

## Attention, waste!

### Waste management regime tightened

by Laura Neacsu, Avocat (attorney at law RO)

The new year starts with a stricter regime of waste management. Not only have new cases been introduced that trigger penalties – including criminal liability for the fulfillment of certain offenses, but the sanctions have also been tightened, so that companies and individuals face much higher fines. At the same time, by replacing some terms, the extension of certain obligations related to waste management was achieved.

### New rules for waste management

In August 2021, Romania has introduced new regulations regarding the disposal of waste. Government Emergency Ordinance No. 92 of August 26<sup>th</sup> 2021 ("**GEO 92**") replaced Law No. 211/2011 on Waste Management (*gestionarea deșeurilor*) by transposing EU Directive 2008/98/CE of November 19, 2008 into national law.

Based on the Romanian Constitution (as repeatedly reported in other contexts), emergency ordinances must be approved by Parliament. Thus, GEO 92 was approved earlier this year by Law No. 17 of January 9<sup>th</sup> with significant amendments. These entered into force on January 12<sup>th</sup> 2023.

### Most important changes in brief

First and foremost, the most important change is the increase in penalties for unlawful waste disposal, both for legal entities and natural persons.

For each category of sanctions, the upper limits have been increased considerably. For example, legal entities now risk fines between RON 40,000 and RON 60,000 – significant increases compared to the previous limits, which were in the range of RON 20,000 to RON 40,000. Natural persons also face much higher fines, as the current limit for certain offenses (e.g. leaving, throwing as well as hiding waste) has been raised up to RON 45,000.

The new regulations threaten those responsible even with the confiscation of the goods and means used to commit the act (including vehicles) in the event of leaving/ throwing away/ burning, burying or disposing of waste in unauthorized places.

Waste transportation regulations have also been changed, requiring transporters to register their vehicles with the letter "D" and to follow established routes when importing waste into Romania.

### Attention – the appointment of a waste representative is a general obligation

Of particular importance for all companies is that, starting from this year, the appointment of a waste representative (*responsabil privind managementul deșeurilor*) became mandatory not only for holders of environmental permits, but for every owner of a waste-disposing and/ or waste-producing economic activity. In the case of companies holding an environmental permit, the waste representative must now be trained in waste management and hazardous substances. This is evidenced by a certificate of completion of nationally recognized training and specialization programs in accordance with the provisions of Government Regulation No. 129/2000 on professional training.

## **Criminal liability**

Violation of the legal provisions in the field of waste collection, transport, or recovery, including the control of these operations and the subsequent maintenance of the disposal areas, is now punishable by imprisonment under certain circumstances.

In addition, criminal proceedings will be initiated in the future for burying waste, burning waste and/or substances or objects of any kind, and for leaving, throwing away and/or hiding waste.

## **Conclusion**

As of January 2023, companies are required to pay greater attention to internal procedures for waste disposal. Those that carry out a waste-disposing and/ or waste-generating economic activity must also appoint a waste representative.

Natural persons are also closer looked at when it comes to handling waste – they face higher fines or the threat of criminal prosecution if they fail to comply with the regulations.

In view of the ongoing discussions about environmental protection, we think the changes are understandable.

## **Contact and further information:**



**STALFORT Legal. Tax. Audit.**  
Bucharest – Bistrița – Sibiu

**Office Bucharest:**

T.: +40 – 21 – 301 03 53

F: +40 – 21 – 315 78 36

M: [bukarest@stalfort.ro](mailto:bukarest@stalfort.ro)

[www.stalfort.ro](http://www.stalfort.ro)