

EMERGENCY ORDINANCE no. 195 of December 22, 2005 on environmental protection
ISSUER • GOVERNMENT

Published in the OFFICIAL MONITOR no. 1196 of December 30, 2005 Considering the need to fulfill the commitments assumed by our country in the process of European integration, it is imperative to adopt, as an emergency, this normative act, on the basis of which the subsequent legislation in the field of environmental protection can be adopted and Taking into account the need to create the unitary framework through which the principles that govern the entire environmental protection activity and which outline the regulatory directions of economic activities in order to achieve the objectives of sustainable development are established, elements that aim at the public interest and that constitute extraordinary emergency situations. Pursuant to art. 115 para. (4) of the Constitution of Romania, republished, the Government of Romania adopts this emergency ordinance: Chapter I Principles and general provisions Article 1

(1) The object of this emergency ordinance is a set of legal regulations regarding environmental protection, an objective of major public interest, based on the principles and strategic elements that lead to sustainable development.

(2) The environment represents the set of conditions and natural elements of the Earth: air, water, soil, subsoil, characteristic aspects of the landscape, all atmospheric layers, all organic and inorganic matter, as well as living beings, natural systems in interaction, including the listed elements previously, including some material and spiritual values, quality of life and conditions that can influence human well-being and health.

(on 07-09-2006, Art. 1 was amended by point 1 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

Article 2 For the purposes of this emergency ordinances, the terms and expressions below have the following meanings:

1. ecological accident - the event produced as a result of unforeseen spills/emissions of hazardous/polluting substances or preparations, in liquid, solid, gaseous or vapor or energy form, resulting from uncontrolled/sudden human activities, through that damage or destroy natural and anthropogenic ecosystems;

Point 1 of art. 2 was modified by point 2 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.

2. regulatory acts - decision on the framing stage, environmental notice, environmental agreement, environmental authorization, integrated environmental authorization, authorization regarding greenhouse gas emissions, authorization regarding activities with genetically modified organisms;

(on 09-01-2019, Point 2. of Article 2, Chapter I was amended by Article 31, Section 4, Chapter IV of LAW no. 292 of December 3, 2018, published in the OFFICIAL GAZETTE no. 1043 of 10 December 2018)

3. environmental agreement - the administrative act issued by the competent authority for environmental protection, which establishes the conditions and, as the case may be, the measures for environmental protection, which must be respected in the case of the realization of a project;

(on 03-12-2008, Point 3 of art. 2 was amended by point 1 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

4. import agreement for genetically modified organisms - the administrative act issued by the competent authority for environmental protection, which gives the holder the right to carry out the activity of importing genetically modified organisms/microorganisms and establishes the conditions under which it can be carried out, according to the legislation in force;

(on 03-12-2008, Point 4 of art. 2 was amended by point 1 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

5. area/site - precisely delimited geographically defined area;

6. protected natural area - terrestrial, aquatic and/or underground area, with a legally established perimeter and having a special protection and conservation regime, in which there are species of wild plants and animals, biogeographical, landscape, geological, paleontological elements and formations, speleological or other nature, with special ecological, scientific or cultural value;

7. repealed;

(on 29-06-2007, Point 7 of art. 2 was repealed by letter b) of art. 57 of the EMERGENCY ORDINANCE no. 57 of June 20, 2007, published in the OFFICIAL GAZETTE no. 442 of June 29, 2007.)

8. environmental audit - managerial tool for systematic, documented, periodic and objective evaluation of the performance of the organization, the management system and the processes intended for environmental protection, with the aim:

a) to facilitate the management control of practices with possible impact on the environment;

b) to evaluate compliance with the environmental policy, including the achievement of the organization's environmental objectives and targets;

9. environmental authorization - the administrative act issued by the competent authority for environmental protection, by which the conditions and/or operating parameters of an existing activity or of a new activity with possible significant impact on the environment are established, mandatory upon commissioning;
(on 03-12-2008, Point 9 of art. 2 was amended by point 1 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

10. integrated environmental authorization - the administrative act issued by the competent authority for environmental protection, with the prior information of the National Agency for Environmental Protection, which grants the right to exploit in whole or in part an installation, under certain conditions, which guarantees that the installation corresponds to the provisions on integrated pollution prevention and control; the authorization can be issued for one or more installations or parts thereof, located on the same site and operated by the same operator;
(on 16-10-2012, Point 10 of art. 2 was amended by point 1 of art. III of EMERGENCY ORDINANCE no. 58 of October 10, 2012, published in the OFFICIAL GAZETTE no. 706 of October 16, 2012.)

11. authorization regarding activities with genetically modified organisms - the administrative act issued by the competent authority for environmental protection, according to the legal provisions in force, which regulates the conditions for the deliberate introduction into the environment and/or on the market of genetically modified organisms and for use in isolation conditions of genetically modified microorganisms;
(on 03-12-2008, Point 11 of art. 2 was amended by point 1 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

12. competent authority for environmental protection - the central public authority for environmental protection, the National Agency for Environmental Protection, the county agencies for environmental protection, the "Danube Delta" Biosphere Reserve Administration, as well as the National Environmental Guard and its subordinate structures;
(on 16-10-2012, Point 12 of art. 2 was amended by point 2 of art. III of EMERGENCY ORDINANCE no. 58 of October 10, 2012, published in the OFFICIAL GAZETTE no. 706 of October 16, 2012.)

13. environmental approvals issued by the competent authority for environmental protection:

a) environmental approval - the administrative act issued by the competent authority for environmental protection, which confirms the integration of aspects regarding environmental protection in the plan or program subject to adoption;

b) environmental approval for plant protection products, respectively for fertilizers - administrative act issued by the competent implementing authority for environmental protection, through the compartment with attributions in the respective field, required in the approval procedure for chemical plant protection products and, respectively, for the authorization of chemical fertilizers;

(on 07-25-2020, Letter b) of Point 13., Article 2, Chapter I was amended by Point 1, SINGLE ARTICLE of LAW no. 140 of July 21, 2020, published in the OFFICIAL GAZETTE no. 647 of July 22, 2020)

c) Repealed.

(on 09-01-2019, Letter c) from Point 13., Article 2, Chapter I was repealed by Letter a), Article 32, Section 4, Chapter IV of LAW no. 292 of December 3, 2018, published in the OFFICIAL GAZETTE no. 1043 of December 10, 2018)

14. environmental balance sheet - a work prepared by natural or legal persons who have this right, according to the law, in order to obtain the environmental authorization, which contains the elements of the technical analysis through which information is obtained on the causes and consequences of the cumulative negative effects, previous, present and anticipated activity, in order to quantify the actual environmental impact on a site; if a significant impact is identified, the balance sheet is completed with a risk assessment study;

(on 03-12-2008, Point 14 of art. 2 was amended by point 1 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

15. biodiversity - the variability of organisms within terrestrial, marine, continental aquatic ecosystems and ecological complexes; this includes intraspecific, interspecific and ecosystem diversity;

16. biotechnology - technological application in which biological systems, living organisms, their components or derivatives are used, for the creation or modification of products or processes with specific use;

17. modern biotechnology - in vitro application of nucleic acid recombination techniques and cell fusion techniques, other than those specific to traditional selection and breeding, which remove natural physiological barriers to reproduction or genetic recombination;

18. the best available techniques - the most advanced and efficient stage of development recorded in the development of an activity and exploitation modes, which demonstrates the practical possibility of constituting the reference for establishing emission limit values for the purpose of pollution prevention, and in the case in which this fact is not possible, in order to reduce overall emissions and the impact on the environment as a whole:

The introductory part of point 18 of art. 2 was modified by point 2 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.

a) the techniques refer both to the technology used and the way the facility is designed, built, maintained, operated, as well as to its decommissioning and site remediation, according to the legislation in force;

b) available refers to those requirements that have registered a stage of development that allows their application in the respective industrial sector, under viable economic and technical conditions, taking into account the costs and benefits, regardless of whether or not these techniques are used or realized at the national level, provided that these techniques are accessible to the operator;

c) the best - refers to the most effective techniques for achieving a high level of environmental protection as a whole;

18¹. greenhouse gas emissions certificate the title that gives the right to emit one ton of carbon dioxide equivalent in a defined period;

Point 18¹ of art. 2 was introduced by point 3 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.

18². significant damage to the environment - irreversible or long-term damage, quantifiable or not in money, produced in any way on the environment;
(on 04-23-2021, Article 2 of Chapter I was supplemented by Point 1, Article III of LAW no. 90 of April 19, 2021, published in the OFFICIAL GAZETTE no. 413 of April 20, 2021)

19. waste - any substance, preparation or any object from the categories established by the specific legislation on the waste regime, which the holder throws away, intends to or has the obligation to throw away;

20. recyclable waste - waste that can constitute raw material in a production process to obtain the initial product or for other purposes;

21. hazardous waste - waste classified generically, according to the specific legislation on the waste regime, in these types or categories of waste and which have at least one constituent or property that makes them dangerous;

22. environmental damage - alteration of the physico-chemical and structural characteristics of the natural and anthropogenic components of the environment, reduction of biological diversity or productivity of natural and anthropogenic ecosystems, damage to the natural environment with effects on the quality of life, mainly caused by water, atmosphere pollution and the soil, the overexploitation of resources, their deficient management and capitalization, as well as through improper land development;

23. sustainable development - development that meets the needs of the present, without compromising the ability of future generations to meet their own needs;

23¹. olfactory discomfort - the effect generated by an activity that can have an impact on the health of the population and the environment, which is subjectively perceived on different odor scales or objectively quantified according to national, European and international standards in force;

(on 07-16-2020, Article 2 of Chapter I was supplemented by Point 1, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

24. ecological balance - the set of states and interrelations between the component elements of an ecological system, which ensures the maintenance of its structure, functioning and ideal dynamics;

25. ecosystem - dynamic complex of communities of plants, animals and microorganisms and the abiotic environment, which interact in a functional unit;

26. ecotourism - form of tourism in which the main objective is the observation and awareness of the value of nature and local traditions and which must meet the following conditions:

a) to contribute to the conservation and protection of nature;

b) to use local human resources;

c) have an educational character, respect for nature - awareness of tourists and local communities;

d) to have an insignificant negative impact on the natural and socio-cultural environment;

27. effluent - any form of discharge into the environment, point or diffuse emission, including through leakage, jets, injection, inoculation, storage, emptying or vaporization;

28. emission - the direct or indirect discharge, from point or diffuse sources, of substances, vibrations, electromagnetic and ionizing radiation, heat or noise into the air, water or soil;

Point 28 of art. 2 was modified by point 4 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.

29. ecological label - a graphic symbol and/or a short descriptive text applied to the packaging, in a brochure or other informative document, which accompanies the product and which provides information on at least one and at most three types of impact on the environment;

30. environmental assessment - drawing up the environmental report, consulting the public and public authorities interested in the effects of the implementation of plans and programs, taking into account the environmental report and the results of these consultations in the decision-making process and ensuring information on the decision taken;

30¹. adequate assessment - the process intended to identify, describe and establish, according to the conservation objectives and in accordance with the legislation in force, the direct and indirect, synergistic, cumulative, main and secondary effects of any plan or project, which does not have a direct connection with or not necessary for the management of a protected natural area of community interest, but which could significantly affect the area, individually or in combination with other plans or projects;

(on 03-12-2008, Point 30¹ of art. 2 was introduced by point 2 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3 2008.)

31. environmental impact assessment - a process designed to identify, describe and establish, depending on each case and in accordance with the legislation in force, the direct and indirect,

synergistic, cumulative, main and secondary effects of a project on people's health and of the environment;

32. risk assessment - work developed by natural or legal persons who have this right, according to the law, which analyzes the probability and severity of the main components of the impact on the environment and establishes the need for prevention, intervention and/or remedial measures; (on 03-12-2008, Point 32 of art. 2 was amended by point 1 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

33. specimen - any plant or animal in a living or dead state, or any part or derivative thereof, as well as any other products containing parts or derivatives thereof, as specified in the accompanying documents, on packaging, on brands or tags or in any other situations;

34. experts - natural persons, recognized and/or attested nationally and/or internationally by the competent authorities in the field;

35. natural habitat - terrestrial, aquatic or underground area, in a natural or semi-natural state, which is differentiated by geographical, abiotic and biotic characteristics;

36. repealed;

(on 29-06-2007, Point 36 of art. 2 was repealed by letter b) of art. 57 of the EMERGENCY ORDINANCE no. 57 of June 20, 2007, published in the OFFICIAL GAZETTE no. 442 of June 29, 2007.)

37. repealed;

(on 29-06-2007, Point 37 of art. 2 was repealed by letter b) of art. 57 of the EMERGENCY ORDINANCE no. 57 of June 20, 2007, published in the OFFICIAL GAZETTE no. 442 of June 29, 2007.)

38. - environmental information - any written, visual, audio, electronic or in any material form information about:

a) the state of environmental elements, such as air and atmosphere, water, soil, land surface, landscape and natural areas, including areas wetlands, marine and coastal biodiversity and its components, including genetically modified organisms, and the interaction between these elements;

b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, spills and other discharges into the environment, which affect or may affect the environmental elements referred to in letter a)

c) measures, including administrative measures, such as policies, legislation, plans, programs, agreements concluded between public authorities and natural and/or legal persons regarding environmental objectives, activities that affect or may affect the elements and factors provided for in letter a) and, respectively, b) , as well as the measures or activities intended to protect the elements provided for in letter a)

d) reports on the implementation of environmental protection legislation;

e) cost-benefit analyzes or other economic analyzes and forecasts used within the measures and activities provided for in letter c)

f) the state of human health and safety, including the contamination, whenever relevant, of the food chain, human living conditions, archaeological sites, historical monuments and any constructions, to the extent that they are or may be affected by the state of the elements of environment provided for in letter a) , or, through these elements, by the factors, measures and activities provided for in letter b) and c) respectively .

(on 31-01-2006, Point 38 of art. 2 was amended by CORRECTION no. 195 of December 22, 2005, published in the OFFICIAL GAZETTE no. 88 of January 31, 2006.)

39. infrastructure for spatial information - metadata, spatial data sets and spatial data services; network services and technologies; sharing, access and use agreements; the procedures, processes and monitoring and coordination mechanisms established, operated or made available in accordance with the legal provisions;

40. installation - any stationary or mobile technical unit as well as any other activity directly related, from a technical point of view, to the activities of stationary/mobile units located on the same site, which can produce emissions and effects on the environment;

41. repealed;

Point 41 of art. 2 was repealed by point 5 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.

42. geological environment - the set of geological structures from the surface of the earth in depth: soil, underground water, geological formations;

43. microorganism - any microbiological entity, cellular or non-cellular, capable of replication or transfer of genetic material, including viruses, viroids and plant and animal cells in cultures;

44. environmental monitoring - supervision, forecasting, warning and intervention in order to systematically evaluate the dynamics of the qualitative characteristics of environmental elements, in order to know the state of quality and their ecological significance, the evolution and social implications of the changes produced, followed by the measures which are imposed;

45. natural monument - rare or endangered plant and animal species, isolated trees, geological formations and structures of scientific or landscape interest;

46. genetically modified organism - any organism, with the exception of human beings, in which the genetic material has been modified in a way that does not occur naturally through mating and/or natural recombination;

46¹. authorization regarding greenhouse gas emissions - the administrative act issued by the National Agency for Environmental Protection, which establishes the obligations regarding the monitoring and reporting of greenhouse gas emissions; it is also established the obligation to annually return to the accounts in the Single Register of Greenhouse Gas Emissions a number of Greenhouse Gas Emission Certificates equal to the amount of greenhouse gas emissions, monitored and verified for the previous year;

(on 06-04-2016, Point 46¹ of art. 2 was amended by point 1 of art. I of EMERGENCY ORDINANCE no. 9 of March 30, 2016 published in the OFFICIAL GAZETTE no. 258 of April 6, 2016)

47. national emission ceiling - the maximum amount of a substance that can be emitted at the national level, during a calendar year;

48. plans and programs - plans and programs, including those co-financed by the European Community, as well as any changes to them, which are drawn up and/or adopted by an authority at national, regional or local level or which are prepared by an authority for adoption, through a legislative procedure, by the Parliament or the Government and are required by legislative, regulatory or administrative provisions;

49. action plan - plan of measures including the stages that must be completed in time intervals specified by the provisions of the integrated environmental authorization by the owner of the activity under the control of the competent authority for environmental protection in order to comply with the legal provisions related to the prevention and integrated control of pollution; the action plan is an integral part of the integrated environmental permit;

49¹. the olfactory discomfort management plan - a plan of measures comprising the stages to be completed in specified time intervals, in order to identify, prevent and reduce the olfactory discomfort that is carried out both in the case of new facilities/activities or existing facilities/activities, as well as in case of substantial changes to existing facilities/activities;

(on 07-16-2020, Article 2 of Chapter I was supplemented by Point 2, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

50. pollutant - any substance, prepared in solid, liquid, gaseous or vapor form or energy, electromagnetic, ionizing, thermal, phonic radiation or vibrations which, introduced into the environment, changes the balance of its constituents and living organisms and brings damage to material goods;

Point 50 of art. 2 was modified by point 7 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.

