

EMERGENCY ORDINANCE REGARDING THE WASTE REGIME

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Based on the provisions under Article 114, par. (4) of the Romanian Constitution, and of the Article 89, letter a) and b) of the Law on the Environmental protection No. 137/1995, republished,

The Romanian Government issues the following Emergency Ordinance. 178/2000

CHAPTER I

General Provisions

Article 1.

The object of this urgency ordinance consists in regulating the activities of waste management, under conditions able to protect the human health and the environment.

Article 2.

The following are exempted from the provisions of this urgency ordinance:

- a) gaseous emissions let out into the atmosphere;
- b) waste for which there are or shall be drafted other regulations, such as: radioactive waste; waste resulting from prospecting, extraction, treatment and storage of mineral resources, and those resulting from quarry operation; animal carcasses and waste resulted from fowl and animal breeding, and other natural and non-hazardous materials used in agriculture; waste waters, excepting liquid waste; expired explosives.

Article 3.

Waste management is based on the following general principles:

- a) the principle of using only processes and management methods that does not put at risk the 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.

Article 4.

The meaning of the specific terms used in this urgency ordinance is presented in Annex IA.

CHAPTER II. WASTE MANAGEMENT

Section 1. General conditions for waste management

Article 5

(1) The waste management shall consider processes and methods that does not present a risk for the 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 for the human health, water, air, soil, fauna and vegetation;
- b) do not produce noise pollution or unpleasant smells;
- c) do no affect the landscape and protected areas.

(2) It is forbidden for natural or natural persons authorised to carry out independent activities, and for legal persons to abandon, remove or dispose in an uncontrolled manner the waste, or to perform any other unauthorised activities with these.

Article 6.

The competent authorities shall establish the proper measures in order to:

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

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

(2) The capitalisation of the waste by recycling, reusing or any other process that aims the obtaining of secondary raw materials or using some categories of waste as energy source.

Article 7.

(1) The competent authorities shall take the appropriate measures in order to create at national level a proper and integrated system of waste disposal plants, considering the best available technologies that do not involve excessive costs. This system should provide the waste disposal at national level and to fulfil its purpose at local level, considering the geographical conditions and the need of specific plants for certain waste types.

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

Article 8

(1) In order to meet the objectives specified under Articles 5-7, the competent authorities are liable to develop waste management plans, both at local and national levels. At developing the waste management plans, care shall be taken, so that they shall include:

a) mandatory, information on:

- the types, quantities and origin of the waste that should 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 persons authorised to carry out independent activities, or legal persons authorised for the waste management;
- estimated costs of the capitalisation and disposal operations;
- measures for stimulating the rationalisation of waste collection, sorting and treatment.

(2) Based on the national plan for waste management, the competent authorities shall develop the necessary regulations for preventing that waste circulation that is not in conformity to the national plan for waste management.

Article 9.

(1) The competent authorities shall take the necessary measures so that all waste producers or holders – legal persons – shall provide with their own means the waste capitalisation or disposal, or shall provide the submittal of the waste to an authorised entity, in order to be capitalised or disposed of.

(2) The authorisation by the competent environmental protection authorities of performing economical and social activities affecting the environment shall be subjected to the fulfilment by the waste producers or holders of the conditions specified at par. (1).

Article 10.

(1) The costs involved by the waste collection, transport, storage, capitalisation or disposal shall be borne by:

- a) the waste holders that submit the waste to a specialised entity;
- b) the former waste holder or the producer of waste generating products.

(2) The costs under par. (1) shall be borne:

- a) Directly or by a contract closed between the waste holder and the entities specialised in waste collecting, transport and capitalisation or disposal; or
- b) according to a fiscal system of taxes on the product, applicable to the producers and importers; these taxes shall become incomes for the Environmental Fund.

Article 11.

(1) The entities performing operations of waste capitalisation or disposal specified in annexes IIA and IIB have to comply with the environmental authorisation procedures, that are specific for performing such activities.

(2) Within 90 days from coming into force of this urgency ordinance, the competent authorities shall supplement the procedures of authorisation for the social and economic activities affecting the environment, with the specific procedure for the activities of waste capitalisation and disposal.

(3) The authorities for environmental protection apply the specific authorisation procedure for the activities of waste capitalisation and disposal and issue environment agreements for investments designed for such activities, and issue environment authorisations for performing waste capitalisation and disposal activities.

(4) The environment agreements and authorisations for performing activities of waste capitalisation and disposal shall be issued for a period of up to 5 years. When receiving applications for agreements and authorisations, the environmental authorities can impose conditions and obligations regarding the conformity of these activities to the specific needs for environmental protection, or can reject these demands if the disposal method is deemed unacceptable from the human health or environmental protection point of view.

(5) The environmental agreement and/or authorisation shall include mandatory:

- a) the types and quantities of the waste;
- b) the technical demands;
- c) the safety measures to be taken;
- d) the locations of waste capitalisation or disposal facilities;
- e) the waste treatment, capitalisation and disposal methods.

Article 12.

(1) The following entities are exempted from the need of specific authorisation of the waste capitalisation and disposal activities, specified at Article 11:

- a) the entities that provide the disposal of their own waste at the generation place, without affecting the human health and the quality of the environment;
- b) the entities that capitalise all their waste, without affecting the human health and the quality of the environment.

