

TM2 – Environmental quality

Environmental legislation – Environmental quality

## **Environmental legislation – Environmental quality**

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## Introduction

In the field of environmental protection, environmental policies, and consequently the implementing legislation, have evolved as a result of the problems determined by:

- the unsustainable way of using natural resources, production and consumption,
- the large amounts of waste generated from both industrial and domestic activities,
- scientific and economic advances that seek to diminish the previously listed negative effects.

Environmental protection is a major concern at international, regional and national level. Being part of the European Union (EU), Romania has shaped its environmental policies and legislation, in accordance with EU policies and legislation, but also taking into account national specifics.

There is therefore the problem of correctly establishing the hierarchy and correlation of normative acts (legislation) from the international level and the EU level with those from the national level. This aspect is essential in terms of establishing, applying and complying with environmental obligations, regardless of whether it is public authorities (national or local), legal entities (commercial companies, non-profit organizations, institutions) or natural persons.

## General legislative frame

In order to correctly understand the general legislative framework applicable in the management and protection of the environment, we remind you that the legislation that can intervene can be:

- international legislation in the form of treaties, conventions or agreements
- EU legislation in the form of regulations, directives and decisions
- national legislation in the form of laws (these being issued by Parliament), simple ordinances - OG, emergency ordinances - GEO, decisions - HG (these being issued by the Government) and orders - OM (these being issued by relevant ministries).

Being part of the European Union, Romania has the obligation to implement and comply with the binding EU legislations (regulations, directives and decisions). Of these, only directives require transposition into national legislation. The regulations and decisions have direct applicability, in the sense that their provisions are no longer transposed into national legislation (Decision, 1963).

Regarding international legislation, once Romania is part of such an international act, its provisions will become part of the national legislation only after its ratification, the Romanian state obliging itself to fulfill exactly and in good faith its obligations from the treaties to which it is a party (Constitution, 2003, art. 11). For example, Romania: has adopted Law no. 6 of 1991 for Romania's accession to the Basel Convention on the control of transboundary transport of

hazardous waste and their disposal (Law, 1991a) and adopted the amendments to this convention through Law 265 of 2002 (Law, 2002); has ratified the 1979 Convention on Long-Range Transboundary Air Pollution (CLRTAP), concluded in Geneva on November 13, 1979 by Law no. 8/1991 and the Convention on Persistent Organic Pollutants, adopted in Stockholm on May 22, 2001 by Law 261 of 2004 (Law, 2004).

These links were schematically concretized in the specialized literature (Rotaru & al., 2019, p. 1845) as shown in Figure 1.

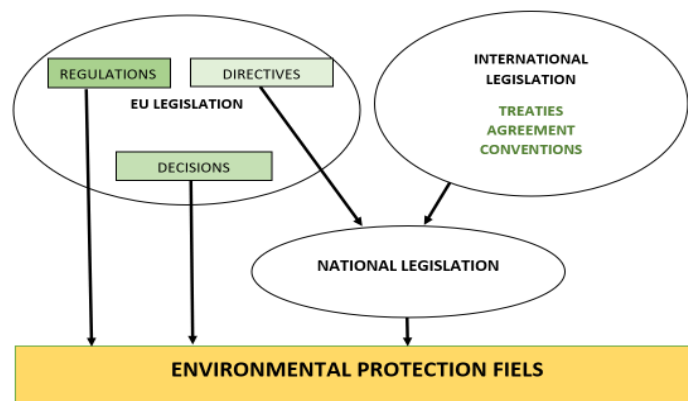


Figure 1. The environmental legislative connections between the national, EU and international legislation

### Emergency Government Ordinance no. 195 of 2005 on environmental protection

The national normative act that generally regulates environmental protection is, at the time of writing, GEO 195 of 2005 on environmental protection (Ordinance, 2005). The ordinance regulates in a general way, in distinct chapters, the main domaine of environmental protection: water (Chapter IX, art. 55-58), air and climate change (Chapter X, art. 59-64<sup>6</sup>), soil, subsoil and of terrestrial ecosystems (Chapter XI, art. 65-69) but also other aspects that have an effect on the environment: the regime of dangerous substances and preparations (Chapter III, art. 24-28), the waste regime (Chapter IV, art. 29-33 ) or the Regime of chemical fertilizers and plant protection products (Chapter V, art. 34-38).

