

TM 4. Waste management in rural communities

Legislative framework for waste management

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1. Introduction	3
2. National legislation regarding waste management	4
2.1. <i>Obligations regarding general waste management</i>	<i>6</i>
2.1.1. Obligations regarding the selective collection of waste	6
2.1.2. Obligations regarding reuse, recycling, recovery of waste	9
2.1.3. Sanitation services.....	11
2.2. <i>Obligations deriving from the specific activity.....</i>	<i>12</i>
2.2.1. Obligations deriving from the specific activity of the mayors	14
2.2.2. Obligations at the conclusion of concession and rental contracts	14
3. Regulations and obligations addressed to legal entities	15
3.1. <i>Classification and coding of waste</i>	<i>15</i>
3.2. <i>Waste management records and traceability.....</i>	<i>16</i>
3.3. <i>Selective/separate collection.....</i>	<i>16</i>
3.4. <i>Steps in waste management according to GEO 92 of 2021</i>	<i>19</i>
3.5. <i>Other obligations.....</i>	<i>19</i>
4. Regulations and obligations addressed to natural persons.....	20
4.1. <i>Obligations and sanctions established by GEO 92 of 2021 regarding waste management.....</i>	<i>21</i>
4.2. <i>Obligations and sanctions established by Law 101 of 2006 of the local sanitation service</i>	<i>22</i>
4.3. <i>Obligations and sanctions established by Law 249 of 2015 regarding the management of packaging and packaging waste.....</i>	<i>22</i>
4.4. <i>Obligations and sanctions established by GEO 5 of 2015 regarding electrical and electronic equipment waste</i> <i>22</i>	
4.5. <i>Obligations and sanctions established by HG 1132 of 2008 regarding the regime of batteries and accumulators and battery and accumulator waste</i>	<i>23</i>
4.6. <i>Obligations and sanctions established by Law 181 of 2020 on the management of non-hazardous compostable waste.....</i>	<i>23</i>
5. References.....	23

1. Introduction

In the field of waste, environmental policies, and consequently the implementing legislation, have evolved as a result of the problems determined by the unsustainable way of production and consumption, the generating of large amounts of waste to which and their non-compliant management, but also as a result of scientific and economic progress. Being part of the European Union (EU), Romania has shaped its environmental policies and legislation, including in the field of waste, in accordance with EU policies and legislation, but also taking into account national specifics. Among the 8 Environmental Action Programs (EPA) that had a greater impact in terms of waste management, we mention:

- PAM 6 (2002-2012), which had among the priority areas of action: conservation of natural resources and waste management (Decision, 2002, art.1). During this program, Directive 2008/98/EC of the European Parliament and of the Council of November 19, 2008 on waste was also developed, which is the current basis of waste legislation in all EU member states (Directive, 2008, p. 3-30)

- PAM 7 (2013-2020), which in the second priority action objective states that the achievement requires the full implementation of the Union legislation in the field of waste. "That implementation includes the application of the waste hierarchy in accordance with the Waste Framework Directive and the effective use of market-based and other instruments and measures to ensure that:

(1) landfilling is limited to residual waste (which cannot be recycled or recovered), given the deferrals provided for in Article 5(2) of the Landfill Directive;

(2) energy recovery is limited to non-recyclable materials, considering Article 4(2) of the Waste Framework Directive;

(3) recycled waste is used as a major and reliable source of raw materials for the Union, through the development of non-toxic material cycles;

(4) hazardous waste is managed safely and its generation is reduced;

(5) illegal shipments of waste are eradicated, against the background of very strict monitoring; and

(6) food waste is reduced" (Decision, 2013, p.186).

But also at the international level there are concerns regarding an integrated waste management, concerns materialized through the adoption of international acts (treaties, conventions, agreements) to which Romania is a party, either as an individual state or as a member of the EU, thus assuming compliance obligations stipulated therein. For example, we mention: Basel Convention (1989) regarding the control of the transboundary transport of hazardous waste and their disposal (Convention, 1989); Geneva Amendments (1995) to the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Amendment, 1995; Amendment, 1998).

It is thus obvious that the implementation of environmental policies, regardless of the level at which they were developed, requires the development of a legislative framework that determines behaviors that will have the effect of reaching the established objectives and targets.

The way to correctly establish the hierarchy and relation of normative acts (legislation) from the international level and the EU level with those from the national level is presented in *TM2 – Environmental Quality, 2.2. Environmental legislation – environmental quality*.

2. National legislation regarding waste management

GEO 195 from 2005, within Chapter IV of the Waste Regime, shows that the obligations regarding waste management are found both in specific legislation but also in EU regulations and "international agreements and conventions to which Romania is a party" (Ordinance, 2005, art. 32-33).

Legislation specific to waste starts with the provisions of GEO 92 of 2021 on the waste regime (Ordinance, 2021), which transposes the provisions of Directive 98/2008, with all its amendments and additions. Other normative acts are added to this normative act which:

- develop the general regulations within GEO 92 of 2021 (for example: packaging waste, compostable non-hazardous waste, electrical and electronic equipment waste, etc.) and/ or,
- bring new regulations on waste excluded from the scope of GEO 92 from 2021 (for example: radioactive waste, waste resulting from the activities of prospecting, extraction, treatment and storage of mineral resources, carcasses of animals that died in any other way than by sacrifice, etc.).

