in the successful operation of various-size environmental projects on national, regional and local levels, in the headquarters located in Hungary and in the 15 countries served by the REC. Many of the projects have had a multi-stakeholder approach. The REC projects usually include an effective coordination of multi-national staff including fifteen Country Offices.
	<p>The REC has a well developed relationship with governments, NGOs, businesses and independent experts in the CEE region, Western Europe and the US. This enables it to sub-contract required professionals, should activities within the project require additional outside expertise. In general, the REC plans its programs based on an assessment of long-term priority areas. Various projects are developed within each of its program areas. The projects are developed based either on a needs assessment or on the requirements of one or more stakeholders, and projects are strategically planned to compliment each other in order to achieve the goals of the program area in the most efficient way.</p> <p>Based on a needs assessment in the early years of 1991-1992, conducted in the framework of the REC's Environmental Legislative Task Force to assist the CEE countries in drafting their environmental protection laws and to deal with their priority issues in implementation of legislation and practices, the REC came to the conclusion that access to environmental information and public participation are key issues for successful democratic environmental decisionmaking and enforcement of environmental policies and legislation. After this evaluation, the REC launched its Public Participation Program and built it up to support awareness raising and capacity building of the various stakeholders through publications, grants, training activities, the development of environmental policy tools and legislation, and other ways to encourage better institutional frameworks and positive practices in CEE. Since then, REC has initiated and managed numerous projects on local, national, regional and European levels to achieve these goals. These have included: the development of a written series of Manuals on Public Participation in Environmental Decision-making; preparation of monitoring and assessment reports on the status of public participation practices for the Sofia and the Aarhus Ministerial Conferences; participation in the drafting of the Aarhus Convention and the organization of a series of roundtable meetings in 21 CEE and NIS countries; and convening a network of independent experts to support the early ratification and implementation of the Aarhus Convention.</p>
<b><u>Administrative Capacity</u></b>	

<p>Ability to procure goods, services and works on a transparent and competitive basis</p>	<p>The REC has strict guidelines and procedures for the procurement of goods and services. Any purchases of fixed assets, site investments, supplies or services <i>below 5000 EUR</i> can only be made from <i>a list of preferred suppliers</i> or <i>based on at least three quotes</i>. These are suppliers with which REC enters into a special relationship, e.g. through yearly cooperation agreements that are signed with these preferred suppliers. In these agreements discounts on the products offered by the supplier will be defined. Preferred suppliers are identified through an <i>open tendering process</i>, which is initiated by the Administration Department. The Administration Department maintains a list of preferred suppliers for individuals and firms providing equipment, other fixed assets, supplies and maintenance. The Coordination Committee of the REC is informed about the content of such agreements (name of the company, brief description of tasks, terms and conditions of the agreement). <i>A minimum of three quotes</i> is required for any purchases of fixed assets, site investments, supplies or services <i>above 5000 EUR</i>.</p> <p>Subcontracting constitutes an important part of project management. In general, the same rules (three quotes for contracts above EUR 5000, List of Qualified Subcontractors, maintained by Personnel Unit) apply. All subcontracting is done through REC's Personnel Department based on a standard sub-contract form. Payment is made after the successful completion of the task.</p>
<p>Ability to prepare, authorize and adjust commitments and expenditures</p>	<p>The REC's Administrative Manual has detailed policies on purchasing and subcontracting, that result in the most efficient and best price option.</p> <p>Any Purchase over 100 EUR requires a Purchase Request Form. The approval of the Deputy Executive Director is needed for any fixed assets purchase and the approval of the Head of Finance Department is required for purchases above 100 EUR. All Subcontracts need approval of the Coordination Committee, the Head of the Finance Department and are signed by the Executive Director (ED)/Deputy Executive Director (DED) only. Any adjustments, extensions or other changes to the contracts for purchasing or subcontracting are done in the same manner. A purchase authorization is given or subcontract is prepared only after availability of appropriate funding is tracked against the relevant project budget line.</p>
<p>Ability to manage and maintain equipment</p>	<p>According to REC procedures, fixed assets are those assets which have a purchase price value above EUR 100. Fixed assets (e.g. computers, office machinery, and furniture) are supplied by the Administration Department based on a Purchase Request Form. Each staff member is responsible for the equipment she/he uses. Fixed Assets are labeled with inventory numbers at the time of purchase. Inventory numbers are assigned by the Administration Department. The inventory items are recorded on a room inventory list and the staff located in that room are responsible for them. Inventory lists are updated by the Administration Department. At least once a year the inventory is updated by the Administration Department and submitted to the Coordination Committee. Loss or damage discovered during the annual inventory will be recorded by the Administration Department and the staff responsible for the inventory item.</p> <p>All equipment is kept on the REC office premises. The REC is heavily guarded on a 24 hour basis.</p>

<p>Ability to recruit and manage the best qualified personnel on a transparent and competitive basis</p>	<p>It is the REC's goal to recruit, retain and assist in their development the best people, based solely on their abilities. The process begins with a clear specification of the skills and experience necessary to implement the responsibilities of the position. These are prepared <i>in writing</i> by the Project Manager or Department Head. In order to allow career development within the organization, all vacant positions are announced first in-house (including in the country offices in the 15 countries served by the REC) to REC employees. All REC employees are free to apply for vacant positions. The Personnel Unit is responsible for announcing available positions in-house and outside in cooperation with the relevant supervisors.</p> <p>Prospective employees are assessed on their suitability for the post by a committee representing the REC. This selection committee will consist of the supervisor (or her/his delegate) to whom the position reports and the Head of the Personnel Unit (or her/his delegate). The Committee may invite any other relevant staff member to join. Selection interviews are always documented, and interview forms (available at the Personnel Unit) are collected by the Personnel Unit. The committee may call an applicant for a second interview, or for selection exercises as necessary.</p> <p>Before a final decision is made, supervisors are encouraged to consult with the members of the department or unit in which the position is placed. All applicants are notified of the results for selection procedures –within one week after the decision is made – by the Personnel Unit.</p> <p>The REC uses three types of contracts for its staff: project-based contracts, fixed term and permanent contracts. Performance Indicators are developed for each employee by his/her supervisor. Verification of an employee performance is done within a yearly Individual Performance Evaluation.</p>
<p><b><u>Financial Capacity</u></b></p>	