(2) The exception specified under par. (1) is applied if:

- a) the entities that obtained already the environment agreement and/or the authorisation, for other activity field than waste capitalisation or disposal, according to the provisions of the Environmental protection Law No. 137/1995, and these specify the types and quantities of waste and the conditions requested for performing activities related to these waste;
- b) the waste types and quantities, and the methods of capitalisation or disposal observe the conditions imposed under Article 5.

Article 13.

(1) The entities providing in a professional capacity the collection, or transport of waste, and those that intercede in the waste capitalisation or disposal for third parties shall not be subjected to the authorisation proceeding specifically for the activities of waste capitalisation and disposal, these being responsible for subjecting to the competent authorities notifications regarding the performed activities.

(2) The provisions under par. 1 are not applied to hazardous waste.

Article 14.

The entities specified under Article 11 and Article 13 shall be subjected periodically to inspections of the competent authorities, from the area inside they operate.

Article 15.

The entities specified under the provisions of Article 11 and Article 13 and the waste producers – legal persons – are obliged to:

- a) keep – according to the European Waste Catalogue, approved by Government Decision – a record containing the quantity, nature, origin, and – if applicable – the destination, collection frequency, means of transport and treatment method for the waste specified in Annex IB, and IIA and IIB, and, also, any other information requested by the competent authorities. These records shall be kept for 3 years;
- b) to submit, at the request of the competent authorities, the information specified under par. A).

Section 2. Hazardous waste management

Article 16.

(1) The competent authorities shall compile the list of hazardous waste within 90 days of coming into force of this urgency ordinance. The list shall be based on the categories or generic types of hazardous waste, presented in Annex IC, and on the components of these waste, presented in Annex ID, components that make these waste hazardous when they have the properties described in Annex IE.

The list of hazardous waste and its periodical updating shall be approved by Government Decision.

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

(3) The entities that produce, capitalise, collect or transport hazardous waste must provide the conditions needed for separate storage of different types of hazardous waste, depending on the physical and chemical properties, compatibility and the nature of the fire extinguishing substances to be used for each waste category in case of fire.

It is forbidden to mix together different types of hazardous waste or hazardous waste with non-hazardous waste, excepting the situations mentioned under par. 4.

(4) In order to provide the safety of the capitalisation and disposal, the mixing of hazardous waste with other waste, substances or materials can be performed only with the agreement of the competent authorities and only according to the conditions specified under Article 5.

(5) In cases when hazardous waste is already mixed with other waste, substances or materials, the separation shall be performed if it is technically and economically feasible and if it is necessary in order to comply with the provisions of Article 5.

Article 17.

(1) Within 90 days of the approval of the hazardous waste list, the competent authorities shall adopt adequate rules for packaging and labelling hazardous waste, during collection, transport and temporary storage, according to the international regulations in force.

(2) The control regarding collection and transport operations shall be performed in the case of hazardous waste by the organisations empowered by the law and shall consider the origin and the destination of such waste.

(3) In case the hazardous waste is transported from one place to another, a standard identification form should accompany the transport. The model of this form shall be approved by joint order of the central authority for transports and the central authority for environmental protection within 90 days from the date of coming into force of this urgency ordinance.

Article 18.

Within the frame of waste management plans, established according to the provisions under Article 8, the competent authorities shall develop special sections for hazardous waste management.

CHAPTER III. OBLIGATIONS RELATED TO WASTE MANAGEMENT

Section 1. The Obligations of Waste Producers

Article 19.

The waste producers and the entities designing activities that can generate waste, have the following obligations:

- a) to adopt, even from the conception and design stage of a product, solutions and technologies for exclusion or diminishing to a minimum the waste generation;
- b) to take the needed measures in order to reduce at a minimum the amount of waste resulting from the current activities;
- c) not to market products if there is no possibility to dispose of those as waste, in compliance with the conditions of Article 5;

d) to conceive and design the specific techniques and activities, so that to reduce at a minimum the amount of waste generated by these technologies;
e) to package the products in a proper way, in order to prevent their deterioration and transformation into waste;

f) to avoid the formation of stocks of raw materials, ancillary materials, products and by-products, that can deteriorate and become waste, following the exceeding of the expiry term;

g) to capitalise in full, if technically and economically possible, the by-products resulted from the manufacturing processes;

h) not to mix different categories of hazardous waste, or hazardous waste with non-hazardous waste, except the provisions of Article 16, par. 4;

i) to provide safety equipment adequate for the operations of waste management in conditions of work safety;

j) not to generate pollution phenomena by uncontrolled waste discharge in the environment;

k) to take the necessary steps so that the waste disposal shall be performed observing the regulations for the protection of the population and environment;

l) not to abandon and store waste in unauthorised places;

m) to separate waste before collection, for their capitalisation or disposal.

n) to designate a person from their own employees, to monitor and ensure the fulfilment of the obligations specified by the law for the waste producers.

Article 20.

The producers and holders of hazardous waste are obliged to develop according to the law action plans for emergency situations and to provide conditions for their enforcement.

Article 21.

(1) The waste producers 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 capitalisation or disposal.

(2) The waste producers and holders shall organise their own waste disposal system if the waste can not be taken by specialised entities from the system organised with this purpose, according to the provisions of Article 7.