Most regulations target three different categories of participants in the waste management process: public authorities (at national or local level), legal entities and natural persons.

Due to the complexity and intercorrelation of the various normative acts, and considering the specifics of the project in which this teaching material was developed, we consider it useful to present the legislation grouped and to explain the obligations in the three previously identified categories: the obligations of the local public administration, the obligations of legal entities and the obligations natural persons.

Where the intercorrelation also concerns regulations issued at the international or EU level, the normative act is identified and the explanations will be found in the chapters dedicated to these types of regulations.

The general feature of the waste management legislation consists in the priority applied hierarchy, both within the specific policy and within the waste management legislation, which is:

- prevention of waste generation;
- waste preparation for reuse;
- waste recycling;
- carrying out other waste recovery operations, such as energy recovery;
- disposal of waste (Ordinance, 2021, art. 4, paragraph (1)).

3. Regulations and obligations addressed to local public authorities

Local public administration authorities (LPA) are identified in art. 121 of the Romanian Constitution, these being the elected local councils and elected mayors, authorities that have autonomy in solving public affairs (Constitution, 1991). The details of the general obligations of these authorities can be found in the Administrative Code (Ordinance, 2019) within Part III, Local Public Administration (art. 75 - 248).

From a waste management perspective, there are different obligations for each of the previously identified authorities. The approach to the presentation of the obligations will always be made starting from the provisions of the general normative act - GEO 195 of 2005 on environmental protection - followed by their completion from the perspective of GEO 92 of 2021 and continuing with the other obligations existing in special normative acts.

Starting from the provisions of art. 90 of GEO 195 of 2005 on environmental protection, which establishes general obligations, and taking into account the provisions:

- The Administrative Code that includes obligations regarding the environment, both for the local council (art. 129) and for the mayors (art. 155),
- GEO 92 of 2021 on waste management,

we consider that the obligations of local public authorities can be grouped into three categories as follows: (i) general obligations regarding waste management, (ii) obligations with effect in waste management deriving from the activity

of issuing normative (HCL) and administrative acts, and from the conclusion of contracts and (iii) obligations regarding the establishment of environmental policies or waste management. These last obligations will be treated separately, in the general context of the recommendations for environmental policies.

2.1. Obligations regarding general waste management

In general, LPA must respect and "ensure the local implementation of the obligations regarding waste management assumed by the Treaty of Accession of Romania to the European Union and for compliance with the provisions of international conventions and treaties to which Romania is a signatory" (Ordinance, 2021, art. 60, paragraph 1 pc.A, letter a));

2.1.1. Obligations regarding the selective collection of waste

The separate or selective collection of waste is one of the current concerns at the Union level. Through the transposition of EU legislation and its implementation, one of the main obligations of LPA in the concrete implementation of waste management, consists in the fact that it must ensure "separate collection, transport, neutralization, valorization and final disposal of waste, including hazardous household waste, according to of the legal provisions in force" (Ordinance, 2021, art. 60, paragraph 1 pc. A, letter g).

Regarding selective collection, GEO 92 of 2021:

1. by art. 60, paragraph 1 pc. A, lit. h), imposes on LPAs the obligation to:

- offers the population the opportunity to get rid of different types of waste free of charge (paper and cardboard, glass, metal, plastic materials, wood, textiles, packaging, electrical and electronic equipment, battery and accumulator, mattresses and furniture),
- ensure the necessary spaces for the separate collection of waste, taking into account the urban regulations and those issued by the Ministry of Health,
- equip the spaces, previously identified, with specific containers for each type of waste, and

2. corroborating with the provisions of art. 10 para. (2) of **GEO 5 of 2015 on waste electrical and electronic equipment** (WEEE) (Ordinance, 2015) imposes on LPAs the obligation to establish collection centers for WEEE from private households and to ensure periodic collection of WEEE from at private households. Failure to comply with this obligation is sanctioned with a contravention fine of 10,000 To 20,000 RON.

As a method of achieving a high level of separate collection and collection of WEEE from private households, APL has the obligation to establish a public WEEE collection service (Ordinance, 2015, art. 9 para. (1)) organized according to Law no. 51 of 2006 of community services of public utilities (Law, 2006a).

Failure to comply with this obligation can be sanctioned as a contravention with a fine from 40,000 to 50,000 RON (Law, 2006, art. 43, paragraph (1), letter c).

The selective collection of **construction waste**, also known as inert waste, involves two complex categories of obligations for LPA:

- the organization, management and coordination of the waste collection activity from construction works for which it is not necessary to issue a construction/decommissioning authorization according to art. 11 in conjunction with art. 3 of Law 50 of 1991 regarding the authorization of the execution of construction works (Law, 1991b).
- the organization, management and coordination of the waste collection activity from abandoned construction works in their administrative territory.

When a construction permit is required, the obligations belong to the holder of the construction/demolition permit (art. 17 par. 4 of GEO 92 of 2021). We will develop these obligations in the section regarding to legal and natural persons obligations.

