

**Chapter 3**

**Current Situation  
Concerning  
Administrative, Legislative  
and Institutional Aspects**

### 3 Current Situation Concerning Administrative, Legislative and Institutional Aspects

The purpose of this chapter is to give a summary overview of the current arrangements in Romania concerning the administrative, legislative and institutional aspects of hazardous wastes' management and planning.

#### 3.1 Institutional Structure

##### 3.1.1 MoWEP and EPIs

The provisions of the Law on Environmental Protection (No. 137/1995 republished 2002), art. 7, make "*the central authority for environmental protection and its local agencies*", the authorities responsible for environmental protection. The central authority is the Ministry of Waters and Environmental Protection (MoWEP) and at the local levels the Environmental Protection Inspectorates (EPIs).

Through Government Decision No. 17/2001 regarding the structure and the role of the MoWEP and other legal rules, the Ministry was restructured as well as its subordinated institutions. One of the most important changes, was the shift of the responsibilities regarding forest management to the Ministry of Agriculture, Food and Forests, though the MoWEP is still responsible for forest protection. Another change, relevant to this study, was the establishment within the MoWEP of the Waste and Hazardous Chemicals Management Directorate and the formation of the Environmental Guard.

The Ministry has 5 State secretaries (for Water Management, Environmental Protection, President of National Commission for Nuclear Activities Control, European Integration and Parliamentary Liaison) and is organized into 3 General Directorates, 16 Directorates and a State Inspectorate for waters, with a staff of approximately 210 people.

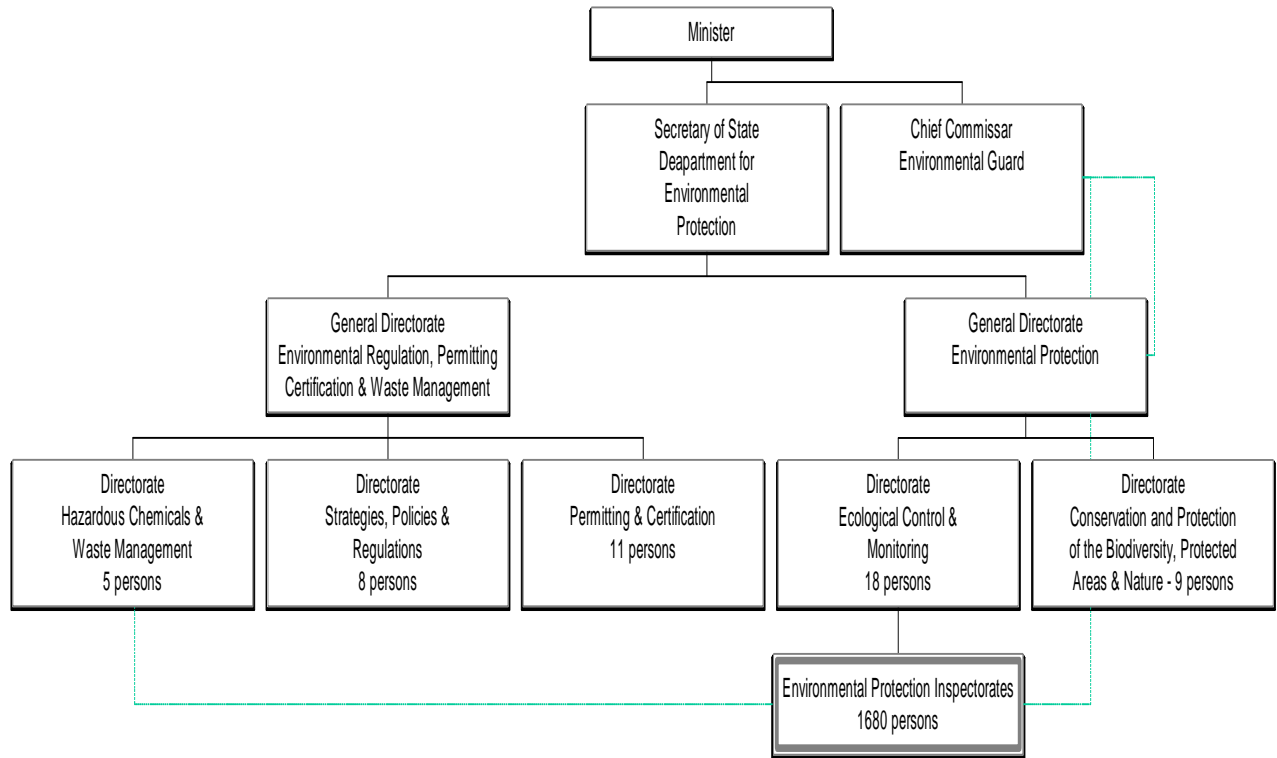
Under the SoS for Environmental Protection there are 2 General Directorates and 5 Directorates as shown in the organogram below (Fig 3.1a). Note that this chart does not show the whole organogram of the MoWEP but does indicate the new position of Chief Commissar of the Environmental Guard and the multiple functional links to the EPIs.

Following ratification of the Law on Waste Regime, a Directorate for Hazardous Chemicals and Waste Management was set up in the MoWEP at the beginning of 2001 within the same General Directorate that is responsible for Strategies, Policies & Regulations, and also Permitting & Certification. This Directorate has an agreed staffing for 2003 of 7 persons; one of these is responsible for the Hazardous Chemicals element. The main tasks currently undertaken by this Directorate relate to Chapters of the Acquis and include:

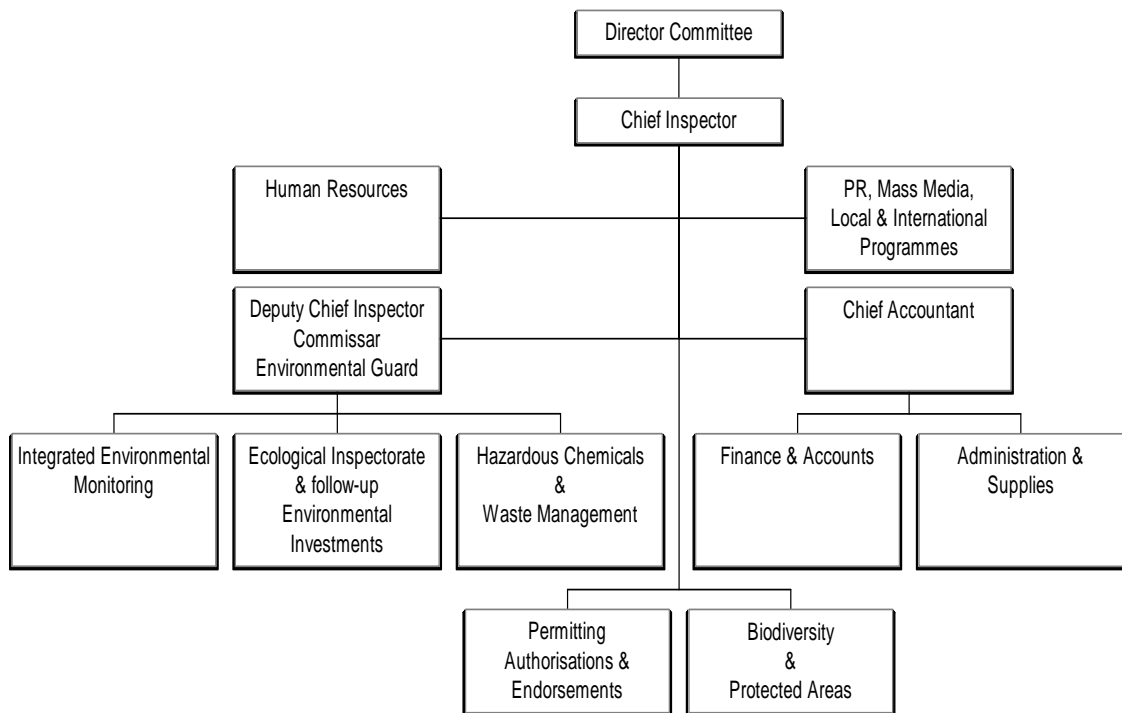
- Transposition of EU waste legislation and preparation of Position Statement
- Analysing regulations from other Ministries
- Co-ordination of waste management Plans and annual reports regarding waste management
- Liaison with donor projects (inc ISPA project documents' evaluation)
- PCB secretariat
- Basle Convention etc responses
- Working with corresponding departments in EPIs

Working relationships extend to other Ministries, Institutes, journalists, enterprises, and other Directorates in MoWEP