Section 2. Obligations of the Waste Transporters

Article 22.

The transport companies specialised in urban waste transport have to be authorised by the local public administration authorities, the authorities for environmental protection. In

case the waste transports are performed between cities or international transports are performed, the transporter has to have a transport licence for hazardous goods, issued by the Transport Ministry.

For railroad, naval or air transport of waste, the transporter has to comply with the specific regulations of the Transport Ministry, and of the Ministry of Waters, Forests and Environmental Protection.

Article 23.

The waste transporters have the following obligations:

- a) to use only vehicles suitable to the types of transported waste, that do not allow the scattering of waste and noxa emanations during transport, so that the norms regarding the human health and environmental protection are observed;
- b) to ensure the personnel training for the waste transport in safety conditions and intervention in case of breakdowns or accidents;
- c) to have all the necessary documents accompanying the transported waste, documents specifying the holder, the consignee, the waste types, the loading place, the destination place, and, as the case may be, the quantity of transported waste and their codification according to the law;
- d) not to abandon the waste on the route;
- e) to comply for the transport of hazardous waste, the specific regulations for the hazardous goods with the same characteristics;
- f) to use the shortest routes, and/or with the least risk for human health and the environment and that have been approved by the competent authorities;
- g) to possess the equipment needed for intervention in case of accidents or breakdowns occurred during hazardous waste transportation, or - in case they do not have the adequate technical and personnel endowment - to ensure this by specialised units;
- h) to inform the local administration authorities and the authorities for environmental protection about any hazardous waste transport, before performing it, and the fire brigade units, in case they transport waste that pose explosion or fire risks.

Article 24.

The international transport of waste shall be done observing the international conventions in which Romania is a Party.

Section 3. The obligations of parties in the field of waste capitalisation and disposal

Article 25.

The entities that capitalise waste have the following obligations:

- a) to possess specially equipped places for temporary storage of waste, observing the provisions of Article 5;
- b) to avoid the accrual of waste stocks that are to be capitalised, and of products resulted from the capitalisation, that could generate environmental pollution, or pose fire risk to the neighbourhood;
- c) to use ratified technologies and plants for waste capitalisation;
- d) to subject the residues resulted from waste capitalisation, to the final disposal.

Article 26.

The entities that perform waste disposal have the following obligations:

- a) to provide the disposal in full and in due time of the waste that are submitted to them;
- b) to use ratified technologies and plants for waste capitalisation;
- c) to place and equip the final waste landfills in a space and in conditions according to the provisions of Article 5, and only with the agreement of the competent authorities;
- d) to introduce in the landfill only waste allowed by the competent authorities and to observe the storage technology developed by these;
- e) to monitor continuously the way of final waste storage, considering the stability and tightness, and to perform the necessary measurements, decided by the competent authorities, for a safe operation of those landfills;
- f) to operate at designated parameters the existing cleanup facilities and to provide themselves with cleanup equipment, where this is missing;
- g) to perform the environmental reconstruction and landscaping works imposed by the competent authorities and to organise the further monitoring of the landfills after concluding the waste storage;
- h) to supervise the activities of waste disposal and to perform the control and monitoring of the pollutant emissions and ambient emissions in the own laboratory or in co-operation with other labs certified by the competent authorities.

Section 4. Other obligations of natural persons, natural persons authorised to carry out independent activities and legal persons

Article 27.

The natural persons have the following obligations:

- a) to lay down separately the recyclable waste and packaging, where there are containers specially designed for this purpose;
- b) not to abandon and not to store waste outside the places specially designed for this purpose;
- c) to capitalise in full the combustible and biodegradable waste, resulted from the households in rural areas, and to lay down the non-recyclable ones in the municipal landfill, if there is such landfill.

Article 28.

Besides the obligations specified under Sections 1-3 of this chapter, the natural persons authorised to carry out independent activities and the legal persons from whose activity results waste and who transport, dispose of, import, export and perform waste transit, have also the following obligations:

- a) to perform the work and to carry out the activities only after obtaining the agreements and authorisations specified by this urgency ordinance and strictly observing these;
- b) to send back in the exporting country the waste that was illegally introduced in Romania. The waste imported, lost or abandoned during transport on Romanian territory, and the imported products that became waste during transport or custom clearing because of exceeding the expiry date, shall be returned to the exporting country, and the cost of this operation shall be born by the responsible parties;

- c) to ensure, at waste transport, that all the international obligations have been observed and that the destination country accepts the waste exported from Romania; the cost of returning the exported waste shall be borne by the responsible parties;
- d) to provide the collection, transport and disposal of the own or purchased products, that became waste by exceeding the expiry date or from improper management of the products, and to bear the related costs;
- e) to carry out the works of rehabilitation of the environment degraded by waste, that are imposed by the competent authorities;
- f) to bear the costs of the damages to the population, companies and organisations by improper waste management;
- g) to keep a strict record of waste generation, capitalisation and disposal, according to the provisions of Article 15, par. a);
- h) to inform the health authorities, the environmental protection authorities and the local councils anytime when changes occur in the waste generation, transport and disposal.

CHAPTER IV. INTERNATIONAL TRADE AND WASTE TRANSIT

Article 29.