These general provisions are supplemented by specific regulations found in special normative acts (art. 101 of GEO 195 of 2005).

### National Air Protection Legislation

The outdoor air protection is a challenge for all states and organizations involved in this, being closely related to climate change.

At the international level, the United Nations has adopted: the United Nations Framework Convention on Climate Change, signed in New York on May 9, 1992; The Paris Agreement on Climate Change, signed on April 22, 2016, which

is the first global agreement with binding legal force; The United Nations 2030 Agenda for Sustainable Development with its 17 Sustainable Development Goals. Romania adopted all these international acts, their provisions becoming mandatory (MAE, 2021).

At the EU level, Directive 2008/50/EC on ambient air quality and cleaner air for Europe (Directive, 2008) represents the regulatory framework for air protection. This directive was transposed at the national level by Law 104 of 2011 on ambient air quality (Law, 2011). Air pollution has as its main source human activity, so effective protection and prevention of pollution can be done through specific regulations regarding this sources of pollution. The national legislation, which transposes the European directives in the field, without exhausting the enumeration, is:

- Law no. 104 of 2011 for the provisions of Directive 2004/107/EC regarding arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in the ambient air (Directive, 2004);
- Law no. 188 of 2018 on the limitation of air emissions of certain pollutants from medium combustion plants (Law, 2018a) which transposes the provisions of Directive 2015/2193 on the limitation of atmospheric emissions of certain pollutants from medium combustion plants (Directive, 2015) ;
- Law no. 293 of 2018 on the reduction of national emissions of certain atmospheric pollutants (Law, 2018b), which transposes the provisions of Directive 2016/2284 on the reduction of national emissions of certain atmospheric pollutants (Directive, 2016);
- Law 278 of 2013 on industrial emissions (Law, 2013), which transposes the provisions of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (prevention and integrated control of pollution) (Directive, 2010).

## National legislation on water protection

The protection of water (both in terms of its quality and quantity) is one of the priority topics on the agenda of a large number of public institutions, not only at the EU level, but also at the world and, as well, at the national, regional and local level (Report, 2014, p.10). As shown by Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community water policy, water is not just any commercial good, but a heritage that must be protected, defended and treated as such (Directive, 2000). At the EU level, there are numerous regulations regarding the protection of water sources, the vast majority of them in the form of directives, which have also been transposed at the national level as follows:

- Law 107 of 1996 on water protection (Law, 1996), which transposes Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community water policy
- GD no. 188 of 2002 for the approval of some rules regarding the conditions for discharging wastewater into the aquatic environment (Decision, 2002a), which transposes the Council Directive of May 21, 1991 regarding

the treatment of urban waste water (Directive, 1991). The Government Decision includes: in annex no. 1 - Technical norms regarding the collection, purification and evacuation of urban wastewater, NTPA-011; in annex no. 2 - The regulation regarding the conditions for the discharge of waste water into the sewage networks of the localities and directly into the treatment plants, NTPA-002/2002 and, in annex no. 3, Normative regarding the establishment of pollutant loading limits of industrial and urban wastewater when discharged into natural receivers, NTPA-001/2002.

- GD no. 53 of 2009 for the approval of the National Groundwater Protection Plan against pollution and damage (Decision, 2009) and Order no. 621 of 2014 on the approval of threshold values for groundwater bodies in Romania (Ordin, 2014), both transposing Directive 2006/118/EC on the protection of groundwater against pollution and deterioration, known as the "Groundwater Directive" ( Directive, 2006).
- GD no. 570/2016 on the approval of the Program for the gradual elimination of discharges, emissions and losses of priority hazardous substances and other measures for the main pollutants (Decision, 2016) which transposes the provisions of Directive 2008/105/EC on environmental quality standards in the field of water, known under the name "Directive on environmental quality standards" (Directive, 2008b).

For the quantitative protection of water, the provisions of Regulation (EU) 2020/741 of the European Parliament and of the Council of 25 May 2020 regarding the minimum requirements for water reuse (Regulation, 2020) are relevant, provisions that apply directly, without requiring transposition. This regulation was necessary from the perspective of water scarcity and drought in the European Union, and not only, mainly aiming at the safe use of reclaimed water for irrigation in agriculture. The regulation will apply starting from June 26, 2023.