<p>Ability to produce project budgets</p>	<p>The REC routinely manages funds from donors. As mentioned above, the REC is funded by more than 100 donors and manages funds totaling approximately 6 million EUR/year, including grants totaling about 1 million EUR annually.</p> <p>The REC uses an advanced Project Management System (called RECTivity) with a powerful financial module that assists our project managers in the budget preparation process. The REC's Project Management Manual also includes a Budgeting Policy with very detailed requirements. The project managers are required to prepare project cashflows for each year, by months. This facility is also a part of the RECTivity Project Management system which allows better control and transparency with regard to project expenses. Such monthly cash-flow forecasting helps to foresee what funds will be required for each month of the project.</p> <p>The REC has clear and precise policies with regard to time sheets, expense reimbursements, travel, cash advances, and subcontracting that help in keeping track of the expenditures billed to each particular project. The project personnel's time is transferred automatically from a personal time-sheet into the project time-sheet and later, when approved by the Project Manager, and Finance Department, it is charged to the project on a monthly basis. These time-sheets show the amount of time spent on the project by the various REC experts and also serve as background documentation for the financial reports sent to the donors.</p>
	<p>The REC uses standard consulting forms, each of which is signed by the Project Manager and checked by the Finance Department to ensure that fees are appropriate for payment.</p> <p>All direct expenses are documented in original bills and the expenses are charged directly to the project.</p> <p>Requests for advances for travel, equipment purchase or any other direct expenses of the type are filled on standard forms by the Project Manager and approved by the Deputy Executive Director, when necessary. All budget requests are tracked strictly by line item as specified in the approved budget.</p> <p>The Finance Department uses SunSystem accounting software. From the accounting system REC prepares project expenditure reports (budget vs. actual) on a monthly basis. These detailed reports are checked on a monthly basis by both the Finance Department and the Project Manager. For the purpose of this particular project, a financial plan was prepared during the stage of project development, and it will be finalized when the project is approved.</p>

<p>Ability to ensure physical security of advances cash and records</p>	<p>The REC holds funds in bank accounts in reputable Austrian and Hungarian Banks. Strict policies and procedures regulate the use of these funds endorsed by a system of monthly trust fund reconciliation. In general the procedures are as follows:</p> <ul style="list-style-type: none"> <li>• Whenever an advance payment for a project is received, it is recorded as a 'trust fund account' in the accounting (SunSystem) and project management (RECTivity) system of the REC.</li> <li>• The money is reallocated from this trust fund account only to the extent of the up to date expenditures of the project.</li> <li>• At the end of each month a trust fund reconciliation is made. This means that a balance sheet and a P&amp;L statement are prepared for each and every project. During this reconciliation process a check is done on whether the amount of money kept in the trust fund account equals the total amount received from the donor less the total expenditures up to date. This is a standard procedure for all of the REC projects and the trust fund reconciliations are checked by the REC's external auditors, Ernst &amp; Young, during the year end audit.</li> </ul> <p>The REC has a very strict cash policy and a security system in place including a fireproof safe and other security safeguards. All records and files are kept in the locked offices of the Finance Department, located in the REC, which is guarded 24-hours a day.</p> <p>A system of regular backups for the records is in place. The backups are kept off-site.</p>
<p>Ability to disburse funds (including travel funds and travel reimbursements) in a timely and effective manner</p>	<p>The REC has Administrative and Financial manuals with detailed policies on processing payments, recording and reporting expenditures. It also has a system of monthly reconciliations in place (for bank accounts, receivables, liabilities, prepayments).</p> <p>Project expenses of up to 3000 EUR are requested in written form by the Project Manager and verified by the Finance Department. Approval of the Coordination Committee is necessary for requests over this amount.</p> <p>All the payments are done according to the specified project timeline. Financial reporting to donors is done on a quarterly basis or according to the donor's request.</p>
	<p>REC transfers money within a week for project activities or grants, and has a similar practice for the travel reimbursements. The REC has ten years of experience in organizing meetings, workshops, conferences, in providing advances and managing travel costs for participants who are not able to pay their own expenses even if they will eventually be reimbursed, and who lack credit cards and other means for making advance reservations and handling payment. The REC has a Conference Department, which is a special unit organizing international and internal meetings, workshops, conferences at the conference facilities in the REC headquarters as well as in the different 15 CEE countries. On an annual basis, the REC organizes approximately 30 meetings at the headquarters. The REC Conference Department has developed excellent working relations with travel agencies throughout the regional which can provide support in arranging plane and train tickets, and in sending pre-paid tickets to workshop participants at a reasonable price.</p>

<p>Ability to ensure financial recording and reporting</p>	<p>REC uses a double entry accounting system. It uses SunSystem accounting software. The accounting procedures are described in the REC's Financial Manual. Specific accounting procedures for country offices in each of the 15 countries are also in place. All expenses are recorded on a regular basis and tracked against each corresponding line of the operating budget of the project.</p> <p>Financial statements by projects are produced on a monthly basis. Financial reporting to donors is done on a quarterly basis. The quarterly reports include all the expenditures up to the final date of the reporting quarter. The REC meets the specific reporting requirements and financial specifications for more than 100 donors</p> <p>In addition to the regular internal audit system described above, Ernst &amp; Young, an independent international auditing firm does the REC's annual external compliance audit. If necessary, a special audit of a particular project can be performed upon request. The form of the project financial reports can be customized according to donor requirements. Information from the record and time keeping systems facilitates the preparation of any reports that may be requested by donors.</p>
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Brief Summary of REC's experiences to date with managing UNDP resources via subcontracts:

In past several years the REC has implemented two UNDP projects related to the Danube River Basin:

In 1998-1999, the REC in cooperation with Danube Program Coordination Unit has successfully implemented the Danube Small Grants program. The program was designed to enable environmental NGOs and associations dealing with Danube-related issues to contribute to the Danube River Basin Program in reaching its goal of improving the quality of the environment in the entire Danube River Basin. USD 150,000 were given in grants to the NGOs in six river basin countries out of total USD 174,000 managed by the REC.

The REC has also been implementing project on NGO Consultation Workshops for the Danube Pollution Reduction Program. The project was aimed at enhancing the NGO participation in the UNDP/GEF Pollution Reduction Program on the national and regional level through effective participation in defining strategies for pollution reduction and management of water resources and related ecosystems and in planning and implementation of concrete actions and projects of the Pollution Reduction Program. Total project cost: USD 161,300.

## Annex C

### **Rationale for Waiver from Competitive Bidding**

**both for the project's Executing Agency and for the specific sub-contractors.**

#### **Background:**

The Regional Environmental Center for Eastern Europe (REC) is the proposed “executing agent” for this project. UNDP defines an “executing agent” to be “an entity to which the UNDP Administrator has entrusted the overall management of a project, along with the assumption of responsibility and accountability for the production of outputs, the achievement of project objectives, and the use of UNDP resources.” Annex A allows project reviewers to verify the: 1) **legal status** of REC to operate in the two participating countries of concern (Hungary and Slovenia); and 2) the **capacity** of REC to serve as executing agent according to UNDP requirements for the project.