(1) The import in Romania, of waste of any type, in raw or processed state, is forbidden.

(2) As an exception from the provisions of par. (1), the import of waste is allowed only with the approval of the competent authorities and only if the waste represent a source of scarce secondary raw material, for which in Romania there are enough processing capacities, endowed with the necessary equipment for environmental protection.

Article 30.

The hazardous waste producers and holders can dispose these waste in other countries that have the adequate technology and accept to perform such operations.

Article 31.

The waste export can be performed only observing the valid local regulations, with the approval of the competent authorities and of the governmental authorities specified in

the importing country, and also, observing the provisions of the international conventions in which Romania is a Party.

Article 32.

Waste transit on Romanian territory can be performed only observing the provisions of the Law No. 6/1991 for the ratification of the Basle Convention regarding the control of transboundary shipment of hazardous waste and their disposal, and also of other international conventions ratified by Romania.

Article 33.

Within 60 days from coming into force of this urgency ordinance, the competent authorities shall develop Norms for waste import, export and transit that shall be approved by Government decision.

CHAPTER V. FACILITIES

Article 34.

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

Article 35.

The local councils shall decide, according to the law, upon providing land for building the landfills and waste disposal plants for localities, that constitutes a public benefit cause.

Article 36.

The competent authorities shall provide, according to the law, the access of investors and entrepreneurs in the field of waste management, to the available information from this area.

Article 37.

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

CHAPTER VI. PREROGATIVES AND RESPONSIBILITIES OF THE COMPETENT AUTHORITIES

Article 38.

(1) According to the provisions of this urgency ordinance, the competent authorities with prerogatives and responsibilities regarding the waste regime are: the Ministry of Waters, Forests and Environmental Protection, the Health Ministry, the Ministry of Industry and Trade, the Ministry of Public Works and Regional Planning, the Ministry of Agriculture and Food, the Ministry of Transports, the Ministry of Labour and

Social Protection, the Ministry of the Interior, the National Defence Ministry, and the Public Function Ministry.

(2) In order to fulfil their attributions and responsibilities regarding the waste regime, the competent authorities specified under par. (1) shall constitute their own structures with related attributions, within 60 days of coming into force of this urgency ordinance.

Article 39.

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

- a) to develop, together with the other competent authorities, the National Strategy for Waste Management and the National Program for Waste Management;
- b) to initiate, after consulting the interested ministries, drafts of regulations regarding waste management;
- c) to endorse the specific regulations in the field of waste management, drawn by other competent authorities;
- d) to monitor the impact of the waste on the environmental factors;
- e) to control and regulate the waste management activities, according to the attributions and prerogatives established by law;
- f) to present each year to the Government reports regarding waste management, based on statistical data;
- g) to organise, together with other competent 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 competent authorities, the waste import and export activity.

Article 40.

The Health Ministry has the following attributions:

- a) to assess the impact of waste on the human health;
- b) to develop the strategy and program for the management of the waste generated by state and private medical care, research and tuition entities and to provide the conditions for their enforcement;
- c) to develop specific regulations for the management of waste generated by state and private medical care, research and tuition entities, with the endorsement of the central public authority for environmental protection;
- d) to control the activities of waste management according to the legal attributions and prerogatives.

Article 41.

The Ministry of Industry and Trade has the following attributions:

- a) to develop sectorial strategies and programs for the management of industrial waste and for environmental rehabilitation, and to monitor their enforcement by the economic entities;
- b) to develop specific regulations for the management of various types of industrial waste and for the operations of recycling materials and waste capitalisation, with the approval of the central public authority for environmental protection;

c) to co-ordinate and monitor through the National Commission for Materials Recycling, the activity of recycling industrial waste, and to authorise the activities of recycling the recyclable materials and waste.

d) to regulate the activity of import-export of waste in compliance to this urgency ordinance, with the endorsement of the public central authority for environmental protection.

Article 42.

The Ministry of Public Works and Regional Planning has the following attributions:

a) to develop together with the local public administration, sectorial strategies and programs for waste management;

b) to co-operate with the central authority for environmental protection at developing the specific regulations for urban waste management;

c) to organise and carry out, together with the local public administration, the systems for urban waste management, and to monitor the realisation of the projects in this field;

d) to develop specific regulations regarding the duties of the local councils related to the waste management.

Article 43.

The Ministry of Agriculture and Food has the following attributions:

a) to develop sectorial strategies and programs for the management of the waste generated by agriculture and food industry and to monitor their enforcing by the companies and other economic entities from these fields;

b) to develop specific regulations regarding the management of the waste generated by agriculture and food industry, with the approval of the central public authority for environmental protection;

c) to endorse the proposals of establishing plants, platforms, landfills, etc., for waste, on the lands with agricultural destination;

d) to approve and monitor the way in which is used the waste for soil fertilising or enhancement.

Article 44.

The Ministry of Transports has the following attributions:

a) to develop sectorial strategies and programs for the management of waste generated by the transport and related activities, and to monitor their enforcement by the economic entities subordinated or co-ordinated by the Ministry;

b) to develop specific regulations regarding the management of the waste generated by the transport and related activities, with the approval of the public authority for environmental protection;

c) to regulate and control the activity of waste transport.

Article 45.