**Figure 3.1a Organisation of the MoWEP Environmental Protection Grouping**



**Figure 3.1b Organisation of the Local EPIs Subordinated to MoWEP**



Romania has a decentralised environmental protection management system. There are 42 local Environmental Protection Inspectorates (EPIs), including Bucuresti Municipality, and DDBRA subordinated to the MoWEP. These play a key role in the enforcement of legislation and fulfil at local level the prerogatives and responsibilities of MoWEP. The EPIs are organised (see Fig 3.1b) according to the Ministerial Order no. 92/2001 comprising a total staff of about 1680 (reduced from 2175 in 2000); there are the following functional departments:

- Integrated monitoring (468 persons)
- Environmental guard (ecological inspection and environmental investments' monitoring) (335)
- Hazardous chemicals and waste management (83)
- Agreements, permitting and endorsements (249)
- Bio-diversity and protected areas (55)
- Public relations, relations with mass-media, local and international programmes (46)

Most of the activities on implementation and enforcement of environmental legislation have to be carried out by the EPIs. Their main functions are:

- Implement the integrated monitoring system and appropriate legal measures for environmental protection, improvement and remedial measures
- Elaborate and implement legislative requirements environmental protection (air, waters, soil, the natural environment, protected areas and heritage, inhabited areas), and the regimes of pesticides / fertilisers / dangerous substances / waste taking also into account implementation at local level of international agreements and conventions to which Romania is a party
- Regulate economic and social activities including procedures related to environmental obligations of the privatisation process including due penalties to the title holders of activities for non-compliance
- Elaborate and publish periodical reports of the state of the local environment and reporting periodically to the MWEF
- Draft and propose sustainable development strategies and collaborates in partnership with representatives of the public administration, NGOs and other local public institutions and the private sector in order to apply the general environmental strategy at local level (eg LA 21, LEAPs), and to make decisions in situations that may pose a risk to the environment
- Support and implement legislation, especially through the permitting process, the aims of sustainable development
- Organise PR, training and educational, programmes concerning the state of the environment at local level.

The hazardous chemicals and waste management department appears to have an advisory and supportive, as opposed to regulatory / enforcement role, in 3 basic areas as follows:

Waste related activities:

- Support the other EPI departments with their activities concerning waste collecting, transportation, treatment, capitalisation and disposal, and taking part in the inspection activities in the waste field when requested
- Maintain register of waste generation at county level - the Waste Database
- Prepare reports regarding waste management at county level.

Waste management plans:

- Prepare the county level waste management Plan on basis of Local Councils' plans and waste producers' plans in accord with MoWEP guidelines and Law on waste regime for submission for approval to the County Council and then to MoWEP
- Identifies the list of priority projects and investments regarding industrial pollution control and risk management
- Collaborate with the local public authorities on the implementation of local and county waste management plans
- Monitor, review and update the county level Plan when necessary in accord with current MoWEP strategy and objectives

Dangerous substances:

- Advise and support the other EPI departments concerning hazardous substances' management.

The limited capacity of both the MoWEP and local EPIs is well recognised by previous and ongoing donor programmes (particularly EU Phare and USAID) for institutional strengthening and capacity building. The capacity limitations are a combination of lack of:

- Human resource
- Modern management techniques and skills
- State of the art knowledge of environmental management

The MoWEP are well aware of these limitations. They are actively involved with donor programmes and are currently considering restructuring of the MoWEP and EPIs functions to redress this imbalance. Effective implementation of the legislation that has been, and is being, transposed will not happen until these capacity limitations are addressed.

### 3.1.2 Other Organisations with Responsibility for Waste Management

According to GEO no. 78/2000 & Law on waste No 426/2001 many other ministries and organisations have other direct tasks and responsibilities. These are just summarised very briefly below. This legislation also says that the waste producers and, depending on the local case, the local councils will be responsible for the implementation of hazardous waste management plans; this is not a realistic situation as stated.

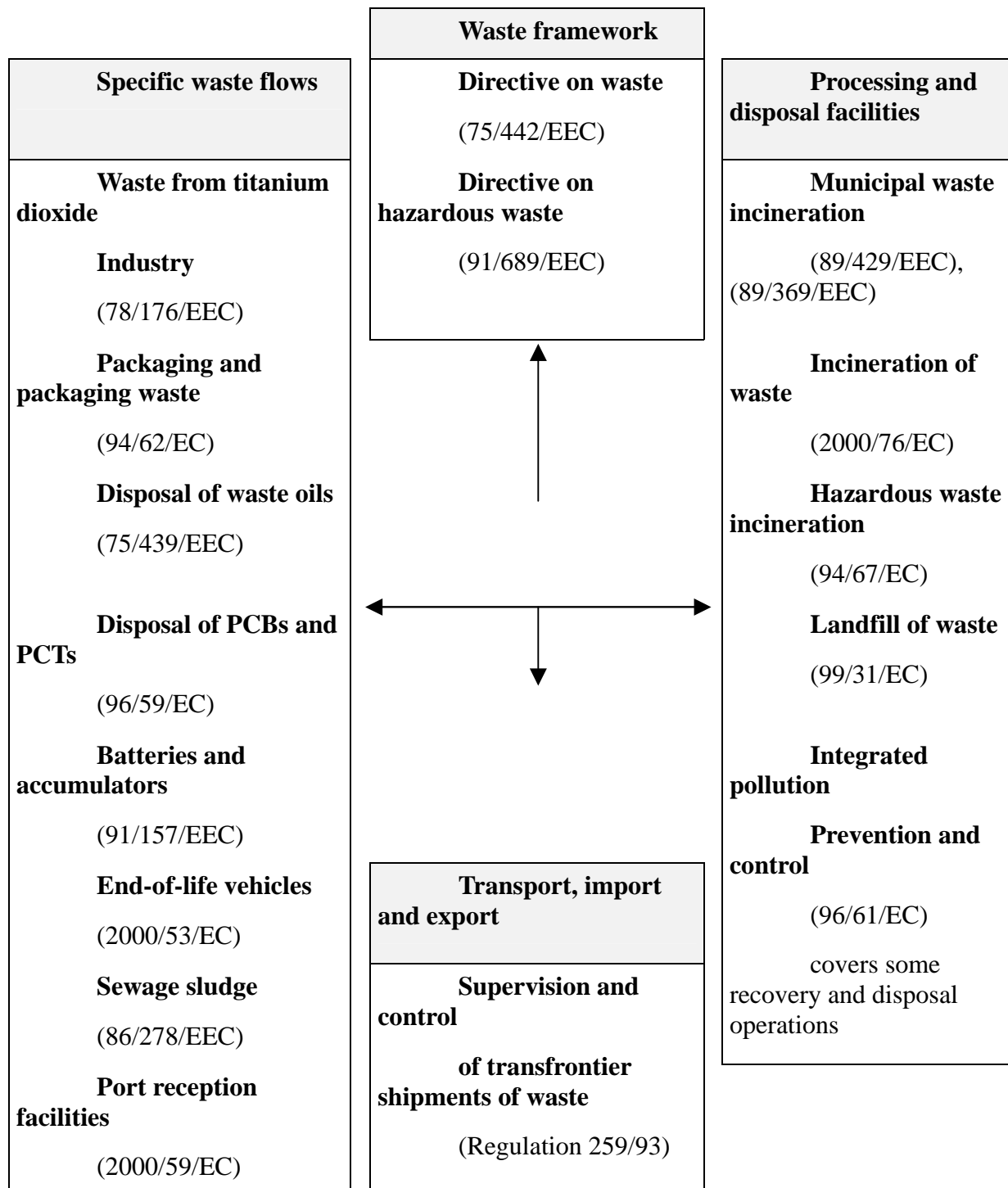
The other Ministries generally have the responsibility for elaboration of the sectoral strategies and programmes, elaboration of specific legislation, and control of implementation of waste management activities 'according to their legal duties'. In addition, they may have some sector specific responsibility, eg:

- MoH&F            Assess waste impact on health & Plans for medical care waste
- MoIR             3Rs activities, programmes for ecological reconstruction, import-export activities
- MoPWTH        Plans for management of transport wastes, and regulation of the waste transportation activity
- MoAAF          Input to planning decisions concerning use of agricultural land
- MoLSP          Input to safety regulations in waste management sector
- MoI              Monitor and control the enforcement of this law
- MoND          Responsible for waste management in this sector
- Dept of LPA     Monitor and ensure the enforcement of this law by the local public authorities
- MoIR (NCRM)   Wide ranging responsibilities for developing and implementing 3Rs
- Local Councils and municipalities

### 3.2 Current Policies

#### 3.2.1 EU Policy

Below is a list of the EU directives on waste currently in force.



