

MEMORANDUM DE INTELEGERE

intre Comunitatea Europeana si Romania
privind contributia Romaniei la programul Comunitatii "Instrument Financiar
pentru Mediu (LIFE)"

COMISIA EUROPEANA, denumita in continuare "Comisia", in numele
Comunitatii Europene,

pe de o parte si

GUVERNUL ROMANIEI, denumit in continuare Romania,

pe de alta parte,

tinand cont de faptul ca :

- (1) Instrumentul Financiar pentru Mediu (LIFE) a fost infiintat prin Regulamentul Nr. 1655/2000 al Parlamentului European si al Consiliului din data de 17 iulie 2000 privind Instrumentul Financiar pentru Mediu (LIFE)¹,
- (2) Decizia Nr. 3/2001 a Consiliului de Asociere intre Comunitatile Europene si Statele Membre ale acesteia, pe de o parte si Romania, pe de alta parte, din data de 23 martie 2001 a stabilit termenii si conditiile pentru participarea Romaniei la Instrumentul Financiar pentru Mediu (LIFE)². Aceasta decizie se aplica pe durata celei de a treia faze a LIFE, care se va incheia la data de 31 decembrie 2004. Cu toate acestea in anexa II a acestei decizii este mentionat faptul ca, pentru perioada care urmeaza primelor exercitii bugetare, contributia pe care Romania trebuie sa o plateasca va fi stabilita de catre Consiliul de Asociere in cursul anului 2002,
- (3) Decizia nr. 1/2002 a Consiliului de Asociere intre Comunitatile Europene si Statele Membre ale acesteia, pe de o parte si Romania, pe de alta parte, din data de 18 februarie 2002³, prevede faptul ca Comisia si autoritatile competente din Romania vor stabili datale si conditiile specifice, in special contributia financiara a participarii Romaniei la programele Comunitatii. Aceasta Decizie va actiona de acum inainte peste Decizia Nr. 3/2001, iar contributia financiara pentru anii care vor urma trebuie sa fie fixate in conformitate cu aceasta.

S-AU CONVENIT URMATOARELE :

¹ Jurnalul Oficial EC Nr. L192 din 28.07.2000

² Jurnalul Oficial EC Nr. L127 din 9.05.2001

³ Jurnalul Oficial EC nr. L 91 din 6.04.2002



Articolul 1
Contributia financiara

Normele care stabilesc contributia financiara a Romaniei sunt stabilite in Anexa I

O parte din contributia financiara poate fi finantata in cadrul unui instrument Comunitar extern de sprijinire (PHARE), daca Romania solicita acest lucru.

Modul de calcul privind taxa de membru este stabilit in Anexa II.

Articolul 2
Prevederi finale

Acest Memorandum de Intelegere se aplica pe durata LIFE. Cu toate acestea, daca Comunitatea Europeana decide sa extinda durata Programului LIFE fara a aduce o modificare substantiala,, acest Memorandum va fi de asemenea extins in mod corespunzator si automat daca nici una din Parti nu il denunta.

Anexele formeaza parte integranta a acestui Memorandum de Intelegere.

Acest Memorandum de Intelegere poate fi amendat doar in scris, prin acordul mutual al Partilor.

Acest Memorandum de Intelegere va intra in vigoare la data la care cele doua Parti l-au semnat.

Semnat la Bucuresti
la data de 5 martie 2003

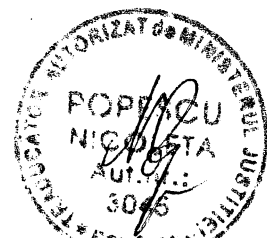
Pentru Guvernul Romaniei

Petru Lificiu
Ministrul Mediului
din Romania

Semnat la Bruxelles
la data 18 martie 2003

Pentru Comisie,
in numele Comunitatii Europene

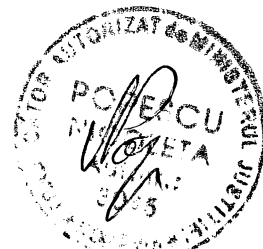
Margot Wallstrom
Membru al Comisiei pentru
Mediu



Anexa I
Norme care stabilesc contributia financiara a Romaniei la Instrumentul Financiar pentru Mediu (LIFE)