The Ministry of Labour and Social Protection has the following attributions:

- a) to develop specific regulations regarding the safety in the field of waste management;
- b) to control and regulates the activities of waste management, according to the attributions and prerogatives established by law;

Article 46.

The Ministry of the Interior has the following attributions:

- a) to control the activities of waste management, according to the attributions and prerogatives established by law.
- b) to support the other competent authorities in carrying out their attributions and responsibilities regarding the enforcement and observing the provisions of this urgency ordinance and of other legal provisions related to waste;
- c) to monitor and control the enforcement of this urgency ordinance and of other regulations regarding waste, by its subordinated units.

Article 47.

The National Defence Ministry has the following attributions and responsibilities:

- a) to develop the strategy and program for the management of the waste generated in the military field and to provide the conditions needed for their enforcement.
- b) to develop specific regulations regarding the management of the waste generated in the military sector, with the approval of the central public authority for environmental protection;
- c) to monitor and control the enforcement of the provisions of this urgency ordinance, and of other regulations, by the subordinated units.

Article 48.

The Public Function Ministry has the following attributions:

- a) to co-ordinate the development and the enforcement of the sectorial strategies and programs regarding waste management by the local public authorities;
- b) to monitor and ensure the enforcement urgency ordinance by the local public authorities.

Article 49.

The local councils are obliged to ensure:

- a) the adoption of an efficient system for integrated management of urban and industrial waste, by collection, providing by stages the conditions for selective collection, reception, recuperation, neutralising, incineration and final storage;
- b) the implementation and control of the system's operation;
- c) the endowing the roads, the public areas, and the areas for collecting urban waste, with enough containers for selective collection of the urban waste;
- d) the selective collection and transport in due time of the whole quantity of waste generated inside the localities;
- e) the existence of landfills for selectively collected urban waste, with proper sizes and so fitted as to protect the human health and the environment protection;
- f) the interdiction of waste storage in other places than those designed for urban waste dumps, specified in the town planning documents;

- g) developing directives for the economic entities, organisations and population, regarding the way of waste management inside localities and for informing them about these, with adequate means.
- h) any other legal measures and means they deem necessary.

Article 50.

In order to carry out the attributions and responsibilities in the field of waste management, for co-ordinating the activities and promoting efficient actions in this field, and for a good co-operation among the competent authorities responsible for the waste management, inside the Ministry of Waters, Forests and Environmental Protection, shall be established the Directorate for Waste and Chemicals; the Government decision regarding the organisation and operation of this ministry shall be changed accordingly, by increasing the total number of jobs.

CHAPTER VII. PENALTIES

Article 51.

The following actions are deemed misdemeanours and shall be penalised with fines, if they were done in such a manner that they are deemed offences by the criminal law:

(1) With a fine between 100,000 to 1,000,000 ROL for natural persons, between 1,000,000 to 10,000,000 ROL for natural persons authorised to carry out independent activities, and between 5,000,000 to 30,000,000 ROL for authorised legal persons, for:

- a) dumping urban waste and packaging on verdure spots, roads, in public places and in other non-authorised places;
- b) failure to comply with the system of waste management, adopted by the local councils and authorised by the competent authorities;
- c) failure to observe the tasks foreseen by the competent authorities regarding waste generation, collection, transport and disposal;
- d) failure to contract from specialised entities, the waste collection, reuse, recycling and disposal, when these activities can not be performed with ones own means.

(2) With a fine between 2,000,000 and 20,000,000 ROL for natural persons authorised to carry out independent activities, and between 15,000,000 and 50,000,000 ROL for authorised legal persons, for:

- a) failure to carry out by the appointed terms the works, endowments and measures aiming the reduction of the amount of waste, collection, recycling, transport, trading and disposal of waste;
- b) performing works and activities related to waste, without legal approvals;
- c) polluting the environment by using inadequate packaging;
- d) marketing products without specifying the hazardous substances content and the degree of toxicity in the quality certificate;
- e) waste generation by accruing stocks of raw materials, auxiliary materials, products, by-products and packaging that are higher than the production, consumption and marketing needs;
- f) failure to take the measures for collecting and capitalisation of recyclable waste and packaging, including of the by-products;
- g) failure to take the measures for withdrawing from circulation and processing products and packaging, regardless to their origin, if these do not comply – from delivery to marketing – to the quality norms and standards in force;

- h) mixing together different types of waste, during the process of their recycling and disposal;
 - i) transport and disposal of waste, without providing the safety of human health and environment;
 - j) failure to comply with the technologies for recycling of recyclable materials and waste, that are approved by the authorisation documents, according to the law provisions.
- (3) With a fine between 3,000,000 and 75,000,000 ROL for the failure to carry out the responsibilities incurring to the mayors and local councils – as the case may be – according to Article 49.

Article 52

- (1) The ascertaining of the misdemeanours and the enforcement of the penalties specified under Article 51 shall be done by the empowered personnel of the competent public central authorities and from its territorial units, and from the local public administration, according to their attributions established by law.
- (2) An appeal may be lodged against the report of ascertaining the misdemeanour and enforcing the penalty, the appeal being submitted to the competent court, within 30 days of communication the misdemeanour report.
- (3) The provisions of Law No. 32/1968 regarding the ascertaining and penalising the misdemeanour, with the subsequent modifications, except Article 25-27, are supplementing the provisions of this urgency ordinance.