#### **Purpose of this Annex C:**

The purpose of this Annex C is to enable the reviewer to assess the **appropriateness** of the REC to serve as an executing agent and to be designated as such through a non-competitive process. In addition, REC has been working closely with two partner NGOs, New York University (NYU) and Resources for the Future (RFF). This annex makes the case that in this particular circumstance, these two partner NGOs merit being designated sub-contractors under the project through a non-competitive process.

#### **Why this Project Qualifies for Waiver from Competitive Bidding:**

This project qualifies for UNDP's exception to the normal requirement of competition. The officially approved UNDP document entitled *UNDP Procedures for Project Execution by a Non-Governmental Organization* states “A waiver of competition may include situations where an NGO submits, and UNDP and the concerned Government accept, an unsolicited proposal that is unique, innovative or proprietary, and which represents an appropriate use of UNDP resources.”

This proposal meets those criteria, except that instead of one NGO, three NGOs submitted the unsolicited proposal that was accepted by UNDP, the Governments of Hungary and Slovenia, and the GEF.

The proposal represents a unique, innovative approach toward operationalizing the transboundary pollution reduction goals of the Danube Strategic Action Plan and the Danube River Basin Pollution Reduction Program. The concept document outlining this proposal was prepared jointly by REC, NYU and RFF and was sent unsolicited to UNDP/GEF in October 1998. Accepted by both Governments and UNDP, the concept was submitted to and approved by the GEF Secretariat in December 1998. On the basis of GEF's approval of the concept document, the three NGOs jointly prepared and submitted a project brief, elaborating the pilot project. The project brief was endorsed by the Governments of Hungary and Slovenia, and was approved by GEF in November 1999. Each step of this process, and all communications with GEF and UNDP, demonstrate consistent recognition on the part of all parties that the initiative for this unsolicited proposal lies with REC, NYU and RFF.

#### **NGO Execution by The Regional Environmental Center for Central and Eastern Europe:**

Reasons why some NGO or non-NGO alternatives for project execution have been deemed inappropriate for UNDP-GEF projects:

- Overhead rates too high, generally ranging from 20% to nearly 100%.
- Not equipped, prepared, or experienced to deal effectively with the issues of import.

- Not experienced with a regional program of this type, the UN system, or on-the-ground realities of developing country implementation.
- Viewed project as an adjunct that would help to subsidize other programs, suggesting future wrangling over resources rather than a path to financial sustainability.
- Existing well-established thematic and/or geographic priorities do not fit project priorities; lack of mandate similar that of the project.
- Highly interested in the more interesting technical issues, but not necessarily the more mundane details of procurement, budgeting, personnel, and day-to-day project management.
- Did not want to take on the project; could not do so quickly; realistically, could not do so without incurring high internal costs at the expense of other priorities.

The Regional Environmental Center for Central and Eastern Europe (REC) has none of the drawbacks described above and moreover, meets *all* of the following criteria:

- Organization's existing mandate is complementary to that of the project:

The REC, located in Szentendre, Hungary, is the pre-eminent environmental policy resource in the region for governments, NGOs and businesses and has put particular emphasis over the 10 years of its existence on implementation of public participation in environmental decision-making. It has country offices in every Central and Eastern European country, including Hungary and Slovenia where the project will take place, and has supported government and NGO projects in the region. REC was a key NGO participant involved in negotiation of the Aarhus Convention, and administered the GEF Small Grants Program and NGO conservation workshops of the GEF Danube pollution reduction effort.

- Extensive successful experience with project management and more specifically experience with UN and other international environmental management projects:

The REC's effort would be supervised by Jernej Stritih, with Magdolna Toth Nagy managing the day to day aspects of the project, each of whom have extensive experience in project management and public participation issues. Mr. Stritih, Executive Director of REC, has expertise rooted in his experience in government, environmental consulting, and programs for support of NGOs. Magdolna Toth Nagy, directs the REC's Public Participation Program. She has managed REC's Public Participation Program since its inception, and more recently has been a key actor in the UN-ECE convention negotiations that led to the agreement signed at Aarhus, Denmark. As detailed in the matrix, REC will act as executing agency, and will coordinate and organize the activities in the Central/Eastern European region including capacity building workshops, and will organize the western European study tour.

- High satisfaction with services among current programs:

REC's efficiency, responsiveness, and value-for-service is well known. Several programs commended REC on its underlying organizational values relating to diversity, gender equity, and fair treatment of staff in the workplace.

- Extensive experience in countries in transition:

The REC has built up an extensive experience in working with countries in the CEE region during the past years. The REC experts have initiated and managed hundreds of projects in public participation and in issues considered to be high priority environmental matters by the different stakeholders in the CEE region including the two countries where the project will be implemented. The REC projects are developed based either on a needs assessment or on the requirements of one or more stakeholders, and the projects are strategically planned to compliment each other in order to achieve the goals of the program area in the most efficient way. The REC has developed good working relationship with governments, NGOs, businesses, media and independent experts in the CEE region. All this has enabled the REC to collect substantial experience and expertise to be able to work in the region and to promote the development of civil society and environmental improvements.

- Capable of quick start-up without loss of momentum

REC has already committed significant resources and intellectual capital to the development of this project and is capable of immediate start-up on the present GEF grant. With systems already in place, there would be no loss of time, reprogramming, or break in the project's current momentum.

- **Employee benefits package to attract and hold quality staff**

Persons working in REC's programs are provided with a full suite of employee benefits, e.g., health insurance, retirement plans, and skills-upgrading opportunities. (See Annex A). By shouldering overall administrative and management functions in a comprehensive cost-effective package, REC will enable the project staff and the Implementation Team to focus on technical and programmatic problems to be solved. By extending a standard package of personnel benefits, the REC enhances project productivity by building employee confidence and motivation. The REC creates a stable work environment capable of attracting and keeping high-quality staff.

### **Why Competitive Bidding is Not Necessary for the Project's two Sub-contracts:**

On the issue of sub-contracting, the same logic for a waiver to competitive bidding applies to the use of Resources For the Future (RFF) and New York University (NYU) as subcontractors by the proposed Executing Agency, Regional Environmental Center for Central and Eastern Europe (REC). The proposal represents the collective ideas and intellectual product of all three organizations, REC, NYU and RFF. Each stage of the formulation and presentation of the project concept paper and project brief has represented the joint ideas and joint efforts of the three organizations. As a practical matter, it has been understood from the beginning by GEF SEC and in all communications and interactions with GEF and UNDP that the three institutions are co-equal partners in the planning and execution of the pilot project, a fact consistently reflected in the documents submitted to GEF and UNDP.