A large amount of waste is represented by **municipal waste**. According to GEO 92 of 2021, municipal waste is defined as waste and separately collected waste from households, which add mixed waste and separately collected waste from other sources, where such waste is similar in nature and composition to waste from households. However, the following types of waste are NOT included in this category: waste from production, agriculture, forestry, fishing, septic tanks and sewage network and treatment, including sewage sludge, end-of-life vehicles or construction and demolition waste (Annex 1, pc. 13 of GEO 92 of 2021). It is clearly specified that the definition of municipal waste, established by GEO 92 of 2021, is applicable to all situations and to all those responsible for waste management, even if these responsibilities are shared between public and private actors.

Following the amendments made to Directive 98 from 2008, through transposition, GEO 92 from 2021 establishes for LPA the obligation to organize the separate collection and recycling at source of **bio-waste** or their separate collection, without mixing them with other types of waste, until December 31, 2023 (art. 33 of GEO 92 of 2021). By definition, 'bio-waste' means biodegradable garden and park waste, food and kitchen waste from households, offices, restaurants, wholesale, canteens, caterers and retail premises and comparable waste from food processing plants (pc.3 din Anexa 1 la OUG 92 din 2021). The definition is completed with: (i) the provisions of Regulation no. 178/2002 establishing the principles and general

requirements of food legislation, establishing the European Food Safety Authority and establishing procedures in the field of food safety that have become waste and with (ii) the provisions of art. 2 para. (2) letter a) of GEO 92 of 2021 regarding the exclusion of by-products of animal origin, including processed products that fall under Regulation (EC) no. 1069/2009.

The bio-waste regulations are supplemented by the provisions of Law 181 of 2020 on the management of compostable non-hazardous waste (Law, 2020). The law required LPA, previously even GEO 92 of 2021, "to implement the system of separate collection of biodegradable waste, ... and to encourage individual composting in rural households" (art. 1 para. (3), Law 181 of 2020). Since APL ensures and is responsible for the separate collection of materials or waste intended for composting/anaerobic digestion (art. 4. para. (3) point (ii), Law 181 of 2020), failure to comply with this obligation is punishable by a fine of 5,000 to 15,000 RON.

The EU Commission, by means of non-binding acts - namely communications - makes available to the community various information on the management of biological waste, including the estimated financial costs of the management of biological waste (Communication, 2008; Communication, 2010).

The provisions of Law 249 of 2015 on the way of managing packaging and packaging waste are also relevant to the selective collection of waste that can fall into the bio-waste category (Law, 2015). For packaging that has the property of being biodegradable (Annex 2, pc.3, letters c) and d)), starting from 2025, "the amount that enters aerobic or anaerobic treatment can be considered as being recycled if the treatment generates compost, digestate..." (art. 15⁶, Law 249 of 2015).

For the correct management of packaging waste, both the legal definition of packaging (Annex 1 to Law 249 of 2015) and that of waste (Annex 1 to GEO 92 of 2021) must be known. After the separate collection of packaging waste, the administrative-territorial units/administrative-territorial subdivisions of the municipalities have the obligation, under penalty of a contravention fine from 20,000 To 40,000 RON, to:

- organize, manage and coordinate, personally or through the intercommunity development associations of which they are a part, the activity of material and energy recovery of the flow of packaging waste from municipal waste together with municipal waste from the same materials (art. 20, para. 5), letter a));
- establish the concrete method of selling waste with market value and the method of covering the costs for collection and transport services, temporary storage and sorting, provided by the

sanitation operator/operators depending on the value of the secondary raw materials sold and the net costs for management of packaging waste from municipal waste (art. 20, paragraph (5), letter c));

Special attention is paid to **hazardous waste**. If the previous regulations regarding the management of hazardous waste mainly targeted the legal entity producing or owning such waste, now, according to art. 30 of GEO 92 of 2021, "until January 1, 2025, the local public administration authorities of the administrative-territorial units or, as the case may be, the administrative-territorial subdivisions of the municipalities, respectively their inter-community development associations must organize the separate collection of the fraction of hazardous waste originating from households, to ensure that it is treated ... and does not contaminate other municipal waste streams". Failure to comply with this obligation is punishable by a contravention fine from 5,000 To 15,000 RON. Moreover, LPAs are obliged to ensure "the necessary spaces for the separate collection of hazardous waste from the population" (art. 60, paragraph (1), letter i)).

The category of hazardous waste also includes **batteries and accumulators waste**. The normative act that regulates the obligations regarding the management of this waste is GD 1132 of 2008 regarding the regime of batteries and accumulators and battery and accumulator waste. Article 9 stipulates the obligation of LPA to take the necessary measures to "optimize the separate collection of waste batteries and accumulators in order to minimize the disposal of batteries and accumulators as unsorted municipal waste, in order to achieve a high level of recycling" (Decision, 2008).

Explanations on the classification of hazardous waste or the establishment of such properties can be found in the section dedicated to the obligations of legal entities.

2.1.2. Obligations regarding reuse, recycling, recovery of waste

I mentioned that prior to the disposal stage, the following stages are applicable to waste management: preparation of waste for reuse; waste recycling; carrying out other waste recovery operations, such as energy recovery.

