

**LAW**  
**on the environmental**  
**protection**

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## **on the environmental protection\***

### **CHAPTER I**

#### **General principles and provisions**

**Art. 1.** – The object of the present law is to regulate environmental protection, an objective of major public interest, on the basis of the principles and strategic elements which lead to the sustainable development of society.

**Art. 2.** – The wording of the definitions in this law is comprised in Appendix No. I, which is an integral part of the present law.

**Art. 3.** – The principles and strategic elements that lay at the base of the present law for the purpose of assuring a sustainable development are the following:

- a) principle of precaution in decision-making;
- b) principle of prevention of ecological risks and damage occurrence;
- c) principle of conservation of biodiversity and ecosystems specific to the natural biogeographical structure;
- d) “polluter-pays” principle;
- e) the removal on a priority basis of the pollutants that directly and severely jeopardize public health;
- f) setting up of the integrated national environmental monitoring system;
- g) sustainable use;
- h) maintenance, improvement of environmental quality, and reconstruction of damaged areas;
- i) setting up of a framework for the participation of non-governmental organizations and of the population in the decision-making and implementation;
- j) developing international collaboration to ensure the quality of the environment.

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\* The Law No. 137/December 29, 1995 – Law on the environmental protection – was published in the “Monitorul Oficial” (Official Gazette of Romania), Part I, No. 304/December 30, 1995.

**Art. 4.** – The ways of implementing the principles and strategic elements are:

- a) adopting of environmental policies harmonized with the development programs;
- b) compulsory procedure for environmental impact assessment in the initial stage of the projects, programs, or activities;
- c) correlation of environmental planning with the territorial and urban planning;
- d) introduction of economic incentive-based or coercive instruments;
- e) resolving of environmental problems on levels of competence, depending on their extensiveness;
- f) elaboration of rules and standards, their harmonization with the international regulations, and introduction of compliance programs;
- g) promotion of basic and applicative research in the environmental protection field;
- h) training and education of the population as well as the participation of the non-governmental organizations in the decision-making and implementation.

**Art. 5.** – The State recognizes the right of all persons to a healthy environment, and to this end it guarantees:

- a) the access to information regarding environmental quality;
- b) the right of association in organizations defending environmental quality;
- c) the right of being consulted in the decision-making regarding the development of environmental policies, legislation and regulations, the issuing of environmental agreements and permits, including for territorial and urban planning;
- d) the right to appeal directly or through some associations to the administrative or judicial authorities in view of prevention or in the case of direct or indirect damage occurrence;
- e) the right of indemnification for the damage experienced.

**Art. 6.** – Environmental protection shall be an obligation of the central and local public administration authorities as well as of all natural and legal persons.

**Art. 7.** – The responsibility for environmental protection shall be incumbent on the central environmental protection authority and on its local agencies.

## CHAPTER II Regulation of economic and social activities having an environmental impact

### Section 1 Permitting procedure

**Art. 8.** – The environmental protection authorities shall conduct the permitting procedure and shall issue environmental agreements and permits in accordance with Article 11.

The environmental agreement application is compulsory for new investments, for the modification of the existent ones, and for the activities provided in Appendix No. II to the present law.

The permit application is compulsory for putting into operation of the new objectives which have an environmental agreement and, within one year from the date the present law comes into force, for the existent activities.

The activities which do not involve construction and erection works shall require only environmental permit, except for those stated under item 8, subparagraphs g) and i) of Appendix No. II to the present law.

The environmental agreement and/or permit shall be issued after all the other endorsements required by law shall have been obtained.

**Art. 9.** – The central environmental protection authority shall elaborate the specific permitting procedure for the economic and social activities, the frame-sample of the report on the environmental impact study and the competent level to issue the agreement and/or, as applicable, the environmental permit, within sixty days after the coming into force of the present law.

The validity of the environmental agreement and permit shall be of maximum five years.

The environmental agreement or permit shall not be issued in the case in which no variant of project or com-

pliance program provides for the eradication of the negative environmental effects, as against the standards and regulations in force.

**Art. 10.** – The environmental agreement or permit may be revised if new elements occur, unknown at the date of issue, and in the case of their renewal, when the remaking of the report on the environmental impact study may also be requested.

The environmental agreement or permit shall be suspended for non-compliance with the provisions thereof after a preliminary summons, with a time limit, and it shall be maintained until the suspension determining causes shall have been removed, but not longer than six months.

After the expiration of the suspension time limit, the environmental protection authorities shall dispose the termination of the project or the cessation of the activity.

For existent activities which do not meet the permitting conditions, the environmental protection authority shall dispose the carrying out of the environmental audit, and shall establish the compliance program in agreement with the title holder. After the expiration of each granted time limit, in the case of non-compliance, the competent environmental protection authority shall dispose the cessation of the respective activity. The cessation disposition shall be executory.

Litigations generated by the issue, revision, or suspension of the environmental agreement or permit shall be settled according to the Law of the administrative disputed claims office.

**Art. 11.** – The procedure for environmental impact assessment shall consist of the preliminary stage, the main stage, and the analysis and validation stage.

The environmental protection authority shall organize and decide on the application of the stages of the procedure as follows:

a) the application accompanied by the description of the project addressed in writing to the environmental protection authority by the title holder of the project or activity;

b) the identifying of the proposed action in the types of activities that are subjected or not to the environmental

impact study; if additional information is required, the title holder may be requested a preliminary study;

c) the analysis of the scope of the proposed action with the participation of the environmental protection authority, of the title holder, of some experts and representatives of the local public administration authorities who may be aggrieved by the environmental modifications resulting from its application;

d) the drawing up by the environmental protection authority of the guide with the issues that resulted from the analysis as per subparagraph c) and that shall have to be followed in the report on the environmental impact study; conveying such guide to the title holder, at the same time with the list of the other endorsements necessary to be obtained;

e) the submitting by the title holder of the project or activity of the report on the environmental impact study by taking into consideration all the alternatives, including that of renouncing the proposed action;

f) the preliminary review of the report by the environmental protection authority and its acceptance or the grounded request to revise it;

g) public notification and hearing of the report; the registration of the resulting comments and conclusions;

h) the final decision of the environmental protection authority, made publicly and motivated on the basis of the findings under subparagraphs f) and g);

i) the issue or grounded denial of the agreement or permit within thirty days at the most after the final decision.

**Art. 12.** – The permitting procedure shall be public. The publicity of the projects and activities requiring agreement or permit and of the impact studies, as well as the public hearing shall be assured by the environmental protection authority.

The impact studies shall be carried out through specialized units, certified natural or legal persons, the expenses being borne by the title holder of the project or activity also when he/she is requested to draw up the study again or to resume it.

The responsibility for the authenticity of the information supplied regarding the proposed action shall be

incumbent on the title holder, and the responsibility for the accuracy of the impact study report shall be incumbent on the person who has prepared it.

**Art. 13.** – 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.

**Art. 14.** – Upon the change of the destination or owner of the investment, as well as on the cessation of the activities generating an impact on the environment, the assuring of the environmental audit performance by the previous owner shall be compulsory, for the purpose of establishing the liabilities regarding the environmental quality rehabilitation in the impact area of the respective activity.

The competent environmental protection authority shall revise the environmental audit, shall establish the compliance program, and the previous owner shall negotiate with the new owner the assuming of previous liabilities and the compensations he/she would benefit by applying the ecological protection and reconstruction measures.

*Section 2*

*Regime of dangerous substances, hazardous waste,  
as well as of other wastes*

**Art. 15.** – The activities subjected to a special administration and management regime shall refer to the manufacture, trade and utilization of dangerous substances, and to the transport, transit, temporary or permanent storage, destruction, handling, as well as to the import and export of dangerous substances and hazardous waste.

**Art. 16.** – The import in Romania of wastes of any kind, in raw or processed form, shall be forbidden, with the exception of certain categories of wastes that constitute secondary resources of useful raw materials, in accordance with the regulations imposed by norms proposed by the central environmental protection authority and approved by the Government.

The transit and export of wastes of any kind may be effected in accordance with the agreements and conventions Romania is a part of.