51. pollution - the direct or indirect introduction of a pollutant that can cause damage to human health and/or the quality of the environment, damage to material goods or cause damage or an impediment to the use of the environment for recreational or other legitimate purposes;

52. damage - the quantifiable cost effect of damage to people's health, goods or the environment, caused by pollutants, harmful activities or disasters;

Point 52 of art. 2 was amended by point 7 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.

53. project - execution of construction works or other installations or improvements, other interventions on the natural environment and landscape, including those involving the extraction of mineral resources;

Point 53 of art. 2 was amended by point 7 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.

54. program for compliance - plan of measures necessary to fulfill the requirements regarding environmental protection, at the deadlines established by the competent authority for environmental protection; the compliance program is an integral part of the environmental authorization;

(on 03-12-2008, Point 54 of art. 2 was amended by point 1 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

55. sectoral operational program - document approved by the European Commission for the implementation of those sectoral priorities from the National Development Plan that are approved for financing through the community support framework;

56. public - one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organizations or groups;

57. environmental report - part of the documentation of the plans or programs, which identifies, describes and evaluates the possible significant effects on the environment, of their application and its rational alternatives, taking into account the related objectives and geographical area, according to the legislation in force;

58. site report - documentation drawn up by natural or legal persons who have this right, according to the law, in order to obtain the integrated environmental authorization and which highlights the state of the site, the existing pollution situation before the installation is put into operation and provides a reference point and comparison at cessation of activity;

(on 03-12-2008, Point 58 of art. 2 was amended by point 1 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

59. security report - documentation drawn up by natural or legal persons who have this right, according to the law, required for objectives where dangerous substances are present according to the provisions of the legislation on the control of activities, which present dangers of major accidents in which dangerous substances are involved;

(on 03-12-2008, Point 59 of art. 2 was amended by point 1 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

60. natural resources - all the natural elements of the environment that can be used in human activity: non-renewable resources - minerals and fossil fuels, renewable - water, air, soil, flora, wildlife, including the inexhaustible ones - solar, wind, geothermal and of the waves;

61. environmental management system - component of the general management system, which includes the organizational structure, planning activities, responsibilities, practices, procedures,

processes and resources for the development, application, realization, analysis and maintenance of the environmental policy;

62. repealed;

(on 29-06-2007, Point 62 of art. 2 was repealed by letter b) of art. 57 of the EMERGENCY ORDINANCE no. 57 of June 20, 2007, published in the OFFICIAL GAZETTE no. 442 of June 29, 2007.)

63. repealed;

(on 06-29-2007, Point 63 of art. 2 was repealed by letter b) of art. 57 of the EMERGENCY ORDINANCE no. 57 of June 20, 2007, published in the OFFICIAL GAZETTE no. 442 of June 29, 2007.)

64. repealed;

(on 29-06-2007, Point 64 of art. 2 was repealed by letter b) of art. 57 of the EMERGENCY ORDINANCE no. 57 of June 20, 2007, published in the OFFICIAL GAZETTE no. 442 of June 29, 2007.)

65. repealed;

(on 29-06-2007, Point 65 of art. 2 was repealed by letter b) of art. 57 of the EMERGENCY ORDINANCE no. 57 of June 20, 2007, published in the OFFICIAL GAZETTE no. 442 of June 29, 2007.)

66. substance - chemical element and its compounds, within the meaning of the legal regulations in force, with the exception of radioactive substances and genetically modified organisms;

67. dangerous substance - any substance classified as dangerous by the specific legislation in force in the field of chemicals;

68. priority substances - substances that represent a significant risk of pollution to the aquatic environment and through it to humans and water uses, according to the specific legislation in the field of water;

69. priority dangerous substances - substances or groups of substances that are toxic, persistent and tend to bioaccumulate and other substances or groups of substances that create a similar level of risk, according to the specific legislation in the field of water;

70. source of ionizing radiation - physical, natural entity, realized or used as an element of an activity that can generate exposure to radiation, by emitting ionizing radiation or releasing radioactive substances;

71. traceability - the possibility of identifying and tracking genetically modified organisms and products resulting from them during all stages of activities involving such organisms and products;

72. use under isolation conditions - any operation by which microorganisms are genetically modified, cultivated, multiplied, stored, used, transported, destroyed and/or annihilated under controlled conditions, in closed spaces/environments. Specific isolation measures are taken for all these operations, to avoid/limit their contact with people and the environment;

73. repealed;

Point 73 of art. 2 was repealed by point 8 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.

74. wetland - expanse of ponds, marshes, peatlands, natural or artificial, permanent or temporary waters, where the water is standing or flowing, fresh, brackish or salty, including the expanse of marine water whose depth at low tide does not exceed 6 m .

Article 3 The principles and strategic elements underlying this emergency ordinance are: a) the principle of integrating environmental requirements into other sectoral policies; -----
Lit. a) of art. 3 was amended by point 9 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006. b) the precautionary principle in decision-making; c) the principle of preventive action; d) the principle of retaining pollutants at source; e) the "polluter pays" principle; f) the principle of preserving biodiversity and ecosystems specific to the natural biogeographic framework; g) sustainable use of natural resources; h) public information and participation in decision-making, as well as access to justice in environmental issues; i) development of international collaboration for environmental protection.

Article 4 The ways of implementing the principles and strategic elements are: (on 07-09-2006, the introductory part of art. 4 was amended by point 10 of art. I of LAW no. 265 of June 29, 2006,

published in OFFICIAL GAZETTE no. 586 of July 6, 2006.) a) prevention and integrated control of pollution by using the best available techniques for activities with a significant impact on the environment; b) adopting development programs, respecting the requirements of the environmental policy; c) correlation of land use planning and urban planning with environmental planning; d) performing the environmental assessment before approving plans and programs that may have a significant effect on the environment; e) environmental impact assessment in the initial phase of projects with significant environmental impact; f) the introduction and use of levers and stimulating or coercive economic instruments; g) solving, by levels of competence, environmental problems, depending on their extent; h) promoting normative acts harmonized with European and international regulations in the field; i) establishing and monitoring the implementation of programs for compliance; j) creation of the national system for integrated monitoring of environmental quality; k) recognition of products with low impact on the environment, by granting the ecological label; l) maintaining and improving the quality of the environment; m) rehabilitation of areas affected by pollution; n)

encouraging the implementation of environmental management and audit systems;

o) promoting fundamental and applied research in the field of environmental protection;

p) public education and awareness, as well as its participation in the process of drawing up and applying decisions regarding the environment;

q) the development of the national network of protected areas to maintain the favorable state of conservation of natural habitats, species of wild flora and fauna as an integral part of the European ecological network-Natura 2000;

r) application of systems for ensuring the traceability and labeling of genetically modified organisms;

s) priority removal of pollutants that directly and seriously endanger people's health.

Article 5 The State recognizes the right of any person to a "healthy and ecologically balanced environment" guaranteeing for this purpose: a) access to information on the environment, respecting the confidentiality conditions provided by the legislation in force; b) the right to associate in organizations for environmental protection; (on 09-07-2006, Letter b) of art. 5 was amended by point 11 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.) c) the right to be consulted in the decision-making process regarding the development of environmental policy and legislation, the issuance of regulatory acts in the field, the development of plans and programs; (on 09-07-2006, Letter c) of art. 5 was amended by point 11 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.) d) the right to address, directly or through organizations for the protection of the environment, administrative and/or judicial authorities, as the case may be, in environmental issues, regardless of whether or not damage has occurred; (on 07-09-2006, Letter d) of art. 5 was amended by point 11 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.) e) the right to compensation for the damage suffered.

Article 6

(1) Environmental protection is the obligation and responsibility of central and local public administration authorities, as well as of all natural and legal persons.

(2) Central and local public administration authorities provide funds in their own budgets to fulfill the obligations resulting from the implementation of community legislation in the field of environment and for environmental protection programs and collaborate with central and territorial public authorities for environmental protection in order to achieve them.

Article 7

(1) Coordination, regulation and implementation in the field of environmental protection fall to the central public authority for environmental protection, the National Agency for Environmental Protection, the county agencies for environmental protection, the "Danube Delta" Biosphere Reserve Administration.

(on 16-10-2012, Paragraph (1) of art. 7 was amended by point 4 of art. III of EMERGENCY ORDINANCE no. 58 of October 10, 2012, published in the OFFICIAL GAZETTE no. 706 of October 16 2012.)

(2) In the perimeter of the "Danube Delta" Biosphere Reserve, the territorial public authority for environmental protection is represented by the Administration of the "Danube Delta" Biosphere Reserve.

(3) The control of compliance with environmental protection measures is carried out by:

a) commissioners and authorized persons from the National Environmental Guard, the "Danube Delta" Biosphere Reserve Administration;

b) local public administration authorities, through authorized staff;

c) The National Commission for the Control of Nuclear Activities, the Ministry of National Defense and the Ministry of Administration and Interior, through authorized personnel, in their fields of activity, according to the attributions established by law.

(on 09-07-2006, Paragraph (3) of art. 7 was introduced by point 13 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

Chapter II Regulatory procedure

Article 8

(1) The competent authorities for environmental protection, with the exception of the National Environmental Guard and its subordinate structures, lead the regulatory procedure and, as the case may be, issue regulatory acts, in accordance with the law.

(2) In carrying out regulatory procedures for projects or activities that may have significant effects on the territory of other states, the competent authorities for environmental protection are obliged to comply with the provisions of international conventions to which Romania is a party.

(3) The central public authority for health, through its subordinate structures, imposes, within the regulatory procedures for projects or activities that may create olfactory discomfort in residential areas, the operating conditions for compliance with hygiene and public health norms regarding the living environment of the population .

(on 07-16-2020, Article 8 of Chapter II was supplemented by Point 3, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

(4) The competent authorities for environmental protection responsible for issuing regulatory acts in the field of environmental protection include the conditions imposed by the authorities provided for in paragraph (3) in the respective regulatory acts.

(on 07-16-2020, Article 8 of Chapter II was supplemented by Point 3, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

(on 07-09-2006, Art. 8 was amended by point 14 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

Article 9

(1) Requesting and obtaining environmental approval for plans and programs are mandatory for the adoption of plans and programs that may have significant effects on the environment.

(2) Environmental assessment aims to integrate environmental protection objectives and requirements in the preparation and adoption of plans and programs.

(3) The environmental assessment procedure, the structure of the environmental report and the conditions for issuing the environmental opinion for plans and programs, including those with cross-border effects, shall be established by Government decision, upon the proposal of the central public authority for environmental protection.

(4) The approval of plans and programs, at any hierarchical level, is conditioned by the existence of the environmental approval for the respective plan or program.

Article 10

(1) In case the owners of activities for which regulation is necessary from the point of view of environmental protection by issuing the environmental authorization, respectively the integrated environmental authorization are to carry out or be subject to a procedure for the sale of the majority stake , sale of assets, merger, division, concession or in other situations involving a change in the owner of the activity, as well as in case of dissolution followed by liquidation, liquidation, bankruptcy, termination of activity, according to the law, the provisions of art. 15 para. (2) lit. a) is applied accordingly.

(on 03-12-2008, Paragraph (1) of art. 10 was amended by point 3 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3 2008.)

(1^1) The competent authority for environmental protection informs the holders provided for in para. (1) regarding the environmental obligations that must be assumed by the parties involved, based on the assessments that were the basis for issuing the existing regulatory acts. In the

situation where the holders provided for in para. (1) do not have regulatory documents, environmental obligations are identified based on the environmental balance sheet.

(on 03-12-2008, Paragraph (1¹) of art. 10 was introduced by point 4 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of 3 December 2008.)

(2) Within 60 days from the date of signing/issuance of the document certifying the conclusion of one of the procedures mentioned in para. (1) , the involved parties submit in writing to the competent authority for environmental protection the obligations assumed regarding environmental protection, through a document certified for compliance with the original.

(3) The clauses regarding the environmental obligations contained in the documents drawn up in the framework of the procedures provided for in para. (1) have a public character.

(4) The fulfillment of environmental obligations is a priority in the case of procedures of: dissolution followed by liquidation, liquidation, bankruptcy, cessation of activity.

(5) Repealed.

(on 03-12-2008, Paragraph (5) of art. 10 was repealed by point 5 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3 2008.)

Article 11

(1) Requesting and obtaining the environmental consent are mandatory for public or private projects or for the modification or expansion of existing activities, which may have a significant impact on the environment.

(on 03-12-2008, Paragraph (1) of art. 11 was amended by point 6 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3 2008.)

(2) In order to obtain the environmental consent, public or private projects that may have a significant impact on the environment, by their nature, size or location, are subject, at the decision of the competent authority for environmental protection, to environmental impact assessment.

(3) The framework procedure for environmental impact assessment, including for projects with cross-border impact, and the list of public or private projects subject to the procedure are established by a Government decision, upon the proposal of the central public authority for environmental protection.

(4) Repealed.

(on 03-12-2008, Paragraph (4) of art. 11 was repealed by point 7 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3 2008.)

Article 12

(1) The carrying out of existing activities as well as the start of new activities with possible significant impact on the environment is carried out only on the basis of the integrated environmental authorization/authorization.

(2) The procedure for issuing the environmental authorization and the list of activities subject to this procedure are established by order of the head of the central public authority for environmental protection.

(3) In order to obtain the environmental authorization, the existing activities, which do not comply with the environmental rules and regulations in force, are subject to the environmental assessment, at the decision of the competent authority for environmental protection.

(4) The procedure for making the environmental assessment is established by order of the head of the central public authority for environmental protection.

(5) The competent authority for environmental protection establishes with the owner of the activity the program for compliance, based on the conclusions and recommendations of the environmental assessment.

(on 09-07-2006, Paragraph (5) of art. 12 was amended by point 15 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

(5¹) The olfactory discomfort management plan is drawn up by economic operators/owners of activities that can generate olfactory discomfort.

(on 07-16-2020, Article 12 of Chapter II was supplemented by Point 4, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

(6) It is mandatory to fulfill the measures included in the compliance program and the measures established in the olfactory discomfort management plan at the established deadlines.

(on 07-16-2020, Paragraph (6) of Article 12, Chapter II was amended by Point 5, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

(7) The activities carried out by the component structures of the defense system, public order and national security are exempted from obtaining the environmental authorization.

Article 13

(1) The measures regarding the prevention and integrated control of pollution and the list of activities subject to the procedure for issuing the integrated environmental authorization are established by law.

(2) The procedure for issuing the integrated environmental authorization and the methodological rules for applying this procedure are established by order of the head of the central public authority for environmental protection.

Article 14

(1) Repealed.

(on 03-12-2008, Paragraph (1) of art. 14 was repealed by point 8 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3 2008.)

(2) Operation without environmental authorization is prohibited for activities that are subject to the authorization procedure from the point of view of environmental protection.

(3) Operation without an integrated environmental permit is prohibited for activities subject to legislation on integrated pollution prevention and control.

(4) The owner of the activity has the obligation to inform the territorial public authorities competent for environmental protection regarding the results of self-monitoring of emissions of regulated pollutants, as well as regarding accidents or danger of accidents.

Article 15

(1) The competent authority for environmental protection issues or revises, as the case may be, regulatory acts.

(2) The holders of the plans/programs/projects/activities have the obligation:

a) to notify the competent authority for environmental protection if new elements, unknown at the time of issuing the regulatory acts, as well as any changes to the conditions that were the basis of the issuance, intervene regulatory acts, before making the change;

b) to respect the deadlines established by the competent authority for environmental protection in the course of the procedures for issuing regulatory acts.

(3) Non-compliance with the deadlines provided for in para. (2) lit. b) leads to the rejection of the request.

(on 03-12-2008, Art. 15 was amended by point 9 of art. I of the EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

Article 16

(1) The environmental approval and the environmental agreement remain valid throughout the implementation period of the plan or program, respectively the project.

(2) Repealed.

(on 11-18-2019, Paragraph (2) of Article 16, Chapter II was repealed by Point 1, Article I of LAW no. 219 of November 15, 2019, published in the OFFICIAL GAZETTE no. 925 of November 15, 2019)

(2^1) The environmental authorization and the integrated environmental authorization retain their validity throughout the period in which their beneficiaries obtain the annual visa.

(on 18-11-2019, Article 16 of Chapter II was supplemented by Point 2, Article I of LAW no. 219 of November 15, 2019, published in the OFFICIAL GAZETTE no. 925 of November 15, 2019)

(2^2) The purpose of applying the annual visa is to confirm that the holder carries out the activity under the same conditions for which the environmental authorization or the integrated environmental authorization was issued and that there have been no changes affecting the conditions established by the regulatory acts .

(on 18-11-2019, Article 16 of Chapter II was supplemented by Point 2, Article I of LAW no. 219 of November 15, 2019, published in the OFFICIAL GAZETTE no. 925 of November 15, 2019)

(2^3) The procedure for applying the annual visa provided for in para. (2^1) is established by order of the head of the central public authority for environmental protection.

