

The Romanian Parliament
Chamber of Deputies
Law for the approval of
Emergency Ordinance No. 78/2000 concerning waste

Senate

The Romanian Parliament adopts the following law.

Art. 1.

The Government Emergency Ordinance No. 78 of 16 June 2000 on waste, published in the Official Journal of Romania, Part I, No. 283 of 22 June 2000, is approved with the following changes and additions:

1. Art. 1 shall have the following content:

“Art. 1. – (1) The object of this emergency ordinance consists in regulating the activities of waste management, under conditions able to protect the human health and the environment.

(2) The provisions of this emergency ordinance apply to:

- a) household waste;
- production waste;
- c) waste from construction and demolition works;
- d) hazardous waste.

(3) The waste categories are those specified in Annex No. IB.”

2. Art. 2 shall have the following content:

“Art. 2.

(1) The provisions of this emergency ordinance do not apply to:

- a) radioactive waste;
- b) rock and soil deposits and mineral resources deposits resulted from drilling, geological field work, underground mining for natural resources, including from surface quarries;
- c) animal carcasses and following waste resulting from agriculture: faecal waste and other natural materials, non-hazardous substances used in agriculture;
- d) gaseous effluents issued into the atmosphere;
- e) waste waters, excepting liquid waste;
- f) waste of expired explosives.

(2) Management of waste generated from the activities carried out in the administration sector of the Ministry for National Defence may be carried out without complying with the provisions of this emergency ordinance in case law enforcement might jeopardize national security. In such cases, the Ministry for National Defence shall recommend waste management measures complying with guidelines drawn up by the central national authority for environmental protection.

(3) Wastes specified under par. (1) are or shall be regulated by other normative acts.”

3. Art. 3 shall have the following content:

“Art. 3.

Waste management is based on the following general principles:

- a) the principle of using only waste management activities that do not harm human health and the environment;
- b) the principle „the polluter pays“;
- c) the principle of the producer’s responsibility;
- d) the principle of using the best available techniques, without involving excessive costs.
- e) the proximity principle, stating that waste shall be capitalized and disposed of as near as possible to the point of its generation;
- f) the principles of non-discrimination, consent and agreement for hazardous waste transport only in countries having adequate disposal technologies; these must be observed in international commerce with waste.

4. The title of this chapter shall have the following content:

*“Chapter II
Waste management”*

5. Art. 5 shall have the following content:

“Art. 5

(1) Waste management shall consider processes and methods that do not present a risk to human health and the environment, and the competent authorities shall authorise and control the activities of waste capitalisation and disposal, ensuring that they:

- a) do not present risks to the human health, water, air, soil, fauna and vegetation;
- b) do not produce noise pollution or unpleasant smells;
- c) do not affect the landscape and protected areas.

(2) It is forbidden for natural or legal persons to abandon, remove or dispose of waste in an uncontrolled manner, or to perform any other unauthorised activities with it.

6. Art. 6 shall have the following content:

“Art. 6.

The competent authorities shall establish norms, standards and rules, and adopt economic and financial incentive measures in order to:

(1) prevent the generation of waste and its harmful effects, by:

- a) develop clean and economical technologies for using natural resources;
- b) develop technology in order to manufacture products designed in such way that – by their manufacturing characteristics, by their marketing for use and disposal after use – shall not contribute, or shall contribute in the least possible degree to the increase in risk of pollution and harmfulness of the waste;
- c) develop proper techniques for disposal or neutralisation of harmful materials included in waste subjected to recycling;

2. The capitalisation of waste by recycling, reuse or any other process that aims to obtain secondary raw materials or use some categories of waste as energy sources.

7. Art. 7 shall have the following content:

Art. 7.

(1) Based on discussions with other central and local public authorities specified under Chapter VI, the central public authority for environmental protection shall create and implement an adequate system of waste disposal plants integrated at national level, taken into consideration the best available technologies that do not

involve excessive costs. This system should provide waste disposal at national level and fulfil its purpose at local level, taken into consideration geographical conditions and the necessity of specific plants for certain waste types.

(2) The system specified under par. (1) should allow for waste disposal, using specific plants and the most advanced methods and technologies, so as to provide a high level of protection for human health and the environment.