**Art. 17.** – The activities provided for in Articles 15 and 16 shall be allowed only on the basis of the environmental agreement and/or permit.

**Art. 18.** – The central environmental protection authority and the environmental protection agencies, as applicable, shall supervise and control the observance of the regulations on dangerous substances and hazardous waste.

**Art. 19.** – The local public administration authorities shall be obliged to take measures to prevent and limit the impact of substances and wastes of any kind on the environment, and to notify the territorial environmental protection authorities on any activity that does not comply with the legal regulations.

**Art. 20.** – The customs authorities shall control and shall be responsible for the enforcement of the provisions under Article 17 with reference to the entry into and exit from the country of dangerous substances and hazardous waste, on the basis of the regulations of the central environmental protection authority.

**Art. 21.** – The natural and legal persons shall have the following obligations in the field:

a) to keep strict records – on quantity, characteristics, means of assurance – of the dangerous substances and hazardous waste, including their containers and packings, that are covered by their activity area, and to supply the necessary data monthly to the competent environmental protection authorities;

b) to request environmental agreement and/or permit, and to implement the legal regulations on dangerous substances and hazardous waste;

c) to carry out, through their own systems, the surveillance of the environment, according to the permit provisions, with an aim to identify and prevent risks, to keep records of the results, and to notify the competent authorities for environmental protection and disaster defence on the imminence or occurrence of unpredicted discharges or of accidents.

**Art. 22.** – Within ninety days after the present law comes into force, the central environmental protection authority shall elaborate the regulations regarding:

- a) location, siting and construction, and supervision of various types of storage;
- b) collecting, processing, treatment, neutralization of wastes, as well as the recycling of reusable ones;
- c) transport of wastes;
- d) rehabilitation of the natural environment in the damaged areas;
- e) installations for cremation of industrial, domestic, agricultural, and other wastes;
- f) waste water and sludge treatment installations;
- g) use of sludge, waste waters, industrial, domestic wastes and those resulting from cremation;
- h) permitting procedure for the location and siting and construction of storage, transport, cremation, processing, and utilization of wastes of any kind;
- i) import, export, and transit of dangerous substances and hazardous waste.

**Art. 23.** – The control of management of wastes of any kind shall be incumbent on the environmental protection authorities and on the other competent authorities, as provided by law.

**Art. 24.** – The local public administration authorities, the natural and legal persons whose scope of activity includes activities covered by the regulations stated under Article 22 have the following obligations:

- a) to request an environmental agreement and/or permit, as per Article 22, subparagraph h);
- b) to store the domestic, industrial, agricultural, or other wastes only on surfaces authorized for such purposes;
- c) to use in the case of waste cremation only installations certified by the health and environmental protection authorities;
- d) to site and construct waste storages according to the prerogatives granted by law;
- e) to observe the conditions for the natural environmental rehabilitation in the storage areas provided in the environmental agreement and/or permit, and to guarantee, through financial means, for such rehabilitation;

f) to recover the reusable wastes and to turn them to account through specialized units;

g) to use on farming lands only wastes certified by the competent environmental protection, health, and agriculture authorities;

h) to store wastes in the underground environment only in the case in which they hold the environmental agreement and/or permit.

### Section 3

#### *Regime of chemical fertilizers and pesticides*

**Art. 25.** – The chemical fertilizers, pesticides, and other products used in the phytosanitary, human and veterinary sanitary prophylaxis shall be produced only by means of authorized technological and biotechnological processes.

On delivery, the products shall be accompanied by the authorized technical norms of utilization, under the conditions provided by law.

**Art. 26.** – With the approval of the central environmental protection authority, the competent ministries shall have the following obligations:

- a) to regulate the regime of phytosanitary products and of other pesticides that are used in the human and veterinary sanitary prophylaxis;
- b) to organize the territorial network of laboratories for the analysis and control of chemical fertilizers and of pesticides, as well as of the pesticide concentrations in soil, crops, fodder, vegetal and animal agriculture-food products;
- c) to prepare the list of chemical fertilizers and pesticides from within the country and from abroad, as well as of the maximum admissible pesticide concentration limits, in accordance with the international standards.

The list of chemical fertilizers and pesticides shall be prepared within thirty days after the date the present law comes into force, and shall be yearly updated.

**Art. 27.** – The central environmental protection authority together with the agriculture, forestry, health authorities and their departments decentralized into territorial administrative units, as applicable, shall supervise and control for the enforcement of the regulations regarding the chemical fertilizers and pesticides.

**Art. 28.** – The natural and legal persons producing, trading and/or utilizing chemical fertilizers and pesticides shall have the following obligations:

- a) to request an environmental agreement and/or permit for their manufacture;
- b) to deliver, handle, transport, and trade chemical fertilizers and pesticides packed and bearing identification, warning labels, safety and utilization instructions, in conditions that shall not cause contamination of the transport means and of the environment;
- c) to store the chemical fertilizers and pesticides only packed and in protected places;
- d) not to use the chemical fertilizers and pesticides in areas or on surfaces where special protection measures have been set up;
- e) to spread pesticides by aircraft only with the approval of the environmental protection agencies, health departments, and of the county commissions of honey production sites and pastoral bee-breeding, in accordance with the legal regulations;
- f) to apply, during the blooming period of insect pollinated crops, only such pesticide treatments that do not harm the pollinating insects;
- g) not to use dangerous baits, except for specially authorized cases.

*Section 4*

***Regime for assuring the protection against ionizing radiation and safety of radiation sources***

**Art. 29.** – The regime for the protection of population, environment and welfare against exposure to ionizing radiation and the assuring of the safety of radiation sources shall be achieved by applying the various procedures and devices for maintaining doses and risks as low as they can reasonably be, within the allowable limits, and for the purpose of preventing accidents, of limiting and eliminating their consequences.

**Art. 30.** – The activities in the nuclear field require the assuring of protection and safety means, and may be carried out only based on the environmental agreement and permit, issued pursuant to Article 8.

The environmental agreement and permit regarding the high nuclear risk installations – nuclear-electrical plants, research reactors, nuclear fuel manufacture plants, and final repositories for spent nuclear fuel – shall be issued by the Government.

**Art. 31.** – The competent authority in the nuclear field shall elaborate technical norms, standards, and application rules with regard to:

- a) population and environmental protection in nuclear risk areas;
- b) physical protection of nuclear material and installations;
- c) intervention levels and emergency plans which refer to transfrontier events as well;
- d) transport of radioactive substances;
- e) specific permitting procedures.

The permitting procedure for the high nuclear risk installations shall be elaborated within sixty days after the date the present law comes into force.

**Art. 32.** – The control of the nuclear activities shall be carried out by the central environmental protection authority and by other competent authorities according to the law.

The central environmental protection authority shall have the following prerogatives:

- a) to organize the monitoring of the environmental radioactivity country wide;
- b) to supervise, control, and decide on the necessary measures to be taken for observing the legal provisions on the environmental radioprotection;
- c) to collaborate with the competent bodies in the disaster defence.

**Art. 33.** – The natural and legal persons who carry out activities in the nuclear field shall have the following obligations:

- a) to observe the radioprotection and safety norms;
- b) to assess, directly or through the authorized bodies, the potential risk, to carry out the environmental audit for the existent activities, and to apply for the environmental permit;

c) to carry out procedures and provide for devices for the new activities which shall permit the achievement of the lowest reasonable level of doses and risks to the population and environment, and to apply for the environmental agreement and permit;

d) to keep strict records of ionizing radiation sources and to assure their physical protection;

e) to apply, through their own systems, programs for the surveillance of environmental radioactive contamination and for the exposure evaluation of critical groups – the population in the surveillance area –, which shall assure that the conditions provided by the permit on the radioactive substance discharges shall not be violated, and that the doses shall be maintained within the permissible limits;

f) to maintain the local environmental monitoring capability in operating condition in order to detect any significant radioactive contamination that would result from an accidental discharge of radioactive substances;

g) to keep the record of the surveillance results and of the estimated doses for critical groups;

h) to report, at the established intervals, the record results to the competent authorities;

i) to report promptly to the competent authority any significant increase of the environmental contamination and whether it is attributable to the activity carried out or not;

j) to verify continuously the accuracy of the assumptions made through the probabilistic assessments on the radiological consequences of the radioactive discharges.