- (1) Contributia⁴ financiara care trebuie sa fie efectuata de Romania la Bugetul General al Uniunii Europene pentru a participa in LIFE va fi de 1 410 000 Euro pentru anul 2003 si pentru fiecare an bugetar care va urma pana la aderarea Romaniei la UE.
- (2) Contributia Romaniei va acoperi costurile aferente co-finantarii proiectelor LIFE, precum si ale costurilor de natura administrative estimate anual la 70 500 Euro.
- (3) Costurile de calatorie si diurna aferente pentru reprezentantii si expertii Romaniei in vederea participarii ca observatori la lucrarile comitetului la care se face referire in Regulamentul (CE) nr. 1655/2000, articolul 11 sau la alte intalniri privind implementarea LIFE, vor fi rambursate de catre Comisie pe aceleasi principii si in conformitate cu procedurile in vigoare pentru expertii neguvernamentali ai Statelor Membre ale Uniunii Europene.
- (4) Regulamentul Financiar aplicabil Bugetului General al Uniunii Europene se va aplica la managementul contributiei Romaniei.
- (5) Dupa intrarea in vigoare a acestui Memorandum de Intelegere si la inceputul fiecarui an bugetar subsecvent, Comisia va trimite Romaniei solicitarea de fonduri corespunzatoare contributiei sale la acoperirea costurilor prevazute de acest Memorandum de Intelegere.
- (6) Aceasta contributie va fi platita in Euro, intr-un cont bancar in Euro precizat de Comisie.
- (7) Romania isi va plati contributia privind costurile anuale in conformitate cu solicitarea de fonduri, nu mai tarziu de trei luni dupa transmiterea solicitarii. Orice intarziere in efectuarea platii contributiei va determina plata de catre Romania a unei penalizari calculate la suma restanta pentru perioada de intarziere. Dobanda aplicata va fi dobanda practicata de Banca Europeana Centrala pentru operatiunile sale principale de refinantare in Euro, inmultita cu 1,5 procente. In cazul in care intarzierea platii contributiei afecteaza in mod semnificativ implementarea si managementul LIFE si in absenta platii in urmatoarele 20 de zile dupa ce scrisoarea oficiala de reamintire a fost transmisa Romaniei de catre Comisie, participarea Romaniei in LIFE pentru anul vizat va fi suspendata.

⁴ Vezi anexa II



Anexa II

Calcularea taxei de participare pentru Romania (LIFE III, 2003-2004)

Calcularea contributiei totale pentru cele 13 tari candidate (TC) (15M€) se bazeaza pe suma medie primita pe an de la UE de catre TC care participa in programul LIFE III. Cei trei factori, PNB pe cap de locuitor, suprafata si populatia sunt estimate sa aiba influenta egala asupra disponibilitatii tarilor de a obtine proiecte aprobate.

Sursa : Unitatea LIFE

Formula generala utilizata pentru calculul contributiei financiare :

$$15\ 000\ 000 \times (g/G \times (1/3) + a/A \times (1/3) + p/P \times (1/3))$$

in care :

PNB pe cap de locuitor g = PNB pe cap de locuitor al respectivei TC
 G = PNB pe cap de locuitor in cele 13 TC, 69 575,76 Euro

Suprafata a = suprafata respectivei TC
 A = suprafata celor 13 TC, 1 866 716 km²

Populatia p = populatia respectivei TC
 P = populatia celor 13 TC, 172 876 000 locuitori

Rezultatul este apropiat de valoarea 10 000.

Contributia financiara maxima este stabilita la valoarea de 2,5 M€.

Pentru Romania :

$$G = 1\ 782,171\text{€}$$

$$A = 238\ 391\text{ km}^2$$

$$P = 22\ 435\ 000$$

Sursa : Eurostat new Cronos 17.04.2002, cifre pentru anul 2000



MEMORANDUM OF UNDERSTANDING

between the European Community and Romania
on Romania's participation in the Community programme "Financial Instrument for
the Environment (LIFE)".

THE EUROPEAN COMMISSION, hereinafter referred to as "the Commission", on
behalf of the European Community,

of the one part, and

THE GOVERNMENT OF ROMANIA, hereinafter referred to as Romania,

of the other part,

Whereas:

- (1) The Financial Instrument for the Environment (LIFE) was established by Regulation No. 1655/2000 of the European Parliament and of the Council of 17 July 2000 concerning the Financial Instrument for the Environment (LIFE)¹,
- (2) Decision No. 3/2001 of the Association Council between the European Communities and their Member States, of the one part, and Romania of the other part, of 23 March 2001 has established the terms and conditions for the participation of Romania in the Financial Instrument for the Environment (LIFE).² This decision applies for the duration of the third phase of LIFE, ending on 31 December 2004. However, in its Annex II it is stated that the contribution to be paid by Romania for the period following the first budgetary exercises will be decided by the Association Council in the course of the year 2002,
- (3) Decision No. 1/2002 of the Association Council between the European Communities and their Member States, of the one part, and Romania of the other part, of 18 February 2002³, provides that the Commission and the competent authorities of Romania shall determine the details and specific conditions, in particular the financial contribution, of Romania's participation in Community programmes. This Decision takes as the more recent one henceforth precedence over Decision No. 3/2001 and Romania's financial contribution for the years to come shall be fixed accordingly.