The requirements for the management and the permitting of hazardous waste recovery and disposal facilities are set out in the **Hazardous Waste Directive** (91/689/EEC). The

principal aim of this Directive is to formulate a common definition of hazardous waste and introduce greater harmonisation of the management of such waste. It lists hazardous wastes, constituents and properties, which render waste hazardous. Establishments that carry out their own waste disposal will need a license. Hazardous waste management plans have to be published by the competent authorities, either as part of the general waste management plan (according to 75/442/EEC), or separately.

Member States are also required:

- Registration and identification of every site where hazardous waste is delivered
- Packaging and labelling according to Community and international standards when such waste is collected, transported and temporarily stored
- Competent authorities must inspect installations producing and receiving hazardous waste as well as means of transporting the waste

Implementation of these requirements typically requires:

DEVELOP management of hazardous waste requiring specific and stricter licensing and control procedures.



DEVELOP national rules for the correct identification and classification of hazardous waste, as well as requirements and guidelines for their environmentally sound recovery and disposal.

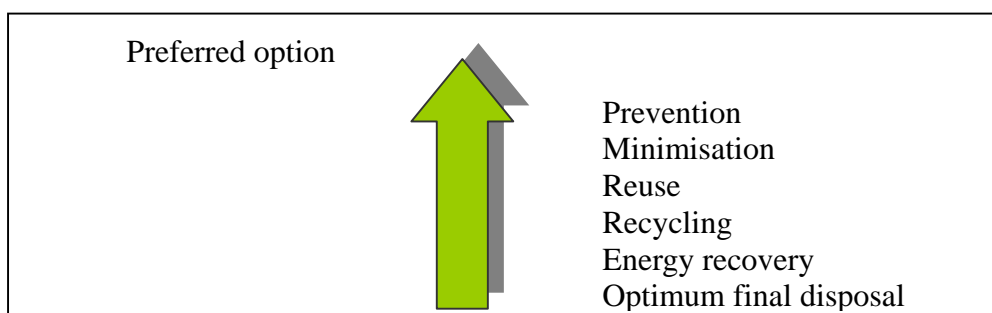


PUT IN PLACE technical capabilities and adequate infrastructures to avoid the risk of inadequate recovery or disposal operations caused by emergency situations.



CREATE a centralised data bank in order to fulfil the obligation to supply information to the EU Commission concerning hazardous waste and hazardous waste management and disposal contractors.

**Figure 3.2 Waste Hierarchy**





### **3.2.2 Romanian Environmental and Waste Management Policy**

Romania has not yet published a discrete and comprehensive policy statement concerning waste management although a draft National Waste Management Plan exists. Figure 3.2 reflects Romanian and EU wastes management policy and illustrates the hierarchy of waste management options. This hierarchy promotes waste prevention, reduction of hazardousness, reuse and recycling and the application of high environmental standards to waste management activities. In the long term, Romanian policy is based on achieving the objectives listed in the Law on Waste Regime (see section 3.3). Art. 3 of this Law adopts the following principles, the implementation of which are specific objectives of any WMP:

- Using only waste management activities that do not harm human health and the environment
- 'The polluter pays'
- Producer's responsibility
- Principle of using the best available techniques, without involving excessive costs
- Proximity principle, stating that waste shall be capitalised and disposed of as near as possible to the point of its generation
- 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.

This Law also stipulates that the primary responsibility for the proper management of waste lies with the holder or generator of the waste.

Romania has published a variety of environmental policy statements that include a waste management component, and these are further described in section 6.7 under the following sub-headings:

- National environmental policies and strategies
- EU approximation process
- Transposition of EU waste management and related legislation
- Romanian strategic objectives and targets for waste management

We consider that The Romanian Strategy for Sustainable Development (set up by Government Decision No. 305/1999) and the Law on Waste Regime (and subsequent secondary legislation) will provide a good basis for elaborating Romanian policy for waste management.

The requirement to adopt a more strategic approach to hazardous waste management has also been reinforced by the need to implement the Landfill Directive and the IPPC Directive, as well as the specific measures to remove the most dangerous chemicals from the environment. Furthermore in December 1999, the 5<sup>th</sup> Conference of Parties to the Basle Convention (of which Romania is a member) made a high level declaration on the environmentally sound management of hazardous wastes.

### 3.2.3 Transposition of EU Waste Management and Related Legislation

Many of these EU Directives were transposed in the period 2001-2002 as a result of the Phare 1998 Twinning program with Germany. Tables 3.2a and 3.2b list the current situation of transposition of these Directives. Good progress has been made with the transposition of the EU waste management directives into national legislation. Although there appears to be some conflict for example between transposition dates of some of the interrelated Directives (eg IPPC and Landfill), it should be noted that this legislative transposition programme is the subject of annual discussion and negotiation between Romania and EU.

**Table 3.2a: Transposition Status of EU Waste Directives**

EU Directive	Romanian legal act	Comments
Council Directive No 75/442/EEC on Waste, amended by Council Directive No 91/156/EEC	Law No 426/2001 for the approval of GEO No 78/2000 on waste regime	
Council Directive No 91/689/EEC on hazardous waste	Law No 426/2001 for the approval of GEO No 78/2000 on waste regime	
Council Directive No 96/59/EC on the disposal of polychlorinated biphenyl and polychlorinated terphenyls (PCB and PCT)	Government Decision No 173/2000 on the regulation of the special regime for the management and control of the polychlorinated biphenyls and other similar compounds	
Council Directive No 2000/76/EC on the incineration of waste	GD no. 128/2002 regarding waste incineration	Romania requests a transition period of 3 years, until 2010
Council Directive No 94/62/EC on packaging and packaging waste	GD no. 349/2002 regarding packaging and packaging waste	Romania requests a transition period of 3 years, until 2010
Council Directive No 99/31/EC on the landfill of waste	GD no. 162/7 March 2002 regarding waste landfilling	Romania requests a transition period of 10 years, until 2017
Directive No 75/439/EEC on the disposal of waste oils, amended by Directive No 87/101/EEC and Directive No 91/692/EEC	GD no. 662/2001 regarding waste oils management	
Directive No 91/157/EEC on batteries and accumulators containing certain dangerous substances and Directive No 93/86/EC adapting to technical progress Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances	GD no. 1057/2002 on batteries and accumulators containing certain dangerous substances	

EU Directive	Romanian legal act	Comments
Directive No 86/278/EEC on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture	GD in year 2004	
Regulation No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community	GD in year 2001, not transposed	
Directive No 2000/53/EEC on end-of life vehicles	GD in year 2004	
<p>Directive No 78/176/EEC on waste from the titanium dioxide industry</p> <p>Directive No 82/883/EEC on procedures for the surveillance and monitoring of environments concerned by waste from the titanium dioxide industry</p> <p>Directive No 92/112/EEC on procedures for harmonizing the programs for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry</p>	GD in year 2004	At present, Romania does not have a titanium dioxide industry

**Table 3.2b: Integrated Pollution Prevention and Control (IPPC) and Waste Related Directives**

EU Directive	Romanian legal act	Comments
Council Directive No 96/61/EC concerning integrated pollution prevention and control (IPPC)	GEO no. 34/2002 regarding IPPC	Romania requests a transition period of 8 years, until 2015
Council Directive No 88/609/EEC on the limitation of emissions of certain pollutants into the air from large combustion plants (LCP)	This Directive will be transposed through a Governmental Decision intended to be published in the first trimester of 2003.	Romania requests a transition period of 5 years, until 2012
Council Directive No 96/82/EC on the control of major accident hazards involving dangerous substances (SEVESO)	<p>The transposition of the provisions of this directive will be achieved in 2002 through two Government Decisions that will stipulate the procedures regarding:</p> <p>The inventory of the hazardous substances control</p>	

	The programming of the existent companies for the submittal of the safety report	
Council Directive No 1999/13/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations (VOC)	The provisions of this Directive will be transposed through a Governmental Decision intended to be published in the third trimester of 2003	Romania requests a transition period of 8 years, until 2015
Council Regulation (EEC) No 1836/93 allowing voluntary participation by companies in industrial sector in a Community eco-management and audit scheme	The Order of the Minister of Waters and Environmental Protection on the eco-management and audit schemes will be adopted in 2003. The institutional structures and the EMAS procedures will be established also in 2003 through a Governmental Decision.  The institutional and legal frame for the implementation of this Regulation will be created upon accession.	
Regulation (EC) No 1831/2003 of the European Parliament and of the Council on a revised Community eco-label award scheme	GD no. 189/2002 regarding eco-label award scheme	

### 3.3 Legislation

This section focuses on what may be regarded as the strategic legislation:

- Law on Environmental Protection (No 137/1995 – republished)
- Law on Waste Regime (GEO 78/2000 approved with changes and additions by GD 426/2001)
- GEO 34/2002 regarding integrated pollution prevention, reduction and control (IPPC).