8. Art. 8 shall have the following content:

Art. 8

(1) In order to reduce the negative impact of waste on the environment and [public] health, the central public authority for environmental protection – the highest decision making and control authority for waste management - shall develop waste management plans. In developing the waste management national plan, care shall be taken that it include:

a) compulsory information regarding:

- the types, quantities and origin of the waste that is to be capitalised or disposed of;
- specific measures for special waste categories;
- areas and plants for capitalisation or disposal of waste.

b) where suitable, information regarding:

- natural or legal persons authorised to carry out activities for waste management;
- estimated costs of the capitalisation and disposal operations;
- measures for stimulating waste collection, capitalisation and treatment.

(2) Normative acts on waste management shall be drafted or modified in accordance with the national plan for waste management.

(3) The national stage plan must be submitted to the Government for approval within one year from the date of publishing the law for the approval of this emergency ordinance in the Official Journal of Romania, Part I.

(4) The final national plan must be finalized within two years from the coming into force of the law for the approval of this emergency ordinance, and submitted to the Government for approval.”

9. After Art. 8, Art.s 8¹ and 8² are added, with the following content:

“Art. 8¹.

(1) The national plan for waste management shall be drafted based on county plans drafted by territorial authorities for environmental protection.

(2) County plans shall be drafted within six months from the effective date of the law for approving this emergency ordinance, based on plans drafted by local councils and on plans drafted by waste generators in each county within three months from the effective date of the law for the approval of this emergency ordinance. The plans drafted by local councils and waste generators have the same content and form as the national one.

(3) The national authority for environmental protection requires plans drafted by local councils and waste generators to be supplemented and/or modified if these are not drafted in compliance with the provisions of Art. 8, par. (1).

(4) County councils co-ordinate the drafting of local councils plans.

(5) The county council adopts the county plan drafted by the territorial authority for environmental protection.

(6) The county plan adopted by the county council is submitted by the territorial authority for environmental protection to the central authority for environmental protection for drafting the national plan of waste management.

(7) The national plan for waste management must be periodically reviewed considering technical progress and the requirements for environmental protection, without exceeding five years. The plans are public.

Art. 8²

(1) Waste plans shall provide measures for the following objectives:

- a) diminishing or limiting waste generation and its degree of hazardousness.
- b) recycling, recovery or other forms of using waste.
- c) waste neutralization from an environmental standpoint.
- d) rehabilitation of polluted sites.

(2) The programs for the management of waste related activities specified in plans, shall include:

- a) situation analysis and forecast of type, properties and quantity of waste generated and of waste submitted for capitalisation and disposal.
- b) objectives, stages and terms for program implementation;
- c) methods, technologies and plants for waste treatment, capitalisation and disposal.
- d) description of methods, technologies and plants for waste capitalisation and disposal, and description of their designated locations;
- e) decisions on location organization, technology implementation and operation of plants for waste treatment, capitalisation and disposal.
- f) resources for program implementation;
- g) measures for supporting, promoting and rationalization of waste management activities.

h) co-ordination with other programs regarding this activity;

i) implementation of a system of reporting and control, for rapid action, for assessment and updating the National plan for waste management.

(3) Planning area development, specifying the location of plants for waste treatment, capitalisation and disposal specified under par. (2), letter c) and d).

(4) Involvement of public and non-Government organisations."

10. Art. 9 is abrogated.

11. After Art. 9, Section 1¹ with the following content:

"Section 1¹

Authorisation of waste management activities

Art. 9¹.

(1) Within 90 days from the effective date of the law for the approval of this emergency ordinance, the competent authorities shall add to the authorisation procedure for social and economic activities with impact on the environment the specific procedure for waste capitalisation and disposal.

(2) The entities carrying out waste capitalisation or disposal activities specified under Annex No. IIA and No. IIB respectively, must comply with the environmental authorisation procedure specific for this activity.