### CHAPTER III

#### Protection of natural resources and conservation of biodiversity

**Art. 34.** – The central environmental protection authority, in consultation with the central specialized authorities which manage natural resources, shall draw up, on the basis of the present law, technical regulations regarding the measures for the protection of ecosystems, conservation of biodiversity, sustainable management of natural resources, and for assuring the human health.

On designing the works which may change the natural environment of an area, the procedure for the impact assessment on that area shall be compulsory, followed by the submitting of technical solutions to maintain the natural habitat areas, to conserve the ecosystem functions, and to protect the vegetable and animal organisms, including the migratory ones, by observing the alternative and the conditions imposed by the environmental agreement and/or permit, as well as by the own monitoring until their fulfilment.

The terrestrial and aquatic areas that are subjected to a conservation regime as natural habitats or for ecological rehabilitation shall be managed by the legal title holders only in the case in which they commit themselves to apply the conservation measures set forth by the central environmental protection authority.

The holders of any title who apply such measures shall be exempted from tax; the private holders shall be compensated according to the value of the rehabilitation works undertaken.

The protection of some rare and endangered organism species, the conservation of biodiversity, and the setting up of protected areas, as well as the measures established by the environmental protection authorities shall have priority as against other interests.

The central environmental protection authority, in consultation with the Romanian Academy and UNESCO National Commission, shall establish the criteria for the setting up of protected areas and for the biodiversity conservation.

#### Section 1

#### Protection of waters and of aquatic ecosystems

**Art. 35.** – The protection of surface and underground waters and of aquatic ecosystems shall be meant to maintain and improve the quality and natural productivity thereof, for the purpose of avoiding some negative effects on the environment, human health and welfare.

**Art. 36.** – Within sixty days from the date the present law comes into force, the central environmental protection authority shall elaborate the regulations on:



a) technical norms regarding the protection of waters and of aquatic ecosystems, the population inclusively, in the case of accidental pollution and in transfrontier context;

b) permitting procedure for water sources and aquatic ecosystem exploitation, for hydrotechnical construction accomplishment for works of embanking and course-regularization, irrigation, and draining-drainage;

c) emission standards;

d) water quality standards;

e) requirements for waste water discharge, treatment, and for the restriction of effluent discharge in waters.

**Art. 37.** – The control over the water and aquatic ecosystem protection regulation enforcement shall be organized and exercised by the environmental protection, waters, health authorities, as well as by other authorities, in accordance with legal competences.

**Art. 38.** – The environmental protection and water management authorities, together with the navigation authorities, shall supervise and control the observance of the provisions and shall enforce the legal measures concerning the protection of waters against the consequences of navigation activities, by complying with the international conventions in the field to which Romania is a party.

**Art. 39.** – The natural and legal persons shall have the following obligations:

a) to apply for environmental agreement and/or permit for the activities provided in Appendix No. II to the present law. The wells drilled at depths that do not exceed 50 m to meet the needs of individual farms shall be exempted from permit;

b) to observe the emission and water quality standards, the agreement and permit provisions, and to submit water samples for analysis to authorized laboratories, upon the established terms;

c) not to throw and store wastes of any kind on river banks and beds and in wetlands, and not to introduce therein explosives, electric power, narcotics, or other dangerous substances;

d) not to wash in the natural waters motor vehicles, equipment and packages which contained oils, liquid fuels, lubricants, dangerous substances, or pesticides;

e) to perform all the works concerning natural resource rehabilitation, assuring the aquatic fauna migration, and water quality improvement, provided with a time limit in the environmental agreement and permit, and to monitor the impact area;

f) to endow themselves with installations for storage or treatment of wastes for treatment of waste water, and outlets for their unloading in shore or floating plants, in the case of holding of vessels, floating platforms, or offshore drillings;

g) to fit out harbours with collecting, processing, recycling, or neutralizing installations for petroleum, domestic, or any other kind of wastes, stored on river or sea vessels, and to organize intervention teams in the case of accidental pollution of waters and coast areas;

h) not to discharge waste waters from vessels or floating platforms directly into natural waters, and not to throw away any kind of wastes from them.

#### Section 2

#### Protection of atmosphere

**Art. 40.** – The protection of atmosphere shall aim at preventing, limiting the deterioration and improving its quality in order to avoid the occurrence of some negative effects on the environment, human health and welfare.

**Art. 41.** – The central environmental protection authority promotes the regional and global policies by substantiating the specific principles and actions, at both national and local level, with regard to the protection of atmosphere.

The national policy of the protection of atmosphere shall consist primarily of the following:

a) introduction of adequate techniques and technologies for the holding back of the pollutants at the source;

b) management of the air resource in the sense of reducing pollutant emission to the lowest levels which shall not exceed the regeneration capacity of the atmosphere;

c) management of the air resource in the sense of assuring the appropriate quality for human health safety;

d) modernization and improvement of the air quality national integrated monitoring system.

**Art. 42.** – The central environmental protection authority, in consultation with the competent ministries, shall elaborate the technical norms, standards, and application rules with regard to:

a) the air quality depending on the pollutants discharged in the atmosphere;

b) the atmosphere pollutant emissions for the mobile and fixed sources, as well as the utilization restriction or prohibition conditions, including the substances which affect the ozone layer;

c) the quality of fuels and carburants, as well as the regulations regarding their sale-purchase, and transport;

d) the sound standard and regulations for noise restriction;

e) the supervision of the air quality, sampling and analyzing procedures, location of sampling and analysis points and instruments, measurement frequency and others;

f) the identification, supervision, and control of the economic agents whose activity is generating potential risk and/or atmosphere pollution;

g) the system for the fast notification, in the case of severe atmosphere pollution with transfrontier effects, of the authorities assigned for the implementation of the Convention on the Transfrontier Effects of Industrial Accidents.

The technical norms, the implementation rules, respectively the standards, shall be elaborated within one year, respectively two years, from the date the present law comes into force.

**Art. 43.** – The central environmental protection authority supervises and controls the enforcement of the atmosphere protection legal provisions for which purpose it shall:

a) ascertain the occurrence of atmosphere pollution events, alert and/or issue forecasts in relation therewith;

b) dispose the temporary or permanent cessation of pollution generating activities in order to enforce emergency measures or for disregarding the compliance program;

c) dispose the technological measures, enforce restrictions and proscriptions in order to prevent, limit, or eliminate the pollutant emissions;

d) apply the penalties provided by law in case of disregarding the disposed measures.

**Art. 44.** – The legal land owners and holders shall be obliged to maintain and extend the protective vegetation belts and alignments, verdure spots, parks, hedges for the improvement of the atmosphere regeneration capacity, the sound and eolian protection.

**Art. 45.** – The customs authorities shall have the obligation not to permit the entering/leaving from the country of polluting mobile sources which do not meet the provisions of the competent authorities, pursuant to the law.

**Art. 46.** – The natural and legal persons shall have the following obligations in the field:

a) to observe the atmosphere protection regulations by adopting adequate technological measures of holding back and neutralizing the atmosphere pollutants;

b) to endow the technological installations which are pollution sources with measurement systems, to assure their correct functioning, to ensure qualified personnel, and to provide the necessary data to the environmental protection authorities, upon request or according to the compliance program;

c) to improve the technological performances for the purpose of reducing the emissions and not to put in operation the installations through which the maximum permissible limits are exceeded;

d) to ensure, upon the disposal of the environmental protection authorities, the reduction, modification, or cessation of pollution generating activities;

e) to assure special measures and endowments for the sound insulation and protection for noise and vibration generating sources, to control their efficiency, and to commission only those which do not exceed the permissible sound standards.

### Section 3

#### *Protection of soil, subsoil, and of terrestrial ecosystems*

**Art. 47.** – The protection of soil, subsoil, and of terrestrial ecosystems by adequate measures of territorial man-

agement, conservation, organization, and planning shall be compulsory for all holders of any title.