(on 18-11-2019, Article 16 of Chapter II was supplemented by Point 2, Article I of LAW no. 219 of November 15, 2019, published in the OFFICIAL GAZETTE no. 925 of November 15, 2019)

(2^4) The annual visa is applied by the Ministry of the Environment, Waters and Forests and, respectively, the Administration of the Biosphere Reserve "Danube Delta" for environmental authorizations and integrated environmental authorizations that fall under their jurisdiction.

(on 18-11-2019, Article 16 of Chapter II was supplemented by Point 2, Article I of LAW no. 219 of November 15, 2019, published in the OFFICIAL GAZETTE no. 925 of November 15, 2019)

(2^5) The annual visa for environmental authorizations and integrated environmental authorizations that do not fall under the competence of the Ministry of Environment, Water and Forests and the Administration of the "Danube Delta" Biosphere Reserve is applied by the National Agency for Environmental Protection or is delegated by it to the competent authorities for environmental protection.

(on 18-11-2019, Article 16 of Chapter II was supplemented by Point 2, Article I of LAW no. 219 of November 15, 2019, published in the OFFICIAL GAZETTE no. 925 of November 15, 2019)

(2^6) If the Ministry of the Environment, Waters and Forests, the Administration of the "Danube Delta" Biosphere Reserve or the National Agency for Environmental Protection finds that the annual visa has not been requested or obtained, the provisions of art. 17 para. (3) and (4) .

(on 18-11-2019, Article 16 of Chapter II was supplemented by Point 2, Article I of LAW no. 219 of November 15, 2019, published in the OFFICIAL GAZETTE no. 925 of November 15, 2019)

(2^7) The application of the annual visa is charged according to the legal provisions in force, and the amount of this charge is established by order of the central public authority for environmental protection.

(on 18-11-2019, Article 16 of Chapter II was supplemented by Point 2, Article I of LAW no. 219 of November 15, 2019, published in the OFFICIAL GAZETTE no. 925 of November 15, 2019)

Note

We reproduce below the provisions of art. II of LAW no. 219 of November 15, 2019, published in the OFFICIAL GAZETTE no. 925 of November 15, 2019:

Article II

(1) Obtaining the annual visa is mandatory both for environmental authorizations and integrated environmental authorizations that are issued on the date this law enters into force, as well as for those issued later.

(2) The validity of environmental authorizations and integrated environmental authorizations that are issued on the date of entry into force of this law can be changed at the request of the holders, in the sense of maintaining the validity of these regulatory acts throughout the period in which the holder obtains the annual visa.

(3) If the holder does not request the modification of the validity of the environmental authorization or the integrated environmental authorization, he is obliged to, at least 6 months before the expiry of the validity of the regulatory act, request the issuance of a new authorization within the stipulated terms by the legislation in force, even if during the validity period he obtained the annual visa.

(4) In the case of economic operators who request the modification of the validity of authorizations or integrated environmental authorizations, as the case may be, with the application of para. (2) , they will not request and will not go through the procedure to obtain a new authorization or the integrated environmental authorization, respectively.

(3) By way of exception to the provisions of para. (2) , the environmental authorizations issued with the program for compliance are valid for the entire duration of the program, but not more than 60 days from the due date of the completion of the last measure in the respective program.

(4) In the event that new elements, unknown at the time of issuance of the regulatory acts, come into play, or the conditions that were the basis for their issuance are changed, the competent authority decides, as the case may be, on the basis of the notification to the holder, provided for in art. 15 para. (2) lit. a) , the maintenance of regulatory acts or the need to revise them, informing the owner of this decision.

(5) Until a decision is adopted by the competent authority, in the sense provided for in para. (4) , it is forbidden to carry out any activity or carry out the project, plan or program that would result from the changes that are the subject of the notification.

(on 03-12-2008, Art. 16 was amended by point 10 of art. I of the EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

Article 17

(1) In the situation where it is decided to revise the regulatory acts, the competent authority may request the redo of the environmental report, the report on the impact on the environment or the environmental balance sheet, as the case may be.

(on 07-21-2013, Paragraph (1) of art. 17 was amended by point 3 of the single article of LAW no. 226 of July 15, 2013, published in the OFFICIAL GAZETTE no. 438 of July 18, 2013, which amends Article I of EMERGENCY ORDINANCE No. 164 of November 19, 2008, published in the OFFICIAL GAZETTE No. 808 of December 3, 2008.

(2) The integrated environmental authorization is reviewed under the conditions provided by the specific legislation on the prevention and integrated control of pollution.

(3) The environmental agreement, the environmental authorization and the integrated environmental authorization are suspended by the issuing authority, for non-compliance with their provisions, after a prior notification by which a term of no more than 60 days can be granted to fulfill the obligations. The suspension is maintained until the causes are eliminated, but not more than 6 months. During the suspension period, the project or activity is prohibited.

(on 03-12-2008, Paragraph (3) of art. 17 was amended by point 11 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3 2008.)

(4) If the conditions established by the suspension act have not been met, the competent authority for environmental protection orders, after the expiration of the suspension term, the cancellation of the environmental agreement or the integrated environmental authorization/authorization, as the case may be.

(5) Provisions for suspension and, implicitly, termination of the project or activity are enforceable by law.

Article 18 Disputes generated by the issuance, revision, suspension or cancellation of regulatory acts are settled by the competent administrative courts.

Article 19 Environmental agreement or decision to reject the application, integrated environmental permit/authorization for mining projects/activities that use hazardous substances in the processing and concentration process, for production capacities greater than 5 million tons/year or if the area on on which the activity is carried out is greater than 1,000 ha are

issued by Government decision, at the proposal of the central public authority for environmental protection. (on 03-12-2008, Art. 19 was amended by point 12 of art. I of the EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

Article 20

(1) The competent authority for environmental protection, together with the other authorities of the central and local public administration, as the case may be, ensures information, public participation in decisions regarding specific activities and access to justice, in accordance with the provisions of the Convention on access to information, public participation on decision-making and access to justice in environmental matters, signed in Aarhus on June 25, 1998, ratified by Law no. 86/2000.

(2) Informing the public within the regulatory procedures for plans, programs, projects and activities is carried out according to the specific legislation in force.

(3) Public consultation is mandatory in the case of procedures for issuing regulatory acts, according to the legislation in force. The procedure for public participation in decision-making is established by specific normative acts

(on 07-09-2006, Paragraph (3) of art. 20 was amended by point 17 of art. I of LAW no. 265 of June 29 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.

(4) The methods of achieving public participation in the development of specific plans and programs related to the environment are established by a Government decision, upon the proposal of the central public authority for environmental protection, within 12 months from the date of entry into force of this ordinance emergency.

(5) Public access to justice is carried out according to the legal regulations in force.

(6) Non-governmental organizations that promote environmental protection have the right to legal action in environmental matters, having active procedural status in disputes that have as their object environmental protection.

(on 07-09-2006, Paragraph (6) of art. 20 was amended by point 17 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

Article 21

(1) The environmental report, the environmental impact report, the environmental balance sheet, the location report, the security report, the appropriate assessment study are carried out by natural and legal persons who have this right, according to the law.

(2) The conditions for drawing up the environmental report, the environmental impact report, the environmental balance sheet, the location report, the security report, the appropriate assessment study are established by order of the head of the central public authority for environmental protection.

(3) The expenses regarding the elaboration of the works provided for in para. (1) belong to the owner of the plan, program, project or activity.

(4) The responsibility for the correctness of the information made available to the competent authorities for the protection of the environment and the public rests with the holder of the plan, program, project or activity, and the responsibility for the correctness of the works provided for in para. (1) belongs to their author.

(on 03-12-2008, Art. 21 was amended by point 13 of art. I of the EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

Article 22

(1) The public authorities for the protection of the environment collect the amounts from the fees for issuing regulatory acts.

(2) The fees provided for in para. (1) income is made to the Environmental Fund, and their amount is determined by a Government decision, upon the proposal of the central public authority for environmental protection.

Article 23

(1) The competent authorities for environmental protection also collect amounts from tariffs for the works and services provided at the request of natural and legal persons, within the activities they carry out within the limits of their legal powers.

(2) The nomenclature of the works and services provided, as well as the amount of the tariffs, are established by order of the head of the central public authority for environmental protection, within 6 months from the date of entry into force of this emergency ordinance.

(3) The amounts obtained from the collection of the tariffs provided for in para. (1) is paid to the state budget.

(on 01-01-2012, Paragraph (3) of art. 24 was amended by point 1 of art. VII of EMERGENCY ORDINANCE no. 71 of August 31, 2011, published in the OFFICIAL GAZETTE no. 637 of September 6 2011.)

(4) Repealed.

(on 01-01-2012, Paragraph (4) of art. 24 was repealed by point 2 of art. VII of EMERGENCY

ORDINANCE no. 71 of August 31, 2011, published in the OFFICIAL GAZETTE no. 637 of September 6 2011.)

(5) Repealed.

(on 01-01-2012, Paragraph (5) of art. 24 was repealed by point 2 of art. VII of EMERGENCY ORDINANCE no. 71 of August 31, 2011, published in the OFFICIAL GAZETTE no. 637 of September 6 2011.)

(6) The competent authorities for environmental protection have the right to receive and use funds from sponsorships and donations from natural and legal persons, Romanian or foreign, in accordance with the law.

Chapter III Regime of dangerous substances and preparations

Article 24 Activities regarding the manufacture, introduction to the market, use, temporary or final storage, internal transport, handling, disposal, as well as the introduction and removal from the country of dangerous substances and preparations are subject to a special regulatory regime and management.

Article 25

(1) The international transport and transit of dangerous substances and preparations is carried out according to the agreements and conventions on the international transport of dangerous goods, to which Romania is a party.

(2) The import and export of dangerous substances and preparations restricted or prohibited for use by certain states or by Romania is carried out in accordance with the provisions of international agreements and conventions to which Romania is a party.

Article 26 The central public authority and the territorial public authorities for environmental protection, as well as other public authorities authorized by law, as the case may be, control compliance with the regulations regarding the regime of dangerous substances and preparations.

Article 27 To control the import, export and transit of dangerous substances and preparations in customs, the customs authority summons the competent authorities in the field of dangerous substances and preparations, in accordance with the legal provisions in force.

Article 28 Natural and legal persons who manage dangerous substances and preparations have the following obligations: a) to comply with the provisions of art. 24 on dangerous substances and preparations; b) to keep strict records - quantity, characteristics, means of insurance - of dangerous substances and preparations, including their containers and packaging, which fall within their scope of activity, and to provide the information and data required by the competent authorities according to the specific legislation in force; c) to remove, under safe conditions for the health of the population and for the environment, dangerous substances and preparations that have become waste and are regulated in accordance with specific legislation. d) to identify and prevent the risks that dangerous substances and preparations can represent for the health of the population and to announce the imminence of unforeseen discharges or accidents to the authorities for environmental protection and civil defense.

Chapter IV Waste regime

Article 29 Waste management is carried out under conditions of protection of the health of the population and the environment and is subject to the provisions of this emergency ordinance, as well as the specific legislation in force.

Article 30 The control of waste management rests with the competent public authorities for environmental protection and the other authorities with competences established by the legislation in force.

Article 31 Local public administration authorities, as well as natural and legal persons carrying

out waste management activities, have duties and obligations in accordance with the provisions of this emergency ordinance and the specific ones in the field of waste management.

Article 32

(1) The introduction of waste of any kind into the territory of Romania, for the purpose of their elimination, is prohibited.

(2) The introduction of waste on the territory of Romania, for the purpose of recovery, is carried out on the basis of specific regulations in the field, with the approval of the Government, in accordance with the provisions of the Treaty on Romania's accession to the European Union, ratified by Law no. 157/2005.

(3) The recovery of waste is carried out only in facilities, through processes or activities authorized by the competent public authorities.

(4) The transit and export of waste of any nature is carried out in accordance with the agreements and conventions to which Romania is a party and with the specific national legislation in the field.

Article 33

(1) The domestic transport of hazardous waste is carried out in accordance with the specific legal provisions.

(2) The international transport and transit of hazardous waste is carried out in accordance with the provisions of international agreements and conventions to which Romania is a party.

Chapter V Chemical fertilizers and plant protection products regime

Article 34 Chemical fertilizers and plant protection products are subject to a special regulatory regime established by specific legislation in the field of chemicals.

Article 35 The special regulatory regime for chemical fertilizers and plant protection products shall apply to activities related to their manufacture, placing on the market, use, as well as their import and export.

Article 36 The competent central public authorities according to the specific legislation in the field of chemicals, in collaboration with the central public authority for environmental protection, have the following obligations: a) to regulate the regime of chemical fertilizers and plant protection products; b) to organize, at the territorial level, the network of laboratories for quality control of chemical fertilizers and plant protection products; c) to verify, through the network of laboratories, the concentrations of residues of plant protection products in soil, crops, fodder, plant and animal agri-food products.

Article 37 The central public authority for environmental protection, together with the central public authorities for agriculture, forestry, health and those in the field of transport or their decentralized services, as the case may be, supervise and control the application of regulations on chemical fertilizers and plant protection products, thus so as to avoid environmental pollution by them.

Article 38

(1) Legal entities that produce, store, market and/or use chemical fertilizers and plant protection products have the following obligations:

a) to produce, store, market and use plant protection products only in compliance with the legal provisions in force ;

b) not to use chemical fertilizers and plant protection products in areas or on surfaces where special protection measures are established;

c) to administer plant protection products by aerial means, only with the approval of the competent authorities for environmental protection, the competent authorities in the sanitary field and the basic county commissions mellifera and pastoral sputarit, according to the regulations in force, after a prior notification by mass- mediate;

d) to apply, during the flowering period of plants whose pollination is done by insects, only those treatments with plant protection products that are selective towards pollinating insects;

e) to deliver, handle, transport and sell chemical fertilizers and plant protection products

packaged with identification, warning, safety and use prescriptions, under conditions in which they do not cause contamination of means of transport and/or the environment, as appropriate; f) to store chemical fertilizers and plant protection products according to the safety data sheet issued by the manufacturer.

(on 07-25-2020, Letter f) of Paragraph (1), Article 38, Chapter V was amended by Point 2, SINGLE ARTICLE of LAW no. 140 of July 21, 2020, published in the OFFICIAL GAZETTE no. 647 of July 22, 2020)

(2) Legal entities interested in the manufacture and/or placing on the market of plant protection products and chemical fertilizers have the obligation to request and obtain, if the specific legislation provides for it, the environmental approval for plant protection products, respectively for the authorization of chemical fertilizers, in order to produce, sell and use them in agriculture and forestry.

(3) The obligations provided for in para. (1) lit. b) - f) also belong to natural persons, under the law.

Chapter VI Regime of genetically modified organisms, obtained through modern biotechnology techniques

Article 39

(1) Activities involving genetically modified organisms obtained through modern biotechnology techniques are subject to a special regulation, authorization and administration regime, according to the provisions of this emergency ordinance, specific legislation and international conventions and agreements to which Romania is a party.

(2) The activities provided for in para. (1) include:

a) the use in isolation of genetically modified microorganisms;

b) the deliberate introduction into the environment and on the market of living genetically modified organisms;

c) the import of genetically modified organisms/microorganisms.

(3) The activities provided for in para. (2) is carried out only under the conditions of ensuring the protection of the environment, as well as the health of people and animals, based on the regulatory acts issued by the competent authority.

Article 40

(1) The central public authority for environmental protection issues authorizations and import agreements regarding activities with genetically modified organisms provided for in art. 39. para. (2) lit. c) .

(2) In the decision-making process regarding the activities from art. 39. para. (2), lit. b) and c) , the central public authority for environmental protection requests the opinions of the central public authorities for agriculture, health, food safety, consumer protection, as well as other institutions involved, according to specific legislation, consults the Commission for Biological Security and ensures public information and participation .

(3) In the decision-making process regarding the activities provided for in art. 39. para. (2) lit. a) , the central public authority for environmental protection applies the procedure established by the specific legislation on genetically modified microorganisms.

Article 41

(1) Authorizations regarding the deliberate introduction into the environment and on the market of living genetically modified organisms and regarding the use in isolation of genetically modified microorganisms are issued only to legal entities, according to the provisions of the specific legislation.

(2) The import on the territory of Romania and the export of a genetically modified organism is carried out only by legal entities, according to the provisions of the specific legislation in force.

(3) The international transport of genetically modified organisms is carried out according to national legislation, agreements and conventions regarding the international transport of goods/dangerous goods, as the case may be, to which Romania is a party.

Article 42 The customs authority allows the import/export of genetically modified organisms and cooperates with the central public authorities for environmental protection, agriculture, food safety, health and other authorities involved, in accordance with specific legislation.

Article 43 Holders of import agreements for genetically modified organisms and authorizations for activities with genetically modified organisms have the obligation to comply with the legal requirements for ensuring traceability, labeling, monitoring and to report the results to the central public authority for environmental protection and other authorities, as the case may be activity, according to the specific legislation in force.