LPAs are not exempt from obligations in this regard. GEO 92 of 2021 establishes phased obligations as follows:

- achieving the level of preparation for reuse and recycling of at least 50% of the total mass generated, at least for paper, metal, plastic and glass waste coming from household waste or, as

the case may be, from other sources, to the extent that these waste streams are similar to household waste;

- achieving a minimum level of preparation for reuse and recycling of municipal waste:
 - 50% of the mass of municipal waste until 2025;
 - 60% of the mass of municipal waste until 2030;
 - 65% of the mass of municipal waste until 2035;

The rules for calculating these percentages are complex and are regulated by GEO 92 of 2021 in art. 19, which can be corroborated with the provisions of art. 14 and art. 15-15¹⁵ of Law 249 of 2015 which establishes the annual, national objective of:

- recovery or incineration in incineration plants with energy recovery - minimum 60% of the weight of packaging waste and,
- recycling of packaging waste - minimum 55% of the total weight of packaging materials contained in packaging waste. The annual objective sets minimum values for the recycling of each type of material contained in packaging waste. Thus, for the year 2022 the minimum values are:
 - 60% by weight for glass;
 - 60% by weight for paper/cardboard;
 - 50% by weight for ferrous metals;
 - 20% by weight for aluminum;
 - 15% by weight for wood;
 - 22,5% by weight for plastic, considering only recycled material in the form of plastic.

These values increase, in stages, in the years 2023, 2024, 2025 and 2030. Local public institutions and economic operators that collect and/or receive packaging waste for recovery are obliged to annually provide data on their own activities regarding packaging management and of packaging waste and assume responsibility for the data provided (art. 17, Law 249 of 2015).

An important aspect of selective collection is given by art. 9, para. (1), lit. p) from GEO 196 of 2005 regarding the environmental fund. Thus, the failure to meet the annual objective of reducing the quantities of waste eliminated by storage from municipal waste, with the percentage provided in annex no. 6 to GEO 196 from 2005, obliges the administrative-territorial units to pay a contribution of 50 RON/ton. Payment is

made for the difference between the amount corresponding to the annual objective and the amount actually entrusted for recycling and other forms of recovery. For the administrative-territorial units or, as the case may be, the administrative-territorial subdivisions of the municipalities that have not organized the public sanitation service, the contribution is calculated for the entire amount of municipal waste estimated to be generated according to the indices provided for in the National Waste Management Plan, respectively of 233 kg/inhabitant/year in the urban communities and 105 kg/inhabitant/year in the rural communities (Ordinance, 2005b).

2.1.3. Sanitation services

The sanitation service can be performed under direct or delegated management. Regardless of the management method adopted, the specific activities of the sanitation service are organized and carried out on the basis of a regulation of the service and a specification, approved by decisions of the deliberative authorities of the administrative-territorial units or of the intercommunity development association, according to art. 12 para. 3 of Law 101 of 2006 (Law, 2006b).

Because the vast majority of deliberative authorities (local councils) choose to delegate the management of this service, we will mainly refer to this way of performing the sanitation service.

Sanitation service contracts are applicable, in addition to the provisions of Law 51 of 2006 on community public utility services (Law, 2006a) and the provisions of Law no. 101 of 2006 regarding the local sanitation service, (Law, 2006b), together with those of GEO 92 of 2021.

When awarding sanitation services, respecting the legal provisions in the field of public procurement (Law, 2016), LPA, in the specifications and in the sanitation service management delegation contracts, must:

- to include separate tariffs for the management of waste that must be collected separately (paper, metal, plastic and glass waste) and for those that will be collected separately and outside of those that are minimally required to be collected;
- to establish and include performance indicators for each activity within the sanitation service, so as to reach the provided recycling objectives and the penalties for not achieving the indicators;
- to establish the bearing of the contribution for the circular economy for the quantities of municipal waste intended to be stored that exceed the quantities corresponding to the performance indicators provided for in the contracts for the delegation of the management of the sanitation service;

With regard to public procurement contracts, regarding the inclusion of environmental protection and waste prevention criteria, the Green Public Procurement Handkook (Handbook, 2016) or the EU Green Public Procurement Criteria by product category can be consulted (Criteria, 2016).

According to the principle of transparency, but also as fulfillment of the obligation provided for in GEO 92 of 2021, the LPA must ensure "informing residents by appropriate means and by posting on its own website about:

- the method of selecting waste in households and throwing waste in specially designed spaces
- the waste collection schedule, by types and categories;
- the method of managing hazardous waste generated in households;
- the results of the selective collection of waste, by category, and their recovery" (Ordinance, 2021).

2.2. Obligations deriving from the specific activity

2.2.1. Obligations of local Councils deriving from the specific activity

The local council, as a deliberative authority, has the initiative and decides on all issues of local interest in which it has jurisdiction, as they are regulated in the Administrative Code and in all normative acts aimed at environmental protection, including waste management.