**Art. 48.** – The central environmental protection authority, in consultation with the competent ministries, shall establish:

a) the system for monitoring the soil quality for the purpose of ascertaining its present state and evolution tendencies;

b) the regulations regarding the protection of soil, subsoil, terrestrial ecosystem quality, and the conservation of biodiversity;

c) the permitting procedure regarding the environmental protection issues comprised in the territorial arrangement plans, torrent planning for forest planning preparation, soil erosion control, study drillings and geologic and hydrogeologic prospections, as well as for extraction mining activities;

d) the regulations on natural environmental rehabilitation in areas in which the soil, subsoil, and terrestrial ecosystems were affected by natural phenomena or by activities with a negative impact on the environment.

**Art. 49.** – The central agriculture and forestry authorities shall have the following obligations:

a) to elaborate regulations on agriculture systems, technologies of plant culture and animal husbandry, forest regeneration, wood harvesting, collecting and transport, and soil quality standards, for the purpose of maintaining and improving thereof, eliminating the negative consequences on terrestrial and aquatic ecosystems, and assuring the conservation of specific functions, biodiversity, and natural habitats, and to convey them to the central environmental protection authority;

b) to keep records of lands that have become improper for agricultural output and to provide, upon the holders' request, specialized technical assistance for the improvement or change of utilization;

c) to direct and perform the specialized technical control for land reclamation and agropedoamelioration works;

d) to guide and provide technical assistance, upon the farmers' request, with regard to the most adequate tech-

niques and technologies of soil management and improvement.

**Art. 50.** – The control for the observance of the legal regulations regarding the protection and conservation, improvement and judicious utilization of soils, subsoils, and terrestrial ecosystems shall be organized and exercised by the environmental protection authorities, as well as by other competent public administration authorities, as applicable, in compliance with the legal provisions.

**Art. 51.** – For the purpose of assuring the soil quality protection, the land holders of any title shall have the following obligations:

a) to prevent, based on the regulations in the field, the soil quality deterioration;

b) to assure the conditions provided in the environmental agreement and permit upon locating, designing, building, and putting in operation of any kind of objectives, as well as upon changing of land destination;

c) not to burn the stubble fields, reed, shrubs, or herbaceous vegetation without a permit issued by the competent environmental protection authority.

**Art. 52.** – The holders of any title of forests, forest vegetation outside the forest stock and lawns shall have the following obligations:

a) to maintain the forest area of forest vegetation outside the forest stock, including the junipers and the existing lawns and bushes, their reduction being forbidden, except for the cases provided by law;

b) to exploit the wood volume only within the forest capacity limit, as established by forest planning and approved by law;

c) to assure the observance of the forest rules for wood exploitation and technological transport, as established by law, for the purpose of maintaining forest biodiversity and ecological balance;

d) to observe the forest regime for the afforestation of the exploited areas, as established by the central forestry authority, according to the forest sustainable use conditions provided by the central environmental protection authority;

e) to assure the application of special conservation measures for the forests with special protection functions, located on lands with very high slopes, with sliding and erosion processes, on screes, rocks, at the highest altitude limit of forest vegetation, as well as for other such forests;

f) to observe the forest regime established for the conservation of the wooden vegetation from afforested pastures that have protection functions for soil and water resources;

g) to assure the rational exploitation and physical planning of lawns, according to their rehabilitation capacity;

h) to exploit the forest resources, game and fishing stock within the regeneration capacity limits, according to the legal provisions;

i) to notify the environmental protection authorities on the accidents or activities which affect the forest ecosystems or other such terrestrial ecosystems.

**Art. 53.** – The natural or legal persons who prospect or exploit the subsoil resources shall have the following obligations:

a) to apply for an environmental agreement and/or permit according to the law and to comply with the provisions thereof;

b) to rehabilitate the affected lands, bringing them to productive and natural ecological parameters or to a new functional ecosystem, in accordance with the provisions and terms of the agreement and/or permit, by assuring the financial means therefor and by monitoring the area;

c) to notify the environmental protection authorities or those competent by law on any accidental situations which jeopardize the terrestrial ecosystem, and to act for its rehabilitation.

#### Section 4

#### *Regime of protected areas and of natural monuments*

**Art. 54.** – For the conservation of some natural habitats, of the biodiversity that defines the biogeographical specific of the country, as well as of the natural structures and systems of ecological, scientific, and landscape value, the national network of protected areas and natural monuments shall be maintained and developed.

The protected areas and natural monuments shall be declared by normative acts or regulations, including by forest planning; those declared until the date the present law comes into force shall maintain such quality.

The protected areas shall be indicated in the urban and territorial planning projects, approved according to the law.

**Art. 55.** – The central environmental protection authority shall:

a) upon the Romanian Academy's proposal, declare new areas for the extending of the national network of protected areas and natural monuments and identify them into categories;

b) organize the network for the supervision, security of the protected areas and natural monuments and establish their management regime, as well as the ecotourism principles;

c) control the enforcement of the regulations by those who manage the protected areas and natural monuments;

d) elaborate, publish, update, and disseminate the "Catalogue of Protected Areas and Natural Monuments" as well as the "Red Book of Plant and Animal Species" in Romania.

**Art. 56.** – The local public administration authorities shall assure the informing of the economic agents, population, and tourists on the existence of protected areas and natural monuments in the area, on their importance, on the rules and restrictions established, as well as on the penalties applicable for disregarding their statute.

**Art. 57.** – Upon the request of the environmental protection agencies, of other interested organizations, natural or legal persons, the local public administration authorities may, based on the documentation endorsed by the Romanian Academy, place protected areas or natural monuments or certain substantiated objectives under temporary protection, with the view of declaration.

**Art. 58.** – The holders of land or aquatic areas adjacent to protected areas, natural monuments, or those on whose lands elements liable to be protected have been identified, shall be obliged to observe their statute in order to pass them on to the future generations.

**Art. 59.** — The plant collecting and trading, the capturing by any means, holding and trading of animals declared as natural monuments, as well as the dislocation, holding and trading of some mineralogical, spelaeological, and palaeontological pieces originating from sites declared as natural monuments shall be forbidden.

Except for the cases provided by the law, the introduction of microorganism cultures, plants and living animals into the country without the agreement issued by the central environmental protection authority in consultation with the Romanian Academy shall be forbidden.

*Section 5*

**Protection of human settlements**

**Art. 60.** — In the process of social-economic development, of urban, territorial, and human settlement planning, the ecological principles shall be compulsorily observed to assure a healthy living environment. Towards this end, the local councils as well as the natural and legal persons, as the case may be, shall be responsible for:

a) the improvement of the urban microclimate by managing and maintaining springs and water mirrors within the localities and in adjacent zones, improving the beauty and protection of the landscape, and maintaining the street cleanliness;

b) the location of the industrial objectives, of ways and means of transport, of sewerage systems, water treatment plants, domestic, street and industrial waste storage, and of other objectives and activities, without causing prejudice to public health, environment, resting, treatment and recreation places, to the health and comfort state of the population;

c) the observance of the special protection regime of balneary and climatic localities, zones of tourism and recreation interest, historical monuments, protected areas, and natural monuments. The location of objectives and performance of damage generating activities within their perimeter and in their protection zones shall be forbidden;

d) the adoption of adequate architectural elements, the optimizing of the density of the dwelling houses concurrently with the maintaining and development of verdure spots,

parks, tree alignments and protective street belts, of landscape arrangements with ecological, aesthetic, and leisure functions;

e) the regulating, by temporary or permanent prohibition inclusively, of the access of certain types of motor vehicles or of the carrying out of discomfort generating activities for the population in certain zones of the localities with living space predominance, zones meant for treatment, rest, recreation, and leisure;

f) the adopting of compulsory measures for all natural and legal persons regarding the maintenance and adornment of buildings, yards and their surroundings, of the verdure spots in yards and between buildings, of decorative trees and shrubs;

g) the initiating at local level of some projects for the set up of hygienic-sanitary facilities and for road sewerage maintenance and development.