Article 53.

- (1) The following deeds are deemed offences to be punished with imprisonment from 1 to 5 years:
- a) performing any import activities of devices, plants, equipment, machinery and other second-hand used materials or products that are deemed waste and restricted from import;
 - b) failure to adopt or observe the mandatory provisions in performing collecting, transport, and storage activities of hazardous waste;
 - c) trading, loosing or dumping waste during and along crossing Romanian territory;
 - d) the refusal to carry out the decision of the competent authorities specified in this urgency ordinance, regarding the works or activities of waste generation and management;
 - e) the refusal to return into the origin country the waste subjected to such a measure, taken by the competent authorities.
- The attempt shall be punished.
- (2) The offences specified under par. (1) shall be ascertained by the empowered personnel notified ex officio, or by the competent public central authorities and from the territorial units of those, and also from the local public administration, according to their attributions established by law. The asceratianing documents shall be submitted to the competent investigation authorities.

CHAPTER VIII. FINAL PROVISIONS

Article 54.

For the efficient enforcement of the waste management measures specified in this urgency ordinance, the following issues shall be regulated by Government decision, on proposal of the competent central public authority:

(1) management ways for the following special waste categories:

- a) used oils;
- b) waste containing or contaminated with polychlorinated byphenyls and tryphenyls (PCB, PCT);
- c) used batteries;
- d) waste from producing titanium oxide;
- e) packaging and packaging waste;
- f) other special waste categories.

(2) conditions for operating the waste treatment and disposal plants:

- a) conditions of operating incinerators for waste and hazardous waste;
- b) waste disposal by final landfilling;
- c) conditions regarding environmental protection and especially the protection of soils by using in agriculture the sludge from wastewater treatment plants;
- d) other special operation conditions.

Article 55.

The administrations of free zones are liable to enforce the provisions of this urgency ordinance in the areas of their jurisdiction.

Article 56.

The public access to the substantiation of the decisions regarding investment projects, and the national, county or sectorial plans shall be done according to the law.

Article 57.

(1) The Annexes No. IA-E and No. IIA-B are integral part of this urgency ordinance.

(2) The annexes to this urgency ordinance may be supplemented and updated by Government decisions.

Article 58.

This urgency ordinance comes into force at 30 days after its publishing in the Official Journal of Romania, Part I.

PRIME MINISTER

MUGUR CONSTANTIN ISĂRESCU

COUNTERSIGNS:

The Minister of Waters, Forests and Environmental Protection Romică Tomescu	For the Minister of Industry and Commerce Ioan ROMAN, State Secretary
For the Health Minister Irinel Popescu, State Secretary	For the Minister of Agriculture and Food Ştefan Pete, State Secretary
For the Minister of Public Works and Regional Planning Lazslo Borbely, State Secretary	For the Minister of Transport Aleodor Frâncu, State Secretary
The Minister of Work and Social Protection Smaranda Dobrescu	The Minister of National Defence Sorin Frunzăverde

Minister of the Interior Constantin Dudu Ionescu	The Finance Minister Decebal Traian Remes
Minister of Public Function Vlad Roşca	

ANNEX No. IA

THE MEANINGS OF SOME TERMS

For the purpose of this urgency ordinance

- "*Product life cycle*" – the period between the manufacturing date of a product and the time this becomes waste.
- "*Collection*" – gathering, sorting and/or regrouping (temporary storage) of waste for the purpose of their transport.
- "*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.
- "*Hazardous waste*" – waste included on the list specified in Article 16 par. 1), based on the categories or generic types of hazardous waste, presented in Annex No. IC, and of the components of these waste, presented in Annex No. ID, components that make these waste hazardous when presenting one or more of the properties described in Annex No. IE.
- "*Holder*" – the waste producer, or the natural person, the natural person authorised to carry out independent activities, or the legal person possessing waste.
- "*Disposal*" – any operation specified in Annex No. IIA.
- "*Management*" – the collection, transport, capitalisation and disposal of waste, including monitoring the landfills after their closing down.
- "*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 change of nature or composition of these waste.
- "*Reuse*" – any operation by which the packaging intended and designed to perform inside its life cycle a minimum number of circuits and shuttles, is refilled or reused in the same purpose for which it was designed.
- "*Recycling*" – the operation of reprocessing waste in a production process, for the original or other purposes.
- "*Transit*" – the transport across the national territory, from one border to another, with short-term stops, having only a technical character, and without changing the quantity confirmed by the customs seal.
- "*Processing*" – all the physical, chemical and biological processes that change the waste characteristics, in order to reduce their volume and hazardous character, facilitating their handling or capitalisation.
- "*Capitalisation*" – any operation specified in Annex No. IIB.

ANNEX No. IB

WASTE CATEGORIES

1. Production or consumption residues, not specified under the following positions.
2. Products that are outside the technical specifications.