The organizations and individuals involved in the project, individually and as a team, have unique technical, analytical and organizational capacity to execute the project due to their prior experience in the region and issue-area.

RFF, located in Washington, D.C., is the premier independent US nonprofit research institute addressing natural resource and environmental issues. It is a publicly funded organization under Section 501(c)(3) of the US Internal Revenue Code. For almost fifty years, RFF has been committed to doing independent analysis and to feeding those results into the public policy debate. RFF is currently engaged in a number of analytic projects evaluating the role of public participation in shaping the environmental agenda in the US and abroad. Although RFF is not seeking Executing Agency status for this project, it should be noted that RFF regularly administers large and small grants from the World Bank, the Asian Development Bank, U.S. government, and other US-domestic and international institutions. RFF also manages an endowment in the range of \$29,000,000, as well as annual grants and contracts in the range of \$3,000,000 or more. In discharging these responsibilities, RFF is required to meet the highest standards of financial management and fiduciary responsibility. RFF is audited yearly by Bond Beebe and the audit report is made publicly available.

**Resources For the Future's** effort will be directed by Ruth Greenspan Bell, Director of IIDEA. Ms. Bell held management positions for 17 years in the Office of General Counsel at the U.S. Environmental Protection Agency and has lived and worked in Central and Eastern Europe. In 1991 she was REC's representative in Poland. In view of her long-standing experience in the EPA and in the countries involved in this project, Ms. Bell holds a unique set of credentials required to effectively execute the portions of the project linked to government institutions and the countries in transition. Ms. Bell will provide policy support, select and organize the US government and Washington-based participants in the study tour and training sessions, and bring US government experience with public participation to the sessions in Eastern Europe and the on-going technical assistance.

**New York University**, located in New York City, one of the premier United States law schools, conducts the country's foremost academic program on environmental law. Through its clinical program and the International Environmental Legal Assistance Program, NYU provides law and policy technical assistance to developing countries and countries in transition, international organizations and NGOs. The NYU clinical program has already provided legal analysis and drafting support to the UN-ECE Convention which was ultimately signed at Aarhus. RFF and NYU are joint partners in other efforts involving the connection between environmental law and policy. Although NYU is not seeking Executing Agency status for this project, it should be noted that NYU regularly administers large and small grants from the Asian Development Bank, UNCTAD, U.S. government, and other US-domestic and international institutions. NYU School of Law manages a US\$180 million endowment and is currently administering projects in excess of \$7 million.

NYU's effort will be coordinated by Jane Bloom Stewart, Director of the International Environmental Legal Assistance Program. Ms. Stewart was a staff attorney at a leading US environmental NGO, the Natural Resources Defense Council in New York (1979-1990), and an attorney in private practice in a major New York law firm, Paul, Weiss, Rifkind, Wharton & Garrison, which represents private sector environmental clients, NGOs and international organizations on environmental matters. Ms. Stewart was counsel to the REC, and provided legal assistance to the UN-ECE Secretariat and IUCN during the early stages of negotiation of the UN-ECE Convention. Ms. Stewart will coordinate the US NGO, private sector and New York state and local representatives during the study tour and training sessions, coordinate NYU's legal research activities in support of the training and technical assistance, and bring US NGO and private sector experience to the sessions in Eastern Europe and the on-going technical assistance.

Finally, this proposal represents a fully appropriate use of UNDP resources; it directly supports and complements the UNDP/GEF-supported Danube Strategic Action Plan, will support UNDP's goals for broader public participation, and promotes the goals of the GEF Operational Strategy.

## Annex D: Terms of Reference

### I. Subcontracts:

#### **Sub-Contract for: Policy Support in Facilitation of Public Access to Environmental Information**

These ToR describe the work to be conducted under the subcontract to the NGO “Resources for the Future” (RFF).

RFF will provide expert environmental policy services and will be responsible to REC and UNDP for the production of the policy and Government-related materials from project outputs #2, #3 and #4, organizing and conducting the Washington, D.C. portion of the U.S. study tour, and completion of other tasks under project outputs #1 and #5 as detailed below. However, RFF’s input will be important to the successful production of the project’s other outputs and activities. RFF will work closely and collaboratively with both REC and NYU on the production of each of the other project outputs.

#### **Objective:**

Remove policy, Government institutional and practical barriers blocking public access to environmental information to empower public involvement in Hungary and Slovenia for Danube pollution reduction goals.

Responsibilities for the production of Outputs:

**Output 1:** Identified, policy, institutional, and practical barriers to public access to environmental information to support public involvement in Hungary and Slovenia for Danube pollution reduction goals.

#### Responsibilities:

1. Assist REC in conducting the public access to environmental information “needs assessment.”
  - ❖ Existing analyses do not focus on the adequacy of public access to environmental information measures in Slovenia and Hungary to reduce transboundary pollution of the Danube. This needs assessment will:
    - Identify policy, institutional, programmatic, and practical barriers to as well as opportunities for public access to information and related public participation that will support the transboundary pollution reduction goals of the SAP.
    - Draw upon and supplement existing research and analysis conducted by REC and by the Hungarian and Slovenian governments.
    - Focus on additional public access to environmental information measures that are needed to achieve transboundary results.
2. Provide policy considerations and criteria to REC to assist in targeting the identification of appropriate Case Study sites in Hungary and Slovenia
  - ❖ Agricultural sources are significant contributors to transboundary nutrient pollution. One case study may address agricultural point and non-point source pollution, such as Slovenian pig-farms. More specifically, this case study work will:
    - Identify one or more case studies in both Hungary and Slovenia involving sources of transboundary nutrients and/or toxic substances discharged to the Danube as the focus of the training and technical assistance activities of the project.
    - Develop issue-related criteria for case study selection
    - Focus on case study issues identified by the Danube GEF Program and thus will providing a concrete set of circumstances in response to which public involvement measures will be developed and “field tested.”



**Output 2:** Enable Hungarian and Slovenian Ministries to provide public access to relevant environmental information and opportunities for public participation

Responsibilities:

3. Provide technical leadership in planning and designing the project's In-Region Training Program in close partnership with REC/NYU

❖ More specifically, training program planning and design work will:

plan and conduct training sessions, prepare useful analyses and other written materials for participants, and

be conducted in collaboration with the in-region and EU law consultants engaged by the project, throughout the 18-month period.

Design workshops to enable the officials to develop specific policy, institutional and practical mechanisms for establishing and maintaining effective public access to environmental information that will support the goal of reducing nutrient and toxins discharges to the Danube.

involve the participants in drafting legislation, administrative regulations, and other specific measures to implement this objective.

address specific issues such as:

1. how to balance the need for protection of confidential or government secret information with the goal of providing public access to relevant information;
2. overcoming practical barriers to making data available to members of the public in a timely fashion;
3. public involvement policy mechanisms that can augment government enforcement capacity; and
4. policy and institutional mechanisms for ensuring public involvement.