At art. 129 of the Administrative Code, the following powers of the local council can be found:

- ensures the protection and restoration of the environment (par. 7 letter i) and ensures compliance with the commitments assumed by Romania, as a member state of the European Union, in the field of environmental protection and water management for the services provided to citizens (para 4 letter g).
- ensures the necessary framework for community services of public utilities of local interest (par. 7 letter n);
- establishes and approves local taxes and fees (par. 4 letter c);
- decides on the administration, concession, rental or free use of public property of the commune, city or municipality, as well as public services of local interest (par. 6 letter a);
- decides on the sale, administration, concession, free use or lease of assets privately owned by the commune, city or municipality (par. 6 letter b);

In exercising its powers, the local council adopts decisions, with an absolute or simple majority. For example, apart from those already presented, in the practical application of these attributions we show that:

- art. 6 para. (1) of Law 101 of 2006 states that "The deliberative authorities of the administrative-territorial units/sectors of the municipality of Bucharest have exclusive powers in terms of the establishment, organization, management, coordination and assignment of the sanitation service of localities", listing at least 18 attributions in the field;
- art. 24 para. (4) of Law 101 of 2006 states that "The deliberative authorities of the administrative-territorial units, together with the mayors and presidents of the county councils, as the case may be, as executive authorities and signatories of the management delegation contracts, are responsible for ensuring the service sanitation of localities and monitor the operator's compliance with the service quality indicators, the contractual clauses and the legislation in force regarding the sanitation service".
- in GEO 92 of 2021 it is stated in art. 17 para. (5) lit. i) that the APL must "establish and approve for the beneficiaries of the sanitation service separate tariffs/fees for the management of the waste minimally provided for selective collection, respectively for the management of the other types of waste, as well as the sanctions applied in case the beneficiary of the service does not separate in correspondingly the two waste streams". Corroborating the previous provisions, art. 30 para. (3) from Law 101 of 2006 we state that: "It constitutes a contravention and is sanctioned with a fine from 5,000 to 15,000 RON the non-compliance by local public administration authorities with the obligation to establish special fees for users who refuse to conclude service contracts with sanitation operators."
- in GEO 92 of 2021 it is stated in art. 60 para. (2) that APL "approves, through decisions of the local/county/general council, the necessary measures to prohibit abandonment, uncontrolled dumping of waste or management not in accordance with the waste hierarchy".
- in Law 249 of 2015, in art. 20 para. 7 lit. c) it is stated that APL must "establish the concrete way of selling waste with a market value and the way of covering the costs for the collection and transport, temporary storage and sorting services provided by the sanitation operator/operators according to the counter value of secondary raw materials sold and net costs for managing packaging waste from municipal waste;"

2.2.1. Obligations deriving from the specific activity of the mayors

Administrative Code at art. 154 - The role of the mayor, shows that he "ensures ... the implementation of the laws, the decrees of the President of Romania, the ordinances and decisions of the Government, the decisions of the local council.". Thus, the mayor's activity is limited by the general legal provisions but also by the regulations issued by the local council.

Having executive authority, the mayor manages public institutions of local interest, as well as public services of local interest. Regarding the public sanitation service, Law 101 of 2006 states that it is a "contravention and is sanctioned with a fine from 10,000 to 30,000 RON if the mayor does not follow through on the preparation of the draft regulation and the specific specifications of the service" (art. 30, paragraph (2)).

Also, the mayor is the one who issues the notices, agreements and authorizations given in his competence by law, after verification and certification by the specialized departments from the point of view of regularity, legality and fulfillment of technical requirements (art. 155 para. (4), letter g) of the Administrative Code). GEO 92 of 2021 makes, in this sense, a reference to the issuance of the authorization for the construction/demolition of constructions.

Also within the provisions of GEO 92 of 2021, the mayor is responsible for appointing a person from among his own employees to follow up and fulfill the legal obligations regarding waste management provided by the legislation in force (art. 60, paragraph (1), letter f)). This obligation is consistent with the provisions of GEO 195 from 2005 which establishes as a contravention, punishable by a fine from 30,000 to 60,000 RON, non-compliance with the "obligations of the local public administration authorities to have specialized personnel for the protection of the environment and to collaborate for this purpose with the authorities for environmental protection" (art. 96, par. (2), pc. 9).

2.2.2. Obligations at the conclusion of concession and rental contracts

At art. 318 of the Administrative Code, it is stated that when awarding concession contracts for public property, environmental protection is one of the award criteria. Moreover, the contract for the concession of public property must also include contractual clauses regarding the division of environmental responsibilities between the grantor and the concessionaire (art. 324, paragraph (4)). These provisions also apply in the case of private property of administrative-territorial units (art. 362).

Similarly, in the case of lease contracts of public property:

- "the contracting authority has the right to impose, within the award documentation, ..., special conditions for the performance of the contract that aim to achieve social effects or in relation to the protection of the environment and the promotion of sustainable development" (art. 334 , paragraph (4));
- among the criteria for awarding the rental contract is the protection of the environment (art. 340, paragraph (1), letter c).

These provisions also apply in the case of private property of administrative-territorial units (art. 362).

3. Regulations and obligations addressed to legal entities

GEO 92 of 2021 contains provisions on waste management that address either all legal entities or only those that carry out certain activities such as: waste collection, waste transport, recycling and waste recovery.