The most important secondary environmental management legislation at the moment is linked with environmental impact assessment (EIA) and permitting. Together with Law 137/1995, MO 125/1996 defines the main features of the EIA required before an 'approval to operate' can be obtained for a new activity from the competent authority. Such competent authority is the MWEP for major projects including international and trans-boundary projects

and the EPI for all smaller, local projects. This Order also provides guidance to the competent authorities for issuing the environmental agreement, the procedure for public debate, and the EIS methodology, the form and standard content of the environmental agreement and/or the permit for the investment of the proposed project. The Law 99/1999 on the privatisation methodology requires all companies to be privatised to prepare an environmental assessment. All EIA documentation becomes part of the buyer's contract. Together with this Order is MO (No 184/1997) on environmental balance and risk assessment. This Order details the procedures for undertaking environmental audits (EAs) including types of EAs and contents of EAs. Following the requirement of the Environmental Protection Law (No 137), Art. 10 and 14, this Order must be applied in the process of environmental permitting and also in cases of changes in economic and social activities having an environmental impact.

Relevant legislation is listed in Table 3.3 below. Figure 3.3 illustrates, in a schematic way, the current regulatory framework for waste management in Romania.

**Table 3.3: Environmental and Waste Management Related Legislation**

<b>Institutional</b>	
1	GD No. 261/1999 regarding the establishment of National Research-Development Institute for Industrial Ecology – ECOIND
2	GD No. 337/1999 regarding the establishment of National Research-Development Institute for Environmental Protection – ICIM Bucharest
3	GD No. 19/2001 regarding the organising and operation of the Ministry of Industry and Resources, and GD No. 235/2001 for modification of GD No. 19/2001 regarding the organisation and operation of the Ministry of Industry and Resources
4	GD No. 17 / 2001 regarding the organising and functioning of the Ministry of Water and Environmental Protection and MO No 541/2000 re EPI inspection activities
5	G D No. 1167/2001 regarding the establishment of the Environmental Guard
6	GEO No. 76/2001 and GD 625/2001 regarding simplifying of some administrative formal procedures for registering and licensing of traders
7	GD No 96/2002 regarding the equipping and endowment of the personnel of the Environmental Guard
8	GD No 573/2002 – Annex 4 – permitting procedure of activities with an environmental impact (includes waste generation and disposal)
<b>Environmental protection</b>	
1	Law on Environmental Protection (No. 137/1995 republished 2002)
2	Ministerial Order on permitting procedure for economic and social activities having an environmental impact (No. 125/1996)
3	Ministerial Order on environmental balance; risk assessment (No 184/1997)
4	Ministerial Order on environmental pollution assessment (No 756/1997)

<b>Waste management</b>	
1	Law on ratifying the Basel Convention (No 6/1991) and GD (No 340/1993 and 137/1992) on importing wastes
2	GD (No 33/1995) on collection and recycling of waste
3	MO No 1621/1995 regarding the approval of the methodological norms related to the authorising procedure of the economic organisations performing activities of collection, processing and delivery of the recyclable waste
4	MO (MoHF) on endorsing the Norms and Hygiene and Recommendations on the Life Conditions of the Population (No. 536/1997)
5	GD No. 155/1999 introducing requirements for recording waste arisings and disposals
6	MO (MoHF) No 663/1999 approving Technical Norms and methodology of data collection for national database regarding medical wastes
7	Law 426/2001 to approve Emergency Ordinance No 78/2000 on a regime for wastes
8	G D No. 173/2000 introducing a special regime for the management and control of polychlorinated biphenyls and other similar compounds.
9	GEO No 16/2001 – Republished re management of recyclable industrial wastes
10	GD No. 662/2001 concerning waste oils
11	GD No. 1057/2001 concerning used batteries
12	GD No. 128/2002 concerning incineration of wastes
13	GD No. 162/2002 on the landfilling of waste
14	GD No. 349/2002 on the management of packaging and packaging waste
15	GD on the Records of Waste Management and List of Waste including hazardous waste – not yet published
<b>Transport of hazardous substances</b>	
1	Government Decision No. 426/2001 makes waste generator liable for transport
2	Government Decision No. 48/1999 applying ADR to waste by 2005
3	Government Decision No. 1374/2000 concerning ADR certificate
<b>Industrial pollution control and risk management</b>	
1	GEO No 34 from March 21 <sup>st</sup> , 2002 regarding integrated pollution prevention, reduction and control (IPPC)
2	GD No. 189/2002 regarding eco-label award scheme

### 3.3.1 Law on Environmental Protection (No. 137/1995)

In 1995, a strategic law was adopted to provide the necessary framework legislation regulating environmental management in Romania, the Law on Environmental Protection (137/1995), which was republished in 2000. This law outlines the following strategic provisions:

- Access to information about environmental quality;
- Information and consultation regarding siting of facilities;
- Appeal to the administrative or judicial authorities;
- Environmental impact assessments, the result of which are to be made publicly available;
- Liabilities regarding the environmental quality rehabilitation;
- **Regime of dangerous substances, hazardous waste, chemical fertilisers and pesticides;**
- Protection against ionising radiation and safety of radiation sources;
- Protection of natural resources and bio-diversity conservation;
- Prompt action and reporting when accidental pollution occurs;
- **Prerogatives and responsibilities of the environmental protection authorities, other central and local authorities, natural and legal persons.**

[In the year 2000, in order to increase the necessary funds for environmental protection, the Law no. 135/1995 was completed with one article (Art. 13) specifying that 'The sums obtained from the fees for the issue of environmental agreements and permits shall be cashed by the environmental protection authorities. The quantum of the fees shall be established by a decision of the Government, upon the proposal of the central environmental protection authority'.]

**The provisions of the Law on Environmental Protection (No. 137/1995), art. 7, make 'the central authority for environmental protection and its local agencies', the authorities responsible for environmental protection. The central authority is the Ministry of Waters and Environmental Protection (MoWEP) and at the local level the Environmental Protection Inspectorates (EPIs) – see next section 3.5.**

Art. 65 of this Law notes specific powers of EPIs as fulfilling at local level the powers and responsibilities of the MoWEP (to which they are subordinated), in accord with Art. 64 which list the general responsibilities of this organisation.

- 64b make an input to national environmental sector strategies and policy, particularly with respect to local timetables and planning constraints
- 64c provide a framework which facilitates access to information on environmental matters (policies, regulations, permitting procedures, development

plans) for public authorities, NGOs and the general public, to enable them to participate in decision-making.

- 64d initiate new legislation in accordance with international standards; to analyse and approve the regulations issued by other ministries which may have a negative impact on the environment; to control the application of these.
- 64h elaborate and implement programmes for environmental protection, and of education regarding the importance of environmental protection.
- 64I follow compliance with international environmental conventions to which Romania is a party.
- 64j enforce the law, and to prepare annual reports on the state of the environment, for governmental approval followed by publication.
- 64m apply penalties for non-compliance with environmental legislation.
- 64o provide data on the state of the environment and of policy and programmes.
- 64p consult periodically with NGOs and other representatives of the civil society to obtain inputs to national strategy.
- 64r assist in the establishment of economic instruments for environmental management.
- 64t special situations, to establish high pollution risk zones and, together with the local authorities, to elaborate special programmes for the removal of the risk; at an appropriate moment, to rescind the risk zone status.