3. Products exceeding the expiry term.
4. Materials scattered or destroyed in an accident, including any materials, equipment, etc., contaminated following the accident.
5. Materials contaminated or fouled following a voluntary action (e.g. residues from the cleaning operations, packaging materials, containers, etc.).
6. Consumable parts (e.g. used batteries, spent catalists, etc.).
7. Substances that became unsuited for use (e.g. contaminated acids, solvents, spent salt mixtures, etc.).
8. Residues from industrial processes, (e.g. slag, sediments, etc.).
9. residues from processes of staving off pollution (scrubber slurries, powders from de-dusting filters, used filters, etc.).
10. Manufacturing / finishing residues (e.g. lathe or mill shavings, etc.).
11. Residues from extraction and processing of raw materials (e.g. waste from mining and oilfield surveys, etc.).
12. Contaminated materials (e.g. oils contaminated with PCB, etc.).
13. All materials, substances or products whose use is prohibited by law.
14. Products that are no longer used by the holder (e.g. residues from agriculture, household waste, waste from offices, trade activities, etc.)
15. Contaminated materials, substances or products resulted from the soil rehabilitation.
16. All the materials, substances or products included in the above categories.

ANNEX No. IC CATEGORIES OR GENERIC TYPES OF HAZARDOUS WASTE

A. Waste presenting one of the properties described in Annex IE, and consisting of:

1. anatomical waste; hospital and other health care waste;
2. pharmaceutical, medical or veterinary waste;
3. preservatives for wood;
4. biocides and phyto-pharmaceutical materials;
5. residues of substances reused as solvents;
6. halogenated organic substances, not used as solvents, except inert polymer materials;
7. salts mixtures containing cyanides;
8. mineral oils and oily materials;
9. mixtures or emulsions of oils and hydrocarbons with or in water;
10. materials containing PCB (polychlorinated byphenyls) or PCT (polychlorinated tryphenyls);
11. tars resulted from refining, distillation or any other pyrolytic process;
12. inks, dyes, pigments, paints, primers, and varnishes;
13. resins, latex, plasticizers, glues/adhesives;
14. chemicals resulted from research, development, or tuition activities, that are not identified and/or are new and whose effects on human or environment are not known (e.g. lab residues), but are supposed to be hazardous;
15. pyrotechnic materials or other explosives;
16. substances or materials used for the processing of photographic films;

17. any material contaminated by a product from the polychlorinated dibenzoyl furans group;
18. any material contaminated by a product from the polychlorinated dibenzoyl para-dioxins group.

B. Waste containing one of the components listed in Annex ID and having the properties described in Annex IE, consisting in:

19. soap, fats, animal or vegetal wax;
20. non-halogenated organic substances, not usable as solvents;
21. inorganic substances, without metals or metallic compounds;
22. ashes and/or slag;
23. soil, sand, clay, including materials from dredging;
24. salts mixtures without cyanides;
25. metallic dusts and powders;
26. used catalysts;
27. liquids or slurries containing metals or metallic compounds;
28. residues generated by processes of pollution reduction (the dust retained in the bags of the air filters) except those under No. 29, 30, and 33;
29. slurries from scrubbers;
30. slurries from water processing plants;
31. decarbonization residues;
32. residues of ion exchangers;
33. slurries from water purification plants, not treated or inadequate for use in agriculture;
34. residues from washing/cleaning tanks and/or equipment;
35. contaminated equipment;
36. contaminated containers (e.g. gas cylinders) whose content includes one or more components listed in Annex ID;
37. batteries or other types of electrical cells;
38. vegetal oils;
39. materials resulted from selective collecting of household waste and presenting one of the characteristics specified in Annex IE;
40. any other waste containing one of the components specified in Annex ID and any of the properties specified in Annex IE.

ANNEX No. ID

COMPONENTS OF WASTE FROM ANNEX INCINERARE, THAT CAUSE THESE WASTE TO BE HAZARDOUS WHEN PRESENTING THE PROPERTIES DESCRIBED IN ANNEX IE

1. beryllium; beryllium compounds;
2. vanadium compounds;
3. compounds of hexavalent chromium;
4. cobalt compounds;
5. nickel compounds;
6. copper compounds;
7. zinc compounds;

8. arsenic; arsenic compounds;
9. selenium; selenium compounds;
10. silver compounds;
11. cadmium; cadmium compounds;
12. tin compounds;
13. antimony; antimony compounds;
14. tellurium; tellurium compounds;
15. barium compounds, except barium sulphate;
16. mercury; mercury compounds;
17. thallium; thallium compounds;
18. lead; lead compounds;
19. inorganic sulphides;
20. inorganic compounds of fluorine, except calcium fluoride;
21. inorganic cyanides;
22. the following alkaline metals or alkaline earths: lithium, sodium, potassium, calcium, magnesium in non-combined form;
23. acid solutions or solid state acids;
24. alkaline solutions or solid state alkalis;
25. asbestos (powder and fibbers);
26. phosphorus; phosphorus compounds, except mineral phosphates;
27. metallic carbonyls;
28. peroxides;
29. chlorates;
30. perchlorates;
31. asides;
32. PCB (polychlorinated byphenyls) and/or PCT (polychlorinated tryphenyls);
33. pharmaceutical or veterinary compounds;
34. biocides and phyto-pharmaceutical materials;
35. infectious materials;
36. creosotes;
37. isocyanates; thyocyanates;
38. organic cyanides;
39. phenols; phenol compounds;
40. halogenated solvents;
41. organic solvents, except halogenated solvents;
42. organic halogenated compounds, except inert polymer materials and other materials listed in this Annex;
43. aromatic compounds; polycycle and heterocycle compounds;
44. aliphatic amines;
45. aromatic amines;
46. ethers;
47. materials with explosive properties; except those listed in other place of the annex;
48. organic compounds with sulphur;
49. any compound from the polychlorinated dybenzo-furans group;
50. any compound from the polychlorinated dybenzo para dioxins;
51. hydrocarbons and their compounds with oxygen, nitrogen or sulphur, that are not listed in other place on this annex.