Article 44 Legal entities carrying out activities involving genetically modified organisms have the following obligations: a) to request and obtain the import agreement for genetically modified organisms and/or authorizations regarding activities with genetically modified organisms, as appropriate; b) to comply with the provisions of import agreements for genetically modified organisms and/or authorizations regarding activities with genetically modified organisms, as the case may be; c) to stop the activity or change the operating conditions, at the request of the competent authority, if new information appears regarding the risks to the environment and human and animal health; d) to answer, according to this emergency ordinance and the specific legislation in force, for the damages resulting from these activities; e) to cover the costs of the measures necessary to prevent and/or reduce the consequences of the adverse effects of these activities; f) apply measures to eliminate waste resulting from activities involving genetically modified organisms/microorganisms, in accordance with the legal provisions in force.

Chapter VII Regime of nuclear activities

Article 45 Activities in the nuclear field are carried out in accordance with the provisions of this emergency ordinance and the specific national and international regulations to which Romania is a party.

Article 46

(1) The environmental agreement for a practice or an activity in the nuclear field is issued before the authorization is issued by the competent authority for authorization, regulation and control in the nuclear field, according to the legislation in force.

(2) The environmental authorization is issued after the authorization has been issued by the competent authority for authorisation, regulation and control in the nuclear field.

(3) For facilities with a major nuclear risk - nuclear power plants, research reactors, nuclear fuel manufacturing plants and final spent nuclear fuel storage facilities - the environmental agreement or environmental authorization is issued by a Government decision, upon the proposal of the central authority for environment protection.

Article 47

(1) The control of nuclear activities is carried out by the competent authority in the field of nuclear activities.

(2) The central public authority for environmental protection has the following attributions:

a) organizes the monitoring of environmental radioactivity throughout the entire territory of the country;

b) supervises, controls and orders the taking of the necessary measures in the field of nuclear activities, in order to comply with the legal provisions regarding environmental protection;

c) collaborate with the competent bodies in the defense against disasters, the protection of the health of the population and the environment.

Article 48 Authorized natural and legal persons, who carry out activities in the nuclear field, have the following obligations: a) to assess, directly or through qualified structures, the potential risk, to request and obtain the environmental authorization; b) to apply the procedures and provide the equipment for the new activities, which allow to achieve the lowest rational level of radioactivity doses and risks to the population and the environment, and to request and obtain the environmental consent or the environmental authorization, as the case may be ; c) to apply, through its own systems, programs for monitoring the radioactive contamination of the environment, which ensure compliance with the conditions for the elimination of radioactive substances provided for in the authorization and the maintenance of radioactivity doses within the permitted limits; d) to maintain in working condition the capacity to monitor the local environment, in order to detect any significant radioactive contamination that would result from an accidental disposal of radioactive substances; e) promptly report to the competent authority any significant increase in environmental contamination and whether or not this is due to the activity carried out; f) to continuously verify the correctness of the assumptions made through the probabilistic assessments regarding the radiological consequences of radioactive releases; g) to ensure the storage of radioactive waste, under safe conditions for the health of the population and the environment.

Chapter VIII Preservation of biodiversity and natural protected areas

Article 49

(1) The central public authority for the protection of the environment together with the central and local public authorities, as the case may be, elaborates technical regulations regarding the measures for the protection of ecosystems, conservation and sustainable use of the components of biological diversity.

(on 07-09-2006, Paragraph (1) of art. 49 was amended by point 18 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

(2) The regime of natural protected areas, the conservation of natural habitats, flora and fauna are subject to the provisions of this emergency ordinance, as well as the specific legislation in force.

(3) When designing works that can change the natural framework of a protected natural area, the impact assessment procedure on it is mandatory, followed by the advancement of technical solutions for maintaining natural habitat areas, preserving ecosystem functions and protecting wild species of flora and fauna, including migratory ones, in compliance with the alternative and the conditions imposed by the environmental agreement, self-monitoring, as well as monitoring by the administration structures, until they are fulfilled.

(on 09-07-2006, Paragraph (3) of art. 49 was amended by point 18 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

(4) Owners of land and water surfaces subject to ecological restoration or located in a protected natural area with any title have the obligation to apply and/or comply with the measures established by the competent authority for environmental protection.

Article 50 Repealed. (on 29-06-2007, Art. 50 was repealed by letter b) of art. 57 of the EMERGENCY ORDINANCE no. 57 of June 20, 2007, published in the OFFICIAL GAZETTE no. 442 of June 29, 2007.)

Article 51

(1) Repealed.

(on 03-12-2008, Paragraph (1) of art. 51 was repealed by point 14 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3 2008.)

(2) Repealed.

(on 03-12-2008, Paragraph (2) of art. 51 was repealed by point 14 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3 2008.)

(3) Repealed.

(on 03-12-2008, Paragraph (3) of art. 51 was repealed by point 14 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3 2008.)

(4) Repealed.

(on 03-12-2008, Paragraph (4) of art. 51 was repealed by point 14 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3 2008.)

(4¹) Repealed.

(on 06-29-2007, Paragraph (4¹) of art. 51 was repealed by letter b) of art. 57 of the EMERGENCY ORDINANCE no. 57 of June 20, 2007, published in the OFFICIAL GAZETTE no. 442 of June 29, 2007.)

(5) Repealed.

(on 06-29-2007, Paragraph (5) of art. 51 was repealed by letter b) of art. 57 of the EMERGENCY ORDINANCE no. 57 of June 20, 2007, published in the OFFICIAL GAZETTE no. 442 of June 29, 2007.)

(6) Repealed.

(on 06-29-2007, Paragraph (6) of art. 51 was repealed by letter b) of art. 57 of the EMERGENCY ORDINANCE no. 57 of June 20, 2007, published in the OFFICIAL GAZETTE no. 442 of June 29, 2007.)

Article 52

(1) Compliance with the provisions of the management plans and regulations of the protected natural areas, approved according to the specific legislation, is mandatory.

(2) It is forbidden to access the surface of the protected natural areas with motorized means that use fossil fuels for the purpose of practicing sports, with the exception of the roads allowed for public access.

(3) On the surface of natural protected areas, in addition to the prohibitions provided in the management plans and regulations, it is prohibited to exploit any non-renewable mineral resources from national parks, nature reserves, scientific reserves, nature monuments and from strict protection areas, integral protection areas and sustainable management areas of natural parks.

(4) In natural areas protected by community, national and international interest, the cultivation of genetically modified higher plants is prohibited. Exceptions are natural areas protected by community interest, Natura 2000 site, based on the opinion issued by the Romanian Academy.

(on 07-21-2013, Paragraph (4) of art. 52 was amended by point 4 of the single article of LAW no. 226 of July 15, 2013, published in the OFFICIAL GAZETTE no. 438 of July 18, 2013, which amends Article 1 of EMERGENCY ORDINANCE No. 164 of November 19, 2008, published in the OFFICIAL GAZETTE No. 808 of December 3, 2008.)

(5) Any plan or project that is not directly related to or is not necessary for the management of the protected natural area of community interest, but which could significantly affect the area, individually or in combination with other plans or projects, is subject to an adequate evaluation of the potential effects on the natural area protected by community interest, taking into account its conservation objectives, according to the specific legislation in the field.

(6) The appropriate evaluation procedure is completed with the issuance of the Natura 2000 opinion or the decision to reject the project or plan, as the case may be.

(on 03-12-2008, Art. 52 was amended by point 15 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

Article 53

(1) The activities of harvesting, capturing and/or purchasing and/or trading, on the national territory or for export, mine flowers, plant fossils and vertebrate and invertebrate animal fossils, as well as plant and animal species from wild flora and fauna or some of their parts or products, in a live, fresh or semi-processed state, can be organized and carried out by authorized natural or legal persons, under the conditions of the law.

(2) The authorization procedures provided for in para. (1) are established by order of the head of the central public authority for environmental protection.

(3) The requirements for ensuring the welfare of wild animals in captivity are established by specific legislation, according to international standards.

(on 03-12-2008, Art. 53 was amended by point 16 of art. I of the EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

Article 54

(1) Repealed.

(on 03-12-2008, Paragraph (1) of art. 54 was repealed by point 17 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3 2008.)

(2) Repealed.

(on 03-12-2008, Paragraph (2) of art. 54 was repealed by point 17 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3 2008.)

(3) The minimum distance from protected natural areas, where the activity of cultivation and/or testing of higher genetically modified plants is prohibited, is established by joint order of the heads of the central public authority for the protection of the environment and water management and the central public authority for agriculture, forests and rural development.

(on 07-09-2006, Art. 54 was amended by point 23 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

Chapter IX Protection of waters and of aquatic ecosystems

Article 55

(1) The protection of surface and underground waters and aquatic ecosystems aims to maintain and improve their quality and biological productivity, in order to avoid negative effects on the environment, human health and material assets.

(2) The conservation, protection and improvement of the quality of coastal and maritime waters aims at the progressive reduction of discharges, emissions or losses of priority/priority hazardous substances in order to achieve the quality objectives stipulated in the Convention on the Protection of the Black Sea against Pollution, signed in Bucharest on April 21 1992, ratified by Law no. 98/1992.

Article 56

(1) The management and protection activities of water resources and aquatic ecosystems are subject to the provisions of this emergency ordinance, as well as the specific legislation in force.

(2) The regulation of activities from the point of view of water management and the control of compliance with the provisions regarding the protection of waters and aquatic ecosystems are carried out by the competent authorities for environmental protection, water management and health.

Article 57 Repealed. (on 03-12-2008, Art. 57 was repealed by point 18 of art. I of the EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

Article 58 Persons physical and legal entities have the following obligations: a) to carry out all works to restore natural resources, to ensure the migration of aquatic fauna and to improve water quality, stipulated by the deadline in the water management notice or authorization, as well as in the environmental authorization, and monitor the impact area; b) to equip, in the case of owning ships, floating platforms or marine drilling, with waste storage or treatment facilities, waste water treatment facilities and connections for discharging them into shore or floating facilities; c) equip ports with facilities for the collection, processing, recycling or neutralization of oil, household or other waste stored on river and maritime vessels, and set up intervention teams in case of accidental pollution of waters and coastal areas; d) not to discharge waste water from ships or floating platforms directly into natural waters and not to throw any kind of waste from them; e) not to wash objects, products, packaging, materials that can produce impurity of surface waters; f) not to discharge waste water, domestic sewage, petroleum substances, priority/priority hazardous substances into surface, underground and maritime waters; g) not to throw or store on the banks, in the riverbeds and in the wet and coastal areas waste of any kind and not to introduce explosive substances, electricity, narcotics, priority/priority dangerous substances into the waters.

Chapter X Protection of the atmosphere, climate change, environmental noise management, prevention and control of olfactory discomfort (on 07-16-2020, the Title of Chapter X was modified by Point 6, Article I of LAW no. 123 of July 10, 2020, published in the GAZETTE OFFICIAL No. 613 of July 13, 2020) Article 59

(1) The central public authority for environmental protection has the following attributions and responsibilities:

a) elaborates the national policy and coordinates the actions at the national and local level regarding the protection of the atmosphere, climate changes, as well as the protection of the population against the levels of exposure to ambient noise that may have negative effects on human health, in accordance with specific European and international policies;

(on 16-10-2012, Letter a) of art. 59 was modified by point 5 of art. III of EMERGENCY ORDINANCE no. 58 of October 10, 2012, published in the OFFICIAL GAZETTE no. 706 of October 16, 2012.)

b) elaborates, promotes and updates the National Strategy in the field of atmosphere protection and the National Action Plan in the field of atmosphere protection;

c) elaborate, promote and, as the case may be, update the National Program for the reduction of emissions of sulfur dioxide, nitrogen oxides and dust from large combustion facilities;

d) coordinates the development of the National Program for the progressive reduction of emissions of sulfur dioxide, nitrogen oxides, volatile organic compounds and ammonia;

e) elaborate, promote and update the National Climate Change Strategy, the National Climate Change Action Plan;

f) ensure the integration of policies to reduce greenhouse gas emissions and adapt to the effects of climate change in sectoral strategies;

g) administers the national accounts from the European Union Register of greenhouse gas emissions;

(on 06-04-2016, Letter g) of art. 59 was modified by point 2 of art. I of EMERGENCY ORDINANCE no. 9 of March 30, 2016 published in the OFFICIAL GAZETTE no. 258 of April 6, 2016.)

h) administers the national system for estimating the level of anthropogenic emissions of

greenhouse gases resulting from sources or retention by sequestration of carbon dioxide, regulated by the Kyoto Protocol;

(on 06-04-2016, Letter h) of art. 59 was amended by point 2 of art. I of EMERGENCY ORDINANCE no. 9 of March 30, 2016 published in the OFFICIAL GAZETTE no. 258 of April 6, 2016.)

i) coordinates the implementation of the flexible mechanisms provided for by the Kyoto Protocol to the United Nations Framework Convention on Climate Change;

j) approve and promote the National Action Plan for reducing noise levels;

k) organizes the air quality monitoring activity throughout the country;

it) establishes, as appropriate, through the regulatory acts, more restrictive emission limit values and the measures necessary to comply with the national emission ceilings, respectively the loads and critical levels.

m) together with the central public authority in the field of health, approve methodologies regarding the prevention and reduction of olfactory discomfort.

(on 07-16-2020, Paragraph (1) of Article 59, Chapter X was supplemented by Point 7, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

(2) The powers and responsibilities of the central public authority for environmental protection provided for in paragraph (1) lit. g) and h) is carried out through the National Agency for Environmental Protection.

(on 06-04-2016, Paragraph (2) of art. 59 was introduced by point 3 of art. I of EMERGENCY ORDINANCE no. 9 of March 30, 2016 published in the OFFICIAL GAZETTE no. 258 of April 6, 2016)

Article 60

(1) The commercialization scheme of greenhouse gas emissions certificates and the conditions for the development of national plans for the allocation of these certificates are established by a Government decision, upon the proposal of the central public authority for environmental protection, within 90 days from the date of entry into force of this emergency ordinance.

(2) The sustainable and unitary management of the funds obtained from the transaction of the assigned quantity unit, provided for by the Kyoto Protocol to the United Nations Framework Convention on Climate Change, adopted on December 11, 1997, ratified by Law no. 3/2001, is carried out through specially established structures within the Environment Fund Administration. (on 09-07-2006, Paragraph (2) of art. 60 was amended by point 24 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

(3) The mechanism for free transient allocation of greenhouse gas emissions certificates to electricity producers, for the period 2013-2020, including the investment plan, is approved by a Government decision on the proposal of the central public authority for the economy - Department of Energy.

(on 21-07-2013, Paragraph (3) of art. 60 was introduced by point 5 of the single article of LAW no. 226 of July 15, 2013, published in the OFFICIAL GAZETTE no. 438 of July 18, 2013, which introduces point 18¹ of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.

(4) The mechanism for the free final annual allocation of greenhouse gas emissions certificates for the period 2013-2020 related to stationary sectors is approved by a Government decision on the proposal of the central public authority for environmental protection.

(on 07-21-2013, Paragraph (4) of art. 60 was introduced by point 5 of the single article of LAW no. 226 of July 15, 2013, published in the OFFICIAL GAZETTE no. 438 of July 18, 2013, which introduces point 18¹ of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.

Article 61 The central public authority for the protection of the environment, through its subordinate public authorities, supervises and controls the application of the legal provisions regarding the protection of the atmosphere and the management of ambient noise, for which purpose: a) orders, in writing or in the control act, the temporary or definitive cessation of activities generating pollution, olfactory discomfort, in order to apply emergency measures or for non-compliance with the compliance program and/or the olfactory discomfort management plan, as the case may be; (on 07-16-2020, Letter a) of Article 61, Chapter X was amended by Point 8, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020) b) requests the application of technological measures, restrictions and prohibitions in order to prevent, limit or eliminate pollutant emissions and olfactory discomfort; (on 07-16-2020, Letter b) of Article 61, Chapter X was amended by Point 8, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020) c) requests that measures be taken to comply with the maximum allowed level of ambient noise.

Article 62 Owners, with any title, of lands on which there are protective curtains and alignments, green spaces, parks, hedges are obliged to maintain them to improve the capacity of atmospheric regeneration, sound and wind protection. (on 07-09-2006, Art. 62 was amended by point

25 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

Article 63 Authorities with responsibilities regarding securing the border have the obligation not to allow mobile polluting sources that do not comply with the legal provisions in force to enter/exit the country.