Further responsibilities are of particular relevance to waste management as follows:

- Art 8 and others – lead the permitting procedure (see also GEO No. 76/2001 regarding simplifying of some administrative formal procedures for registering and licensing of traders and GD No 573/2002 – Annex 4 – permitting procedure of activities with an environmental impact (includes waste generation and disposal)
- Art 14 – review the environmental audit, establish the conformity programme
- Art 18 & 23 – with other competent authorities supervise and control of waste management, and control and observance of hazardous substance / waste regulations

In order to fulfil their main responsibilities established under this Law, the EPIs have the following functional departments:

- Integrated monitoring
- Environmental guard (ecological inspection and monitoring of environmental investments)
- Hazardous chemicals and waste management
- Agreements, permitting and approvals



- Bio-diversity and protected areas
- Public relations, relations with mass-media, local and international programmes

### 3.3.2 Law on Waste Regime (GEO 78/2000 Approved with Changes and Additions by GD 426/2001)

Introduced framework legislation for waste management and transport, including hazardous waste management, and transposed many of the requirements of the EC Waste Framework Directive 75/442/EEC and its daughter Directives into Romanian legislation. This Ordinance defines hazardous waste, and allocates obligations and responsibilities to industry and government bodies. Responsibility for hazardous waste management belongs to both central and local Environmental Protection Authorities. The general framework of this Law is listed below together with salient points concerning hazardous waste or waste management plans. A more comprehensive summary is appended.

#### 3.3.3 Chapter I General Provisions (Arts 1~4)

This chapter provides the waste definitions to which the law applies, the exemptions, and the principles that are applied.

#### 3.3.4 Chapter II Waste Management (Arts 5~18)

##### 3.3.5 Section 1 Waste Collection, Transport, Treatment & Disposal (Art 5~15)

Waste management shall consider processes and methods that do not represent a threat to human health and the environment, and the **competent authorities shall authorise and control the activities of waste capitalisation and disposal.....**

The competent authorities **shall establish norms, standards and rules**, and adopt economic and financial incentive measures.....

Based on discussions with other central and local public authorities specified in Chapter VI, the central public authority for environmental protection shall **initiate and carry out an adequate system of waste disposal plants, integrated on a national level**, taking into consideration the best available technologies that do not involve excessive costs.....

The central public authority for environmental protection – the highest decision-making and control authority on waste management – shall develop waste management plans. In developing the national waste management plan, care shall be taken that it 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 needed, information regarding:

- Natural or legal persons authorised to carry out waste management activities;
- Estimated costs of the capitalisation and disposal operations;
- Measures for encouraging waste collection, capitalisation and treatment.

The final national plan must be finalised within two years from coming into force of the law on approval of this emergency ordinance and submitted to the Government for approval.

Art. 8 further describe the procedural steps from local to national level (note: county plans shall be based on plans drafted by local councils and **on plans drafted by waste generators**). The national waste management plan must be periodically reviewed, taking into consideration technical progress and the requirements of environmental protection, without exceeding five years. The plans are public.

**(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 neutralisation from an environmental standpoint.
- d) Rehabilitation of polluted sites.

**(2) The Programmes for the Management of Waste Related Activities Specified in Plans, Shall Include:**

- a) Situation analysis and forecast of type, properties and quantity of generated waste and of waste submitted for capitalisation and disposal.
- b) Objectives, stages and terms for programme 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 of their designated locations;
- e) Decisions on location organisation, technology implementation and operation of plants for waste treatment, capitalisation and disposal.
- f) Resources for program implementation;
- g) Measures for supporting, promoting and rationalisation of waste

management activities.

- h) Co-ordination with other programmes regarding this activity;
- i) Implementation of a system for reporting and control, for rapid action, for assessment and updating the national waste management plan.

**(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.”**

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. The competent authority for issue of environmental agreements and permits for activities involving waste collection, storage and treatment are generally the LEPIs. Where the activities are carried out in an area larger than one county (or in the case of hazardous waste that their processing capacity is >750kg/h), the MoWEP is the competent authority. Certain exemptions apply, but not in the case of hazardous waste

The environmental agreement and/or authorisation for the specified activities shall be issued on request and must contain:

- a) Activities for which authorisation are requested
- b) Types, composition, properties, quantity and origin of waste
- c) Technical requirements
- d) Safety measures to be taken
- e) Site of capitalisation or disposal facilities
- f) Methods for waste treatment, capitalisation and disposal

Provision for cost recovery for activities of waste collection, transport, landfilling, capitalisation or disposal activities. If the waste generator cannot be identified, the natural or legal persons whose properties are effected may get financial support from local authorities and, in the case of hazardous waste being involved, from the environmental fund.

This section also includes responsible authorities for monitoring, inspection and enforcement of management of wastes.

### **3.3.6 Section 2 Hazardous Waste Management (Art 16~18)**

There is an ambiguity in the Law at this stage in respect of abrogation of Article 15 (that refers to saving of records for 3 years) which is subsequently referred in Art. 28 g).

This section refers to:

- Approval of the hazardous waste list, and provision for updating
- Adequate rules for packaging and labelling in accord with international regulations
- Control of collection and transport operations
- Requirement for standard notification form to accompany transport (**not yet done**)
- **Requirement within waste management plans for special section concerning hazardous waste management**
- Registration system for hazardous waste at each point of generation, unloading or storage
- Restrictions on storage and mixing of hazardous wastes

### 3.3.7 Chapter III Obligations Related to Waste Management (Art 19~ 28)

#### 3.3.8 Section 1 Obligations of Waste Producers (Art 19~21)

These obligations apply from cradle to grave and include within Art 19:

- a) To adopt, even from the conceptual and design stage of a product, solutions and technologies that exclude or reduce to a minimum degree the generation of waste;
- b) To take the necessary measures to reduce to a minimum the amount of waste resulting from the current activities;
- c) Not to market products if there is no possibility to dispose of them as waste, in compliance with the conditions of Art. 5;
- d) To conceive and design the specific techniques and activities so as to reduce to 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 their exceeding of their expiry date;
- g) To capitalise in full, if technically and economically possible, the by-products resulting from manufacturing processes;
- h) **Not to mix different categories of hazardous waste, or hazardous waste with non-hazardous waste**, excepting the provisions of Art. 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 in the law for waste producers.**

Other salient requirements include:

- Records of waste and operations with waste to be kept according to the provisions of this Law
- Waste generators are obliged to implement the national action plan for waste management, established according Art. 8, par. (1)
- The producers and holders of hazardous waste are by law obliged to develop action plans for emergency situations and to provide conditions for their enforcement.

### **3.3.9 Section 2 Obligations of Waste Transporters (Art 22 ~ 24)**

Transporters of hazardous wastes are generally obliged to have a licence from the EPI and also a transport licence for hazardous goods issued by MoPWTH (or other specific regulations if by rail, air or water). Hazardous goods regulations equally apply to transportation of hazardous wastes; this in addition to any specific manifest system that may be applied to hazardous wastes.

### **3.3.10 Section 3 Obligations of Parties in Waste Capitalisation and Disposal (Art 25 ~ 26)**

### **3.3.11 Section 4 Obligations of Natural and Legal Persons (Art 27 ~ 28)**

### **3.3.12 Chapter IV International Trade & Waste Transit (Art 29 ~ 33)**

Hazardous waste producers and holders can dispose of waste in other countries that have the adequate technology and accept to perform such operations. Such export of waste can be performed only by 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 to which Romania is a Party.

### **3.3.13 Chapter V Facilities (Art 34 ~ 37)**

In order to stimulate investment 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 on fiscal facilities for those involved in waste management and, especially, for those capitalising waste.

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 centralised system is economically advantageous and solves environmental problems at regional or even national level.

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

### **3.3.14 Chapter VI Prerogatives & Responsibilities of the Central & Local Public Authorities (Art 38 ~50)**

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.

### **3.3.15 Chapter VII Penalties (Art 51 ~ 53)**

Fines range up to 100 million ROL, with some deeds punishable with imprisonment from 1~5 years including failure to adopt or observe the mandatory provisions in performing collecting, transport and storage activities of hazardous waste.

### **3.3.16 Chapter VIII Final Provisions (Art 54 ~ 58)**

This refers to particular provisions for regulation by Government Decision, eg:

- Management of particular waste categories (eg used oils, PCBs)
- Operations of waste treatment and disposal plants
- Conditions for waste transport

### **3.3.17 Annexes:**

- Annex IA Meanings of some terms
- Annex IB Waste categories

- Annex IC Categories or generic types of hazardous waste
- Annex ID Components of waste from Annex 1C that cause these wastes to be hazardous when presenting the properties described in Annex 1E
- Annex IE Properties that make waste to be hazardous
- Annex IIA Waste disposal operations
- Annex II B Waste capitalisation operations

### **3.3.18 GEO 34/2002 Regarding Integrated Pollution Prevention, Reduction and Control (IPPC)**

This applies to those activities listed in an annexe, and requires an integrated approach in order to prevent, reduce and control pollution, and establishes the measures for integrated environmental permits for these industrial activities. Waste prevention and reduction are at the core of IPPC licensing and all licensees are required to implement waste reduction programmes. The permitting of existing facilities will be carried out according to provisions of present decision. If existing facilities cannot meet the requirements, the owner of the activity will prepare a compliance program that will be approved by the competent authority. In this compliance program will be included the necessary technical measures for complying with the provisions of this GD. The deadline for completing compliance programs, for existing facilities, is 2015. After this date, the facilities, which do not meet the requirements, will be closed until the completion of compliance program.