Tailor training to the practical Government policy development needs of participants and the circumstances in the two pilot countries.

draw upon relevant experience from the United States.

Ensure that training covers public information measures that increase public access to relevant environmental information and have been particularly successfully in reducing nutrient and toxic discharges in the United States.

**Output 3:** Appropriate policy, regulatory, and policy changes in support of public participation drafted or identified

4. Prepare policy recommendations to make public access to environmental information a workable reality in close partnership with REC/NYU.

Design program that is appropriate to the existing social, political, and economic realities in Hungary and Slovenia but with an eye to the future and providing assistance in better integrating the countries' environmental management practices into those of the EU.

5. Provide technical assistance to improve policy and Government institutional framework

❖ New legislation and regulations will need to support new approaches in providing public access to environmental information. The technical assistance will involve a collaborative effort by the subcontractors, REC, country partners and Governments. Interdisciplinary research, identification of best practices, and other assistance from project participants and international experts will feed into the collaborative process. More specifically, this work will:

Provide ongoing technical assistance to officials with environmental responsibilities to strengthen the institutional and policy framework for environmental public involvement in Hungary and Slovenia.

Support and draw on workshop results by providing assistance in developing legislation, regulation, and/or policies in Hungary and Slovenia that address key issues based on the priorities identified in the needs assessment, the case studies selected for the project, and the potential for replicability of this project element in other CEE/Danube countries.

Provide relevant information and public involvement in decision-making related to discharges of point and non-point transboundary pollutants. More specifically, discuss, develop, and draft:

- Public access to information legislation
- Related policy/regulatory measures
- Improved practices at local, district or national levels
- Institutional reform measures at local, district or national levels
- Strengthening the public information elements of existing multilateral mechanisms to address transboundary pollution of the Danube

**Output 4:** Key Government and non-Governmental stakeholders trained in development of well-functioning public involvement programs

Responsibilities:

6. Collaborate with NYU and REC to organize and conduct study tour to local, regional, national agencies in United States

- ❖ The study tour will be based on successful study tour models developed by NYU and NYU in close consultation with REC and the regional partners. The tour will give CEE participants an opportunity to learn first-hand from individuals and organizations about the success of public involvement programs, including federal, state, inter-state, and local authorities, and at Governments and business organizations. More specifically, this work will:

Focus on the kinds of procedures, policy instruments, and personnel that have made public involvement programs effective and how these programs can help governments combat point and non-point source transboundary water pollution problems.

Organize and conduct the Washington, D.C. portion of the U.S. study tour, including federal officials, NGOs and officials involved with the Chesapeake Bay program.

Include examples of successful U.S. programs to control interstate releases of nutrients and toxins, such as coordinated efforts by five jurisdictions that impact the Chesapeake Bay.

Encourage the establishment of networks for information exchange and mutual learning among CEE and U.S and EU counterparts.

Engage in an interactive dialogue in the planning stage and during the study tour with the participants to assure that the study tour meets the needs of the participants.

**Output 5.** Lessons learned materials developed and replicable elements of pilot program identified

Responsibilities:

7. Identify and disseminate replicable policy and Government elements of pilot program that could leverage transboundary pollution reduction in other Danubian countries in transition in close partnership with REC/NYU. More specifically:

Identify successful, replicable elements of the pilot program and recommend public involvement measures, including legislation, administrative regulations, and institutional arrangements and strategies in support of point and non-point source pollution reduction that could be applied to other Danube countries in the CEE region in future projects.

- Publish recommendations for replication in other CEE Danube countries.  
 Assess project methodology, impact and planned implementation.  
 Outline and recommend additional training and technical assistance programs that might serve as useful follow-on projects in such countries.
8. Collaborate with REC and NYU to produce and disseminate final report on results of pilot project.
- Synthesize the lessons learned in Hungary and Slovenia and disseminate them to leverage change both in these countries, and in other CEE countries that are contributing to transboundary pollution of the Danube.  
 Prepare case studies summaries.  
 Disseminate final report to sub-contractor's network of government officials, Governments, academics, and others able to promote the Danube restoration effort.  
 Highlight the potential and constraints for public access facilitation in the project area.
9. Collaborate with REC and NYU to recommend follow-on training/technical assistance programs for additional Danubian countries in CEE.
- ❖ This activity will lay the groundwork for future efforts to operationalize public involvement in support of Danube SAP in these countries. More specifically:  
 Summarize lessons learned in the project and how they can be applied to other Danubian countries.  
 Summarize, the extent possible, best practices w/respect to developing public access to environmental information in the CEE.

**Budget:**

<b>Resources for the Future</b>	
<b>Personnel</b>	
Needs Assessment/Training	84,306
Technical Assistance	50,976
Study Tour	16,665
Reporting	20,834
<b>Sub-total</b>	<b>172,781</b>
<b>Non-Personnel</b>	
Travel Costs for all activities	16,632
Support Costs for Study Tour and Meetings	5,252
Mail/Fax/Tel/Copying	15,836
<b>Sub-total</b>	<b>37,720</b>
<b>Total</b>	<b>210,501</b>

**Accountability:**

The sub-contractor will be responsible to REC and UNDP for the quality and timelines of the activities required under this contract.

**Subcontract for: Legal Support in Facilitation of Public Access to Environmental Information**

These ToR describe the work to be conducted under the subcontract to the New York University School of Law Center on Environmental and Land Use Law.

NYU will provide expert environmental law services and will be responsible to REC and UNDP for the production of law related materials from project output #2, #3 and #4, organizing and conducting the New York portion of the U.S. study tour, and completion of other tasks under project outputs #1 and #5 as detailed below. However, NYU's input will be important to the successful production of the project's other outputs and activities. NYU will work closely and collaboratively with both REC and RFF on the production of each of the other project outputs.

**Objective:**

Remove legal, institutional, and practical barriers blocking public access to environmental information to empower public involvement in Hungary and Slovenia for Danube pollution reduction goals.

**Subcontractor Responsibilities for the Production of Project Outputs:**

**Output 1:** Identified, legal, institutional, and practical barriers to public access to environmental information to support public involvement in Hungary and Slovenia for Danube pollution reduction goals.