The general obligation for all legal entities is that of selective collection, in order to go through the stages of reuse, recycling or recovery and only after that, if none of the previous stages can be carried out, disposal by storage.

3.1. Classification and coding of waste

The selective collection obligation is combined with the obligation to classify and code the waste generated from one's own activity (art. 8 paragraph (1)), followed by the preparation of a list of them. The classification and codification is done in accordance with the provisions of EU Decision No. 532 of 2000 establishing a list of waste (Decision, 2000) and Annex 3 to Directive 98 of 2008 (Directive, 2008a).

For the classification and coding of waste are applicable, along with EU Decision no. 532 of 2000 and Annex 3 to Directive 98 of 2008, and:

- Regulation no. 1907/2006 of the European Parliament and of the Council of 18 December 2006 on the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) (Regulation, 2006b),
- Regulation (EC) no. 1.272/2008 of the European Parliament and of the Council of 16 December 2008 on the classification, labeling and packaging of substances and mixtures (Regulation, 2008),

- Regulation (EC) no. 1.013/2006 of the European Parliament and of the Council of 14 June 2006 on waste transfers (Regulation, 2006a).

The steps for the correct identification of the code attributed to each type of waste generated, in order to correctly establish their management, as well as the connection between all the previously listed normative acts are very well explained in the Commission Communication on technical guidelines regarding the classification of waste (Communication, 2018).

Regarding the obligation to correctly classify a waste in the corresponding code, the contravention penalty of a fine from 20,000 to 40,000 RON is applicable for non-compliance:

- the classification and codification of waste
- carrying out and possessing a characterization of hazardous waste generated from one's own activity and of waste that can be considered hazardous due to its origin or composition and if it presents one or more of the properties provided in Annex no. 4/Annex 3 to Directive 98 of 2008.

3.2. Waste management records and traceability

The obligation to keep records, chronologically, monthly and in tabular form, of hazardous or non-hazardous waste generated from one's own activity, is derived from the provisions of art. 8 and 48 par. (1) of GEO 92 of 2021. We emphasize that HG 856 of 2002 regarding waste management records and for the approval of the list containing waste, including hazardous waste (Decision, 2002b) is not repealed, but among its provisions, only the record models can be used of waste management found in Annex 1. The record keeping period is at least 3 years for all waste producers, with the exception of economic operators carrying out transport activities, for which the record keeping period is at least 12 months.

Ensuring traceability is done from the place of waste generation to its final destination, and is corroborated with the waste management record information contained in art. 48 of GEO 92. The elements of traceability, which means "the characteristic of a system to allow the history, use or location of a waste to be found through registered identifications" (Annex 1, pc.33 of GEO 92 of 2021) can be found in the requirements regarding the records, contained in art. 48 of GEO 92 of 2021.

3.3. Selective/separate collection

Regarding selective collection, art. 16 para. (1) of GEO 92 of 2021, requires including the non-mixing of waste or materials with different properties and the possession of "spaces specially arranged for the

storage of waste in conditions that guarantee the reduction of the risk to human health and the deterioration of the quality of the environment" (art. 15, paragraph (3)).

The selective/separate collection obligations are found in various normative acts, of which we mention :

1. GEO 92 from 2021, at:

- art. 17 para. (3), which obliges waste producers and holders of waste to introduce "separate collection at least for paper, metal, plastic and glass, and by January 1, 2025 also for textiles";
- art. 17 para. (4), which obliges the holder of the construction/demolition authorization to "establish sorting systems for waste from construction and demolition activities, at least for wood, mineral materials - concrete, brick, sandstone and ceramics, stone, metal, glass, plastic and gypsum for their recycling/reuse on site",
- art. 27 para. (1), which imposes a collection of hazardous waste "according to the physico-chemical properties, compatibilities and nature of the extinguishing substances that can be used for each category of waste in case of fire" to all producers and holders of hazardous waste, including "economic operators authorized from the point of view of environmental protection to carry out activities of collection, transport, storage and treatment of hazardous waste";
- art. 31 para. (1), which requires the separate collection, including by characteristics, of used oils, showing that existing good practices must be taken into account in this regard. Regarding the separate collection method, the containers must be tightly closed, resistant to mechanical and thermal shock. By used oils, the subject of the previous obligation, is meant "all mineral oils or synthetic lubricants or industrial oils that have become unfit for the use for which they were originally intended, such as used oils from combustion engines and transmission systems, lubricating oils, oils for turbines and oils for hydraulic systems" (Annex 1, pc. 34).

Failure to comply with the obligations provided for in art. 17 para. (3) and (4), art. 27 para. (1) and art. 31 is sanctioned with a fine from 20,000 to 40,000 RON.

2. Law 249 from 2015 which imposes within:

- art. 20, para. (4) the obligation of economic operators "owners of used packaging from trade and industry and/or packaging waste from trade and industry" to return "used packaging to suppliers or economic operators designated by them" or to hand over packaging waste to designated collectors.