The use of chemicals has a negative impact on water quality. That is why, at the EU level, Regulation (EC) no. 1907/2006 on the registration, evaluation, authorization and restriction of chemical substances (REACH) (Regulation, 2006), through which the use of these substances is strictly regulated so as to reduce as much as possible the negative effect on the aquatic environment (including sedimentary), terrestrial and atmospheric.

## National soil protection legislation

The importance of soil is often neglected. Among its multiple roles, soil "plays a central role as habitat and genetic heritage, as it hosts 25% of the world's biodiversity, provides essential ecosystem services for local and global communities, such as providing food and raw materials, regulating climate through carbon sequestration, water purification, nutrient regulation or pest control, serves as a basis for human activity and contributes to flood and drought prevention" (Resolution, 2021, pc. D).

Legislatively, soil protection is mainly connected to its use in the main areas of activity that have an impact on it: agriculture and the extractive industry, but also to a correct waste management, from the perspective of their storage and disposal.

The EU regulations that are transposed into national law are:

- Council Directive 86/278/EEC of June 12, 1986 on the protection of the environment, especially the soil, when sewage sludge is used in agriculture which is transposed by means of the Joint Order MMGA and MADPR no. 344/708/2004 for the approval of the Technical Norms regarding the protection of the environment and especially of soils, when sewage sludge is used in agriculture (Ordin, 2004).
- Directive 2009/128/EC of the European Parliament and of the Council of October 21, 2009 establishing a framework for community action for the sustainable use of pesticides, transposed through GEO no. 34 of June 27, 2012 for establishing the institutional framework for action for the purpose of the sustainable use of pesticides on the territory of Romania (Ordinance, 2012). The effects of pesticides are found not only on the quality of the soil but also on the quality of water and drinking water sources and especially on human health considering the real exposure (acute and chronic) to multiple plant protection products, along with the cumulative and synergistic effects. Another major negative effect of pesticides is on bees and other pollinators, with secondary effects on human health, in the case of honey bees, but also on biodiversity and agricultural production.

Related to the protection of the soil but also the protection of water sources, we mention:

- GD no. 964 of 2000 on the approval of the Action Plan for the protection of waters against nitrate pollution from agricultural sources (Decision, 2000), which ensures the transposition of Council Directive 91/676/EEC of December 12, 1991 on the protection of waters against nitrate pollution from agricultural sources from agricultural sources, known as the "Nitrates Directive".
- The Code of Good Agricultural Practices of March 2, 2021 for the protection of waters against nitrate pollution from agricultural sources (Code of Good Practices, 2021).

From the perspective of economic activities that have a potential soil contamination impact, Law no. 74 of 2019 on the management of potentially contaminated and contaminated sites contains in Annex 1 a List of anthropogenic activities with potential for soil contamination (Law, 2019). In addition to the provisions of the law, the Methodology for the investigation of potentially contaminated and contaminated sites was issued, approved by the MMAP/MLPDA Joint Order no. 1,423/3,687/2020 (Order, 2020).

## Conclusions

Protection of air, water and soil cannot be strictly delimited. Pollution, a negative effect usually resulting from human activity, can include all components of the natural environment. Thus, air pollution, through rains, can produce water or soil pollution. Also air pollution, having effects on flora and fauna, can lead to the degradation of biodiversity and soils. Soil pollution has the negative effect of biodiversity loss and water pollution. The examples can go on.

The most integrated approach to these aspects can be found in the current 2030 Agenda for sustainable development, which through the 17 sustainable development objectives and their 169 related targets, seeks to ensure the balance between the three dimensions of sustainable development: economic, social and environment (Agenda, 2030).

The relatively simple approach, in the context of this presentation, of the regulations regarding the protection of air, water and soil is determined by the establishment of a minimum knowledge of the legislation in force and an understanding of its importance, through the prism of the activities that can be carried out in rural areas.

Starting from them, each of the members of the rural communities can access or request more information that will allow them to know more deeply the obligations of natural persons, legal persons or local public authorities.

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