

## **THE ACTUAL STATUS IN THE ADOPTION, IMPLEMENTATION AND SYNCHRONISATION OF THE ROMANIAN LEGISLATION ON ENVIRONMENT TO THE ONE OF THE EUROPEAN UNION – THE TRANSPOSITION OF THE ACQUIS ON ENVIRONMENT DURING THE INTERVAL 2001-2003**

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**Abstract.** Through the elaboration of this work, some problems are approached, related to the stage of the achievement in fulfilling the conditions imposed by the context of joining the European Community, in the sense that our country is willing to adopt the European Legislation on Environment, respectively the Community's Acquis (Chapter 22, Environment's Protection). To this purpose, a comparative survey is presented on the stages of the adoption, implementation and, respectively, transposition of the main Regulations, Decisions and Directives of the European Community, concerning the environment, so that they could be harmonised to the legislative prescriptions actually valid in Romania (Laws, Decrees-law, Government's Decisions, Ordinances and Emergency Ordinances, respectively Orders emitted by the central competent authorities), focused on: the horizontal legislation; the protection of the water's quality; the protection of atmosphere and the climate changes; the management of residues and other dangerous chemical substances; the control of industrial pollution and the management of risks; the civic protection; the preservation of nature and the care for protecting the biological diversity; the noise pollution; the nuclear security and protection against radiation. The status of transposition of the acquis on the environment at the actual context of our specific Romanian transition towards the market economy was briefly presented, respectively pointing out to the necessity of requesting a little longer terms for conformity and implementations achievement.

**Keywords:** Romanian legislation on environment, synchronisation, European Union.

## **THE SITUATION OF THE TRANSPOSITION IN ROMANIA OF THE LEGISLATIVE ACQUIS ON ENVIRONMENT, FROM 2001 TO 2003**

The evaluation of the actual status in the transposition of the legislative acquis on environment for Romania (Chapter 22, Environment's protection) – concerning its momentary stage and its perspectives – does suppose a survey (a comparative look) upon the most representative elements of legislation, as well in the European Community as in Romania, concerning the main aspects of the environment's protection. For the actual period (2001-2003), this survey is dwelt on as it follows.

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## A. HORIZONTAL LEGISLATION

• **The Council's Directive No 85/337/EEC, modified through the Council's Directive No 97/11/EEC on the evaluation of the effects that some public or private project initiatives could exert on the environment:**

1. The Government's Emergency Ordinance No 91/2002, issued to amend the law on the environment's protection No 137/95, republished;

2. The Law No 22/2001, issued to ratify the convention on the evaluation of the impact exerted on the environment under a border-crossing context (the ESPOO Convention);

3. The Government's Decision No 918/2002 on the establishment of the frame-procedure for evaluating the impact on the environment and for the approval of the list of public projects, either private, submitted to the same procedure;

4. The Order of the Ministry for the Environment's Defense and Protection No 860/2002 issued for the approval of the Procedure of evaluation for the impact on the environment and for the emission of the agreement on the environment;

5. The Order No 863/2002 regarding the approval of the methodological guides authorised to be applied to the stages of the frame-procedure authorised to evaluate the impact on the environment;

6. The Order No 864/2002 issued for the approval of the evaluation procedure for the impact and of the public's participation procedure in the decisions' taking for the case of projects the impact of which would be border-crossing.

• **The Council's Regulation No 120/91/EEC, modified through the Council's Regulation No 933/1999/EEC, concerning the founding of the European Environment's Agency and of the European Network for Information and Environment's Observation (EIONET):**

1. The Law No 622/2001, issued to ratify the Agreement between the European Community and Romania, regarding the participation of Romania in the frame of the European Agency for the Environment and the European Agency of Information and in Observation (EIONET);

• **The Council's Regulation No 1973/92/EEC, modified through the Council's Regulation No 1402/96/EEC concerning the creation of a financial instrument able to perform vowed to environment's matters (the LIFE):**

1. The Government's Decision No 643/2001 regarding the payment of the Romanian contribution for the participation in the LIFE program, for the year 2001-2002.

Romania was the only associated country, which did participate in the community's program LIFE. 12 LIFE projects have been financed in 1999, and other 8 were granted in 2001.

2. The Government's Decision No 80/2002, regarding the approval of the financial support granted to the Romanian participants in the LIFEMEDIU Programme, offered by the Romanian State's budget.

• **The Council's Directive No 90/313/EEC, concerning the public's access to information about the environment:**

1. The Government's Decision No 1115/2002, regarding the public's access to information about the environment;

2. The Ministry of Waters and Environment's Protection Order's No 1182/2002, issued for the approval of the methodology concerning the management and the providing of the information on environment's matters.