## **3.4 Regulation and Enforcement**

### **3.4.1 Monitoring**

One of the medium-term priorities, in the current NEAP, points to the need for an integrated system of environmental monitoring; and that this be used as a tool for a *preventive* strategy. The basic monitoring units for the National Information System on the Environment are the Departments for Integrated Environmental Monitoring of the 42 local Environmental Protection Inspectorates (EPIs). They collaborate with the local office of the National Institute for Statistics and Economic Studies in respect of any data provided through the environmental statistical information system.

They have the responsibility for organising and performing, and reporting the results of, the integrated monitoring of:

- Air and rainfall quality
- Surface (lakes and rivers) and ground water quality
- Soil and vegetation quality in respect of chemical pollution (cf agricultural quality)
- Noise level

- Radioactivity level of the environmental media

(Other local authorities also have the responsibility for environmental monitoring, namely:

- Local agency of the MoHF – ambient air quality and emissions to air
- Ground-waters are also monitored by the National Water Authority, Apele Romane

Other agencies and public bodies also have some responsibilities for measurements and the production of environmental data. These include: ICIM, the National Agency for Forests, the Soil Research Institute, the Forest Research Institute, the Institute for Research in Energy Production, the Institute of Hydrology and Meteorology and other ministries (Ministry of Public Works, Transport and Housing, Ministry of Agriculture, Food and Forests, Ministry of Industry and Mineral Resources, Ministry of Health). The National Commission for Nuclear Activities Control (NCNAC) is in charge of the national radioactivity surveillance programme, which consists of routine radioactive monitoring and control around nuclear facilities and environmental radioactivity surveillance over the national territory. Hazardous waste monitoring is almost solely dependent on self-reporting by Industry.)

The Integrated Monitoring Departments of the EPIs also have the responsibility of collecting and including these other environmental information and data into the EPI county level databases. This database should include not only the environmental quality measurements referred above but also inventories of:

- Environmental pollutant sources including air polluting emissions
- Hazardous waste and chemical substances
- Polluted sites and areas

The MoWEP, in 2000, started to compile the environmental data from all institutional sources through the recently created 'National Integrated Monitoring System', placed within its Ecological Control and Monitoring Division. This small team is responsible for the coordination of all data from the local and national institutional network, with the aim of providing reliable information on the current state of the environment, raising the alarm about critical factors, and foreseeing their development. It also has to centralize data on accidental pollution.

In the framework of the National Integrated Monitoring System there is a section on waste monitoring which covers data on industrial and municipal waste. The system was created in 1999 when the European Waste Catalogue started to be applied. It was introduced by the Government Decision on Inventory and Evidence of Waste (GD No. 155/1999). It obliged waste generators to record and report their waste using proforma record sheets. A list of the biggest generators was established at local level. The data on industrial waste include information on the quantities of waste that are generated, recycled, disposed of or incinerated as well as on industrial landfills or disposal sites (eg their location, surface, capacity). The data on municipal waste cover the quantities and types of waste (household, street, sludge,



industrial waste with municipal waste), treatment methods (if any), means of transport and also information on landfills for industrial waste. The data are collected by the local EPIs and transmitted to the National Research and Development Institute for Environmental Protection (ICIM), which works together with the National Institute for Statistics and Economic Studies. This data is currently based on the European Waste Catalogue and will require to be updated when the Integrated Waste List is introduced. The evidence from the Study Team questionnaires and surveys indicates that a significant proportion of this data is very badly reported with a large mis-understanding of the system for hazardous waste classification.

### **3.4.2 Regulation**

The competence for this role lies with the MoWEP department, or at local EPI level (Department for Agreements, Permitting, & Endorsements), according to the activity with environmental impact prescribed within the MO No 125/1996. In this respect regulation is managed in collaboration with the Unique Offices (GEO 76/2001, GD 625/2001 & GD 573/2002) through the issue of environmental agreements, and permits, (or endorsements related with the privatisation process). These to be done in accord with quality requirements of the current applicable standards and norms. Environmental approvals have a maximum validity of 5 years. This department is also required to make value judgements on the quality of environmental audits submitted in compliance with MO 184/1997 on environmental balance and risk assessment. This department is authorised to provide technical advice / consultancy concerning application of environmental audit and management systems to Industry.

### **3.4.3 Enforcement**

The body with the core authority for enforcing environmental protection is the Environmental Guard. This was recently formed, through the reorganisation of the monitoring and ecological control departments of the MoWEP, of the county level EPIs, and of Bucuresti Municipality and the “Danube Delta” Biosphere Reservation Administration (DDBRA). The establishment of the Environmental Guard is based upon Government Decision no. 1,167/2001. This body has the responsibility, through specialised mechanism for:

- Surveillance of the environment
- Prevention and penalisation of infringements
- Announcement of the penal bodies for the infringements in this field

The personnel of the Environmental Guard co-operate with state institutions, with legal entities and individuals, as well as with non-governmental organisations, within the limits of the law. Their general role is to organise and control adherence to environmental legislative requirements by inspection visits

The tasks and responsibilities of the Environmental Guard are as follows:

- Inspect the installations with major impact on the environment including any special measures required to prevent major accidents or accidents arising from natural disasters (eg flood, earthquake)

- Inspect all the economic agents that carry out activities that are subject, according to the law, to the procedure of environmental impact assessment
- Monitor the progress of investments in the field of environmental protection
- Participate in the interventions for the elimination and reduction of pollution effects over the environment, as well as for the prevention of accidental pollution
- Take required action for obtaining data and information from economic agents, in view of acknowledging, preventing and diminishing the infringements in the field of environmental protection
- Inspect and establish infringements of the normative acts in the field of environmental protection and apply the relevant sanctions
- Co-operate with the police units and/or the gendarmes for the establishment of the actions that, according to the environmental legislation, are infringements, in view of announcing the penal bodies by the leader of the public authority
- Follow up and control the application by legal entities and individuals of the regulations regarding waste management and recovery of recyclable materials
- Co-operate with all the authorities that have, according to the law, responsibilities regarding environmental protection
- Work together, in case of technical accidents or ecological catastrophes with cross-border effect, with counterparts of other countries and from the level of some international institutions, for the prevention, diminishing and elimination of their effects.

In prosecuting their case, the commissars of the Environmental Guard have the following rights, to:

- Enter, in the conditions of the law, at anytime and anywhere, to the place where there is carried out an activity that generates negative impact on the environment
- Identify and to establish the identity of the people who do not observe the legal provisions in the field of environmental protection
- Conduct to the police station those whose actions endanger the environment, as well as the persons suspect of illegal actions in the field of environmental protection, and whose identity could not be established
- Carry out along with the police check ups of the vehicles in traffic, when there are suspicions of infringements in the field of environmental protection
- Participate along with the competent bodies to the specific control at the border points
- Use any transportation and communication means, with the approval of the owner, with the exception of the cases specified by the law, for taking legal intervention measures, in case of a catastrophe or of a technical accident with major impact, that cannot be solved otherwise.

### **3.4.4 Information and Data Management**

Good information and data management is fundamental to the success of any management strategy and plans. This is no exception for hazardous waste management. This importance is reflected by the scope of the discussion in section 6.7. The current situation is discussed there under the respective section headings of:

- Data management requirements (according to international and national legislation)
- Responsibilities for information and data management
- Data collection pathways (information reporting flows)
- Database system (for hazardous waste reporting)
- Quality of data

This is a particularly important issue and one that also relates to the requirements of Directive 91/692/EEC standardising and rationalising reports on the implementation of certain Directives relating to the environment.

## **3.5 Waste Management Planning**

### **3.5.1 Objectives of EU Framework Directives**

The obligation for Member States to make a waste management plan is laid down in the Council Directive 75/442/EEC of 15 July 1975 on waste. The Directive is amended by: Council Directive 91/156/EEC of 18 March 1991; Council Directive 91/692/EEC of 23 December 1991; Commission Decision 96/350/EC of 24 May 1996; and Council Directive 96/59/EC of 16 September 1996.