(3) Authorizations for activities involving waste collection, storage and treatment shall be issued by:

- a) territorial authorities for environmental protection, for household waste, production waste and hazardous waste;

b) the central public authority for environmental protection for household waste, production waste and hazardous waste in the case of the activities being performed on an area larger than one county;

c) local councils on whose territory the activity for construction and demolition waste is performed. local councils may decide – if required by the organisation of waste management – that normative acts governing waste management in the area designated for building may apply to other areas, or may not apply in the case where a transport scheme cannot be organized without difficulty due to improper roads or where transport is unfeasible or where the number of involved households is very low. The prefect offices may recommend that normative acts regulating waste management in areas designated for buildings shall apply to other areas under local authority jurisdiction in the case of it being necessary to rectify a major deficiency. —

(4) the environmental agreement for carrying out new investments and/or modification of existing ones for selection and organizing new locations, building plants and implementation of technologies in for waste capitalisation and disposal, shall be issued by:

a) the territorial authority for environmental protection for:

- household waste;

- production waste;

construction and demolition waste;

- hazardous waste, in the case of their processing capacity being up to 750 kg/h;

b) the central authority for environmental protection for household waste, production waste and construction and demolition waste for activities performed on a territory larger than one county and for hazardous waste in the case of their processing capacity being over 750 kg/h.

(5) Environmental agreements and authorizations for waste capitalisation and disposal activities shall be issued according to the provisions of the Law on environmental protection No. 137 / 1995, republished.

(6) The environmental agreement and/or authorisation for activities specified under par. (2), (3) and (4) shall be issued on request and must contain:

a) activities for which authorisation is requested;

b) types, composition, properties, quantity and origin of waste;

c) technical requirements;

d) safety measures to be taken;

e) locality of capitalisation or disposal facilities;

f) methods for waste treatment, capitalisation and disposal;

(7) Conditions regarding time, notification, rejection, modification, addition and suspension of the authorisation are those specified under Art. 8 from Law No. 137 / 1995, republished.”

12. Art. 10 is abrogated

13. Art. 11 is abrogated.

14. At Art. 12, the introductory part of par (1) shall have the following content:

“Art. 12

(1) The following units are exempted from the authorisation requirement specific to waste capitalisation and disposal:”

15. After Art. 13, Art. 13¹ is added, with the following content:

Art. 13¹

- (1) The costs of activities of waste collection, transport, landfilling, capitalisation or disposal activities shall be incurred by:
- a) waste holders submitting waste to a specialized unit;
 - b) previous waste holder or manufacturer of products generating waste;
- (2) The costs specified under par. (1) shall be covered:
- a) directly or by a contract drawn up with units specialized in collection, transport, landfilling, capitalisation or disposal of waste;
 - b) by a fiscal system of fees specified in Law No. 73/2000 on the environmental fund.
- (3) Costs for waste analysis, own technology monitoring and monitoring of environmental factors and checking declared data shall be incurred by waste holders.
- (4) If waste holders are unknown, the costs for environmental cleaning and rehabilitation shall be born by persons identified as current holders, until the perpetrator is identified; the latter shall bear also the costs born by the current holder in order to identify him.
- (5) If the waste generator cannot be identified, the natural or legal persons whose properties are affected may get financial support from local authorities and, in the case of hazardous waste being involved, from the environmental fund.”

16. After Art. 13¹, Section 1² is added, with the following title:

“SECTION 1²

Control of waste related activities”

17. Art. 14 shall have the following content:

“Art. 14. –

The units specified under Art. 12 and 13 are subjected periodically to controls from competent authorities under whose area of jurisdiction they carry out their activity.”

18. After Art. 14, Art. 14¹ is introduced, with the following content:

“Art. 14¹

(1) The mayors of territorial – administration units and persons authorized by them shall monitor:

- a) generation, collection, storage, transport and treatment of household waste and construction waste, and the implementation of the plan for their management;
- b) disposal of production and hazardous waste and implementation of the local plan for their management;
- c) facilities and plants for storage and neutralization of household waste and construction waste and for disposal of industry and hazardous waste.

(2) Local authorities for environmental protection shall inspect and take measures so that the persons involved in waste management comply with the environmental legislation in force and authorisation conditions imposed according to the law, keep records and submit to interested parties information regarding waste .

(3) The central authority for environmental protection inspects and takes measures so that the persons involved in waste management comply with the environmental legislation in force and the authorisation conditions required according to the law for investments and activities carried out on an area larger than one county.

(4) The Hygiene and public health directorates shall carry out the health control for the activity of neutralizing hazardous waste.

(5) The customs authorities, the border control authorities and representatives of the environmental protection authority control, together with other central and local

public authorities, and take measures in order to ensure the conformity of freight with its accompanying documents and the compliance with legal provisions regarding the fulfilment of conditions for waste import, export and transit .”