## B. AIR QUALITY AND CLIMATE CHANGES

• **The Council's Directive No 96/62/EEC, regarding the evaluation and the management of the air's quality;**

• **The Council's Directive No 99/30/EEC, concerning the limit values allowed for the sulphur dioxide, the nitrogen dioxide, nitrogen oxides, particles in suspension and lead carried by the atmosphere's air;**

• **The Council's Directive No 92/72/EEC, regarding the air's pollution with ozone;**

• **The Council's Directive No 2000/69/EEC on the limit values allowed for benzene and carbon's monoxide into the surrounding air:**

1. The law No 655/2001 issued to approve the Emergency Government's Ordinance No 243/2000 concerning the protection of atmosphere;

2. The Ministry of Waters and Environmental Protection's Order No 592/2002, issued for the approval of the Norm concerning the establishment of the limit values, of the threshold values and of the methods and criteria used for evaluating the amounts of sulphur dioxide, nitrogen dioxide and oxides, powders in suspension, lead, benzene, carbon monoxide and ozone within the surrounding air;

3. The M.W.E.P.'s Order No 745/2002 regarding the establishing and classification of urban agglomerations and the appropriate zones for evaluating the air's quality in Romania.

• **The Council's Directive No 94/63/EEC concerning the control of the emissions of volatile organic components (VOC) issued from the storage and distribution of gasoline at the terminals of service stations:**

1. The Government's Decision No 568/2001 on the selection of the technical requirements able to limit the emissions of organic volatile components issued from the storage, the loading, the discharge and distribution of gasoline at terminals and service stations;

2. The M.W.E.P.'s Order No 1103/2002, issued for the approval of the methodological regulations on the measurement and analysis of the emissions of volatile organic components issued from the storage and distribution of gasolene at terminals and service stations.

• **The Council's Directive No 98/70/EEC concerning the required quality for gasolene and diesel oil:**

1. The Government's decision regarding the conditions required for the admission on the market of gasolene and diesel oil.

• **The Council's Decision No 93/389/EEC (amended through the Directive No 99/296/EEC), concerning the monitoring mechanism used by the community for carbon dioxide and other gases generating the greenhouse effect:**

1. The law No 3/2001 issued to ratify the protocol at the United Nations' Frame Convention on climate changes, adopted at Kyoto, in December 1987.

• **The Council's Directive No 97/68/EC concerning the harmonisation of the member states' legislation when it comes to the measures to be taken against the emissions of gases and polluting particles issued from the engines with internal combustion provided as equipment to non-road outfits.**

• **The Commission's Directive No 2001/63/EC which adapts to the actual technical progress the Directive No 97/68/EC on the harmonisation of legislation, in the member states, as it comes to the measures to be taken against the emissions of gases and polluting particles, issued from the internal combustion engines with which are equipped the non-road outfits:**

1. The Government's Decision No 743/2002 on the choice of the procedures of type's approval for internal combustion engines meant for mobile non-road machines and on the establishment of measures intending to limit the emissions of polluting gases and particles issued from these;

2. The Ministry of Industry and Resources' Order No 636/2002 concerning the designation of a technical service in view of the release of the type's approval for the combustion engines meant for mobile non-road machines.

• **The Council's Directive No 3/2002, concerning the pollution of air with ozone:**

1. The M.W.E.P.'s Order No 592/2002 regarding the establishment of the limit values of the threshold values was presented before.

## C. WASTES MANAGEMENT

• **The frame Directive on the Residues No 75/442/EEC, amended through the Directive No 91/156/EEC:**

1. The Law No 426/2001 issued to approve the Emergency Government's Ordinance No 78/2000 on the residues' regime;

2. The Government's Directive No 123/2003 concerning the approval of the National Plan for the Stage of Residues' Management.

• **The Directive No 91/689/EEC on the dangerous residues:**

1. The Law No 426/2001 issued for the approval of the Emergency Government's Ordinance No 78/2000 on the regime of residues.

• **The Directive No 75/439/EEC on employed oils amended by the Directive No 87/101/EEC and by the Directive No 91/692/EEC:**

1. The Government's Decision No 662/2001 concerning the management of used oils, completed and modified through the Government's Decision No 441/2002.

• **The Directive No 91/157/EEC regarding the batteries and storage batteries which contain certain dangerous substances and the Directive No 93/86/EC concerning the labelling of batteries:**

1. The Government's Decision No 1057/2001 on the regime of batteries and storage batteries which contain dangerous substances.

• **The Directive No 99/31/EC concerning the storage of residues:**

1. The Government's Decision No 162/2002 on the storage of residues;  
2. The M.W.E.P.'s Order No 867/2002 regarding the definition of the criteria that must be fulfilled by the residues in order to be found on the specific list of a storage deposit and the definition of the residues accepted on the national list for each of the storage deposits' classes;

3. The Order No 1147/2002, issued to approve the Norm of the techniques used for the storage of residues.

• **The Directive No 2000/76/EC concerning the cremation of residues:**

1. The Government's Decision No 128/2002 on the cremation of residues;  
2. The M.W.E.P.'s Order No 1215/2003 issued to approve the Norm regarding the cremation of residues.

• **The Directive No 94/62/EC concerning the wrappings and the wrappings' residues:**

1. The Government's Decision No 349/2002 concerning the management of wrappings and wrappings' residues;

2. The M.W.E.P.'s Order No 1190/2002 regarding the procedure of data reporting when it comes to wrapping and wrappings' residues.