**Art. 61.** — Upon the issuance of the environmental agreement for urban and territorial planning projects, the environmental protection authorities shall specify the measures for maintaining and improving the natural landscape and anthropic stock of each zone and locality, the damaged zones and the conditions of their landscape and ecological rehabilitation and of verdure spots development, and shall control the implementation thereof.

**Art. 62.** — The local public administration authorities, natural and legal persons who manage the public property shall have the obligation to assure the accomplishment of the measures and conditions provided under Article 61.

The change of the utilization of the lands sited as verdure spots provided in the urban plans shall be made in accordance with the law.

**Art. 63.** — The environmental protection authorities and local councils shall initiate information and participation actions, through public hearing regarding the town development and communal management programs, on the importance of the environmental and human settlement protection measures.

CHAPTER IV  
**Prerogatives and responsibilities**

Section 1  
*Prerogatives and responsibilities  
of the environmental protection authorities*

**Art. 64.** – The central environmental protection authority shall have the following prerogatives and responsibilities:

a) to elaborate and promote the environmental national strategy for sustainable development within one year from the date the present law comes into force;

b) to elaborate the recommendations for the environmental sector strategies and policy by adopting time limits established in accordance with the stages of the market-economy transition, as well as the environmental planning correlated with the territorial and urban planning, ecological restoration and reconstruction for the purpose of assuring the environmental national strategy;

c) to create the functioning framework which shall allow the access to information and the participation in environmental decision-making – policies, regulations, permitting procedures, territorial and urban development plans – for the other central and local public administration authorities, of non-governmental organizations and population;

d) to initiate draft laws, technical norms, regulations, procedures and directives in accordance with the international standards; to endorse the norms and other regulations set forth by other ministries and departments regarding activities with a negative impact on the environment or by environmental protection organizations, and to check for the enforcement thereof. The draft special laws stated under Chapter VI shall be initiated within two years, and the regulations within one year from the date the present law comes into force, except for the cases in which it is otherwise provided herein;

e) to organize the national integrated background and impact monitoring system for all environmental factors, and the environmental inspection system, within one year from the date the present law comes into force;

f) to create the institutional-administrative framework for identifying and promoting research programs, for educating and training qualified personnel for the surveillance, analysis, assessment, and control of the environment, and to certify such personnel;

g) to assign expert commissions, when applicable, for revising the environmental audit; to certify its own laboratories for the control of the quality of the environment, of dangerous substances and hazardous waste, pesticides, and to indicate the types of the analyses required and the standard laboratories;

h) to elaborate and implement programs; to elaborate educational material regarding the importance of the environmental protection;

i) to follow the implementation of the program and measures for the compliance with the international conventions in which Romania is a party, as far as the environment is concerned;

j) to follow and analyze the enforcement of the present law and to prepare annually reports on the state of the environment, which are submitted to the Government; the reports shall be published;

k) to collaborate with similar organizations and authorities in other countries and to represent the Government in the international environmental protection relationships;

l) to propose to the Government reductions of or exemptions from fees, taxes, as well as other fiscal facilities for title holders of activities which replace dangerous substances in the manufacture process, or who invest in technological processes and products which diminish the impact or the risk of a negative impact on the environment, as well as for those who implement the special ecological protection, preservation, and reconstruction measures set forth by the central environmental protection authority;

m) to apply penalties to the title holders of activities for non-compliance;

n) to publish directives and guide the other ministries and departments, economic agents, natural and legal persons, for the purpose of diminishing the negative effects of economic activities on the environment and of encour-

aging environmentally appropriate techniques and technologies;

o) to provide the interested parties with centralized data on the state of the environment, the central environmental protection policy and programs;

p) to consult periodically with non-governmental organization representatives and with other representatives of the civil society to set up the general environmental strategy and to take decision in cases which might affect the environment;

r) to prepare, in collaboration with the Ministry of Finance, the implementation of new financial instruments assisting the protection and improvement of the environmental media quality, in accordance with those applied internationally;

s) to organize, within two years from the date the present law is promulgated, the ecological control body;

t) in special situations, ascertained on the basis of the data obtained from the supervision of the environment, the central environmental authority shall be entitled to declare, with notification to the Government, high pollution risk zones in certain regions of the country, and shall have the obligation to elaborate together with other central institutions and local authorities special programs for the removal of risk occurred in these zones. After the high pollution risk is eliminated, based on the new data resulted from the supervision of the environmental status development, the respective zone is declared as re-entering normality.

**Art. 65.** — The environmental protection agencies shall carry out at territorial level the prerogatives and responsibilities of the central environmental protection authority they are subordinated to, pursuant to Article 64, subparagraphs b), c), d), h), i), j), m), o), p), r), and t), and draw up reports on the activities performed throughout the financial year and on the application of the environmental programs; such reports shall be published in the local newspapers.

**Art. 66.** — In view of exerting its functions, the central environmental protection authority shall:

a) request the necessary information from ministries, local public administration authorities, natural and legal persons, with regard to the provisions under Article 64, subparagraphs a), b), d), e), f), h), i), j), l), p), r), and t);

b) appoint the chief inspectors and accredit inspectors at territorial level.

**Art. 67.** — The inspectors, appointed by the central environmental protection authority to exercise their duties, shall be allowed at any time, under the conditions of the law, with the permit of environmental authorities, the access to any premises where an activity generating a negative impact on the environment is being performed.

The natural or legal person that suffers a prejudice as a result of exerting the inspection prerogatives may lodge a complaint with the competent law court within thirty days from the date such prejudice has been ascertained.

The amount of the compensation for the eventual losses incurred shall be established by the agreement of the parties and, in the absence of such agreement, by the competent court.

## Section 2

### *Prerogatives and responsibilities of other central and local authorities*

**Art. 68.** — The central and local public administration authorities shall be obliged to convey all the data requested pursuant to Article 66, subparagraph a) to the central environmental protection authority, to the territorial agencies respectively, and to enforce the provisions of the present law.

**Art. 69.** — The central public administration authorities shall have the following obligations:

a) to assure within their organization structure departments with environmental protection duties and specialized personnel;

b) to develop, with the central environmental protection authority's assistance, restructuring programs in agreement with the national environmental strategy and environmental policies, and to assist the subordinate economic agents in the implementation of the compliance programs;

c) to elaborate the norms and regulations specific to the environmental protection field of activity and to submit them to the central environmental protection authority for approval;

d) to notify on the extent to which certain provisions can prevent any authority from effectively acting for the protection of the environment and to concurrently indicate the progress made by the enforcement of the present law.

**Art. 70.** – The Ministry of Health shall have the following prerogatives and responsibilities:

a) to survey the evolution of the population's state of health in connection with the quality of the environment;

b) to control drinking water and food product quality;

c) to draw up environmental hygiene standards in collaboration with the central environmental protection authority and check for the observance of such standards;

d) to draw up periodical reports on the influence of the environment on the population's health and collaborate with the central environmental protection authority in setting up and applying life quality improvement measures.

Such reports shall be published yearly;

e) to collaborate with the other ministries having their own health network for ensuring an accurate awareness of the state of public health and environmental protection in their scope of activity.

**Art. 71.** – The Ministry of National Defence shall have the following prerogatives:

a) to develop specific norms and guidelines consistent with the internal legislation and by complying with the ecological principles for environmental protection, for its scopes of activity;

b) to supervise the compliance by the Ministry of National Defence's personnel with the environmental protection norms for the activities in the military zones;

c) to control the activities and apply penalties for the violation by the Ministry of National Defence's personnel of the environmental protection legislation in the military domain.

**Art. 72.** – The Ministry of Education shall ensure the adaptation of education plans and syllabi at all levels, for

the purpose of acquiring knowledge on ecology and environmental protection notions and principles, to assure the awareness, education, and training in this field.

**Art. 73.** – The Ministry of Research and Technology shall promote study themes and research programs answering the priorities set forth by the central environmental protection authority in this field.

**Art. 74.** – Based on the norms approved by the central environmental protection authority, the Ministry of Transport and the Ministry of the Interior shall assure the control of:

a) exhaust gases;

b) intensity of noises and vibrations produced by vehicles;

c) material transport.

**Art. 75.** – The Ministry of Tourism and the Ministry of Youth and Sport shall develop educational programs for the purpose of designing an environmental responsible behaviour and shall encourage the application of the principles of ecotourism.