After Art. 14¹, Chapter II¹ is added, with the following content:

“Chapter II¹

Waste management

Section 1

Waste collection, transport, treatment and disposal

Art. 14²

Depending on their properties, composition, value and other qualities, waste is treated and transported so as not to hinder their subsequent rational use.

Art. 14³

Storage and disposal of waste in locations of geological field work or mining underground sites shall be performed so as not to harm the quality of these locations and not to cause additional damage to the quality of the mining site, ground waters and landscape.

Art. 14⁴

(1) Locations for waste management facilities and for building plants used at waste disposal are established according to land planning and urbanism plans and the provisions of land laws and the Forestry Code.

(2) The general conditions regarding locations, their organization, operation of waste treatment and disposal plants shall be established by Government decision.

Art. 14⁵

For cases in which waste treatment and disposal activities at a certain location must be suspended for various reasons, the activity operator is obliged to submit to the environmental protection authority an assessment of the impact on the environment, and to draw up a plan for closing off and monitoring of the location, to be approved by the environmental protection authority, for the environmental rehabilitation of the area.

Art. 14⁶

Plants, methods and technologies, location and organisation for waste treatment, capitalisation and disposal must be built and operated in such a way as not to harm the environment and public health.

Art. 14⁷

In case of waste disposal by final land filling, the operator responsible for this disposal is obliged to inform the competent authorities when about 75 % of the design capacity is reached, in order to initiate the opening of a new landfill.

Art. 14⁸

(1) Waste placed in temporary landfills or waste from building demolition or rehabilitation are treated and transported by waste holders, by those performing building or demolition works, or by another person, on the basis of a contract.

(2) The city hall specifies the location for disposal of waste specified under par. (1), the disposal method and the transport route to it.

Art. 14⁹

(1) Within 12 months of the coming into force of the law for approval of this emergency ordinance, local councils shall adopt:

- a) fees, according to the law, for various services regarding waste management;
- b) regulations regarding procedures and conditions for collection, including selective collection, transport, transfer, neutralization, use and disposal of household waste, non-hazardous building and demolition waste from the areas managed by them.

(2) The city halls shall allow waste holders to transport their household waste and building waste to adequate disposal locations.

Art. 14¹⁰

Waste resulted from the international passenger transport activity shall be removed and retained at exit border points.”

20. Art.s 15 and 16 are abrogated.

21. After the title of section I and chapter III, Art. 18¹ is added, with the following content:

Art. 18¹

(1) Within 90 days of the coming into force of the law for approval of this emergency ordinance, the competent authorities shall draw up the list with hazardous waste. The list shall be drawn up based on categories and generic types of hazardous waste presented in annex No. I C and on the composition of this waste as presented in annex No. I D, these components making this waste hazardous when it has the properties described in Annex No. I E. The list with hazardous waste and its periodic updating shall be approved by Government decision.

(2) Hazardous waste shall be identified and registered at each of generation, unloading or storage place.

(3) The units generating, capitalizing, collecting or transporting hazardous waste must ensure the necessary conditions for separate storage of various categories of hazardous waste, depending on their physical and chemical properties, on compatibility and on the nature of fire-extinguishing materials to be used for each waste category and in case of fire. It is forbidden to mix various categories of hazardous waste and hazardous waste with non-hazardous waste, except the cases specified under par. (4).

(4) In order to improve the safety of capitalisation and disposal activities, hazardous waste may be mixed with other waste, substances or materials only with the agreement of competent authorities and if the conditions specified under par. 5 are complied with.”

22. At Art. 19, the introductory part shall have the following content:

Waste generators and designers specialised in the design and development of activities that may generate waste have the following obligations:”

23. At art 19, after letter n), letters o), p) and r) are added, with the following content:

- “o) to keep record of waste and operations with waste according to the provisions of this emergency ordinance;
- p) to allow access of authorities for inspection and control to the methods, technologies and plants for treatment, capitalisation and disposal of technological waste and to documents regarding waste;
- r) to foresee and enforce necessary restrictive measures to be taken after the location is closed down and activities are terminated.”

24. After Art. 19, Art. 19¹ is added with the following content:

“Art. 19¹

Waste generators are obliged to implement the national action plan for waste management, established according Art. 8, par. (1).”

