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# Legal Bulletin



## Environmental Law

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### Law No. 219/2019 for the amendment and supplementation of Article 16 of Government Emergency Ordinance on environmental protection

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Law No. 219/2019 was published in the Official Gazette of Romania, Part I, No. 925 of 15 November 2019 (“Law 219/2019”). The legislative act came into force three days after its publication.

Law 219/2019 re-institutes the principle according to which environmental permits and integrated environmental permits no longer have a limited validity, and they remain valid for an undetermined duration provided that they are endorsed annually.

We remind you that this solution had been introduced by GEO No. 75/2018. However, this legislative act was declared unconstitutional by Constitutional Court’s Decision No. 214/2019. At that time, we warned that the issuance of Decision No. 214/2019 would create difficulties for the economic operators whose (integrated) environmental permits expired before or immediately after such decision was issued.

The most important provisions of Law 219/2019 may be summarized as follows:

- Environmental permits and integrated environmental permits remain valid throughout the entire period when their beneficiaries obtain the annual endorsement;

- The holders of permits which have already been issued on the effective date of the law may ask for their amendment by elimination of the provisions on the validity period. Once the permit is amended as per the above, holders are liable for obtaining the annual endorsements.

If the holder of a permit already issued upon the effective date of the law does not request the change of such permit, it must apply, at least 6 months before expiry of the existing permit, for the issuance of a new permit.

## Law No. 220/2019 on the amendment and supplementation of environmental protection legislative acts

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Law No. 220/2019 was published in the Official Gazette of Romania, Part I, No. 923 of 18 November 2019 (“Law 220/2019”). It amended Government Emergency Ordinance No. 57/2007 on the regime of protected natural areas, conservation of natural habitats, wild flora and fauna and Law No. 95/2016 on the establishment of the National Agency for Natural Protected Areas and for the amendment of Government Emergency Ordinance No. 57/2007 on the regime of protected natural areas, conservation of natural habitats, wild flora and fauna.

Law 220/2019 came into force three days after its publication in the Official Gazette. This legislative act re-introduces some of the principles which had been provided in GEO No. 75/2018, an ordinance which was declared unconstitutional by Constitutional Court’s Decision No. 214/2019.

The main legislative amendments/supplementations are detailed below.

In what concerns the administration of natural protected areas, the duties of custodians are taken over by the National Agency for Natural Protected Areas, through its local structures. Therefore, the concept of ‘custodian of natural protected area’ was eliminated and replaced in the wording of the law with the ‘National Agency for Natural Protected Areas’.

Therefore, the law eliminates non-governmental organizations from the scope of entities which may directly administer natural protected areas. However, non-governmental organizations, just as education and research institutions, museums and local public authorities, may enter into partnerships with the National Agency for Natural Protected Areas for the administration of natural areas.

## Editors

**Environmental Law and Permitting** are two of the niche practice areas of Romanian and EU law in which Țuca Zbârcea & Asociații's attorneys have gained unique expertise by handling some of the most complex projects undertaken so far in Romania in the mining sector, energy and oil & gas, as well as in the steel industry. Our services cover all procedural steps to be undertaken before the competent authorities (city halls, local environmental authorities, Ministry of Environment, Water and Forests, etc.) in relation to complex procedures such as IPPC, BAT, environmental impact assessment procedures, issuance of city planning certificates, public debates and environmental organisations, cross border environmental procedures, etc. Also, our services include advice on the environmental aspects of projects such as mergers and acquisitions, partnerships, long term exploitation contracts etc. and drafting and negotiating environmental agreements for the separation of environmental liabilities, both historical and forthcoming.



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