Responsibilities:

1. Assist REC in conducting the public access to environmental information “needs assessment.”
  - ❖ Existing analyses do not focus on the adequacy of public access to environmental information measures in Slovenia and Hungary to reduce transboundary pollution of the Danube. This needs assessment will:  
Identify legal, institutional, programmatic, and practical barriers to as well as opportunities for public access to information and related public participation that will support the transboundary pollution reduction goals of the SAP.  
Draw upon and supplement existing research and analysis conducted by REC and NGOs, as well as by the Hungarian and Slovenian governments.  
Focus on additional public access to environmental information measures that are needed to achieve transboundary results.
2. Provide legal considerations and criteria to REC to assist in targeting the identification of appropriate Case Study sites in Hungary and Slovenia
  - ❖ Agricultural sources are significant contributors to transboundary nutrient pollution. One case study may address agricultural point and non-point source pollution, such as Slovenian pig-farms. More specifically, this case study work will:  
  
Identify one or more case studies in both Hungary and Slovenia involving sources of transboundary nutrients and/or toxic substances discharged to the Danube as the focus of the training and technical assistance activities of the project.  
Develop issue-related criteria for case study selection  
Focus on case study issues identified by the Danube GEF Program and thus will providing a concrete set of circumstances in response to which public involvement measures will be developed and “field tested.”

**Output 2:** Enable Hungarian and Slovenian Ministries to provide public access to relevant environmental information and opportunities for public participation

Responsibilities:

**3. Provide technical leadership in planning and designing the project's In-Region Training Program in close partnership with REC/RFF**

❖ More specifically, training program planning and design work will:

plan and conduct training sessions, prepare useful analyses and other written materials for participants, and

be conducted in collaboration with the in-region and EU law consultants engaged by the project, throughout the 18-month period.

Design workshops to enable the officials to develop specific legal, institutional and practical mechanisms for establishing and maintaining effective public access to environmental information that will support the goal of reducing nutrient and toxins discharges to the Danube.

involve the participants in drafting legislation, administrative regulations, and other specific measures to implement this objective.

address specific issues such as:

1. how to balance the need for protection of confidential or government secret information with the goal of providing public access to relevant information;
2. overcoming practical barriers to making data available to members of the public in a timely fashion;
3. public involvement legal mechanisms that can augment government enforcement capacity; and
4. legal and institutional mechanisms for ensuring public involvement.

Tailor training to the practical law development needs of participants and the circumstances in the two pilot countries..

draw upon relevant experience from the CEE, Western Europe, and United States.

Ensure that training covers public information measures that increase public access to relevant environmental information and have been particularly successfully in reducing nutrient and toxic discharges in the United States.

**Output 3:** Appropriate legal, regulatory, and policy changes in support of public participation drafted or identified

4. Prepare legal recommendations to make public access to environmental information a workable reality in close partnership with REC/RFF.

Design program that is appropriate to the existing social, political, and economic realities in Hungary and Slovenia but with an eye to the future and providing assistance in better integrating the countries' environmental management practices into those of the EU.

5. Provide technical assistance to improve legal and NGO institutional framework

❖ New legislation and regulations will need to support new approaches in providing public access to environmental information. The technical assistance will involve a collaborative effort by all parties, in particular the subcontractors, REC, country partners and NGOs. Interdisciplinary research, identification of best practices, and other assistance from project participants and international experts will feed into the collaborative process of assistance. More specifically, this work will:

Provide ongoing technical assistance to officials with environmental responsibilities to strengthen the institutional and legal framework for environmental public involvement in Hungary and Slovenia.

Support and draw on workshop results by providing assistance in developing legislation, regulation, and/or policies in Hungary and Slovenia that address key issues based on the

priorities identified in the needs assessment, the case studies selected for the project, and the potential for replicability of this project element in other CEE/Danube countries. Provide relevant information and public involvement in decision-making related to discharges of point and non-point transboundary pollutants. More specifically, discuss, develop, and draft:

- Public access to information legislation
- Related legal/regulatory measures
- Improved practices at local, district or national levels
- Institutional reform measures at local, district or national levels
- Strengthening the public information elements of existing multilateral mechanisms to address transboundary pollution of the Danube

**Output 4:** Key Government and non-Governmental stakeholders trained in development of well-functioning public involvement programs

Responsibilities:

6. Collaborate with RFF and REC to organize and conduct study tour to local, regional, national agencies in United States

- ❖ The study tour will be based on successful study tour models developed by NYU and RFF in close consultation with REC and the regional partners. The tour will give CEE participants an opportunity to learn first-hand from individuals and organizations about the success of public involvement programs, including federal, state, inter-state, and local authorities. More specifically, this work will:  
Focus on the systems, procedures, legal instruments, and personnel that have made public involvement programs effective and how these programs can help governments combat point and non-point source transboundary water pollution problems.  
Organize and conduct the New York portion of the U.S. study tour, including state, local and regional officials and NGOs  
Include examples of successful U.S. programs to control interstate releases of nutrients and toxins, such as coordinated efforts by five jurisdictions that impact the Chesapeake Bay.  
Encourage the establishment of networks for information exchange and mutual learning among CEE and U.S and EU counterparts.  
Engage in an interactive dialogue in the planning stage and during the study tour with the participants to assure that the study tour meets the needs of the participants.

**Output 5.** Lessons learned materials developed and replicable elements of pilot program identified

Responsibilities:

7. Identify and disseminate replicable legal and NGO elements of pilot program that could leverage transboundary pollution reduction in other Danubian countries in transition in close partnership with REC/RFF. More specifically:

Identify successful, replicable elements of the pilot program and recommend public involvement measures, including legislation, administrative regulations, and institutional arrangements and strategies in support of point and non-point source pollution reduction that could be applied to other Danube countries in the CEE region in future projects.  
Publish recommendations for replication in other CEE Danube countries.  
Assess project methodology, impact and planned implementation.  
Outline and recommend additional training and technical assistance programs that might serve as useful follow-on projects in such countries.

8. Collaborate with REC and RFF to produce and disseminate final report on results of pilot project.

Synthesize the lessons learned in Hungary and Slovenia and disseminate them to leverage change both in these countries, and in other CEE countries that are contributing to transboundary pollution of the Danube.

Prepare case studies summaries (what is an impact assessment in this context?).

Disseminate final report to sub-contractors' network of government officials, NGOs, academics, and others who might help promote the Danube restoration effort.

Highlight the potential and constraints for public access facilitation in the project area

9. Collaborate with REC and RFF to recommend follow-on training/technical assistance programs for additional Danubian countries in CEE.

- ❖ This activity will lay the groundwork for future efforts to operationalize public involvement in support of Danube SAP in these countries. More specifically:  
Summarize lessons learned in the project and how they can be applied to other Danubian countries.  
Summarize, the extent possible, best practices w/respect to developing public access to environmental information in the CEE.