25. At Art. 21, par. (1) shall have the following content:

“Art. 21

(1) Waste generators and holders are obliged to provide by their own means the waste capitalisation or disposal, or by submitting their own waste to authorised entities for their capitalization or disposal; supply and reception for disposal of production waste, household waste, building and demolition waste and hazardous waste must only be carried out based on a contract.”

26. At Art. 22, par. (1) shall have the following content:

Art. 22.

The transport companies specialised in urban waste transport have to be authorised by environmental protection authorities, after notification of transport activity, by local public administration authorities. In the case of waste transportation being performed between cities or international transportation being performed, the transporters must have also a transport licence for hazardous goods, issued by the Ministry of Public Works, Transport and Habitation.”

27. At Art. 23, letter b) shall have the following content:

b) to ensure training of personnel for loading, transport and unloading waste under conditions of safety and for intervention in case of breakdowns or accidents;”

28. At Art. 27, letters a) and c) shall have the following content:

a) to lay down separately the recyclable waste and packaging waste, where there are containers specially designed for this purpose;

.....
.....

c) to capitalise the combustible and biodegradable waste resulting from households in rural areas, and to deposit the non-recoverable ones in the municipal landfill.”

29. At Art. 28, the introductive part shall have the following content:

“Art. 28.

The natural persons authorised to carry out independent activities and the legal persons from whose activity results waste and those who transport, dispose of, import,

export and perform waste transit, have also the following obligations, besides those specified under Sections 1-3 of this chapter:

30. Art. 29 shall have the following content:

“Art. 29.

(1) The import in to Romania of waste of any type, in raw or processed state, is forbidden according to regulations established by normative acts proposed by the central public authority for environmental protection and approved by the Government, with the exception of certain waste categories that are secondary sources for useful raw materials. “

31. Art. 34 shall have the following content:

“Art. 34.

(1) In order to stimulate investments in the field of waste management, to expand the activities of waste management, using the economic tools and the specific incentives of the market economy, the Government can decide on fiscal facilities for those involved in waste management and, especially, for those capitalizing waste .

(2) Following the proposal of the central authority for environmental protection, resources shall be allotted yearly from the State budget for building and operating plants and implementation of technologies for waste treatment and disposal where processing in a centralized system is economically advantageous and solves environmental problems at regional or even national level.

(3) By Government decision, economic entities may be nominated that prove to have such facilities with adequate equipment, and not needing excessive import costs.”

32. Art. 35 shall have the following content:

“Art. 35.

The local councils shall decide in accordance with the law on the provision upon priority of land for the building of landfills and waste disposal plants for localities that constitute cause of public benefit.”

33. Art. 37 shall have the following content:

“Art. 37.

The Government shall review and guarantee through the Finance Ministry the external loans and funding designated for carrying out important or general interest projects in the field of waste management within the limit of the approved public external debt and the State budget.”

34. The title of chapter VI shall have the following content:

“CHAPTER VI. PREROGATIVES AND RESPONSIBILITIES OF THE CENTRAL AND LOCAL PUBLIC ADMINISTRATION AUTHORITIES”

35. At Art. 38, par. (1) shall have the following content:

“Art. 38.

(1) According to the provisions of this emergency ordinance, the competent authority with prerogatives and responsibilities regarding waste is the Ministry of Waters and Environmental Protection. Other public authorities with attributions in the field of waste management are: the Ministry of Health and the Family, the Ministry of Industry and Resources, the Ministry of Public Works, Transport and Habitation, the

Ministry of Agriculture, Food and Forests, the Ministry of the Interior, the National Defence Ministry, the Public Administration Ministry, local and county councils.”

36. At Art. 39, the introductory part and letters a), c), g) and h) shall have the following content:

“Art. 39.

The Ministry of Waters and Environmental Protection has the following attributions and responsibilities:

a) to develop, together with the other central and local public administration authorities, the National Strategy for Waste Management and the National Plan for Waste Management;

.....

c) to endorse the specific regulations in the field of waste management, drawn up by other public authorities;

.....

g) to organise, together with other central and local public authorities and with non-government organisations, training and educational programs for the public in the field of waste management;

h) to regulate, together with the other public authorities, waste import and export activity.”

37. At Art. 40, the introductory part and letter b) shall have the following content:

“Art. 40.