Article 64 Natural and legal persons have the following obligations in the field: a) to comply with the regulations regarding the protection of the atmosphere, adopting appropriate technological measures to retain and neutralize atmospheric pollutants; b) equip technological installations, which are sources of pollution, with self-monitoring systems and ensure their correct operation; c) ensure qualified personnel and provide, upon request or according to the compliance program, the necessary data to the competent authorities for environmental protection; d) to improve the technological performance in order to reduce emissions and not to put into operation the installations that exceed the maximum allowed limits provided in the legislation in force; e)

to ensure, at the request of the competent authorities for environmental protection, the reduction, modification or termination of the activity generating pollution;
f) to ensure special measures and equipment for the isolation and sound protection of sources generating noise and vibrations, so as not to lead, through their operation, to exceeding the limit levels of ambient noise

Article 64¹Emissions and/or emissions from the sources that may cause olfactory discomfort must be contained and directed to an appropriate odor reduction system. (on 16-07-2020, Chapter X was supplemented by Point 9, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

Article 64²The central public authority for the protection of the environment, through the public authorities subordinate to it, takes all the necessary measures so that the activities for which it is necessary to obtain the authorization/integrated environmental authorization are carried out in such a way that for the flows with high/low intensity effective pollution reduction technologies, appropriate activity sector. (on 16-07-2020, Chapter X was supplemented by Point 9, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

Article 64³

(1) The economic operator/Holder carrying out activities for which it is necessary to obtain the authorization/integrated environmental authorization takes all the necessary measures to prevent olfactory discomfort so that it does not affect the health of the population and the environment.
(2) In the situation where the prevention of emissions of substances with a strong olfactory impact is not possible from a technical and economic point of view, the economic operator/owner of the activity takes all the necessary measures to reduce odor emissions so that the olfactory discomfort does not affect the health of the population and environment.
(3) The economic operator/Owner of activities that can produce olfactory discomfort and for which it is necessary to obtain the authorization/integrated environmental authorization ensures its own systems for monitoring olfactory discomfort.

(on 07-16-2020, Chapter X was supplemented by Point 9, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

Article 64⁴ Authorization/Integrated authorization by environment for activities that may create olfactory discomfort must include an olfactory discomfort management plan. (on 07-16-2020, Chapter X was supplemented by Point 9, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

Article 64⁵ Presence and concentration of odors in the surrounding air is evaluated in accordance with the standards in force, namely «SR EN 16841-1 Ambient air. Determination of the presence of odors in ambient air by field inspection Part 1: Grid method», «SR EN 16841-2 Ambient air. Determination of the presence of odors in ambient air by field inspection Part 2: Odor trail method" and "SR EN 13725 Air quality. Determination of the concentration of an odor by dynamic olfactometry» or with other international standards that guarantee obtaining data of an equivalent scientific quality. (on 07-16-2020, Chapter X was supplemented by Point 9, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

Article 64⁶

(1) In case of complaints from the public claiming the existence of olfactory discomfort, the central public authority for health, through the subordinate structures, formulates the answers to those complaints.

(2) In the situation where, following investigations, the central public authority for health, through its subordinate structures, finds the existence of a causal link between olfactory discomfort and the state of health of the population, it notifies the competent authority for environmental protection responsible for issuing regulatory acts in the field of environmental protection for the re-examination and updating of those acts.

(on 16-07-2020, Chapter X was supplemented by Point 9, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

Chapter XI Protection of soil, subsoil and ecosystems terrestrial

Article 65 The protection of soil, subsoil and terrestrial ecosystems, through appropriate management, conservation, organization and planning measures of the territory, is mandatory for all holders, with any title. (on 07-09-2006, Art. 65 was amended by point 26 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

Article 66

(1) The regulations regarding the methods of investigation and assessment of soil and subsoil pollution, remediation in areas where the soil, subsoil and terrestrial ecosystems have been affected and those relating to the protection of the quality of the soil, subsoil and terrestrial ecosystems are established by Government decision, at the proposal of the central public authority for environmental protection, within 12 months from the entry into force of this emergency ordinance.

(2) The central public authority for environmental protection, with the consultation of the other competent central public authorities, establishes the system for monitoring the quality of the geological environment in order to assess the current state and its evolution trends.

Article 67 The control of compliance with the legal regulations regarding the protection, conservation, development and judicious use of soil, subsoil and terrestrial ecosystems is organized and exercised by the competent authorities for environmental protection, as well as, as the case may be, by other competent public administration authorities, according to the legal provisions.

Article 68 Land owners, with any title, as well as any natural or legal person who carries out an activity on a land, without having a legal title, have the following obligations: a) to prevent, based on the regulations in the field, the deterioration of the quality of the environment geological; b) to ensure the taking of sanitation measures for lands not productively or functionally occupied, especially those located along roads, railways and navigation routes; c) to comply with any other obligations stipulated by the legal regulations in the field.

Article 69 Holders with any title of the forest fund, of the forest vegetation outside the forest fund and of the meadows, as well as any natural or legal person who carries out an activity on such land, without having a legal title, have the following obligations: a) to maintain the wooded area of the forest fund, of the forest vegetation outside the forest fund, including existing junipers, bushes and meadows, their reduction being prohibited, except in cases provided for by law; b) to exploit the woody mass under the conditions of the law as well as to take

measures for reforestation and, respectively, to complete the natural regenerations; c) properly manage the resulting exploitation waste, under the conditions provided by law; d) to ensure compliance with the forestry rules for the exploitation and technological transport of wood, established according to the law, in order to maintain the biodiversity of the forests and the ecological balance; e) to respect the forestry regime in accordance with the provisions of the legislation in the field of forestry and environmental protection; f) to ensure the application of specific conservation measures for forests with special protective functions, located on very steep slopes, with sliding and erosion processes, on screes, rocks, at the upper altitude limit of forest vegetation, as well as for other such forests; g) to comply with the forestry regime established for the preservation of woody vegetation on wooded pastures that perform soil and water resource protection functions; h) to ensure the rational exploitation, organization and development of meadows, depending on their recovery capacity;

- i) to exploit the forest resources, hunting and fishing fund, according to the legal provisions in the field;
- j) to exploit the meadows, within the limits of creditworthiness, with the number and species of animals and during the established period, based on specialized studies and specific legal provisions;
- k) to protect the forest, hunting, fishing and meadow heritage within the protected natural areas, in the terms established by the management plans and specific regulations;
- l) to notify the environmental protection authorities about accidents or activities that affect forest ecosystems or other such terrestrial ecosystems.

Chapter XII Protection of human settlements

Article 70 In order to ensure a healthy living environment, local public administration authorities, as well as, as the case may be, natural and legal persons have the following obligations: a) to improve the microclimate of the localities, through the arrangement and maintenance of springs and springs water from within and from their adjacent areas, to beautify and protect the landscape, to maintain street cleanliness; (on 09-07-2006, Letter a) of art. 70 was amended by point 27 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.) b) to provide, when drawing up town planning plans and territorial development, measures to maintain and improve the natural and anthropogenic landscape background of each area and locality, conditions for landscape and ecological restoration of damaged areas, measures to sanitary protection of drinking water intakes and flood defense works; c) to comply with the provisions of urban planning and territorial development regarding the location of industrial facilities, roads and means of transport, sewage networks, treatment plants, household, street and industrial waste deposits and other facilities and activities, without harming the environment, the rest, treatment and recreation spaces, the health and comfort of the population; d) to inform the public about the risks generated by the operation or existence of objectives with a risk for the health of the population and the environment; e) to respect the regime of special protection of balneo-climatic localities, areas of tourist and leisure interest, historical monuments, protected areas and natural monuments. The placement of objectives and the carrying out of activities with harmful effects in the perimeter and in their protection zones are prohibited; f)

to adopt appropriate architectural elements, to optimize housing density, while maintaining, maintaining and developing green spaces, parks, tree alignments and street protection curtains, landscaping with an ecological, aesthetic and recreational function, in accordance with urban planning and territorial planning;

(on 09-07-2006, Letter f) of art. 70 was amended by point 27 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

g) to regulate, including by temporarily or permanently banning, the access of certain types of motor vehicles or the carrying out of activities generating discomfort, olfactory discomfort for the population in certain areas of the localities, with a predominance in the spaces intended for housing, in treatment, rest, recreation and leisure areas, health facilities and educational facilities;

(on 07-16-2020, Letter g) of Article 70, Chapter XII was amended by Point 10, Article I of LAW

no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

h) not to degrade the natural or landscaped environment, through uncontrolled storage of waste of any kind;

i) to adopt mandatory measures, for natural and legal persons, regarding the maintenance and beautification, as the case may be, of buildings, yards and their surroundings, green spaces in yards and between buildings, trees and decorative shrubs;

j) to initiate, at the local level, development, maintenance and development projects of the sewerage system.

k) to provide for measures to prevent and reduce olfactory discomfort when drawing up town planning plans and landscaping;

(on 07-16-2020, Article 70 of Chapter XII was supplemented by Point 11, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

l) to maintain the network of sewage, pre-treatment facilities/treatment plants and take all measures so as not to create olfactory discomfort;

(on 07-16-2020, Article 70 of Chapter XII was supplemented by Point 11, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

m) to control with the aim preventively and when notifying the public of activities that are not subject to regulation from the point of view of environmental protection and that may create olfactory discomfort;

(on 07-16-2020, Article 70 of Chapter XII was supplemented by Point 11, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

n) when implementing the provisions of Law no. 50/1991 regarding the authorization of the execution of construction works, republished, with subsequent amendments and additions, in the vicinity of activities with possible olfactory impact on the population, local public administration authorities reject requests for the development of projects that require the provision of health protection, if the minimum protection distances sanitary rules established between protected territories and a number of units that cause discomfort and risks to the health of the population are not respected;

(on 07-16-2020, Article 70 of Chapter XII was supplemented by Point 11, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

o) in the case of residential areas in the vicinity of which there are existing activities with an olfactory impact where the minimum sanitary protection distance in force is not respected, the operator/owner of the activity has the obligation to take all the necessary measures in order to reduce the discomfort produced, by implementing an approved olfactory discomfort management plan by the central public authority for health, through the subordinate structures and/or the authority of the local public administration, as the case may be. For activities subject to regulatory procedures from the point of view of environmental protection, the olfactory discomfort management plan is also approved by the central public authority for environmental protection, through the subordinate structures.

(on 07-16-2020, Article 70 of Chapter XII was supplemented by Point 11, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

Article 71

(1) Changing the destination of lands arranged as green spaces and/or provided as such in urban planning documents, reducing their surfaces or relocating them is prohibited, regardless of their legal regime.

(2) Administrative or legal acts issued or concluded with non-compliance with the provisions of para. (1) are struck by absolute nullity.

(on 10-22-2007, Art. 71 was amended by point 1 of art. I of EMERGENCY ORDINANCE no. 114 of October 17, 2007, published in the OFFICIAL GAZETTE no. 713 of October 22, 2007.)

Article 72

(1) The provisions of this emergency ordinance and the special regulations shall be complied with when developing town planning plans and the development of the territory, and measures to prevent and reduce olfactory discomfort, the measures provided for in the olfactory discomfort management plans, as well as measures to maintain and improve the natural and anthropogenic landscape background of each area and locality, landscape and ecological restoration conditions of damaged areas and measures to develop green spaces, sanitary protection of drinking water intakes and flood defense works.

(2) When drawing up olfactory discomfort management plans, the measures to prevent and reduce olfactory discomfort, established in accordance with the provisions of para. (1) .

(on 07-16-2020, Article 72 of Chapter XII was amended by Point 12, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

Article 73 Urban planning plans and land development are subject to the environmental assessment procedure, in order to obtain the environmental approval for plans and programs, according to the legislation in force.

Article 74

(1) At the level of each regional environmental protection agency, a regional environmental protection committee is organized, hereinafter referred to as the regional committee.

(2) The composition of the Regional Committee is as follows:

- a) 2 representatives of the central public authority for environmental protection, including one specialist on environmental protection issues and one specialist on forestry issues; (on 28-04-2013, Letter a) of par. (2) of art. 74 was amended by point 2 of art. unique from LAW no. 117 of April 24, 2013, published in the OFFICIAL GAZETTE no. 240 of April 25, 2013, which amends point 6 of art. III of EMERGENCY ORDINANCE no. 58 of October 10, 2012, published in the OFFICIAL GAZETTE no. 706 of October 16, 2012.)
- b) a representative of the National Agency for Environmental Protection;
- c) a representative of the county agencies for environmental protection in the respective region, appointed by the National Agency for Environmental Protection;
- d) a representative of the National Environmental Guard;
- e) a representative designated by the central public authority in the field of public finances within a county in the respective region;
- f) a representative of the public health authority in the respective region;
- g) a representative of the central public authority in the field of agriculture and rural development;
- h) a prefect from the respective region, nominated by the central public authority in the field of public administration;
- i) a president of the county council, nominated by the presidents of the county councils in the respective region;
- j) a representative of the basin administration from the respective region;
- k) a representative of operators from the respective region, designated by the county agency for environmental protection;
- l) a representative of the central public authority in the field of transport and infrastructure;
- m) a representative elected by the non-governmental organizations based in the respective region;
- n) a mayor of the county seat municipality, nominated by the mayors of the other county seat municipalities in the respective region.

(on 16-10-2012, Paragraph (2) of art. 74 was amended by point 6 of art. III of EMERGENCY ORDINANCE no. 58 of October 10, 2012, published in the OFFICIAL GAZETTE no. 706 of October 16 2012.)

(3) The representatives of the public authorities are appointed by the leaders of the respective authorities.

(4) The representatives of the local public administration who are part of the Regional Committee work within it only during the exercise of the mandate of the position they represent.

(5) The regional committee collaborates with the regional environmental protection agency in the application, at the regional level, of the national environmental protection strategy and policy, for which purpose it has the following attributions:

- a) approves the regional action plan for environmental protection and regional sectoral plans specific and analyzes the stage of their realization;
- b) approves the list of priority projects to be financed from community funds and/or other funds identified at the regional level and monitors their application;
- c) evaluates the status of fulfillment of the commitments assumed in the negotiation of the environmental chapter at the level of the respective region and recommends priority actions for compliance;
- d) establish public education and awareness programs regarding environmental protection.

(6) The Secretariat of the Regional Committee is provided by the regional agency for environmental protection.

(7) The regional committee has access to environmental information held by or for any public authority, to environmental information held by public institutions and economic operators, according to the law.

(8) The regulation for the organization and operation of regional committees for environmental protection is established by a Government decision, upon the proposal of the central public authority for environmental protection, within 120 days from the entry into force of this emergency ordinance.

Chapter XIV Powers and responsibilities

Section 1 Powers, responsibilities of the authorities for environmental protection

Article 75 The central public authority for environmental protection has the following powers and responsibilities: a) updates the environmental protection strategy, respecting the principles and strategic elements provided in this emergency ordinance; b) elaborates the recommendations and acts for the integration of environmental policies in sectoral strategies and policies; c) coordinates the training activity in the field of environmental protection; d) correlates environmental planning with land use and urban planning and establishes measures for ecological reconstruction; e) creates its own information system and establishes the conditions and terms that allow free access to environmental information and public participation in environmental decision-making; f) establishes the infrastructure for spatial information that serves the purposes of environmental policies and policies or activities that may have an impact on the environment; g) initiate drafts of normative acts, technical norms, regulations and specific

procedures; h) approves the rules and regulations related to activities with an impact on the environment, developed by other authorities and controls their application; i) organizes the national system for integrated monitoring of the quality of the environment, coordinates its activity and ensures the information of the central authority for health regarding the results of the monitoring of the radioactive contamination of the environment; j) creates the institutional-administrative framework for the identification and promotion of research programs, for the formation and training of qualified personnel for environmental supervision, analysis, evaluation and control; k) implements environmental protection policies, strategies and regulations through the National Agency for Environmental Protection and county agencies for environmental protection; (on 16-10-2012, Letter k) of art. 75 was modified by point 7 of art. III of EMERGENCY ORDINANCE no. 58 of October 10, 2012, published in the OFFICIAL GAZETTE no. 706 of October 16, 2012.) l) appoints expert commissions to assess the damage caused to the environment by certain activities involving genetically modified organisms; m) ensures, for a fee, the consultation of scientific bodies and internal and external experts, as appropriate; n) develop and implement programs and develop educational materials regarding environmental protection;

(on 07-09-2006, Letter n) of art. 75 was amended by point 31 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

o) monitors, within its sphere of competence, compliance with the obligations assumed by the international conventions to which Romania is a party;

p) monitors and analyzes the application of this emergency ordinance, prepares, through the National Environmental Protection Agency, annual reports on the state of the environment;

q) collaborates with similar organizations and authorities from other countries and represents the Government in international relations in the field of environmental protection;

r) apply sanctions, through the National Environmental Guard, for non-compliance with environmental legislation and for non-compliance with the conditions imposed by the regulatory acts, to the owners of the activities;

s) collaborates with public authorities and other legal entities, in order to reduce the negative effects of economic activities on the environment and encourages the introduction of techniques and technologies suitable for the environment;

t) makes available to the public data on the state of the environment, programs and environmental protection policy;

ț) consult at least once a year with representatives of non-governmental organizations and other representatives of civil society to establish the environmental protection strategy;

(on 09-07-2006, Lit. ț) of art. 75 was amended by point 32 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

u) identifies, in collaboration with the Ministry of Public Finance, new financial instruments that favor the protection and improvement of the quality of environmental elements;

v) carries out the inspection and control activity in the field of environmental protection through the National Environmental Guard;

w) collaborates with public civil protection authorities for the development of operational plans and for the joint execution of interventions in case of environmental pollution or accidents;

x) elaborates the Environmental Sectoral Operational Program having responsibility for the management, implementation and management of the financial assistance allocated to this program;

y) proposes, in special situations found on the basis of data obtained from environmental monitoring, the declaration by decision of the Government of areas of high risk of pollution in certain regions of the country and elaborates, together with other central and local public authorities, special programs for the removal of the risk arising in these areas, which are approved by Government decision. After the elimination of the high pollution risk factors, based on the new data resulting from monitoring the evolution of the environment, the respective area is declared back to normality;

(on 07-09-2006, Letter y) of art. 75 was amended by point 32 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

z) authorization of laboratories for environmental quality control.