**Budget:**

New York University School of Law	
<b>Personnel</b>	
Needs Assessment/Training	84,800
Technical Assistance	50,289
Study Tour	16,763
Reporting	20,929
<b>Sub-total</b>	<b>172,781</b>
<b>Non-Personnel</b>	
Travel Costs for all activities	23,658
Support Costs for Study Tour and Meetings	7,137
Mail/Fax/Tel/Copying	21,137
<b>Sub-total</b>	<b>51,932</b>
<b>Total</b>	<b>224,713</b>

**Accountability:**

The sub-contractor will be responsible to REC and UNDP for the quality and timelines of the activities required under this contract.

**Subcontract for Hungarian and Slovenian National Environmental Law Support**

National environmental law experts of Hungary and Slovenia will provide environmental law services to the project under this subcontract. The subcontractor will be responsible to REC and UNDP for the production of national law related materials from project output #1, #3 and #4, and completion of other tasks under project outputs #1 and #5 as requested by REC. However, the subcontractor's input will be important to the successful production of the project's other outputs and activities. The subcontractor will work closely and collaboratively with REC and other project partners, including NYU and RFF, on the production of each of the other project outputs.

The purpose of the subcontract is to make sure that the project is consistent with the national legislation and practices of the country, and the requirements of EU accession. It will be important for the experts working under this sub-contract to be independent or NGO lawyers who also will assist in reflecting the NGO views on different matters in the country.

The subcontractor's responsibilities under the specific project outputs are detailed below:

**Output 1:** Identified, legal, institutional, and practical barriers to public access to environmental information to support public involvement in Hungary and Slovenia for Danube pollution reduction goals.

Responsibilities:

1. Assist REC in conducting the public access to environmental information “needs assessment.” More specifically, the subcontractor will develop an assessment of the Hungarian and Slovenian situation on access to information and public participation.
2. Providing input to the overall policy and legal analysis of Slovenia and Hungary.

**Output 3:** Appropriate legal, regulatory, and policy changes in support of public participation drafted or identified

- ❖ New legislation and regulations will need to support new approaches in providing public access to environmental information. The technical assistance will involve a collaborative effort by all parties, in particular the subcontractors, REC, country partners and NGOs. Interdisciplinary research, identification of best practices, and other assistance from project participants and international experts will feed into the collaborative process of assistance.

More specifically, the subcontractors will:

1. Assist REC and work with project partners NYU and RFF in designing a program that is appropriate to the existing social, political, and economic realities in Hungary and Slovenia but with an eye to the future and providing assistance in better integrating the countries' environmental management practices into those of the EU.
2. Provide national environmental law “perspective” in the form of written commentary and on all draft policy and law materials prepared by others.
3. Make legal recommendations to make public access to environmental information a workable reality in close partnership with REC/RFF/NYU.
4. Provide technical assistance to improve legal and NGO institutional framework

**Output 4:** Key Government and non-Governmental stakeholders trained in development of well-functioning public involvement programs

Responsibilities:

1. Collaborate with REC, NYU and RFF to develop, organize and conduct in-region training program.
2. Providing input to the training material development, and training meetings.
3. Participate and assist in the training of national stakeholders in relevant issues of national law and policy.

**Accountability:**

The sub-contractor will be responsible to REC and UNDP for the quality and timelines of the activities required under this contract.



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## **II. Personnel:**

### **1. Project Manager**

#### **Background**

The Project Manager has responsibility for the overall management and coordination of the project in the Hungary and Slovenia. The PM will be responsible for project implementation and will work closely with the sub-contractors, the two REC country program directors assisting in field implementation, and other key project staff under REC. The PM will be responsible for the level of excellence and successful implementation of the project activities.

#### **Duties and Responsibilities**

1. Supervise and coordinate production of project outputs according to the project document and the procedures in the UNDP's Project Cycle Operations Manual;
2. Supervise REC's project-specific officers and support personnel;
3. Provide technical and expert input whenever and wherever appropriate;
4. In collaboration with the UNDP and partner NGOs, New York University and Resources for the Future, ensure that all sub-contracts are prepared and negotiated in a timely manner with project partners and regularly consult and coordinate with NYU and RFF throughout implementation of the project;
5. Supervise preparation and revision of the project work plans, budgets and financial plans;
6. Organise and coordinate project activities according to the work plan in order to implement the project and produce the outputs;
7. Regular liaison with the UNDP, governments and project partners;
8. Timely preparation and submission of financial reports, the Annual Project Report (APR) and any other required progress reports;
9. Report to the UNDP-GEF International Waters Advisor on a regular basis;
10. Identify and resolve implementation problems with the assistance of the Project Steering Committee if necessary;
11. Represent REC on the Project Steering Committee.
12. Be actively involved with staff in developing good, effective working approaches by which the successful implementation can be secured and different outputs can be produced.

### **2. Country Program Directors for Slovenia and Hungary (2 positions)**

#### **Background**

The Country Program Directors are responsible monitoring and coordinating the day to day, operational management of the project in each country. He/she will monitor project activities and will be responsible for giving support to or organization of country events. Planning and overall supervision of project activities will be conducted by the REC, the PM and sub-contracting partners.

#### **Duties and Responsibilities**

1. Work closely with the Project Manager and other project partners, especially the sub-contracting partners of RFF and NYU;
2. Work with Project Manager in customizing country-specific project work plans;
3. Organise and implement project activities according to the work plans as required;

4. Assist PM in the preparation of regular financial reports, quarterly progress reports (QPRs) and other technical reports on project implementation relevant to country activities;
5. Facilitate good working relationships between project staff, communities and local administration;
6. Identify and resolve implementation problems, with the assistance of the Project Manager or government counter part, if necessary;
7. Provide advice on country conditions and other technical assistance, as appropriate.

### **3. Capacity Building/Training Expert**

#### **Background**

The Capacity Building/Training Expert will be responsible for managing specific project activities related to developing the project's in-region training program. He/she will report to the PM. However, all his/her work will be done in close collaboration with NYU and RFF and he/she will be required to maintain frequent email contact with these partners as project work plans are developed and implemented. He/she will have an important role in the design and implementation of the training program in cooperation with other REC public participation and law experts. The expert will provide support mainly on the content of the training materials, methods and the delivery of training. She will have to work closely with experts on the topics especially the 2 public participation experts, out of which one is a legal specialist.

He/she will be required to be in ongoing contact with key project stakeholders and it will be important for this person to know the real capacity-building needs of key stakeholder groups. He/she will provide input to other project activities on an "as planned" or "as requested" basis.