Failure to comply with this obligation is sanctioned with a fine from 20,000 to 40,000 RON;

- art. 20, para. (7¹) the obligation of legal entities in the "hotel industry, food services, and in particular units that organize events, prepare and serve food and beverages", to hand over used packaging to authorized collectors or to "deposit packaging waste , by types of materials, in separate municipal waste collection systems", managed by sanitation operators;
- art. 20, para. (7²) the obligation of other legal entities to "hand over, for a fee, used packaging and/or packaging waste to authorized collectors for the purchase of packaging waste from the population" or to "deposit packaging waste, by type of material , in separate municipal waste collection systems", managed by sanitation operators.

3. GEO 5 of 2015 which, assimilating WEEE originating from private households with "WEEE of commercial, industrial origin, from institutions and from other sources which, due to their nature and quantity, ... to those originating from private households" (Annex 5, pc. i), requires their separate collection by means of art. 9, art. 10 para. (5) and (6).

4. Law 181 of 2020, which imposes the obligation of separate collection of biodegradable waste intended for composting/anaerobic digestion and the obligation to deposit this waste in the indicated spaces or hand it over to authorized operators for their collection. Failure to comply with these obligations is sanctioned with a fine from 10,000 to 20,000 RON.

5. GD 1132 of 2008 regarding the regime of batteries and accumulators and battery and accumulator waste, establishes a series of obligations for the end user of automotive and industrial batteries and accumulators, including those of separate collection in order to hand them over for recycling, recovery, compliant disposal . By end user is meant: any natural person, authorized natural person or legal person who buys or acquires portable batteries or accumulators, automotive batteries or accumulators, industrial batteries or accumulators for the purpose of their use, and not of commercialization (art. 3, letter s). According to art. 7 para. (18), "the final user is obliged to deliver automotive and industrial battery and accumulator waste separately from other waste to: a) wholesale and retail battery and accumulator distributors; b) units that provide replacement services for batteries and accumulators; c) collection points for waste batteries and accumulators; d) manufacturer, as the case may be".

Failure to comply with the stipulated obligations is sanctioned with a contravention fine between 5,000 and 7,500 RON for legal entities.

6. Order 1226 of 2012 of the Minister of Health for the approval of the Technical Norms regarding the management of waste resulting from medical activities and the Data Collection Methodology for the national database regarding waste resulting from medical activities (Order, 2012). The technical rules regarding the management of waste resulting from medical activities are addressed to producers of medical waste, natural or legal persons who carry out medical activities resulting in medical waste (art. 7 letter s). Medical activity is "any activity of diagnosis, prevention, treatment, research, as well as monitoring and recovery of the state of health, which may or may not involve the use of instruments, equipment, substances or medical equipment" (art. 7 letter a);

3.4. Steps in waste management according to GEO 92 of 2021

Recalling the mandatory hierarchy in waste management (preparation for reuse; recycling; other recovery operations, such as energy recovery - before disposal by storage), we state that:

- waste producers and waste holders have the obligation to ensure that the waste is prepared for reuse, recycled or subjected to other recovery operations (art. 15 para. (1)),
- the producer or holder who transfers waste to one of the authorized natural persons or legal persons provided for in art. 23 para. (1) in order to carry out preliminary treatment operations for recovery or complete disposal operations, is not exempted, as a general rule, from responsibility for carrying out recovery or complete disposal operations (art. 24, para. (1)),
- the principles of autonomy and proximity do not mean the obligation to have at the national level all types of installations for the recovery and disposal of waste (art. 25, para.7)).

Failure to comply with the obligations provided for in art. 15 para. (1) and art. 24, par. (1) is sanctioned with a fine from 20,000 to 40,000 RON.

In order to correctly understand the obligations, we insist on knowing the legal definitions of the terms used, as they can be found in Annex 1 to GEO 92 of 2021.

3.5. Other obligations

GEO 92 of 2021 imposes for legal entities that carry out their activity on the basis of an environmental authorization/integrated environmental authorizations:

- to designate, from among its own employees, a person trained according to art. 23, para. (4) and (5) to fulfill legal obligations regarding waste management, or to delegate this obligation to a third party.
- carry out a waste audit, after which it is obliged to draw up and implement: a program to prevent and reduce the amount of waste generated from its own activity or, as the case may be, from any manufactured product; measures that comply with a certain product design, and to adopt measures to reduce the dangerousness of waste (art. 44, para. (1)).

Failure to comply with the aforementioned obligations is sanctioned with a fine from 20,000 to 40,000 RON.

4. Regulations and obligations addressed to natural persons

Environmental protection is not the attribute of local public authorities or legal entities only. It is true that at first glance their role and non-compliance with their obligations have a greater negative effect, but let's not forget that each of us, through our daily personal activity, has a negative impact which, cumulatively at the level of the entire population, becomes one major.

One of the negative effects on the environment resulting from personal, domestic activity is the production of waste. Inadequate selection, on the minimum fractions (glass, metal, plastic, paper and cardboard) and the newly introduced fractions (construction waste and bio-waste) leads to rapid, premature filling of landfills and thus to illegal, uncontrolled landfills.