The Health and Family Ministry has the following attributions:

.....

b) to develop the strategy and program for the management of the waste generated by medical care, medical research and tuition entities (in State or private ownership) and to provide the conditions for their enforcement;”

38. At Art. 41, par. (1) introductory part, letter a), b) and par. (2) shall have the following content:

“Art. 41.

(1) The Ministry of Industry and Resources has the following attributions:

a) to develop sectoral strategies and programs for the management of various types of industrial waste and for environmental rehabilitation, and to monitor their enforcement by the economic entities;

b) to take part in the drafting of specific regulations for the management of various types of industrial waste and for the operations of recycling and capitalisation of this waste with the approval of the central public authority for environmental protection;

.....

(2) The Foreign Ministry regulates imports and exports of waste issuing import-export licenses for waste requiring licensing.”

39. At Art. 42, the introductory part, letters b) and c) shall have the following content:

“Art. 42.

The Ministry of Public Works Transport and Habitation has the following attributions:

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.....
- b) to take part, together with other public authorities in the development of the specific regulations for household waste management;
 - c) to organise and carry out, together with the local public administration authorities, the systems for household waste management and to monitor the carrying out of the projects in this field;"

40. At Art. 42, after letter d), letters e), f) and g) are added with the following content:

- "e) takes part in developing sectoral plans for management of waste resulting from transport and ancillary activities and monitors that subordinate or co-ordinate economic entities carry out these plans;
- f) takes part in drafting specific regulations regarding the management of waste resulting from transport and ancillary activities;
- g) takes part in drafting specific regulations for the control of waste transport activity."

41. At Art. 43, the introductory part and letter b) shall have the following content:

"Art. 43.

The ministry of agriculture, Food and Forests has the following attributions:

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...
- b) takes part in the drafting of specific regulations regarding the management of waste resulting from the agriculture and food industry."

42. Art. 44 is abrogated.

43. At Art. 45, the introductory part shall have the following content:

"Art. 45.

The Ministry of Labour and Social Solidarity has the following attributions:"

44. Art. 46 shall have the following content:

"Art. 46.

The Ministry of the Interior

supports public authorities in carrying out their attributions and responsibilities regarding the enforcement and observance of the provisions of this emergency ordinance and of other legal provisions related to waste."

45. At Art. 47, letter a) shall have the following content:

"a) to develop the strategy and program for the management of the waste generated in the military field and to ensure the necessary conditions for their enforcement;"

46. Art. 48 shall have the following content:

"Art. 48.

The Public Administration Ministry has the following attributions:

- a) to take part in the development plans regarding waste management in the field of public services at the communal level;
- b) to monitor the carrying out of the objectives of National Plan for waste management and to support the local public administration in enforcing them.”

47. At Art. 49, the introductory part shall have the following content:

Art. 49.

The mayors and the local councils have the following obligations and attributions:”

48. After the introductory part of Art. 49, par. 1 is added, with the following content:

“1. Monitor and ensure the carrying out of the provisions in the waste management plan, drafted according to the provisions under Art. 8, and ensure the cleanliness of settlements by:”

49. At Art. 49, letter a) shall have the following content:

“a) the collection system, including ensuring implementation by stages of selective collection, transport, neutralization, capitalisation, incineration and final storage;”

50. At Art. 49, after letter h), par. 2, 3 and 4 are added, with the following content:

- “2. to approve studies and orientation forecasts on waste management;
- 3. to decide on the association with other authorities of local public administration authorities and co-operation with economic entities in order to carry out public interest works related to waste management;
- 4. act for environmental rehabilitation and protection .”

51. After Art. 49, Art. 49¹ is added, with the following content:

“Art. 49¹

The county councils have the following attributions:

- a) to co-ordinate the activity of local councils, in order to ensure public services in the interest of the county regarding waste management;
- b) to provide support and technical assistance to local councils in drafting local plans for waste management;
- c) to adopt plans for waste management;
- d) to decide on association with other county public administration authorities in order to carry out works of public interest in waste management;
- e) to study the proposals from local councils in order to produce forecasts for environment rehabilitation and protection;
- f) to monitor and ensure the compliance of local councils with the provisions of this emergency ordinance.”

52. Art. 50 shall have the following content:

“Art. 50

In order to carry out the attributions and responsibilities in the field of waste management, for co-ordination of activities and promotion of efficient action in this field and for good co-operation between responsible competent authorities for waste

management, the "General directorate for waste and hazardous chemicals" is established within the Ministry of Waters and Environmental Protection ."

