

Waste Management Planning

Romania

Legal Analysis

Justice and Environment 2011

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Introduction

[Directive 2008/98/EC](#) of the European Parliament and of the Council of 19 November 2008 on **waste** and repealing certain Directives regulates in a general manner the waste management planning framework in the Member States. The purpose of the current questionnaire is **to have a snapshot view by answering 5 + 1 questions** on the status of waste management planning in the respective Member State.

Q1

Please describe the legal framework regulating waste management planning in your country!

Please list relevant national laws and the most important provisions relating to government-organized waste management planning!

Directive 2008/98/EC was just transposed by Romania – **Law no 211/2011**, regarding the waste regime, that will be enforced since 25 December 2011, repealing the Emergency Governmental Ordinance no 78/2000 regarding the waste regime and the Emergency Governmental Ordinance no 16/2001 regarding the management of the recycle industrial waste.

The National Strategy regarding the Waste Management and the National Action Plan, approved by Governmental Decision no 1470/2004.

8 Regional plans regarding the waste management plans approved by Order no 1499/2006 of Minister of European Integration and Order no 1364/2006 of Minister of Environment.

Law no 101/2006 regarding localities sanitation services

Emergency Governmental Ordinance 195/2005 regarding the protection of the environment

Governmental Decision no 621/2005 regarding packaging and waste packaging

Governmental Decision no 1037/2010 regarding electric and electronic equipments

Governmental Decision no 2406/2004 regarding the end of life vehicles management

Governmental Decision no 1132/2008 regarding the system of batteries and accumulators and of waste batteries and accumulators

Governmental Decision no 235/2007 regarding the management of the used oils

Governmental Decision no 349/2005 regarding waste repositories

WFD Article 28

Waste management plans

1. Member States shall ensure that their competent authorities establish, in accordance with Articles 1, 4, 13 and 16, one or more waste management plans. Those plans shall, alone or in combination, cover the entire geographical territory of the Member State concerned.

Q2

Please describe according to what territorial distribution the waste management plans are prepared by the government (national, sub-national, regional, sub-regional, etc.)!

National level, regional level, county level.

WFD Article 28

2. The waste management plans shall set out an analysis of the current waste management situation in the geographical entity concerned, as well as the measures to be taken to improve environmentally sound preparing for re-use, recycling, recovery and disposal of waste and an evaluation of how the plan will support the implementation of the objectives and provisions of this Directive.

3. The waste management plans shall contain, as appropriate and taking into account the geographical level and coverage of the planning area, at least the following:

(a) the type, quantity and source of waste generated within the territory, the waste likely to be shipped from or to the national territory, and an evaluation of the development of waste streams in the future;

(b) existing waste collection schemes and major disposal and recovery installations, including any special arrangements for waste oils, hazardous waste or waste streams addressed by specific Community legislation;

(c) an assessment of the need for new collection schemes, the closure of existing waste installations, additional waste installation infrastructure in accordance with Article 16, and, if necessary, the investments related thereto;

(d) sufficient information on the location criteria for site identification and on the capacity of future disposal or major recovery installations, if necessary;

Q3

Please detail how the national waste management plan deals with future landfill capacities and how much such capacity it is planning for the future within the country!

The National Action Plan regarding the waste management, approved in 2004 is estimating the quantities of waste that will be generated but is not relating the quantities with the landfill's management.

The National Action Plan is estimating 680 waste KG/person/year in 2013 in urban area, and 277 waste KG/person/year in rural area.

WFD Article 28

3. (e) general waste management policies, including planned waste management technologies and methods, or policies for waste posing specific management problems.

4. The waste management plan may contain, taking into account the geographical level and coverage of the planning area, the following:

(a) organisational aspects related to waste management including a description of the allocation of responsibilities between public and private actors carrying out the waste management;

(b) an evaluation of the usefulness and suitability of the use of economic and other instruments in tackling various waste problems, taking into account the need to maintain the smooth functioning of the internal market;

(c) the use of awareness campaigns and information provision directed at the general public or at a specific set of consumers;

(d) historical contaminated waste disposal sites and measures for their rehabilitation.

Q4

Please detail to what extent the national waste management plan deals with historical contaminated waste disposal sites and what does it say about them!

The Waste Strategy and the national Action Plan is establishing the line of action regarding the contaminated sites. The Plan established that until 2015 the contaminated sites will be analyzed and the environmental rehabilitation plans will be set in place.

In 2011 Minister of Environment launched a SEA procedure regarding the National Strategy Regarding the Management of Contaminated Sites. However the list of the contaminated sites is not public. The draft of the Strategy is not posted online anymore, the minister declaring that it was posted 15 days, and we should have been vigilant to read it while it was posted.

WFD Article 28

5. Waste management plans shall conform to the waste planning requirements laid down in Article 14 of Directive 94/62/EC and the strategy for the implementation of the reduction of biodegradable waste going to landfills, referred to in Article 5 of Directive 1999/31/EC.

WFD Article 30

Evaluation and review of plans and programmes

1. Member States shall ensure that the waste management plans and waste prevention programmes are evaluated at least every sixth year and revised as appropriate and, where relevant, in accordance with Articles 9 and 11.

2. The European Environment Agency is invited to include in its annual report a review of progress in the completion and implementation of waste prevention programmes.

Q5

Please detail if the previous national waste management plan has been reviewed after 6 years pursuant to the obligation set by the Directive!

The National Action Plan 2003 - 2013 regarding the Waste Management was approved by Governmental Decision 1470/2004. According to the plan, it should have been revised periodically but not later than 5 years – 2009. However, the plan was not revised until now.

However, the regional plans were revised or, are in course of revision.

*WFD Article 31**Public participation*

Member States shall ensure that relevant stakeholders and authorities and the general public have the opportunity to participate in the elaboration of the waste management plans and waste prevention programmes, and have access to them once elaborated, in accordance with Directive 2003/35/EC or, if relevant, Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

(1). They shall place the plans and programmes on a publicly available website.

Q+1

Please describe if there has been sufficient public participation in the most recent waste management planning process on the national or sub-national level and if the waste management plans are publicly available on the internet!

The waste management plans are subject of the SEA Directive, implemented in Romania through Governmental Decision no 1076/2004, and public participation is realized according to this procedure. However, in 2004 this legislation was not enforced, so that the original plans were adopted without or insufficient public participation.

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