**Art. 76.** – The local public administration authorities shall have the following prerogatives and responsibilities:

a) to supervise the enforcement of the provisions under the urban and territorial planning, in agreement with the environmental planning;

b) to supervise the subordinate economic agents with a view to preventing accidental pollutant discharges or uncontrolled waste depositing, and develop reusable waste collection systems;

c) to adopt programs for the development of sewerage networks, rain water collecting, drinking water supply, locality waste water treatment plants, as well as for public transport;

d) to assure services with town ecology and environmental protection specialists and collaborate towards this end with the competent environmental protection authorities;

e) to promote an appropriate behaviour of the communities with respect to the importance of the environmental protection.



**Art. 77.** – The customs authorities shall carry out the prerogatives set forth by the present law.

**Art. 78.** – The Police and Financial Guard shall be obliged to support, upon their request, the representatives of the environmental protection authorities in the exercise of their prerogatives.

*Section 3*

*Obligations of natural and legal persons*

**Art. 79.** – The environmental protection shall represent an obligation of all natural and legal persons, towards which end they shall:

a) request the environmental protection authorities for environmental agreement and/or permit, as the case may be, pursuant to the present law;

b) assist the persons empowered to do the inspections by providing them records of their own measurements, all relevant documents, and shall facilitate the inspecting of activities and taking of samples;

c) obey the temporary or permanent activity cessation order;

d) bear the costs for the remedy of the prejudice and shall remove the consequences thereof by reconstructing the conditions existing prior to the occurrence of the prejudice;

e) assure their own supervision systems for technological installations and processes, and for the analysis and control of pollutants within the scope of the performed activities, and the recording of the results, for the purpose of preventing and avoiding technological risks and accidental pollutant discharges into the environment, and shall report the environmental supervision results to the competent environmental protection authority, on a monthly basis;

f) inform the competent authorities and the population in the case of accidental pollutant discharges into the environment or major accident;

g) modify their structure for the existing activities and, upon application for permit, shall propose compliance programs within six months from the date the present law comes into force;

h) adopt adequate environmental solutions when proposing new projects or activities, as well as for the modification of the existent ones;

i) not impair the natural or created environment by uncontrolled disposals of wastes of any kind.

**Art. 80.** – The liability for the prejudice shall have an objective character, irrespective of the guilt. In case of plurality of authors, the liability is joint and several.

In the case of major risk-generating activities, the insurance for the damages shall be mandatory.

**CHAPTER V**

**Penalties**

**Art. 81.** – The violation of the provisions of the present law shall involve civil, contraventional, or criminal responsibility, as the case may be.

**Art. 82.** – The following facts shall constitute petty offences and shall be penalized as follows:

1. With a fine from 50,000 lei to 300,000 lei for natural persons, and from 250,000 lei to 1,500,000 lei for legal persons, for violating the provisions of the law with regard to:

a) the obligations of the central and local public authorities mentioned under Article 9, paragraph 3, Article 12, paragraph 1, Article 14, paragraph 2, Articles 31, 38, 44, Article 60, subparagraphs a), d)–f), Article 62, paragraph 1, Article 68, Article 69, subparagraphs a)–c), Article 70, subparagraphs a)–d), Articles 71, 72, 73, 74, 75, Article 76, subparagraphs a)–e), Articles 77 and 78;

b) the application for agreement/permit mentioned under Article 51, subparagraph c);

c) the regulations mentioned under Article 51, subparagraph a);

d) the regulations for the protection of the terrestrial ecosystems mentioned under Article 52, subparagraphs a), c), and Article 79, subparagraph i).

2. With a fine from 100,000 lei to 600,000 lei for natural persons, and from 500,000 lei to 3,000,000 lei for legal persons, for violating the provisions of the law with regard to:

a) the obligations of the local public authorities mentioned under Article 19, Article 24, subparagraphs d) and f),

Article 56, Article 60, subparagraph b), and Article 62, paragraph 2;

b) the supply and use of accurate data in the elaboration of the impact studies mentioned under Article 12, paragraph 3;

c) the measures, endowments, legal provisions mentioned under Article 46, subparagraph e), and Article 52, subparagraph h);

d) the regulations on chemical fertilizers, pesticides, and any other chemical substances, water protection and protected areas mentioned under Article 28, subparagraph c), and Article 39, subparagraph d).

3. With a fine from 150,000 lei to 750,000 lei for natural persons, and from 750,000 lei to 3,750,000 lei for legal persons, for violating the provisions of the law with regard to:

a) the obligations of harbour administration authorities mentioned under Article 39, subparagraph g);

b) the compliance with the environmental protection authority's orders mentioned under Article 46, subparagraph d), and Article 79, subparagraph b);

c) the application for agreement/permit mentioned under Articles 15–17, Article 21, subparagraph b), Article 24, subparagraphs a)–c), g)–h), Article 28, subparagraphs a), e), g), Article 33, subparagraphs b), c), Article 34, paragraph 2, Article 39, subparagraph a), Article 51, subparagraph b), Article 53, subparagraph a), Article 59, paragraph 2, and Article 79, subparagraphs a) and g);

d) the standards, norms, technological performances mentioned under Article 33, subparagraph a), Article 39, subparagraph b), and Article 46, subparagraph c);

e) the regulations for chemical fertilizers, pesticides, and any other chemical substances, utilization of ionizing radiation sources, water and atmosphere protection, rational exploitation of natural resources, and observance of the special protection regime, mentioned under Article 28, subparagraphs b), d), and f), Article 33, subparagraph j), Article 39, subparagraphs c), f), and h), Article 46, subparagraph a), Article 52, subparagraph b), Article 58, Article 59, paragraph 1, and Article 60, subparagraph c);

f) the own supervision systems mentioned under Article 21, subparagraph c), Article 33, subparagraphs e) and f), and Article 46, subparagraph b);

g) the keeping of records on the substances mentioned under Article 21, subparagraph a), and Article 33, subparagraphs d), g), and h);

h) the natural environmental rehabilitation and/or nature conservation mentioned under Article 24, subparagraph e), Article 39, subparagraph e), Article 52, subparagraphs f)–g), and Article 79, subparagraphs d) and h).

4. The quantum of fines shall be annually updated by a decision of the Government.

**Art. 83.** – The ascertaining of the petty offences and the enforcement of the penalties shall be made by the personnel empowered to this end by the central public environmental protection authority, by the police officers and sub-officers, by the empowered personnel of the local and county public administration authorities, and by the Ministry of National Defence's personnel empowered in its fields of activity, according to the legal competences.

Against the report on ascertaining of the petty offence and applying of the penalty a complaint may be lodged within thirty days from the date the document was reported.

The complaints shall be settled by the competent court of instance.

The provisions of the Law No. 32/1968 with regard to the ascertaining and penalizing of petty offences, except for Articles 25, 26, and 27, shall apply.

**Art. 84.** – The facts provided below shall constitute offences and shall be punished as follows:

1. With imprisonment from three months to one year, or with a fine from 250,000 lei to 1,500,000 lei, if they were a hazard to human, animal, or vegetable life or health:

a) burning of stubble fields, reed, shrubs, and herbaceous vegetation in protected areas and on the ecological rehabilitation land (Article 54, paragraphs 2 and 3);

b) deforestation of wooden vegetation outside the forest stock, located on high slope land or at the upper limit of forest vegetation [Article 52, subparagraph e)];

c) generating of accidental pollution as a result of the failure to supervise the performance of new works, the functioning of the installations, technological, treatment, and neutralizing equipment, mentioned under the provisions of the environmental agreement and/or permit [Article 79, subparagraph e)];

d) generating pollution by intentionally discharging hazardous waste and dangerous substances in water, atmosphere, or on soil [Article 79, subparagraph i)].