(on 09-07-2006, Letter z) of art. 75 was introduced by point 33 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

z^1) pays, in accordance with the law, mandatory or voluntary contributions to organizations established on the basis of international treaties and conventions to which Romania is a party,

through the Ministry of Environment, Water and Forests within the limits of the approved budget. (on 07-16-2020, Letter z^1) of Article 75, Section 1, Chapter XIV was amended by Point 13, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

Article 76

(1) The National Agency for Environmental Protection, a public institution with legal personality, fully financed from the state budget, is the specialized body for the implementation of policies and legislation in the field of environmental protection, subordinated to the central public authority for environmental protection.

(2) The organizational structure, number of staff, duties and powers of the National Agency for Environmental Protection are established by a Government decision, upon the proposal of the central public authority for environmental protection.

Article 77 The competent authorities for environmental protection are public institutions with legal personality, fully financed from the state budget.

Article 78 In order to exercise its duties, the competent authority for environmental protection requests the necessary information from other central public authorities, local public administration authorities, natural and legal persons.

Article 79

(1) In the exercise of their duties, the chief commissioners and commissioners of the National Environmental Guard, as well as authorized persons within it, have access, under the law, at any time and in any premises where an activity generating an impact on the environment is carried out.

(on 10-16-2012, Paragraph (1) of art. 79 was amended by point 9 of art. III of EMERGENCY ORDINANCE no. 58 of October 10, 2012, published in the OFFICIAL GAZETTE no. 706 of October 16 2012.)

(2) The means of transport and vehicle and naval intervention provided by the competent authorities for environmental protection are provided with a blue beacon and an acoustic warning.

(3) The natural or legal person prejudiced as a result of the exercise of verification, inspection and control duties may submit a complaint to the competent bodies within 15 days from the discovery of the prejudice.

(4) In the objectives, precincts and areas with special regime in the field of internal affairs, justice and national security, the staff provided for in para. (1) has access only in the presence of their specialized staff, as the case may be.

(5) In the objectives, precincts and areas belonging to the component structures of the defense system, public order and national security, control is carried out by specialized personnel from the Ministry of National Defence, the Ministry of Administration and the Interior, the Romanian Intelligence Service, the Foreign Intelligence Service, the of Protection and Security and the Special Telecommunications Service.

Section 2 Attributions and responsibilities of other central and local authorities

Article 80 Central public administration authorities have the following obligations: a) to develop the policy and strategies applicable in their own field of activity, in accordance with the principles of this emergency ordinance. b) to ensure the integration of environmental policies in specific policies; c) to develop sectoral plans and programs, in compliance with the provisions of this emergency ordinance; d) to ensure the preparation and transmission to the competent authorities for environmental protection of the information and documentation necessary to obtain the environmental approval for the plans and programs, for which the environmental assessment is necessary; e) to ensure, in their organizational structure, structures with attributions in the field of environmental protection, staffed with specialized personnel; f) to develop, with the support of the central public authority for environmental protection, restructuring programs, in accordance with the strategy for environmental protection and environmental policy and to assist the units under their coordination, subordination or authority, in the implementation of these programs; g) to develop the rules and regulations specific to the field of activity in accordance with the requirements of the environmental protection legislation and submit them for approval to the central public authority for environmental protection.

Article 81 Public authorities with responsibilities in the fields of development and forecasting have the following attributions and responsibilities: a) develop development policies based on the principles of sustainable development, taking into account the possible effects on the environment; b) integrate measures and actions to restore the affected areas and disaster prevention measures into its own policy; c) draw up Regional Development Plans and other plans and programs, according to the legislation in force; d) cooperate with the competent authorities for environmental protection in the development and application of strategies, plans and programs in their specific fields of activity; e) collaborates with the competent authorities to identify and implement priority projects financed from external sources.

Article 82 The central public authority for health has the following duties and responsibilities: a) organizes and coordinates the activity of monitoring the health status of the population in relation to environmental risk factors, including olfactory discomfort;

(on 07-16-2020, Letter a) of Article 82, Section 2, Chapter XIV was amended by Point 14, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

b) ensures the supervision and control of the quality of drinking and bathing water, as well as the quality of food products;

c) elaborates, in collaboration with the central public authority for environmental protection, regulations regarding the quality and hygiene of the environment, including olfactory discomfort, and ensures the control of their application;

(on 07-16-2020, Letter c) of Article 82, Section 2, Chapter XIV was amended by Point 14, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

c^1) approve together with the central public authority in the field of environmental protection methodologies regarding the prevention and reduction of olfactory discomfort;

(on 07-16-2020, Article 82 of Section 2, Chapter XIV was supplemented by Point 15, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

d) collaborates with the central public authority for environmental protection in the management of environmental quality, including olfactory discomfort, in relation to the health status of the population;

(on 07-16-2020, Letter d) of Article 82, Section 2, Chapter XIV was amended by Point 16, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

e) collaborates with the central authority for environmental protection in authorizing the activities provided for in art. 24 and 39 and when issuing the import agreement for these activities;

f) exercise specialized control in the field of activities provided for by art. 24-28 , and art. 39 to prevent any adverse effect on the health of the population, workers and the environment and transmits the results of the controls and the measures adopted to the competent authorities;

g) collaborate with the other central public authorities with their own sanitary network, for accurate knowledge of the population's health status and for compliance with environmental hygiene rules in their field of activity;

h) collaborate, at central and local level, in ensuring public access to health information in relation to the environment, including olfactory discomfort.

(on 07-16-2020, Letter h) of Article 82, Section 2, Chapter XIV was amended by Point 16, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

Article 83 The Ministry of National Defense has the following attributions: a) elaborates rules and instructions, specific for its fields of activity, in accordance with the legislation on environmental protection; b) supervises the compliance by the staff of the Ministry of National Defense with environmental protection rules for activities in military areas; c) controls the actions and applies sanctions for the violation by the personnel of the Ministry of National Defense of the environmental protection legislation in the military field; d) ensure the assessment of the impact on the environment, the site report and, as the case may be, the security report, through specialized structures, certified by the central public authority for environmental protection, only for projects and activities in military areas; e) ensures the information of the competent authorities for environmental protection regarding the results of the self-monitoring of pollutant emissions and the quality of the environment in the impact area, as well as regarding any accidental pollution due to the activity carried out.

Article 84The central public authorities in the field of national security have the following duties and responsibilities: a) carry out the activity of environmental protection through their own structures that carry out control, guidance and coordination actions, in order to preserve and maintain the ecological balance in their fields of activity; b) develops specific rules and instructions, in accordance with the principles of this emergency ordinance, in its fields of activity; c) supervises the compliance of subordinate personnel with environmental protection rules, for their own activities; d) controls and applies sanctions for the violation by its own staff of environmental protection legislation in its field of activity; e) ensure the assessment of the environmental impact of its own objectives and activities through specialized structures, certified by the central public authority for environmental protection.

Article 85The central public authority for education and research ensures: a) the adaptation of educational plans and programs at all levels, in order to acquire the notions and principles of environmental protection, for awareness, training and education in this field; b)

promoting study themes and research programs that meet the priorities set by the central public authority for environmental protection;

c) the development of educational programs in order to form a responsible behavior towards the environment;

d) the development of specific scientific research programs and studies regarding the control of biotechnological products and processes and the prevention, reduction/elimination of the risks involved in obtaining and using genetically modified organisms through modern biotechnology techniques;

e) collaborates with the central public authority for environmental protection in authorizing the activities provided for in art. 39 , from his field of activity;

f) exercise specialized control for the activities provided for by art. 39 , from his field of activity, to prevent any adverse effect on the health of the population, workers and the environment and transmits the results of the controls and the measures adopted to the competent authorities.

Article 86The central public authority in the fields of economy and trade has the following attributions: a) elaborates the policy and strategies applicable in its own field of activity in accordance with the legislation on environmental protection; b) elaborate and apply at the national level the strategy for the exploitation of mineral resources, in accordance with the provisions of this emergency ordinance; c) elaborates the policy in the field of industrial waste recycling and recovery; d) develops and promotes legislation on environmental protection in the specific fields of competence; e) collaborate with other central public authorities to develop financial mechanisms to stimulate the use of clean technologies; f) collaborates in the development and promotion of the rules that ensure the implementation of the requirements regarding the prevention and integrated control of pollution for certain categories of industrial activities; g) encourages the introduction of environmental management systems and the ecological label; h) promotes rules and ensures their implementation in the field of dangerous substances and preparations; i) exercise specialized control in the field of activities provided for by art. 24-28 .

Article 87The central public authority in the field of agriculture, forests and rural development has the following attributions and responsibilities: a) ensures the protection and conservation of soils and the maintenance of land heritage; b)

initiate drafts of normative acts regarding the volume of wood harvested annually from the national forest fund, based on the opinion of the central public authority for environmental protection, according to the legislation in force;

c) ensures the authorization of growers of genetically modified superior plants;

d) approve the locations and surfaces on which genetically modified superior plants are to be grown, in order to be authorized by the central public authority for environmental protection; (on 07-09-2006, Letter d) of art. 87 was amended by point 34 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

e) collaborates with the central authority for environmental protection in the authorization and control of the activities provided for in art. 39 ;

f) ensures, through the national register, the record of the cultivated areas and the growers of higher genetically modified plants;

g) applies the principle of coexistence of genetically modified higher plant crops with other types of agricultural crops;

h) ensures the information of the central public authority for environmental protection on the results of the control and the measures adopted in the field of genetically modified organisms.

Article 88The central public authority in the field of transport, construction and tourism has the following attributions and responsibilities: a) develops plans and programs that materialize the national policy of planning the territory and localities, in compliance with the principles of this emergency ordinance and the specific legislation on environmental assessment of plans and programs; b) draw up and apply programs for the development of transport infrastructure, multimodal transport and combined transport, in compliance with the provisions of this emergency ordinance; c) ensures the control of exhaust gases; d) draw up and develop action plans and programs regarding the improvement, quality and protection of the environment, including in the field of noise and vibrations for all modes of transport and their infrastructures; e) seeks to protect the natural heritage, including through measures imposed on units that carry out activities in the field of tourism and encourages the application of the principles of ecotourism.

Article 89The central public authority in the field of administration and internal affairs has the following attributions and responsibilities: a) elaborates strategies in the fields of communal management and the production and distribution of thermal energy in accordance with the legislation on environmental protection; b)

elaborates specific rules and instructions, in accordance with compliance with the principles of this emergency ordinance, for its fields of activity;

c) supervises compliance by subordinate personnel with environmental protection rules for their own activities;

d) apply sanctions for the violation of environmental protection legislation by internal affairs personnel;

e) supports the competent authorities for environmental protection in exercising control over the transport of substances and materials subject to a special regime, based on the rules approved by the central public authority for environmental protection;

f) participate, according to the competences, in the actions of prevention, protection and intervention in case of ecological accidents through the Inspectorates for Emergency Situations.

Article 90The authorities of the local public administration have the following duties and responsibilities: a) apply the provisions of the town planning and territorial development plans, respecting the principles of this emergency ordinance; b) monitor compliance with the environmental protection legislation by the economic operators who provide public communal household services; c) adopt programs and projects for the development of the infrastructure of localities, in compliance with the provisions of this emergency ordinance; d) to have specialized personnel for environmental protection and to collaborate for this purpose with the authorities for environmental protection; (on 07-09-2006, Letter d) of art. 90 was amended by point 35 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.) e) promotes an appropriate attitude of local communities in relation to the importance of environmental protection; f) ensures, through the public services and responsible economic operators, the taking of measures for sanitation of localities, maintenance and management of green spaces, markets and public parks; g) preserves and protects urban and/or rural green spaces, so as to ensure the optimal area established by the regulations in force, in localities where it is not possible to ensure it, the preservation of existing green spaces is a priority; h) supervise subordinate economic operators for the prevention of the accidental removal of pollutants or the uncontrolled storage of waste and the development of reusable waste collection

systems; i) repealed;

(on 09-07-2006, Letter i) of art. 90 was repealed by point 36 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

j) take the necessary measures to prevent and reduce olfactory discomfort arising from activities that are not subject to regulation from the point of view of environmental protection and arrange the necessary legal measures;

(on 07-16-2020, Article 90 of Section 2, Chapter XIV was supplemented by Point 17, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

k) collaborates with the competent authorities for environmental protection with regard to the prevention and reduction of olfactory discomfort arising from the activities for which it is necessary to issue the authorization/integrated environmental authorization;

(on 07-16-2020, Article 90 of Section 2, Chapter XIV was supplemented by Point 17, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

l) apply the provisions of the town planning and territorial development plans with respect to the distances stipulated in the legislation in force and order the necessary legal measures;

(on 07-16-2020, Article 90 of Section 2, Chapter XIV was supplemented by Point 17, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

m) reject requests for the development of projects if the minimum sanitary protection distances are not respected or in the area there are facilities that cause discomfort and risks to the health of the population;

(on 07-16-2020, Article 90 of Section 2, Chapter XIV was supplemented by Point 17, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

n) control for preventive purposes and upon public notification, through specialized services, the activities for which it is not necessary to obtain the authorization/integrated environmental authorization and which could create an olfactory discomfort and order the necessary legal measures;

(on 07-16-2020, Article 90 of Section 2, Chapter XIV was supplemented by Point 17, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

o) regulates, including by permanently or temporarily prohibiting the carrying out of activities generating olfactory discomfort in living, recreation, rest, treatment and leisure areas.

(on 07-16-2020, Article 90 of Section 2, Chapter XIV was supplemented by Point 17, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

Article 91The national authority in the field of sanitary-veterinary and food safety has the following attributions and responsibilities: a) elaborates, in collaboration with the central public authority for environmental protection, regulations in the field of genetically modified organisms, to figure out a high level of life and health protection human, animal health and welfare; b) ensures the control of activities in its field of activity and the traceability of products; c) collaborate with the central public authority for environmental protection in establishing harmonized, efficient and transparent procedures regarding the risk assessment and authorization of genetically modified organisms, as well as criteria for evaluating the potential risks resulting from the use of genetically modified food and feed for animals; d) informs the central public authority for environmental protection about the results of the control and the measures adopted in the field of genetically modified organisms.

Article 92The National Authority for Consumer Protection has the following duties and responsibilities: a) elaborates, in collaboration with the central public authority for environmental protection, regulations in the field of genetically modified organisms, to ensure a high level of protection of human life and health, animal health and welfare , the protection of the environment and the interests of consumers; b) elaborate, together with the central public authorities for environmental protection, for agriculture, forestry and with the sanitary and veterinary authority and for food safety, the regulations regarding biocidal products, chemical fertilizers, plant protection products, genetically modified organisms obtained through modern biotechnology techniques and ensures the control of their application in its field of competence; c) control the traceability and labeling of genetically modified organisms at all stages of their introduction to the market; d) ensures the control of the activities in its field of activity and

the traceability of the products and communicates the results of the control to the central authority for environmental protection.

Article 93 The Police, the Gendarmerie, the Inspectorates for Emergency Situations and the Financial Guard are obliged to provide support, upon request, to the representatives of the competent authorities for environmental protection in the exercise of their duties.