HAVE AGREED AS FOLLOWS:

¹ EC Official Journal No L192 of 28.7.2000

² EC Official Journal No L127 of 9.5.2001

³ EC Official Journal No L91 of 06.04.2002

Article 1
Financial contribution

The rules governing the financial contribution of Romania are set out in Annex I.

Part of that financial contribution may be financed under the relevant Community external aid instrument (PHARE), if Romania so requests.

The calculation of the membership fee is set out in Annex II.

Article 2
Final provisions

This Memorandum of Understanding shall apply for the duration of LIFE. Nevertheless, should the European Community decide to extend the LIFE duration without any substantial change, this Memorandum would also be extended correspondingly and automatically if no Party denounces it.

The annexes form an integral part of this Memorandum of Understanding.

This Memorandum of Understanding may only be amended in writing by common consent of the parties.

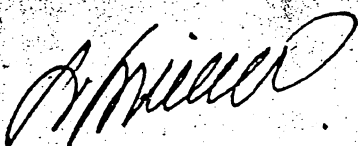
This Memorandum of Understanding shall enter into force from the date when both parties have signed it.

Done at BUCHAREST
on 5 MARCH 2003

Done at BRUSSELS
on 18-03-2003

For the Government of Romania

For the Commission,
on behalf of the European Community,


Petru Lificiu
Minister of the Environment
of Romania


Margot Wallström
Member of the Commission
for the Environment

Annex I

Rules governing the financial contribution of Romania in the Financial Instrument for the Environment (LIFE).

- (1) The financial contribution⁴ to be paid by Romania to the General Budget of the European Union to participate in LIFE will be € 1,410,000 for 2003 and each of the following budgetary years until Romania's accession to the EU.
- (2) The contribution of Romania shall cover costs related to co-financing of LIFE projects as well as costs of an administrative nature estimated at € 70,500 on a yearly basis.
- (3) Travel costs and subsistence costs incurred by representatives and experts of Romania for the purposes of taking part as observers in the work of the Committee referred to in the Regulation (EC) No. 1655/2000, article 11, or other meetings related to the implementation of LIFE shall be reimbursed by the Commission on the same basis as and in accordance with the procedures currently in force for non-governmental experts of the Member States of the European Union.
- (4) The Financial Regulation applicable to the General Budget of the European Union shall apply to the management of the contribution of Romania.
- (5) When this Memorandum of Understanding takes effect and at the beginning of each subsequent budgetary year, the Commission shall send to Romania a call for funds corresponding to its contribution of the costs covered by this Memorandum of Understanding.
- (6) That contribution shall be paid in Euro to a Euro denominated bank account of the Commission.
- (7) Romania shall pay its contribution to the annual costs in accordance with the call for funds no later than three months after the date of the call. Any delay in the payment of the contribution shall give rise to the payment of default interest by Romania on the outstanding amount from the due date. The interest rate shall be the rate applied by the European Central Bank to its main refinancing operations in Euro on the due date, increased by 1.5 percentage points. In case the delay in the payment of the contribution is such that it may significantly jeopardise the implementation and management of LIFE, and in the absence of payment 20 days after a formal letter of reminder has been sent by the Commission to Romania, participation of Romania in LIFE for the concerned year will be suspended.

⁴ See Annex II

Annex II

Calculation of the membership fee for Romania (LIFE III, 2003-2004)

The calculation of the total contribution for the 13 candidate countries (CC) (15M€) is based on the average sum received from the EU per year by the CCs now participating in LIFE III. The three factors, GDP per capita, area and population, are estimated to have equal influence on the countries' availability to get projects approved.

Source: LIFE Unit

General formula used for the financial contribution:

$$15,000,000 \times (g/Gx(1/3) + a/Ax(1/3) + p/Px(1/3))$$

where:

GDP per capita g = GDP per capita in the particular CC

G = GDP per capita in the 13 CC, 69,575.76€

Area a = area of the particular CC

A = area of the 13 CC, 1,866,716 km²

Population p = population in the particular CC

P = population in the 13 CC, 172,876,000 inh.

The result is rounded to the closest 10,000

The maximum financial contribution is set at 2.5 M€

For Romania:

$$g = 1,782.171 \text{ €}$$

$$a = 238,391 \text{ km}^2$$

$$p = 22,435,000$$

Source: Eurostat new Cronos 17/4/2002 figures for 2000.