2. With imprisonment from six months to three years, or with a fine from 500,000 lei to 3,000,000 lei, if the facts were a hazard to human, animal, or vegetable life or health:

a) disregarding of the restrictions or prohibitions established for water and atmosphere protection [Articles 35–38, Article 39, subparagraphs a), b), c), e), f), g), and h), and Article 46, subparagraphs a)–d)];

b) using of dangerous baits and electrical means to kill wild animals and fish for consumption or sale purposes [Article 28, subparagraph g), and Article 39, subparagraph c)];

c) washing in natural waters of pesticide packages and of other dangerous substances, as well as of the equipment by which they were transported or applied [Article 39, subparagraph d)];

d) generating of noises above the permissible limits, if human health is thereby severely endangered [Article 46, subparagraph e)];

e) disregarding of the restrictions and prohibitions on hunting and fishing of species protected or temporarily forbidden by law, and in zones of full protection regime [Article 52, subparagraph h), and Article 59, paragraph 1];

f) continuing of the activity after the environmental agreement or permit has been suspended (Article 10, paragraph 2);

g) failure to supervise and assure the hazardous waste and dangerous substances storages [Article 21, subparagraph a), and Article 28, subparagraph c)].

3. With imprisonment from one to five years:

a) issuance of the environmental agreement and/or permit without the compulsory and complete documentation (Article 9, paragraph 3);

b) presentation of false information and conclusions in the impact analyses and studies (Article 12, paragraph 3);

c) introduction into the country of hazardous waste and dangerous substances for storage and/or destruction purposes (Article 16);

d) failure to submit to test any new substance from within or outside the country (Articles 15–17);

e) transport or transit of pesticides, dangerous substances, or hazardous waste without a permit [Articles 15, 16, and Article 21, subparagraph b)];

f) omission to report promptly any major accident [Article 21, subparagraph c)];

g) cremation of hazardous waste in not certified installations [Article 24, subparagraph c)];

h) siting and construction of underground or on-ground storages for hazardous waste in the absence of a permit [Article 24, subparagraphs d) and h)];

i) storing of hazardous waste and dangerous substances in underground spaces [Article 24, subparagraphs d) and h)];

j) manufacture, delivery, and utilization of unauthorized dangerous substances and pesticides (Article 25);

k) failure to comply with the proscriptions regarding the utilization of pesticides or chemical fertilizers on farming land [Article 28, subparagraphs d), e), and f)];

l) causing, through the failure to supervise the ionizing radiation sources, the contamination of the environment and/or the population's exposure to ionizing radiation [Article 33, subparagraph f)];

m) omitting to report promptly on an increase of the environment contamination above the permissible limits [Article 33, subparagraph i)];

n) discharging of waste waters and wastes from vessels or floating platforms directly into natural waters [Article 39, subparagraph h)];

o) concealing of data or disseminating of false information regarding the quality of the environment and human health by civil officials [Article 64, subparagraph j), Article 68];

p) continuing of an activity after its cessation was disposed [Article 79, subparagraph c)];

r) failure to take measures to limit the impact of dangerous substances or hazardous waste on the environment (Article 19);

s) approving and facilitating the introduction into the country of dangerous substances and hazardous waste (Article 20).

4. With imprisonment from two to seven years:

a) inadequately enforcing or failing to take the intervention measures in case of nuclear accident;

b) declining intervention in the case of accidental pollution of waters and coast areas [Article 39, subparagraph g)];

c) intentionally causing pollution by discharging or dumping dangerous substances or hazardous waste in natural waters, directly or from ships or floating platforms [Article 39, subparagraph h)].

5. If the facts provided for under items 3 and 4 endangered the health or physical condition of a large number of persons, had any of the consequences stated in Article 182 of the Criminal Code, or caused a significant material loss, the penalty shall be imprisonment from three to ten years and forbidding of certain rights, and in case the death of one or more persons, or losses important to the national economy occurred, the penalty shall be imprisonment from seven to twenty years and forbidding of certain rights.

The tentative shall be punished.

**Art. 85.** – The ascertaining and investigation of the offences shall be done *ex officio* by the bodies for criminal prosecution, according to the legal competence.

**Art. 86.** – The non-governmental organizations have the right of lawsuit with the view of environmental conservation, irrespective of who suffered from the prejudice.

## CHAPTER VI

### Final and transitory provisions

**Art. 87.** – To the interpretation of the present law, the central environmental protection authority shall be the Ministry of Waters, Forests, and Environmental Protection.

**Art. 88.** – With the view of efficient application of environmental protection measures, the following domains

shall be regulated through special, revised, or new laws, which shall develop the general provisions in the present law:

a) regime of dangerous substances and hazardous waste;

b) domestic, industrial, and agricultural waste management;

c) pesticides regime;

d) regime for assuring radioprotection;

e) carrying out of nuclear activities and assuring of radiation source safety, including civil liability for nuclear damages;

f) water and aquatic ecosystems management;

g) land improvement works management;

h) seashore and coast area protection;

i) pisciculture and fishing;

j) atmosphere protection;

k) lawn management and conservation;

l) forest stock management;

m) game stock protection and hunting;

n) bee-breeding and melliferous flora protection;

o) spelaological, geological, and palaeontological objectives management;

p) protected areas and natural monuments;

r) liability for the prejudices caused to the environment.

**Art. 89.** – At the date the present law comes into force, the Law No. 9/1973 on environmental protection, published in the “Buletinul Oficial” (Official Bulletin) No. 91 of June 23, 1973, as well as any other provisions contrary to the present law, shall be abrogated.

*APPENDIX No. I*

### THE MEANING

#### of some terms to the interpretation of the present law

• *atmosphere* – the air mass that surrounds the surface of the earth, including the ozone layer;

• *biodiversity* – the diversity among living organisms from terrestrial and aquatic ecosystems, as well as among the ecological complexes of which they are part; it includes the diversity within species, among species, and among ecosystems;

- *biotechnology* – the technological application that uses biological systems, living organisms, components or parts thereof, to make or modify products or processes of a specific use;

- *compliance program* – a plan of measures comprising stages that shall be followed within time-frames specified through environmental permit provisions, by the competent authority in order to observe the environmental protection regulations;

- *dangerous substances* – any substance or product which used, even in quantities, concentrations, or conditions presumably not dangerous, represents significant risk to humans, environment, or welfare; they can be explosive, oxidizing, inflammable, toxic, noxious, corrosive, irritant, mutagenic, radioactive;

- *ecological balance* – the assembly of states and interrelations between the components of an ecological system, which assures the maintaining of its structure, its harmonious functioning and dynamics;

- *ecosystem* – a dynamic complex of plant, animal, and micro-organism communities and their non-living environment, interacting in a functional unit;

- *ecotourism* – the performing of a tourism in compliance with the environmental protection rules;

- *effluent* – any form of discharge in the environment, point or diffuse emission, including through leakage, jets, injections, inoculations, storage, drainage, or vaporization;

- *emission* – pollutants evacuated in the environment, including noise, vibrations, electromagnetic and ionizing radiation, which occur and are measured at the source emerging point;

- *environment* – the complex of natural conditions and elements of the Earth: air, water, soil and subsoil, all atmospheric layers, all organic and inorganic materials, as well as all living beings, natural systems in interaction comprising the above listed elements, including the material and spiritual values;

- *environmental agreement* – the technical and legal act which establishes the conditions for implementing a project or an activity from the environmental impact point of view;

- *environmental audit* – the procedure for obtaining information on the causes and consequences of cumulated past and anticipated negative effects, which is a part of the action for environmental impact assessment;

- *environmental detriment* – the deterioration of physical-chemical and structural characteristics of environment natural components, the diminishing of biological diversity and productivity of natural and anthropic ecosystems, the spoilage of ecological balance and of quality of life mainly caused by water, atmosphere, and soil pollution, the over-exploitation of resources, their inappropriate management and use, as well as by the improper territorial planning;

- *environmental impact assessment* – the quantification of the effects of human activities and of the natural processes on the environment, human health and safety, as well as of goods of any kind;

- *environmental monitoring* – a system for the surveillance, prediction, warning, and intervention, which is based on the systematic assessment of the dynamics of the environmental media qualitative characteristics for the purpose of perceiving the quality status and ecological meaning thereof, the evolution and social implications of the changes produced, followed by the appropriate measures;