The main objectives are (referred to in Article 3, 4 and 5):

- Firstly, to prevent or reduce waste production and its harmfulness, and secondly to recover waste by means of recycling, re-use or reclamation or any other process with a view to extracting secondary raw materials, or to use waste as a source of energy. Member States shall inform the Commission of any measures they intend to take to achieve these aims.
- Member States shall take the necessary measures to ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment. They shall also take the necessary measures to prohibit the abandonment, dumping or uncontrolled disposal of waste.
- Member States shall take appropriate measures, in co-operation with other Member States where this is necessary or advisable, to establish an integrated and adequate network of disposal installations, taking account of the best available technology not involving excessive costs. The network must enable the Community as a whole to become self-sufficient in waste disposal and the Member States to move towards

that aim individually, taking into account geographical circumstances or the need for specialised installations for certain types of waste.

In order to attain these objectives in the Directive, the competent authority or authorities shall be required to draw up as soon as possible one or more waste management plans. Such plans shall relate in particular to:

- The type, quantity and origin of waste to be recovered or disposed of,
- General technical requirements,
- Any special arrangements for particular wastes,
- Suitable disposal sites or installations.

Such plans may, for example, cover:

- The natural or legal persons empowered to carry out the management of waste,
- The estimated costs of the recovery and disposal operations,
- Appropriate measures to encourage rationalisation of the collection, sorting and treatment of waste.

### **3.5.2 EU Legislation That Is At This Date Relevant to Waste Planning**

In addition to the general requirement to develop waste management planning, the Directive on hazardous waste requires Member States to draw up specific plans for hazardous waste. The Directive on Packaging and Packaging Waste Member States imposes Member States to include a specific chapter on the management of packaging and packaging waste in the waste management plans. The legislation is presented in table 3.5a below.

**Table 3.5a: Directives That Provide A Planning Obligation**

<p>Framework Directive 75/442/EEC</p>	<p>Article 7 <i>”In order to attain the objectives referred to in Article 3, 4 and 5, the competent authority or authorities referred to in Article 6 shall be required to draw up as soon as possible one or more waste management plans.”</i></p>
<p>Hazardous waste 91/689/EEC</p>	<p>Article 6 <i>”1. As provided in Article 7 of Directive 75/442/EEC, the competent authorities shall draw up, either separately or in the framework of their general waste management plans, plans for the management of hazardous waste and shall make these plans public. 2. The Commission shall compare these plans, and in particular the methods of disposal and recovery. It shall make this information available to the competent authorities of the Member States which ask for it.”</i></p>
<p>Packaging and packaging waste 94/62/EC</p>	<p>Article 4 <i>“Prevention 1. Member States shall ensure that, in addition to the measures to prevent the formation of packaging waste taken in accordance with Article 9, other preventive measures are implemented. Such other measures may consist of national programmes or similar actions adopted, if appropriate in consultation with economic operators, and designed to collect and take advantage of the many initiatives taken within Member States as regards prevention. They shall comply with the objectives of this Directive as defined in Article 1 (1).”</i></p> <p>Article 5 <i>”Member States may encourage reuse systems of packaging, which can be reused in an environmentally sound manner, in conformity with the Treaty.”</i></p> <p>Article 14 <i>”Management Plans. In pursuance of the objectives and measures referred to in this Directive, Member States shall include in the waste management plans required pursuant to Article 17 of Directive 75/442/EEC, a specific chapter on the management of packaging and packaging waste, including measures taken pursuant to Articles 4 and 5.”</i></p>

Note: For the exact wording of directives please consult the legislation in force. This is an overview only.

The framework Directive is supplemented by a group of directives aiming at regulating specific waste streams. The Directives that impose Member States to draw up plans or programmes are described in table 3.5b.

**Table 3.5b: Other EU Legislation That May Be Taken on Board in the Waste Management Planning Process**

<p>Waste from the titanium dioxide industry</p> <p>78/176/EEC</p>	<p>Member States shall draw up programmes for the progressive reduction and eventual elimination of pollution caused by waste from existing industrial establishments. The programmes shall:</p> <ul style="list-style-type: none"> <li>• set general targets for the reduction of pollution from liquid, solid and gaseous waste.</li> <li>• contain intermediate objectives and contain information on the state of the environment concerned, on measures for reducing pollution and on methods for treating waste that is directly caused by the manufacturing processes.</li> <li>• be submitted to the Commission. (Article 9)</li> </ul>
<p>Regeneration of waste oils</p> <p>75/439/EEC</p>	<p>Member States shall take the necessary measures to ensure that waste oils are collected and disposed of without causing any avoidable damage to man and the environment (Article 2).</p> <p>Where technical, economic and organisational constraints so allow, Member States shall take the measures necessary to give priority to the processing of waste oils by regeneration (Article 3).</p> <p>Member States shall inform the Commission of the taken measures to regenerate waste oils (Article 7).</p>
<p>Disposal of PCB/PCT</p> <p>96/59/EC</p>	<p>Member States shall:</p> <ul style="list-style-type: none"> <li>• draw up plans for the decontamination and/or disposal of inventoried equipment and the PCBs contained therein and outlines for the collection and subsequent disposal of equipment.</li> <li>• communicate these plans and outlines to the Commission. (Article 11)</li> </ul>
<p>Batteries and accumulators</p> <p>91/157/EEC</p>	<p>Member States shall:</p> <ul style="list-style-type: none"> <li>• draw up programmes aimed primarily at reducing the heavy-metal content of batteries and accumulators.</li> <li>• communicate the programmes to the Commission. (Article 6)</li> </ul>
<p>Diversion of organic waste from landfills</p> <p>99/31/EC</p>	<p>Member States shall set up a national strategy for the implementation of the reduction of biodegradable waste going to landfills and notify the Commission of this strategy. This strategy:</p> <ul style="list-style-type: none"> <li>• should include measures to achieve the targets set out in the Directive by means of in particular, recycling, composting, biogas production or materials/energy recovery.</li> <li>• shall ensure that the targets in the Directive are met. (Article 5).</li> </ul>

Note: For the exact wording of directives please consult the legislation in force. This is an overview only.

### **3.5.3 Assessment of the Effects of Certain Plans and Programmes on the Environment**

The Directive 2001/42/EC of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment applies to plans and programmes liable to have significant effects on the environment and which are prepared and adopted by a competent authority.

Environmental assessment is automatically required for plans and programmes which are prepared for town and country planning, land use, transport, energy, waste management, water management, industry, telecommunications, agriculture, forestry, fisheries and tourism. Prior to the adoption of a plan or programme or its submission to the legislative process, the competent authority of the Member State concerned will be required to carry out an environmental assessment and, after consulting the competent environmental authorities, to prepare an environmental report.

The draft plan or programme and the environmental report must be made available to the authorities responsible for the environment and to the public. The authorities and the public will be able to express their views on the draft plan or programme prior to its adoption or submission to the legislative process.

### **3.5.4 Waste Management Planning in Romania**

Waste management planning in Romania is at an embryo stage. Hazardous waste management facilities and practices are very limited in scope and rudimentary in capability. In terms of planning timescales it should also be noted that full implementation of IPPC, Landfill and some of the 'heavy investment' Directives extend beyond the scope of a 5-year Action Plan (2004 ~2008).

#### **(1) National Plan for Waste Management**

The EU Phare 1998 Twinning programme with Germany in the field of waste management (1999-2001) had as its general objective to speed up the approximation process of European Directives in the field of waste management. Another objective was to define a Strategy and an Action Plan for waste management in Romania. This Strategy and Action Plan for waste management continued as a bilateral project contracted to ICIM, and the draft strategy and plan documents were completed in 2002. These were developed into a National Plan for Waste Management; this is currently before the Government for adoption.

This Twinning program contributed to issuing the Governmental Emergency Ordinance no. 78/2000 regarding waste regime, as well as some other regulations in the field. This GEO was approved by Law no. 426/2001, with some modifications. These two regulations are the basis for waste management in Romania. These Laws define hazardous waste, and allocate obligations and responsibilities to industry and government bodies. Responsibility for hazardous waste management belongs to both central and local Environmental Protection Authorities. The general framework of this Law is described elsewhere but it is this Law that primarily lays down the salient points concerning hazardous waste or waste management plans. According to these, each county has to draw up a Local Plan for Waste Management. Preliminary reviews of these Plans (which will be reported elsewhere) indicate that they are varied and generally sparse concerning industrial and hazardous waste issues.