Section 3 Obligations of natural and legal persons

Article 94

(1) Environmental protection is an obligation of all natural and legal persons, in order to:

- a) request and obtain the regulatory acts, according to the provisions of this emergency ordinance and the subsequent legislation;
- b) comply with the conditions of the regulatory acts obtained;
- c) do not put into operation installations whose emissions exceed the limit values established by regulatory acts;
- d) legal entities that carry out activities with a significant impact on the environment organize their own specialized structures for environmental protection;
- e) assists authorized persons with verification, inspection and control activities, providing them with records of their own measurements and all other relevant documents and facilitates the control of the activities of which they are the holders, as well as the taking of samples;
- f) ensures the access of authorized persons for verification, inspection and control to the technological installations generating impact on the environment, to the equipment and installations for environmental depollution, as well as to the spaces or areas related to them;
- g) carries out, in full and on time, the measures imposed by the declaration documents concluded by the persons empowered with verification, inspection and control activities;
- h) submit to the written provision of cessation of activity;
- i) bears the cost of repairing the damage and removes the consequences caused by it, restoring the conditions before the damage occurred, according to the "polluter pays" principle;
- j) provides its own systems for the supervision of technological installations and processes and for the self-monitoring of pollutant emissions;
- k) ensures the records of the results and reports to the competent authority for environmental protection the results of self-monitoring of pollutant emissions, according to the provisions of the regulatory acts;
- l) informs the competent authorities, in case of accidental releases of pollutants in the environment or major accident;
- m) store waste of any kind only on sites authorized for this purpose;
- n) do not burn stubble, peat bogs, forest litter, reeds, bushes or grassy vegetation;
(on 04-07-2022, Letter n) of Paragraph (1), Article 94, Section 3, Chapter XIV was amended by Point 1, Article IV of EMERGENCY ORDINANCE no. 38 of April 6, 2022, published in the OFFICIAL GAZETTE no. 344 of April 7, 2022)
- o) apply the conservation measures established by the central public authority for environmental protection on land and water surfaces subject to a conservation regime as natural habitats that they manage as well as for their ecological restoration;
- p) do not use dangerous baits in fishing and hunting activities, except in specially authorized cases;
- q) ensures optimal living conditions, in accordance with the legal provisions, of wild animals kept in legal captivity, in different forms;
- r) ensures the taking of sanitation measures for land owned by any title, not productively or functionally occupied, especially those located along road, rail and navigation communication routes;
(on 07-09-2006, Letter r) of para. (1) of art. 94 was amended by point 37 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)
- s) to be legitimized at the express request of the inspection and control personnel provided for in this emergency ordinance.

(2) Natural or legal persons who prospect, explore or exploit soil and subsoil resources have the following obligations:

(on 07-09-2006, the introductory part of paragraph (2) of art. 94 was amended by point 38 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.

- a) carry out the remediation of areas where the soil, subsoil and terrestrial ecosystems have been affected;
- b) to notify the authorities for environmental protection or, as the case may be, the other competent authorities, according to the law, about any accidental situations that endanger the environment and act to restore it.
(on 09-07-2006, Letter b) of par. (2) of art. 94 was amended by point 38 of art. I from LAW no.

265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

(3) Natural and legal persons who cultivate genetically modified higher plants have the following obligations:

a) to request and obtain authorization from the competent public authority for agriculture; (on 07-09-2006, Letter a) of par. (3) of art. 94 was amended by point 39 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

b) repealed;

(on 09-07-2006, Letter b) of par. (3) of art. 94 was repealed by point 40 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

(4) Natural and legal persons have the following obligations in order to comply with the regime of protected natural areas:

a) to comply with the provisions of management plans and regulations of protected natural areas; (on 07-09-2006, Letter a) of par. (4) of art. 94 was amended by point 41 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

b) not to carry out activities that contravene management plans or regulations, protected natural areas, as well as the provisions of this emergency ordinance;

c) repealed;

(on 07-09-2006, Letter c) of par. (4) of art. 94 was repealed by point 42 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

d) to allow access to the protected natural area of the administrators or custodians as well as their representatives on the lands owned by any title.

Article 95

(1) Liability for damage to the environment is objective, independent of fault. In the case of multiple authors, liability is joint and several.

(2) Exceptionally, liability can also be subjective for damages caused to protected species and natural habitats, according to specific regulations.

(3) The prevention and repair of damage to the environment is carried out according to the provisions of this emergency ordinance and the specific regulations.

Chapter XV Sanctions

Article 96

(1) Violations of the following provisions constitute contraventions and are sanctioned with a fine from 3,000 lei (RON) to 6,000 lei (RON) for individuals, and from 25,000 lei (RON) to 50,000 lei (RON) for legal entities legal:

(on 09-07-2006, the introductory part of paragraph (1) of art. 96 was amended by point 43 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 from July 6, 2006.)

1. the obligations of legal entities to implement self-monitoring systems, including for olfactory discomfort, and to report to the public territorial environmental protection authority the results of self-monitoring and/or other requested data, as well as accidents and incidents that may lead to danger of accidents;

(on 07-16-2020, Point 1. of Article 96, Chapter XV was amended by Point 18, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

2. the obligations of legal entities to keep strict records of dangerous substances and preparations and to provide the information and data required by the competent authority for environmental protection;

3. the obligations of legal entities to identify and prevent the risks that dangerous substances and preparations may present to the health of the population and the environment and to announce the imminence of unforeseen or accidental discharges to the competent authority for environmental protection and civil defense;

4. the obligation of authorized natural and legal persons to apply, through their own systems, programs for monitoring the radioactive contamination of the environment, which ensure compliance with the conditions for the disposal of radioactive substances provided for in the authorization and the maintenance of radioactive doses within the permitted limits;

5. the obligations of natural and legal persons authorized to maintain in working condition the capacity to monitor the local environment in order to detect any significant radioactive contamination that would result from an accidental disposal of radioactive substances;

6. the obligation of owners and holders of land with title or without title, to maintain forest curtains and protective alignments, green spaces, parks, hedges to improve the ability to regenerate the atmosphere, noise and wind protection;

7. the obligation of the owners and holders of land with title or without title, to prevent, based on the regulations in the field, the deterioration of the quality of the geological environment;

8. the obligation of the owners and holders of land with title or without title, to ensure the location, design, construction and commissioning of objectives of any kind, as well as when changing the destination of the land, the conditions provided for in the agreement and in the authorization/integrated authorization environmental;

9. Repealed.

(on 07-04-2022, Point 9. of Paragraph (1), Article 96, Chapter XV was repealed by Point 2, Article IV of EMERGENCY ORDINANCE no. 38 of April 6, 2022, published in the OFFICIAL GAZETTE no.

344 from 07 April 2022)

10. the obligation of owners and holders of land with title or without title, to take measures to clean up productively or functionally unoccupied land, especially those located along roads, railways and navigation routes;

11. the obligations of the owners of the land surfaces with any title to protect the flora and fauna existing on them, in the sense of maintaining the ecological balance and conservation of biodiversity, as well as the sustainable exploitation of resources based on the legal provisions in force, in order not to create damage to the environment and human health;

12. the obligations of local public administration authorities, as well as natural and legal persons, as the case may be, to adopt and/or apply mandatory measures regarding the maintenance and beautification of buildings, yards and their surroundings, green spaces in yards and between buildings, of decorative trees and shrubs, in accordance with town planning plans; (on 09-07-2006, Point 12 of paragraph (1) of art. 96 was amended by point 43 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

13. the obligations of the local public administration authorities, as well as of legal entities, as appropriate, to provide for the development of town planning plans and the development of the territory, measures to maintain and improve the natural and anthropogenic landscape background of each area and locality, conditions for landscape restoration and ecological assessment of damaged areas and measures for the development of green spaces, sanitary protection of drinking water intakes and flood defense works;

14. the obligation of the local public administration authorities, as well as of natural and legal persons, as the case may be, not to change the destination of the lands arranged as green spaces provided in the urban plans;

15. the obligation of local public administration authorities, as well as natural and legal persons, as the case may be, not to degrade the environment through uncontrolled storage of waste of any kind;

15^1. the obligation of the local public administration authorities to provide for measures to prevent and reduce olfactory discomfort when drawing up town planning plans and landscaping; (on 07-16-2020, Article 96 of Chapter XV was supplemented by Point 19, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

15^2. the obligation of the local public administration authorities to control, upon notification to the public, activities that are not subject to regulation from the point of view of environmental protection and that may create olfactory discomfort;

(on 07-16-2020, Article 96 of Chapter XV was supplemented by Point 19, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

16. the obligation to carry out on the surface of the protected natural areas only those activities in accordance with the provisions of the management plans and the regulations of the protected natural areas;

(on 09-07-2006, Point 16 of paragraph (1) of art. 96 was amended by point 43 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

17. repealed;

(on 09-07-2006, Point 17 of paragraph (1) of art. 96 was repealed by point 44 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

18. repealed;

(on 03-12-2008, Point 18 of paragraph (1) of art. 96 was repealed by point 19 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

19. repealed;

(on 03-12-2008, Point 19 of paragraph (1) of art. 96 was repealed by point 19 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

20. repealed;

(on 03-12-2008, Point 20 of paragraph (1) of art. 96 was repealed by point 19 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

21. the obligation not to enter the surface of protected natural areas and not to practice sports outside the roads allowed for public access with motorized means based on the use of fossil fuels;

22. the obligation to comply with the provisions of management plans and regulations of protected natural areas approved according to legal provisions;

23. the obligation to provide identification at the express request of the inspection and control personnel provided for in this emergency ordinance;

24. repealed;

(on 29-06-2007, Point 24 of paragraph (1) of art. 96 was repealed by letter b) of art. 57 of the EMERGENCY ORDINANCE no. 57 of June 20, 2007, published in the OFFICIAL GAZETTE no. 442 of June 29, 2007.)

25. the obligation to allow access to the protected area of the administrators or custodians as well as their proxies on the lands owned by any title.

26. the obligation of natural persons not to discharge waste water, domestic faecal matter into surface or underground waters;

(on 09-07-2006, Point 26 of paragraph (1) of art. 96 was introduced by point 45 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

27. repealed;

(on 03-12-2008, Point 27 of paragraph (1) of art. 96 was repealed by point 19 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

28. the obligation of natural and legal persons to individually mark the specimens belonging to the species of wild flora and fauna for which there are such provisions in the regulations of the European Commission on the conservation of species of wild fauna and flora by regulating trade with them or in the specific national legislation, according to the methods approved or recommended by the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and in particular the labeling of caviar for both domestic and international trade.

(on 03-12-2008, Point 28 of paragraph (1) of art. 96 was introduced by point 20 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

29. the obligation of economic operators/owners of activities to develop and comply with the olfactory discomfort management plan;

(on 07-16-2020, Article 96 of Chapter XV was supplemented by Point 20, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

(2) Violations of the following provisions constitute contraventions and are sanctioned with a fine from 5,000 lei (RON) to 10,000 lei (RON) for individuals, and from 30,000 lei (RON) to 60,000 lei (RON) for legal entities legal:

(on 09-07-2006, the introductory part of paragraph (2) of art. 96 was amended by point 46 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 from July 6, 2006.)

1. the obligation of natural and legal persons to request and obtain the regulatory acts according to the legal provisions, as well as the import/export agreement and authorizations regarding genetically modified organisms, according to the legal provisions, within the terms established by the authority;

(on 09-07-2006, Point 1 of paragraph (2) of art. 96 was amended by point 46 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

1¹. the obligation of local public authorities not to change the destination of the lands arranged as green spaces and/or provided as such in the urban planning documents, not to reduce their surfaces or the obligation not to relocate them;

(on 22-10-2007, Point 1¹ of paragraph (2) of art. 96 was introduced by point 2 of art. I of EMERGENCY ORDINANCE no. 114 of October 17, 2007, published in the OFFICIAL GAZETTE no. 713 of October 22, 2007.)

2. repealed;

(on 09-07-2006, Point 2 of paragraph (2) of art. 96 was repealed by point 47 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

3. the obligations of the local public administration authorities regarding the improvement of the urban microclimate, by arranging and maintaining the springs and water bodies inside the localities and in their neighboring areas, to beautify and protect the landscape, to maintain the cleanliness of the localities;

4. the obligation of the local public administration authorities to inform the public about the risks generated by the operation or existence of the objectives with a risk for the environment and the health of the population;

5. the obligations of local public administration authorities regarding the adoption of appropriate architectural elements, the optimization of housing density, simultaneously with the maintenance, maintenance and development of green spaces, parks, tree alignments and street protection curtains, landscaping with an ecological, aesthetic function and recreational;

6. the obligations of the local public administration authorities to regulate the access of certain types of motor vehicles or the carrying out of activities generating discomfort for the population in certain areas of the localities, with predominance in the spaces intended for housing, areas intended for treatment, rest, recreation and leisure, including by temporary or permanent prohibition;

7. the obligation of the local public administration authorities to supervise the application of the provisions of the town planning and territorial development plans, in accordance with environmental planning;

8. the obligations of the local public administration authorities to supervise subordinate economic operators to prevent the accidental removal of pollutants or the uncontrolled storage of waste and to develop reusable waste collection systems;

9. the obligations of the local public administration authorities to have specialized personnel for environmental protection and to collaborate for this purpose with the environmental protection authorities;

(on 09-07-2006, Point 9 of paragraph (2) of art. 96 was amended by point 48 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

10. the obligations of local public administration authorities to ensure, through public services and responsible economic operators, street sanitation, green spaces, public markets and parks, and their maintenance;

11. the obligations of the local public administration authorities to comply with the provisions of the town planning plans regarding the location of industrial objectives, roads and means of transport, sewage networks, treatment plants, household, street and industrial waste deposits, and of other objectives, without prejudicing the environment, rest, treatment and recreation spaces, health and comfort of the population;

12. the obligations of local public administration authorities to arrange, maintain and develop sewage networks, pre-treatment facilities/treatment plants and to take all measures so as not to create olfactory discomfort;

(on 07-16-2020, Point 12. of Article 96, Chapter XV was amended by Point 21, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

12^1. the obligation of local public administration authorities to take the necessary measures to prevent and reduce olfactory discomfort from activities that are not subject to regulation from the point of view of environmental protection and to order the necessary legal measures;

(on 07-16-2020, Article 96 of Chapter XV was supplemented by Point 22, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

12^2. the obligation of local public administration authorities to reject project development requests if the minimum sanitary protection distances are not respected or in the area there are facilities that cause discomfort and risks to the health of the population;

(on 07-16-2020, Article 96 of Chapter XV was supplemented by Point 22, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

12^3. the obligation of the local public administration authorities to control for preventive purposes and upon notification to the public, through specialized services, the activities for which it is not necessary to obtain the authorization/integrated environmental authorization and which could create an olfactory discomfort and to order the legal measures that are impose;

(on 07-16-2020, Article 96 of Chapter XV was supplemented by Point 22, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

12^4. the obligation of the local public administration authority to regulate, including by permanently or temporarily prohibiting the carrying out of activities generating olfactory discomfort in living, recreation, rest, treatment and leisure areas, health facilities and educational facilities;

(on 07-16-2020, Article 96 of Chapter XV was supplemented by Point 22, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

13. the obligations of natural and legal persons to provide and/or use correct information for the development of environmental assessments, environmental impact assessments, environmental assessments and site reports;

14. the obligations of natural and legal persons to ensure special measures and equipment for the isolation and sound protection of sources generating noise and vibrations, to check their efficiency and to put into operation only those that do not exceed the permitted sound threshold;

15. the obligations of natural and legal persons to deliver, handle, transport and sell chemical fertilizers and plant protection products packaged with inscriptions for identification, warning, safety and use prescriptions, in conditions in which they do not cause contamination of the means of transport and the environment;

16. the obligations of legal entities to temporarily store chemical fertilizers and plant protection products only packaged and in places where all security measures have been provided;

17. repealed;

(on 09-07-2006, Point 17 of paragraph (2) of art. 96 was repealed by point 49 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

18. the obligations of natural and legal persons not to use chemical fertilizers and plant protection products in areas or on surfaces where special protection measures are established;

19. the obligations of natural and legal persons to administer plant protection products by aerial means only with the approval of the competent authorities for environmental protection, the competent authorities in the sanitary field and the basic county commissions for honeybees and pastoral apiculture, according to the regulations in force, after a prior notice through the mass media;

20. the obligations of natural and legal persons to apply, during the flowering period of plants pollinated by insects, only those treatments with plant protection products that are selective towards pollinating insects;

21. the obligations of natural and legal persons not to use dangerous baits in fishing and hunting activities, except in specially authorized cases;

22. the obligations of natural and legal persons to carry out the appropriate assessment when carrying out plans or projects that may have a significant impact on a protected natural area of community interest.