Although the obligation to reach the targets provided by GEO 92 of 2021 for preparing for the reuse and recycling of municipal waste belongs to APL, their achievement also depends on each individual individual, by carrying out the selective collection of this waste and handing it over to the points or legal entities authorized in this sense. Exceeding the maximum allowable quantity of municipal waste sent to landfill results in the application of penalties and tax increases, leading to increased sanitation fees.

Even if the risks associated with poor or incorrect waste management are usually viewed from the perspective of environmental protection, environmental risks, the risks to human health and, in particular, to waste workers cannot be neglected either.

Since the obligations of natural persons regarding their generation, selective collection and disposal are multiple and provided for in different normative acts, only those will be presented which, due to the negative effect on the environment and human health, are penalized more severely.

4.1. Obligations and sanctions established by GEO 92 of 2021 regarding waste management

Natural persons have the obligation, provided in art. 16, to collect waste separately and not to mix it with other waste or materials with different properties. Failure to comply with the aforementioned obligations is sanctioned with a fine from 5,000 to 15,000 RON.

Separately collected waste must be deposited, by type, in the separate collection system of municipal waste managed by the economic sanitation operators or in the centers/containers specially provided for collection (art. 30 para. (4)).

Failure to comply with the aforementioned obligations is sanctioned with a fine from 3,000 to 6,000 RON.

Also with a fine from 3,000 To 6,000 RON is also sanctioned the act of not handing over the entire quantity of used vegetable oil to the authorized economic operators (art. 30 paragraph (5)).

Natural persons who carry out construction works that require obtaining a construction and/or demolition permit, according to Law no. 50/1991, must correctly manage construction and demolition waste, non-compliance with the previously mentioned obligations being sanctioned with a fine from 5,000 to 15,000 RON.

Abandoning waste is prohibited. The sanction applied to such a deed, committed by a natural person, is the contravention fine from 10,000 to 20,000 RON (art. 20, paragraph (3)). But it is good to know that after the identification of the waste producer/holder who abandoned the waste, he is obliged to bear both the expenses incurred by the administrative-territorial unit for their correct management, as well as those related to the actions taken for identification (art. 22 , paragraphs (3) and (4)).

Also with a fine from 5,000 to 15,000 RON are sanctioned the acts of: disposal of waste outside authorized premises and burning of waste of any kind (art. 20, para. (4) and (5)).

4.2. Obligations and sanctions established by Law 101 of 2006 of the local sanitation service

Any natural person has the obligation to conclude a contract for the provision of services with the licensed sanitation operator in the respective delegation area (art. 30 para. (5)). Failure to comply with this obligation is sanctioned with a fine from 500 to 1,000 RON.

Once the sanitation services contract is concluded, having the capacity of direct or indirect users, community members, including natural persons, have the obligation to ensure the separate pre-collection of the waste they have generated in their own household or as a result of profitable activities on which unfolds them. Failure to comply with this obligation can be sanctioned with a fine from 100 to 300 RON.

And Law 101 from 2006 "sanctions with a fine from 1,500 to 3,000 RON the act of igniting and/or burning waste from pre-collection/collection containers or burning plant waste resulting from the cleaning operations of green spaces, shrubs, trees etc" (art. 30 par. (4)).

4.3. Obligations and sanctions established by Law 249 of 2015 regarding the management of packaging and packaging waste

Law 249 of 2015 obliges natural persons who generate used packaging and/or packaging waste:

- "to return the used packaging for which they have paid a sum of money under a guarantee-return system; or
- to hand over used packaging and/or packaging waste to authorized collectors for a fee who take over by purchase the used packaging and/or packaging waste from the population; or
- to deposit packaging waste, by type of material, in separate municipal waste collection systems, managed by sanitation operators, including in specially designed collection centers" (art. 20, para. (7)).

4.4. Obligations and sanctions established by GEO 5 of 2015 regarding electrical and electronic equipment waste

Article 39, para. (2) of the Ordinance, imposes on natural persons who own WEEE, including those originating from EEE imported for their own use, under penalty of a contravention fine from 500 to 1,000 RON, the obligation to hand over WEEE to the collection systems. To understand what WEEE is, one should look at Annex 3 and Annex 4 to the Ordinance.

4.5. Obligations and sanctions established by HG 1132 of 2008 regarding the regime of batteries and accumulators and battery and accumulator waste

GD 1132 from 2008 through the provisions of art. 7 para. (18), obliges the end user of automotive and industrial batteries and accumulators to hand over the waste of automotive and industrial batteries and accumulators separately from other waste to:

- "wholesale and retail distributors of batteries and accumulators;
- units that provide replacement services for batteries and accumulators;
- collection points for waste batteries and accumulators;
- manufacturer, as the case may be".

Failure to comply with the above obligation, in any of its forms, can be sanctioned with a fine from 1,000 to 1,200 RON.

4.6. Obligations and sanctions established by Law 181 of 2020 on the management of non-hazardous compostable waste

Law 181 of 2020 imposes the separate collection of biodegradable waste intended for composting/anaerobic digestion and the obligation to deposit this waste in the indicated spaces or hand it over to authorized operators for their collection. Failure to comply with these obligations is sanctioned with a fine from 400 to 800 RON.

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