The Waste Law states that the National Plan for Waste Management shall be elaborated from the county Plans drawn up by the Environment Protection Inspectorates. These county Plans are based on data provided by the local councils and waste producers. The Plans are expected to provide measures to be taken, with respect to the following objectives:

- Reduction or limitation of waste production
- Recycling, regeneration or other forms of waste use
- Ecological neutralisation of waste.

The programs for the management of waste related activities, foreseen in the Plans, will include:

- Analysis of the state and forecasting the types, characteristics and quantities of waste generated and capitalised;
- Objectives, stages and deadlines for program implementation ;
- Resources for the program implementation ;
- Methods, technologies and waste treatment, capitalisation and disposal installations, as well as decisions related to site planning.

The policy objectives for waste management that are addressed in the above documents and in the national legislation can be summarised as follows:

- Develop and implement legislation and regulations on waste management in line with EU legislation;
- Develop a new or improve the existing institutional structure for waste management;
- Increase the reuse and recycling of industrial waste and industrial waste water up to 10-15%;
- Increase the recycling of paper, glass, plastics and used tyres up to 20-30% by 2004;
- Organise the environmentally sound management of waste from transport activities;
- Reduce the risks posed by hazardous chemical waste;
- Clean up contaminated waste sites – both industrial and municipal abandoned landfills;
- Improve the collection and sorting of municipal waste and organize its environmentally sound disposal;
- Increase the number of people served by municipal waste collection;



- Meet standards and norms for municipal landfills and industrial waste disposal sites and monitor them;
- Build facilities for industrial hazardous waste treatment and organise a control system for its generation, treatment and disposal.

Increasing the quantities of waste that are used, as secondary raw material (ie reuse and recycling) is also the subject of a series of planned measures. For instance, the aim is to:

- Considerably increase the recycling, recovery and reuse of industrial waste by introducing new industrial processes and technologies and extract valuable components from waste or use them as secondary raw material;
- Improve the treatment and environmentally sound disposal of industrial waste that cannot be recycled or reused;
- Monitor the vicinity of industrial installations and industrial waste disposal sites according to international environmental norms and standards;
- Improve overall reporting on waste generation, recycling and disposal, including its processing and analysis.

## **(2) Objectives of the Hazardous Waste Management Plan (HWMP)**

The primary objective or goal of a HWMP is to prevent the production of hazardous waste and to minimise the effect of hazardous waste on the environment. A secondary goal is to manage hazardous waste, which cannot be prevented or recovered in such a manner as to ensure that environmental pollution is minimised and not transferred from one environmental medium to another.

Law 426 (Art 8) requires that Waste plans shall provide measures for the following objectives:

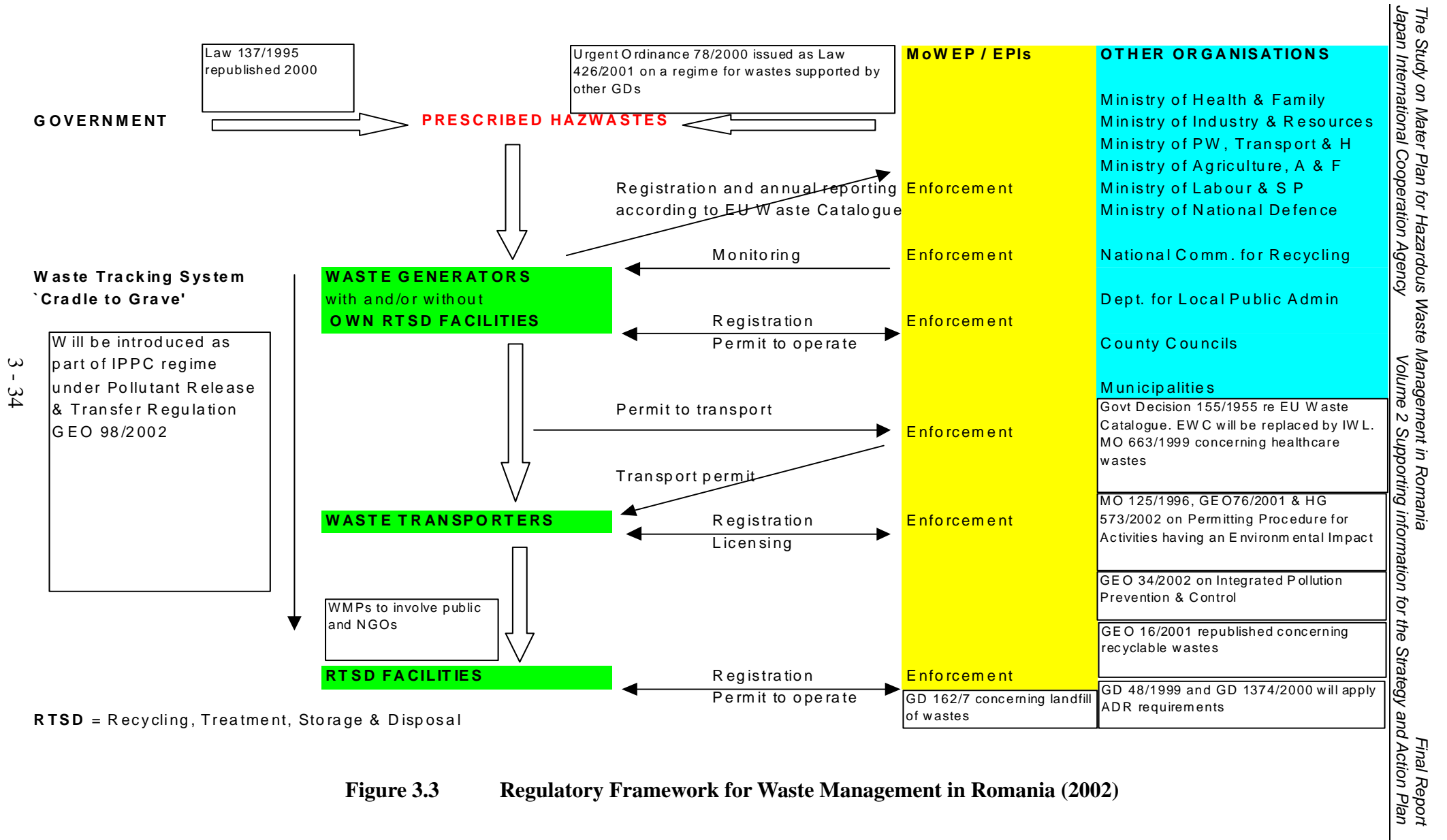
- Diminishing or limiting waste generation and its degree of hazardousness.
- Recycling, recovery or other forms of using waste.
- Waste neutralisation from an environmental standpoint.
- Rehabilitation of polluted sites.

Additionally, specific objectives may be:

- Describe and predict the type, quantity and origin of hazardous waste, its movement within, into and out of the country and facilities available for the collection, recovery, and disposal of the waste
- Specify objectives, and where appropriate targets in relation to the prevention and minimisation of the production of hazardous waste, the minimisation of the harmful nature of such waste, and the recovery and disposal of such waste

- Provide for, as appropriate, the identification of sites at which waste disposal activities that to a significant extent involved hazardous waste have been carried on, the assessment of any risk of environmental pollution, and the recommending of any measures to prevent or limit such pollution and to identify remedial measures
- Have regard to the need to give effect to the polluter pays principle, and to the precautionary principle in relation to the potentially harmful effects of emissions and the risk of environmental pollution
- Make recommendations, as respects the management of hazardous waste regarding:
  - a) Priorities, measures and programmes which could be pursued eg, increase in industrial waste recycling, creation of mutual interests between companies involved in the recycling and re-use of industrial waste including economic incentives
  - b) Infrastructure, facilities or other physical resources considered to be necessary, eg to enable improvement in the treatment and environmentally sound disposal of those industrial wastes that cannot be recycled or re-used
  - c) The functions of any relevant public authorities
- Specify policies which the MoWEP and territorial agencies propose to pursue

In order to track progress of the implementation of the HWMP in Romania, it will be necessary to develop environmental indicators. It is important within the implementation plan to identify such indicators and how they will be used. As reporting mechanisms get better, the quality of the data and usefulness of the indicators will correspondingly improve.



**Figure 3.3 Regulatory Framework for Waste Management in Romania (2002)**