(on 03-12-2008, Point 22 of paragraph (2) of art. 96 was amended by point 21 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

23. the obligations of natural and legal persons who manage terrestrial and aquatic surfaces subject to a conservation regime as natural habitats or for ecological restoration, to apply the conservation measures established by the central public authority for environmental protection;

24. the obligation of natural and legal persons to ensure optimal living conditions for wild animals kept in legal captivity, in different forms;

25. the obligation of natural and legal persons not to carry out actions that lead to the destruction of natural habitats, flora and fauna throughout the country;

26. the carrying out of harvesting, capturing and/or acquisition and commercialization activities on the domestic market of plants and animals from wild, terrestrial and aquatic flora and fauna, or parts or products thereof, in a live, fresh or semi-processed state, by natural or legal persons not authorized by the territorial public authorities for environmental protection;

27. the obligations of natural and legal persons, who prospect, explore or exploit natural resources, to remedy the areas where the soil, subsoil and terrestrial ecosystems have been affected;

(on 09-07-2006, Point 27 of paragraph (2) of art. 96 was amended by point 50 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

28. the obligations of natural and legal persons to carry out within the deadline all the works to ensure the migration of aquatic fauna and to improve the quality of water provided for in the regulatory acts;

29. the obligation of legal entities to apply measures to eliminate waste resulting from activities involving genetically modified organisms;

30. the obligation of natural and legal persons to ensure the provision, in the case of the ownership of ships, floating platforms or marine drilling, with waste storage or treatment facilities, waste water treatment facilities and connections for discharging them into shore facilities or floating;

31. the obligations of legal entities to set up ports with facilities for the collection, processing, recycling or neutralization of oil, household or other waste stored on river and maritime vessels, and to set up intervention teams in case of accidental water pollution and coastal areas;

32. the obligation of natural and legal persons not to pollute surface waters by washing objects, products, packaging, materials;

(on 09-07-2006, Point 32 of paragraph (2) of art. 96 was amended by point 51 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

33. the obligation of legal entities not to discharge waste water, household fecal matter into surface or underground waters;

(on 09-07-2006, Point 33 of paragraph (2) of art. 96 was amended by point 51 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

34. the obligations of natural and legal persons not to throw and not to store on the banks, in the riverbeds, the surface waters and in the wetlands waste of any kind;

35. the obligation of natural and legal persons not to introduce explosive substances, electricity, narcotics or other dangerous substances into surface waters and wetlands,

(3) Violations of the following provisions constitute contraventions and are sanctioned with a fine from 7,500 lei (RON) to 15,000 lei (RON) for individuals, and from 50,000 lei (RON) to 100,000 lei (RON) for legal entities legal:

(on 07-09-2006, the introductory part of paragraph (3) of art. 96 was amended by point 52 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 from July 6, 2006.)

1. the obligation of natural persons to operate in compliance with the provisions of the environmental authorization and of legal entities to operate in compliance with the provisions of the integrated environmental authorization/authorization for the activities that are subject to regulatory procedures from the point of view of environmental protection, as well as in compliance with the olfactory discomfort management plan;

(on 07-16-2020, Point 1. of Article 96, Chapter XV was amended by Point 23, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

1^1. the holder's obligation to notify the competent authority for environmental protection when new elements come into play, unknown at the time of issuing the regulatory acts or regarding any change to the conditions that were the basis for their issuance, before the change is made;

(on 03-12-2008, Point 1^1 of paragraph (3) of art. 96 was introduced by point 22 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

1^2. the owner's obligation not to carry out activities or not to carry out projects, plans or programs that would result from the changes that are the subject of the notification provided for in art. 15 para. (2) lit. a) until the adoption of a decision according to the provisions of art. 16 para. (4) ;

(on 03-12-2008, Point 1^2 of paragraph (3) of art. 96 was introduced by point 22 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

2. the obligation of the owners of the activities that are the subject of regulatory procedures, from the point of view of environmental protection, to respect the deadlines imposed by the competent environmental protection authority in the course of these procedures;

3. repealed;

(on 03-12-2008, Point 3 of paragraph (3) of art. 96 was repealed by point 23 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

4. the obligations of natural and legal persons to reduce, modify or cease activities generating pollution and/or olfactory discomfort at the reasoned request of the environmental protection authorities;

(on 07-16-2020, Point 4. of Article 96, Chapter XV was amended by Point 23, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

5. the obligations of natural and legal persons to assist authorized persons with verification, inspection and control activities, making available to them the records of their own measurements

and all other relevant documents;

6. the obligations of natural and legal persons to present to the competent authorities for environmental protection a document certified for compliance with the original, which includes the assumed obligations regarding environmental protection, within 60 days from the date of signing or issuing the document certifying the conclusion of one of the procedures provided for in art. 10 para. (2) ;

7. the obligations of natural and legal persons to facilitate the verification, inspection and control of their activities and the taking of evidence;

8. the obligations of natural and legal persons to ensure the access of authorized persons to the technological installations generating an impact on the environment, to the equipment and installations for environmental depollution, as well as to the spaces or areas potentially generating an impact on the environment;

9. the obligations of natural and legal persons to carry out in full and on time the measures imposed, in accordance with the regulatory acts, the olfactory discomfort management plan and the legal provisions, by the persons empowered with verification, inspection and control in the field of environmental protection;

(on 07-16-2020, Point 9. of Article 96, Chapter XV was amended by Point 24, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

10. the obligations of legal entities to cover the costs of the measures necessary to prevent and/or reduce the consequences of the adverse effects of activities with genetically modified organisms;

11. the obligations of natural and legal persons to produce chemical fertilizers and plant protection products only through authorized technologies and biotechnologies, according to legal provisions;

11¹. the obligations of natural and legal persons to supervise and ensure the storage of chemical fertilizers according to the safety data sheet issued by the manufacturer;

(on 07-25-2020, Article 96 of Chapter XV was supplemented by Point 3, SINGLE ARTICLE of LAW no. 140 of July 21, 2020, published in the OFFICIAL GAZETTE no. 647 of July 22, 2020)

12. the introduction into the territory of the country, except in the cases provided by the legislation in force, of cultures of microorganisms, plants and live animals from wild flora and fauna, without the consent issued by the central public authority for environmental protection with the consultation of the Romanian Academy and, as the case may be, of the central authority for health;

12¹. the export of specimens belonging to non-CITES species of wild flora and fauna or their movement with a view to commercialization in one of the countries of the European Union, except in the cases provided by the legislation in force, without the consent for export, respectively without the certificate of origin issued by the central public authority for environmental protection;

(on 03-12-2008, Point 12¹ of paragraph (3) of art. 96 was introduced by point 24 of art. I of EMERGENCY ORDINANCE no. 164 of November 19, 2008, published in the OFFICIAL GAZETTE no. 808 of December 3, 2008.)

13. the obligations of natural and legal persons to improve technological performance in order to reduce emissions, olfactory discomfort and not to put into operation installations whose emissions exceed the limits established by regulatory acts;

(on 07-16-2020, Point 13. of Article 96, Chapter XV was amended by Point 24, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

14. the obligations of natural and legal persons to bear the cost of repairing a damage and to remove the consequences produced by it, restoring the conditions before the damage occurred, according to the "polluter pays" principle.

15. the obligation of natural and legal persons not to discharge waste water, petroleum or dangerous substances, water containing dangerous substances into surface or underground waters. (on 09-07-2006, Point 15 of paragraph (3) of art. 96 was introduced by point 53 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

16. the obligation of owners and holders of land with title or without title not to burn and to prevent the burning of stubble, peatlands, forest litter, reeds, thickets or grassy vegetation (on 04-07-2022, Paragraph (3), Article 96 of Chapter XV was supplemented by Article IV of EMERGENCY ORDINANCE no. 38 of April 6, 2022, published in the OFFICIAL GAZETTE no. 344 of April 7, 2022

(4) Fines applied on the basis of a law, emergency ordinances, ordinances or decisions of the Government in the field of environmental protection and water management are brought to the state budget.

(on 01-01-2012, Paragraph (4) of art. 96 was amended by point 3 of art. VII of EMERGENCY ORDINANCE no. 71 of August 31, 2011, published in the OFFICIAL GAZETTE no. 637 of September 6 2011.)

Article 97

(1) Finding contraventions and applying the sanctions provided for in art. 96 is carried out by:

a) commissioners and authorized persons from the National Environmental Guard and the Administration of the "Danube Delta" Biosphere Reserve;

b) local public administration authorities and their authorized personnel;

c) The National Commission for the Control of Nuclear Activities, the Ministry of National Defense and the Ministry of Administration and Interior through the authorized personnel, in their fields of activity, according to the attributions established by law.

(on 09-07-2006, Paragraph (1) of art. 97 was amended by point 54 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

(2) Finding contraventions and applying the sanctions provided for in art. 96 is also carried out by the staff of the administration structures and the custodians of the protected natural areas, only on the territory of the managed protected natural area.

(on 09-07-2006, Paragraph (2) of art. 97 was amended by point 54 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

(3) The provisions of art. 96 relating to contraventions is supplemented with the provisions of Government Ordinance no. 2/2001 regarding the legal regime of contraventions, approved with amendments and additions by Law no. 180/2002, with subsequent amendments and additions.

(4) The violator may pay, on the spot or within no more than 48 hours from the date of conclusion of the report or, as the case may be, from the date of its communication, half of the minimum fine provided for in the normative act, the ascertaining agent making mention of this possibility in the record of finding and sanctioning the contravention.

(5) The acts of ascertaining the contraventions drawn up by the ascertaining agents within the authorities provided for in para. (1) are procedural acts, according to the legal regulations, with all the effects provided by the legislation in force.

Article 98

(1) The following acts constitute crimes and are punishable by imprisonment from 3 months to one year or a fine, if they were likely to endanger human, animal or plant life or health:

a) burning stubble, reeds, brushwood and grassy vegetation in protected areas and on lands subject to ecological restoration;

b) accidental pollution due to non-supervision of the execution of new works, the operation of installations, technological and treatment and neutralization equipment, mentioned in the provisions of the environmental agreement and/or the authorization/integrated environmental authorization.

(2) The following acts constitute crimes and are punishable by imprisonment from 6 months to 3 years or a fine, if they were likely to endanger human, animal or plant life or health:

a) pollution through exhaust, in the atmosphere or on the ground, of some waste or dangerous substances;

b) the production of noise above the permitted limits, if this seriously endangers human health;

c) continuation of the activity after the suspension of the environmental agreement or authorization, respectively the integrated environmental authorization;

d) import and export of prohibited or restricted dangerous substances and preparations;

e) failure to immediately report any major accident by persons who have this obligation;

f) the production, delivery or use of chemical fertilizers, as well as any unauthorized plant protection products, for crops intended for commercialization;

g) non-compliance with prohibitions regarding the use of plant protection products or chemical fertilizers on agricultural land;

h) the production, import, export, introduction to the market or use of substances that diminish the ozone layer, in violation of the legal provisions in the field.

(on 04-23-2021, Paragraph (2) of Article 98, Chapter XV was supplemented by Point 2, Article III of LAW no. 90 of April 19, 2021, published in the OFFICIAL GAZETTE no. 413 of April 20, 2021)

(3) The following acts constitute crimes and are punishable by imprisonment from 6 months to 3 years, if they were likely to endanger human, animal or plant life or health:

a) failure to supervise and insure waste and hazardous substance deposits, as well as non-compliance with the obligation to store chemical fertilizers and plant protection products only packaged and in protected places;

b) the production or import for the purpose of introduction to the market, as well as the use of dangerous substances and preparations without complying with the provisions of the normative acts in force and the introduction of waste of any nature on the territory of Romania for the purpose of their elimination;

c) the transport and transit of dangerous substances and preparations, in violation of the legal provisions in force;

d) carrying out activities with genetically modified organisms or their products, without requesting and obtaining the import/export agreement or the authorizations provided by the specific regulations;

e) cultivation of higher genetically modified plants for testing or for commercial purposes, without the registration required by law;

f) operating, in violation of the legal provisions in the field, an installation in which a dangerous activity is carried out or in which dangerous substances or preparations are stored or used, likely to cause the death or bodily injury of a person or damage outside the installation significant impact on the environment.

(on 04-23-2021, Paragraph (3) of Article 98, Chapter XV was supplemented by Point 3, Article III of LAW no. 90 of April 19, 2021, published in the OFFICIAL GAZETTE no. 413 of April 20, 2021)

(4) The following acts constitute crimes and are punishable by imprisonment from one to 5 years, if they were likely to endanger human, animal or plant life or health:

a) causing, due to the lack of supervision of ionizing radiation sources, to environmental contamination and/or exposure of the population to ionizing radiation, the failure to promptly report the increase above the permitted limits of environmental contamination, the improper application or failure to take intervention measures in the event of a nuclear accident;

a¹) spilling, emitting or introducing, in violation of the legal provisions in the field,

sources of ionizing radiation in the air, water or soil that are likely to cause environmental contamination or exposure of the population to ionizing radiation;

(on 04-23-2021, Paragraph (4) of Article 98, Chapter XV was supplemented by Point 4, Article III of LAW no. 90 of April 19, 2021, published in the OFFICIAL GAZETTE no. 413 of April 20, 2021)

b) discharging waste water and waste from ships or floating platforms directly into natural waters or knowingly causing pollution by discharging or immersing into natural waters, directly or from ships or floating platforms, certain substances or hazardous waste.

(5) The following acts constitute crimes and are punishable by imprisonment from 2 to 7 years:
a) continuation of the activity that caused the pollution after ordering the cessation of this activity;

b) failure to take measures to completely eliminate hazardous substances and preparations that have become waste;

c) refusal to intervene in case of accidental pollution of waters and coastal areas;

d) refusal of control on the introduction and removal from the country of dangerous substances and preparations or the introduction into the country of cultures of microorganisms, plants and live animals from wild flora and fauna, without the consent issued by the central public authority for environmental protection.

(6) The attempt is punishable.

(7) In the case of the offenses provided for in para. (2) lit. a) and h) and para. (4) lit. a¹) , committed out of fault, the punishment limits are reduced by half.

(on 04-23-2021, Article 98 of Chapter XV was supplemented by Point 5, Article III of LAW no. 90 of April 19, 2021, published in the OFFICIAL GAZETTE no. 413 of April 20, 2021)

(8) The offense provided for in para. (3) lit. f) , committed out of fault, shall be punished with the prison sentence, provided for in paragraph (3) , whose special limits are halved, or with a fine.

(on 04-23-2021, Article 98 of Chapter XV was supplemented by Point 5, Article III of LAW no. 90 of April 19, 2021, published in the OFFICIAL GAZETTE no. 413 of April 20, 2021)

(9) By derogation from the provisions of art. 137 para. (2) from Law no. 286/2009 on the Criminal Code, with subsequent amendments and additions, in the case of the crimes provided for in this article, the amount corresponding to a day-fine for the legal person is between 500 lei and 25,000 lei.

(on 04-23-2021, Article 98 of Chapter XV was supplemented by Point 5, Article III of LAW no. 90 of April 19, 2021, published in the OFFICIAL GAZETTE no. 413 of April 20, 2021)

(on 01-02-2014, Art. 98 was amended by art. 171 of LAW no. 187 of October 24, 2012, published in the OFFICIAL GAZETTE no. 757 of November 12, 2012.)

Article 99

(1) The detection and investigation of crimes are done ex officio by the criminal prosecution bodies, according to the legal powers.

(2) The discovery and establishment, in the exercise of the powers provided by law, by the commissioners of the National Environmental Guard, the National Commission for the Control of Nuclear Activities, gendarmes and authorized personnel from the Ministry of National Defense, of the commission of any of the crimes provided for in art. 98 , it is immediately brought to the attention of the competent criminal investigation body according to the criminal procedure law.

Chapter XVI Transitional and final provisions

Article 100 For the purposes of this emergency ordinance, the central public authority for environmental protection is the Ministry of the Environment, Waters and Forests. (on 07-16-2020, Article 100 of Chapter XVI was amended by Point 25, Article I of LAW no. 123 of July 10, 2020, published in the OFFICIAL GAZETTE no. 613 of July 13, 2020)

Article 101 For the purpose of effective application of environmental protection measures, the fields and general provisions of this emergency ordinance will be regulated by special normative acts.

Article 102

(1) Within 6 months from the entry into force of this emergency ordinance, the owners of activities undergoing the regulatory procedure have the obligation to submit to the competent authority for environmental protection the complete documentation, according to the legislation in force on the date of the request for the act regulation.

(2) Until the adoption of the new regulatory procedures from the point of view of environmental protection, the issuing of regulatory acts is carried out according to the normative acts existing on the date of entry into force of the law approving this emergency ordinance.

(on 07-09-2006, Paragraph (2) of art. 102 was introduced by point 58 of art. I of LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

Article 103 Repealed. (on 06-29-2007, Art. 103 was repealed by letter b) of art. 57 of the EMERGENCY ORDINANCE no. 57 of June 20, 2007, published in the OFFICIAL GAZETTE no. 442 of June 29, 2007.)

Article 104 This emergency ordinance enters into force 30 days after its publication in the Official Gazette of Romania, with the exception of the following provisions: a) art. 14 para. (3) effective January 1, 2007 for activities placed in operation after October 30, 1999; b) art. 14 para. (3) effective October 30, 2007 for activities placed in operation before October 30, 1999; c) art. 21 para. (1) lit. d) and e) and art. 54 which enters into force on January 1, 2007. (on 07-09-2006, Letter c) of art. 104 was amended by point 59 of art. I from LAW no. 265 of June 29, 2006, published in the OFFICIAL GAZETTE no. 586 of July 6, 2006.)

Article 105 On the entry into force of this emergency ordinance, the following shall be repealed: a) Law no. 137/1995 on environmental protection, republished in the Official Gazette of Romania, Part I, no. 70 of February 17, 2000, with subsequent amendments and additions; b) any other provisions to the contrary.

PRIME MINISTER

CĂLIN POPESCU-TĂRICEANU

Countersigned by:

Minister of Environment and Water Management,
Sulfina Barbu

Minister of Agriculture, Forestry and Rural Development,
Gheorghe Flutur

Minister of Transport, Construction and Tourism,
Gheorghe Dobre

Minister of Public Finance,
Sebastian Teodor Gheorghe Vlădescu

Bucharest, December 22, 2005.

No. 195.