ANNEX No. IE

PROPERTIES THAT MAKE WASTE TO BE HAZARDOUS

H1. EXPLOSIVES: substances and materials that can explode due to a spark or are more sensitive to fire or rubbing than di-nitrobenzene.

H2. OXIDANTS: substances and materials producing highly exothermic reactions in contact with other substances, mainly, with flammable ones.

H3. A. VERY FLAMMABLE:

- liquids and materials with ignition point under 21°C (including extremely flammable liquids);

- substances and materials that can be heated and ignited in contact with the air at ambient temperature, without any additional energy input;

- solid substances and materials that burn easily in contact with an ignition source and continue to burn or to consume themselves even after removing the ignition source;

- gaseous substances and materials that are flammable in air at ambient pressure;

- substances and materials that, in contact with water or humid air, produce highly flammable gases in dangerous quantities.

H3.B. FLAMMABLE: liquid substances and materials with ignition point equal or greater than 21°C and lower or equal to 55°C.

H4. IRRITANTS: non-corrosive substances and materials that, by immediate, prolonged or repeated contact with the skin or mucous membranes can cause inflammations;

H5. HARMFUL: substances and materials can generate limited risks for the health if inhaled or swallowed or if they penetrate the skin.

H6. TOXIC: substances and materials that may lead to serious risks for the health, acute or chronic, or even death, if inhaled or if they penetrate the skin.

H7. CARCINOGENIC: substances and materials that may generate cancer or lead to the increase of its occurrence if inhaled, swallowed or if they penetrate the skin.

H8. CORROSIVE: substances and materials that can destroy the living tissues at the contact with them.

H9. INFECTIOUS: materials containing living microorganisms or their toxins, that are known to produce diseases for humans or other living organisms.

H10. TERATOGENS: substances and materials that, if inhaled or swallowed, or if they penetrate the skin, can produce hereditary genetic defects or an increase of their occurrence.

H11. MUTAGENS: substances and materials that, if inhaled or swallowed, or if they penetrate the skin, can produce genetic defects or an increase of their occurrence.

H12. Substances and materials that, in contact with water, air or an acid, produce toxic or very toxic gases.

H13. Substances and materials able to produce after storage, on various ways, other substance (e.g. levigate), presenting one of the above characteristics.

H14. ECO-TOXIC: substances and materials that present or may present immediate or delayed risks for one or more sectors of the environment.

ANNEX No. II A WASTE DISPOSAL OPERATIONS

1. Storage on soil or underground (e.g., in landfills).
2. Processing by contact with the soil (e.g., biodegradation of liquid waste and slurries dumped on soil).
3. Underground injection (e.g. injection of waste fit for pumping in wells, salt mines or natural geological faults).
4. Surface dumping (e.g. accruing liquid waste or slurries in wells, ponds and pools).
5. Storage on specially fitted land (e.g., storage in separate open cells, covered and insulated one from another and from the environment).
6. Dumping solid waste in aquatic environment, excepting the seas and oceans.

7. Dumping in seas/oceans, including burying in the marine underground.
8. Biological treatment not specified in other point of this annex, resulting finally in compounds or mixtures that are disposed by any operation listed under points 1-12.
9. Physical-chemical treatment not specified in other point of this Annex, resulting finally in compounds or mixtures that are disposed of by any operation listed under points 1-12 (e.g. vaporisation, drying, calcination, etc.).
10. Incineration on the soil.
11. Incineration on sea.
12. Permanent storage (e.g. storing waste containers in a mine).
13. Mixing before appointing to any of the operations listed under points 1-12.
14. Repackaging before appointing to any of the operations listed under points 1-13.
15. Storage before performing any of the operations listed under points 1-14, except the temporary storage before collection, on generating area.

ANNEX No. IIB WASTE CAPITALISATION OPERATIONS

1. Solvent recuperation or regeneration.
2. Recycling and recuperation of organic materials that are not used as solvents.
3. Recycling and recuperation of metals and metallic compounds.
4. Recycling and recuperation of other inorganic materials.
5. Regeneration of acids and alkalis.
6. Capitalisation of the products used for pollutants' trapping.
7. Capitalisation of the products from catalysts.

8. Refining again the used oils or other reuses of these.
9. Using as combustible material or as a means of producing energy.
10. Scattering over the soil, for agricultural purposes or for environmental rehabilitation, including composting operations and other biological transformation processes.
11. Using the waste obtained by any operation specified in this annex, numbered from 1 to 10.
12. Waste exchange between holders, in order to submit them to one of the operations specified in this annex, numbered from 1 to 11.
13. Material storage in order to submit them to one of the operations specified in this Annex numbered from 1 to 12, excluding temporary storage before collecting, in the generating area.

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