- *environmental permit* – the technical and legal act which establishes the conditions and operating parameters for existent activities and for new ones, on the basis of the environmental agreement;

- *habitat* – the place or type of place where an organism or population naturally exists;

- *hazardous waste* – the toxic, inflammable, explosive, infectious, corrosive, radioactive waste, or others, which, when introduced or maintained in the environment, can cause damage to plants, animals, or humans;

- *ionizing radiation source* – a physical, natural entity, manufactured or used as an element of an activity which can generate exposure to radiation by emitting ionizing radiation or releasing radioactive substances;
- *natural monument* – species of rare or endangered plants and animals, isolated trees, geological formations and structures of a scientific or landscape interest;
- *natural resources* – the totality of natural elements of the environment that can be used in human activity: non-renewable resources – mineral and fossil fuels –, renewable resources – water, air, soil, flora, wild fauna –, and permanent resources – sun, eolian, geothermal, and tide energy;
- *nuclear activity permit* – the technical and legal act by which the competent regulatory authority authorizes the title holder of the activity to site, design, purchase, manufacture, produce, construct, transport, import, export, receive, locate, put into operation, possess, use, operate, transfer, remove, and have discretion over any ionizing radiation source, nuclear installation, or radioactive waste management facilities;
- *pollutant* – any solid, liquid, gaseous, or vapor substance, or form of energy (electromagnetic, ionizing, thermal, sound, or vibration), which, when introduced in the environment, modifies the balance of its components and of the living organisms and causes damage to material welfare;
- *potential ecological risk* – the probability of producing some environmentally negative effects, that can be prevented based on an assessment study;
- *prejudice* – the cost quantifiable effect of the damages on human health, welfare, or environment, caused by pollutants, damaging activities, or disasters;
- *protected area* – the geographically defined zone, with rare or a high percentage of natural elements, designated or regulated, and managed to achieve specific conservation objectives; it includes national parks, natural reservations, biosphere reservations, natural monuments, and others;

- *sustainable development* – the development that meets the present needs without compromising the possibility of future generations to meet theirs;
- *sustainable use* – the use of renewable resources in a way and at a rate that shall not lead to their long-term decline, thereby maintaining their potential in agreement with the needs and aspirations of present and future generations;
- *title holder of the project or activity* – the natural or legal person who proposes, possesses and/or manages an economic or social activity;
- *wastes* – the substances resulting from some biological or technological processes, which cannot be further used as such, some of which being reusable;
- *wetland* – an area of excessive humidity which includes marshes, flood areas, coasts, estuaries, and lagoons.

*APPENDIX No. II*

LIST

**with activities which are subject to the procedure for environmental impact assessment for the issuing of the environmental agreement and/or permit**

**1. Transports**

**1.1. Road traffic**

- a) highways;
- b) main roads with busy traffic;
- c) other main roads; all roads within protected areas;
- d) parkings for stationing (lands or buildings) for more than 300 cars;
- e) new public transportation lines.

**1.2. Rail traffic**

- a) new rail roads lines;
- b) other rail installations, including doubling or expanding of existing lines.

### 1.3. *Water navigation*

- a) harbour installations for ships belonging to public shipping companies;
- b) industrial harbours with fixed loading and unloading installations;
- c) recreation harbours with more than 100 places for mooring;
- d) navigable routes.

### 1.4. *Air navigation*

- a) airports;
- b) airdromes, with the exception of heliports;
- c) heliports in protected areas.

## 2. **Energy**

### 2.1. *Energy production*

- a) nuclear energy production installations (nuclear-power plants), self-sustained nuclear reaction installations (research reactors), installations for nuclear fuels extraction and production, and other installations generating ionizing radiation;
- b) thermal installations for the production of an energy of more than 10 MW;
- c) hydroelectric plants with a power of more than 1 MW;
- d) geothermal installations, including those which exploit the underground water heat;
- e) gas plants, coke plants, coal liquefaction installations;
- f) prospection, exploration and exploitation of oil, natural gas or coal, and of other mineral resources, including those from the sea.

### 2.2. *Energy transport and storage*

- a) installations of transport via pipes of liquid or gaseous fuels and combustibles;
- b) air wires and buried cables of high voltages, designed for 220 kV or more;
- c) tanks for gas, fuel, and combustible storage;
- d) coal and other mineral resources warehouses;
- e) building of transport means for hydrocarbons, dangerous substances, and hazardous waste.

## 3. **Hydrotechnical constructions**

- a) works for level regularization or for water drainage from natural lakes;
- b) hydrotechnical works, such as: embanking, corrections, installations for retention of dragged alluvial deposits or for protection against floods;
- c) sedimentary materials discharging into lakes;
- d) exploitation of gravel, sand, therapeutic mud, or other materials from lakes, water courses, or from underground water (with the exception of punctual extractions motivated by flood prevention);
- e) works of collection of underground and on-ground waters;
- f) works of coast areas planning and related natural resources exploitation;
- g) water supply wells deeper than 50 meters.

## 4. **Waste and packages removal**

- a) warehouses for temporary or permanent storage of hazardous and radioactive waste;
- b) radioactive waste processing and treatment installations;
- c) cemeteries;
- d) inert materials discharging and/or depositing;
- e) controlled, bioactive discharging;
- f) controlled discharging for stabilized waste;
- g) installations for waste sorting, treatment, recycling, or incineration;
- h) temporary storage for liquid, solid, or muddy waste;
- i) waste water treatment installations.

## 5. **National defence\***

- a) batteries, shooting and exercise grounds for the army;
- b) military airdromes;
- c) other installations belonging to the army, which can be integrated within one of the types of installations mentioned in the present appendix.

\* By observing the legislation from the national defence domain.

## 6. Sports, tourism, recreation

- a) cable railways and ski lifts (for turning to good account the new skiing slopes or new areas within the already existent skiing slopes, or for connection between them of different skiing slopes);
- b) running tracks for motor vehicles, for different sport activities;
- c) snow cannons;
- d) stadiums with fixed stands able to accommodate more than 20,000 spectators;
- e) amusement parks;
- f) green areas.

## 7. Industry

- a) aluminum plants;
- b) steel plants;
- c) nonferrous metals plants;
- d) installations for old metals pre-treatment and melting;
- e) installations for the synthesis of chemical products, including of heavy water;
- f) installations for chemical product transformation;
- g) warehouses for chemical product storage;
- h) explosive matters and ammunition plants;
- i) slaughter-houses and butcher's shops with an output of more than 5,000 tones per year;
- j) cement plants;
- k) glass plants with an output of more than 20,000 tones per year;
- l) pulp and paper plants;
- m) plants for extraction and transformation of binders and materials which contain binders;
- n) plants producing particle panels;
- o) wood processing installations;
- p) textile and leather products installations;
- r) dangerous substances and pesticides manufacture, trading, and using;
- s) oil, petrochemical, and chemical products depositing installations;

- t) industrial units for food and agrotechnical products manufacture;
- u) log squaring units.

## 8. Other works or installations

- a) land improvement made through works of art, as well as interventions on areas bigger than 200 ha, and/or accompanied by technical measures for agricultural purposes, such as agricultural land irrigations or draining on areas bigger than 20 ha, as well as general projects of land removing from agricultural use;
- b) gravel and sand pits and other works of extraction of materials not used with the view of energy production;
- c) constructions and installations for raising farm animals, with capacities bigger than:
  - 100 heads for beef cattle;
  - 500 heads for meat pigs;
  - 6,000 heads for egg-laying hens;
  - 6,000 heads of chicken for poultry;
  - 1,500 heads of turkeys;
- d) commercial centres;
- e) places of merchandise transshipment and distribution centres;
- f) fixed equipment for electrical or radioelectrical transmission of signals, images, or sound (only transmission equipment), with a power bigger than 500 kW;
- g) deforestation of forest vegetation outside the forest stock;
- h) piscicultural works;
- i) import and export of plants and animals from spontaneous flora and fauna;
- j) urban and territorial planning.

The list of activities for which the procedure for impact assessment is compulsory for the obtaining of the environmental agreement and/or permit shall be supplemented by the central environmental protection authority with any other new activity, not known at the date the list was drawn up.



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