• **The Directive No 96/59/EC concerning the elimination of poli-chloroyded bi-phenyls and tri-phenyls (PCB and PCT):**

1. The Government's Decision No 173/2001 concerning the management and control of the mentioned components (PCB and PCT);

2. The M.W.E.P.'s Order No 279/2002 issued for the founding of the technical secretary office able to ensure the management and control of the mentioned components.

• **The Decision No 200/532/CE, amended through the Decision No 2001/119/EC on the residues' list which substitutes the Decision No 94/3/EC on the**

## **residues' list and the Decision No 94/904/EC regarding the list of dangerous residues:**

1. The Government's Decision No 856/2002, concerning the management accounts for residues and issues for the approval of the residues' list, including the dangerous ones.

### **• The Regulation No 253/93/EC settling the control matters for the transportation of residues, towards within and from the European Community:**

1. The Government's Decision No 1357/2002, issued to designate the public authorities in charge with the control and monitoring of the importations, exportations and transits of residues.

## **D. WATER QUALITY**

### **• The Directive No 91/271/EEC on the filtering of urban used waters:**

1. The Government's Decision No 188/2002 issued for the approval of some norms concerning the conditions required for the discharge of used waters into an aquatic environment.

### **• The Directive No 75/440/EEC regarding the quality requested from surface waters foreseen as drawing sources of drinking water:**

1. The M.W.E.P.'s Order No 1377/2001 concerning the approval of the objectives chosen as references for the quality of surface waters;

2. The Government's Decision No 100/2002 for the approval of the Norms of quality that should be fulfilled by the surface waters used for drinking purposes, and as well by the frequency for the drawing and analysis of samples from the surface waters foreseen as sources of the drinking water.

### **• The Directive No 91/676/EEC on the protection of waters against the pollution caused by the nitrates issued from agriculture sources:**

1. The M.W.E.P.'s Order No 740/2001 issued to approve the nominal structure of the Commission for Applying the Action Plan foreseen in order to protect waters against the agricultural sources;

2. The M.W.E.P.'s Order No 918/2002 issued for the approval of the Code of Adequate Agricultural Practice (CAAP), meant for the use of industrial farmers.

### **• The Directive No 76/464/EEC regarding the pollution caused by certain dangerous substances through into the aquatic environment of the Community and the seven 'daughters' Directives:**

1. The Government's Decision No 118/2002 issued to approve the Action Program for reducing the pollution degree of the aquatic environment and of the subterraneous waters, pollution that is caused by the evacuation of some dangerous substances.

• **The Directive No 76/160/EEC on the quality of the bathing water:**

1. The Government's Decision No 459/2002 concerning the approval of the quality specifications for the water from the natural zones suited for bathing.

• **The Directive No 78/659/EEC on the quality of sweet water would require protection or improvements in order to be able to sustain the fish life:**

1. The Government's Decision No 202/2002 issued for the approval of the technical Norms concerning the quality of the surface waters which require protection and improvement for the purpose of sustaining the fish life.

• **The Directive No 79/923/Eec on the quality required for the waters where mollusks grow:**

1. The Government's Decision No 201/2002 issued for the approval of the technical Norms concerning the quality of the waters where mollusks grow;

2. The Emergency Government's Ordinance 202/2002 regarding the integrated management of the coast zone.

• **The frame Directive on water No 2000/60/EEC:**

1. The M.W.E.P.'s Order No 913/2001 concerning the approval of the frame contents of the waters' Management Plan suited to each hydrographic basin;

2. The M.W.E.P.'s Order No 1125/2002 issued for the approval of the Committee for the Coordination and Monitoring of the implementation of the Frame Directive No 2000/60/EEC and of the other directives regarding the water's management.

• **The Directive No 80/68/EEC concerning the protection of subterraneous waters against the pollution caused by certain dangerous substances:**

1. The M.W.E.P.'s Order No 1049/2002 issued for the approval of the Plan of Measures to be taken in order to eliminate or reduce the risk of pollution for the subterraneous waters.

Through the implementation and the similar transposition of the Directives, Regulations and Decisions of the European Community, for the domains of:

**E. The protection of nature;**

**F. Chemical substances and genetically modified organisms;**

**G. The control of industrial pollution and the management of its risks;**

**H. The noise pollution;**

I. The civic protection, and

J. The nuclear security and protection against radiation.

## CONCLUSIONS

Romania has practically achieved more than 80% of the prescriptions of the Chapter 22 – Environment's Protection from the Community's Acquis, by that establishing the premises of integrally finalising this process till the year 2007.

## SELECTIVE BIBLIOGRAPHY

- \*\*\* The Community's acquis on the environemnt.
- \*\*\* Monitorul Oficial al Romaniei, part I, the period 2001-2003 (in Romanian).
- \*\*\* The Site of the Ministry of Waters and Environmental Protection.
- \*\*\* SUPERLEX – The Ministry of Justice.
- \*\*\* I.C.I.M. – Bucharest – The Legislation on the Environment.

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