53. At Art. 51, the introductory part of par. 1 and letter b) shall have the following content:

"1. With a fine between 1000,000 and 10,000,000 ROL for natural persons, and between 50,000,000 and 100,000,000 ROL for legal persons, for:

.....
.....

b) failure to comply with the National Plan for waste management"

54. At Art. 51, after letter d of par. 1, letters e)-l) are added, with the following content:

"e) failure to carry out within the established terms the works, endowments and measures designed to reduce the quantity of generated waste, collection and selective collection, transport, capitalisation and disposal of waste;

f) carrying out works and activities related to waste without having the legal authorizations;

g) waste generation by accruing of stocks of raw materials, auxiliary materials, products, by-products and packaging exceeding production, consumption and sale demand;

h) waste transport and disposal without ensuring measures for public health and environmental protection;

i) failure to make public presentation of investment projects for the final disposal of waste;

j) accepting for landfill urban and hazardous waste without subjecting them to treatment operations;

k) infringement of the provisions of the environmental agreement and/or authorisation for plants and technologies for final disposal of waste;

l) failure to notify the territorial authority for environmental protection and the commission for protection against disasters about accidents occurring at plants for final disposal of waste."

55. At Art. 51, par. 2 is abrogated.

56. At Art. 51, par. 3 shall have the following content:

"(3) With a fine between 15,000,000 and 75,000,000 ROL for the failure to carry out the responsibilities falling to the mayors and local councils – as the case may be – according to Art. 49."

57. At Art. 51, after par. 3, par. 4 is added, with the following content:

"4. The amount of the fines shall be updated by Government decision."

58. At Art. 53, after letter e) of par. (1), letters f)-h) are added with the following content:

"f) introduction into Romania of waste for final storage;

g) acceptance by landfill holders of waste for storage imported without environmental agreement or authorisation;

h) continuation of the activity of final disposal of waste after expiry of the authorisation suspension term by the territorial authority for environmental protection.”

59. At Art. 54, par. 3 shall be added, with the following content:

“3. conditions for waste transport.”

60. Annex No. 1 A shall have the following content:

ANNEX No. IA

THE MEANING OF SOME TERMS

For the purpose of this emergency ordinance

- *“Product life cycle”* – the period between the manufacturing date of a product and the time when this becomes waste.
- *“Collection”* – gathering, sorting and/or regrouping (temporary storage) of waste for the purpose of their transport.
- *“Deposits”* – materials resulting from soil removal by excavation;
- *“Waste”* – any material or object from the categories specified in Annex IB, that are discarded or intended to be discarded by their holder, or involve the holder’s intention or obligation to discard them.
- *“Household waste”* – waste resulting from households or similar activities that can be taken over with the current pre-collection systems in the settlements;
- *“Waste similar to household waste”* – waste resulting from commerce, public or administration sectors, with its composition and properties similar to household waste and that is collected, transported, processed and stored together with the latter;
- *“Hazardous waste”* – waste specified under Art. 18¹ par. (1) and belonging to the categories or generic types of hazardous waste presented in Annex No. 1 C, and the components of such waste, presented in Annex No. 1 D, these components making such waste hazardous when having one or more of the properties described in Annex No. 1 E;
- *“Holder”* – the waste producer, or the natural person, the natural person authorised to carry out independent activities, or the legal person possessing waste. For the period of transport until delivery to another person for subsequent treatment, the person performing waste transport is also deemed to be the holder;
- *“Disposal”* – any operation specified in Annex No. IIA.
- *“Management”* – the collection, transport, capitalisation and disposal of waste, including monitoring of landfills after their closure.
- *“Operator”* – any natural or legal persons having attributions and responsibilities in authorized activities in the field of waste management;
- *“Producer”* – any natural person, natural person authorised to carry out independent activities, or legal person whose activity generates waste (“initial producer”) and/or that performed pre-treatment, mixing or any other operations, leading to a change in nature or composition of this waste.
- *“Reuse”* – any operation by which the packaging intended and designed to perform within its life cycle a minimum number of circuits and rotations is refilled or reused for the same purpose for which it was designed.
- *“Recycling”* – the operation of reprocessing waste in a production process for its original or other purposes.