#### **Duties and Responsibilities**

1. Provide overall technical assistance to the development and delivery of the in-region training program on how to develop and use legal tools and good practices for public access to environmental information and public involvement;
2. Consult with NYU and RFF on a frequent basis and coordinate all training program related actions with these partner institutions and their ongoing programs;
3. Supervise, as appropriate and requested by the PM, project staff and administrative support staff;
3. Work closely with partner institutions, the PM, and other colleagues to prepare and revise project work plans, budget and financial plans;
4. Organize and implement project activities as requested according to the work plans;
5. Provide advice and other technical assistance, as appropriate.
6. Provide technical inputs to project report production and other work with project colleagues;
7. Take an active, hands-on approach to managing sub-contracts in this subject area. More specifically, the training expert should work closely with the PM, NYU and RFF to:
  - Draw lessons from case-study field work to apply to the training program;
  - Develop effective training programs and associated training materials.
  - Assist in the collection and analysis of information relevant to developing a strong training program.
  - Maintain close and regular contact with case-study stakeholders

### **4. Senior Legal Expert**

#### **Background**

The Senior Legal Expert will be responsible for advising and managing specific project activities related to environmental law and policy development under the project when requested by the Project Manager.

He will provide, among others, specific input in project related materials and training on the policy and law implications of the implementation of Aarhus Convention. He/she will report to the PM. However, all his/her work will be done in close collaboration with NYU and RFF and he/she will be required to maintain daily email contact with these partners as project work plans are developed and implemented.

### **Duties and Responsibilities**

1. Provide legal and technical assistance to the development and delivery of environmental law and policy documents on public access to environmental information and public participation on related project activities;
2. Provide advise and input on legal and policy implications of the Implementation of Aarhus Convention upon request of the PM
3. Provide comments on all legal and policy related documents and training materials upon request of the PM
4. Supervise, as appropriate and requested by the PM, project staff and administrative support staff;
5. Work closely with partner institutions, the PM, and other colleagues to prepare and revise project work plans, budget and financial plans as needed; and have regular consultation with them,
6. Organize and implement project activities as requested according to the work plans;
7. Prepare and submit input into regular financial reports, quarterly progress reports and other technical reports on project implementation;
8. Provide other technical assistance, as appropriate.
9. Provide technical inputs to project report production and other work with project colleagues;
10. Take an active, hands-on approach to managing sub-contracts in this subject area. More specifically, the Senior Legal Expert should work closely with the PM, NYU and RFF to:
  - Develop and implement case-study field work;
  - Facilitate the development of case study materials;
  - Develop effective training programs and study tour programs.
  - Assist in the collection and analysis of law and policy relevant data as requested by the PM, NYU, and/or RFF.
  - Maintain close and regular contact with case-study stakeholders

## **8. Environmental Law and Public Participation Expert (ELPE)**

### **Background**

The ELPE is responsible for the day-to-day guidance and operational management of the project's activities involving expertise legal and practical aspects of access to environmental information and public participation in environmental decision making. He/she will work closely with the PM and the sub-contracting partner institutions RFF and NYU to plan, initiate, manage and monitor project activities directly implemented by the REC and to coordinate those activities that are sub-contracted. The ELPE will report to the PM. He/she will be a staff member from REC.

### **Duties and Responsibilities**

1. Provide overall technical and expert assistance to the PM in implementation of the project in legal and practical aspects of access to environmental information and public participation in environmental decision making
2. Provide input in the development and delivery of access to environmental information and public participation related project activities and materials including assessments, documents and training materials;
3. Consult with key partner institutions on a frequent basis and coordinate all actions with these partner institutions and their ongoing programs;
4. Supervise, as appropriate and requested by the PM, project staff and administrative support staff;
5. Work closely with partner institutions, the PM, and other colleagues to prepare and revise project work plans, budget and financial plans;
6. Organize and implement project activities as requested according to the work plans;

7. Prepare and submit regular financial reports, quarterly progress reports and other technical reports on project implementation as requested;
8. Provide other technical assistance, as appropriate.
9. Provide technical inputs to project report production and other work with project colleagues;
10. Take an active, hands-on approach to managing sub-contracts in this subject area. More specifically, the ELPE should work closely with sub-contracting partners to:
  - Develop and implement case-study field work;
  - Facilitate the development of case study materials;
  - Develop effective training programs and study tour programs.
  - Assist in the collection and analysis of legal, policy and socio-economic information as requested by the PM and the sub-contractors.
  - Maintain close and regular contact with case-study communities and stakeholders

## **8. Environmental Public Participation Expert (EPPE)**

### **Background**

The EPPE is responsible for providing guidance and operational management of relevant project's activities involving mainly public participation aspects of environmental decision making related to transboundary pollution. He/she will work with the PM and the sub-contracting partner institutions RFF and NYU to plan, initiate, manage and monitor project activities directly implemented by the REC and to coordinate those activities that are sub-contracted. The EPPE will report to the PM. He/she will be a staff member from REC.

### **Duties and Responsibilities**

1. Provide overall technical and expert assistance to the PM in implementation of project related activities on public participation in environmental decision making related to transboundary pollution
2. Provide input in the development and delivery of public participation related aspect of materials including assessments, documents and training materials;
3. Advise on the content of the case studies and training
4. Consult with key partner institutions on a frequent basis and coordinate all actions with these partner institutions and their ongoing programs;
5. Supervise, as appropriate and requested by the PM, project staff and administrative support staff;
6. Work closely with partner institutions, the PM, and other colleagues to prepare and revise project work plans, budget and financial plans;
7. Organize and implement project activities as requested according to the work plans;
8. Prepare and submit regular financial reports, quarterly progress reports and other technical reports on project implementation as requested;
9. Provide other technical assistance, as appropriate.
10. Provide technical inputs to project report production and other work with project colleagues;
11. Take an active, hands-on approach to managing sub-contracts in this subject area. More specifically, the EPPE should work closely with sub-contracting partners to:
  - Develop and implement case-study field work;
  - Facilitate the development of case study materials;
  - Develop effective training programs and study tour programs.
  - Assist in the collection and analysis of legal and other relevant information and good practices of different countries as requested by the PM and the sub-contractors.
  - Maintain close and regular contact with case-study communities and stakeholders

## **EU Environmental Law International Expert**

### **Background:**

An international level EU law expert will be hired to assure consistency of the project's outputs and recommendations with European Union legislation and with the integration of EU accession

requirements. EU legislation includes relevant EU directives on water, access to information and public involvement.

**Duties and Responsibilities:**

This person will also be asked:

- to provide advice on best practices of EU countries in the field of public access to environmental information and public involvement;
- to prepare and comment legislative drafts and other materials; and
- to give input into the needs assessment, content of the training and plenary meetings, technical assistance, when needed.

This person will come from an EU country. A more detailed ToR will be prepared prior to recruitment of this position.

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