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Legal Bulletin



Environmental Law

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Approval of the Procedure for the annual endorsement of environmental permits and integrated environmental permits

The Order of the Ministry of Environment, Waters and Forests No. 1150/2020 approving the Procedure for the annual endorsement of environmental permits and integrated environmental permits (“Order No. 1150/2020”) was published in the Official Gazette of Romania, Part I, No. 495 of 11 June 2020 and will enter into force within 30 days after its publication, namely on 11 July 2020.

This order applies Article 16 of the Government Emergency Ordinance on environmental protection (“GEO No. 195/2005”), as amended by Law No. 219/2019.¹ As a reminder, Law No. 219/2019 re-instituted the principle according to which environmental permits and integrated environmental permits no longer have a limited validity, but rather remain valid for an undetermined period of time, provided the annual endorsement is obtained.

As per the Approval Report No. 302/DCPR/11.02.2020, the rationale of Order No. 1150/2020 is that, the annual endorsement:²

- Will streamline and simplify the compliance control of the economic activities authorized from an environmental protection perspective;

¹ Law No. 219/2019 for the amendment and supplementation of Article 16 of Government Emergency Ordinance on environmental protection (“Law No. 219/2019”).

² The Approval Report is available [here](#).

- Will increase the economic operators' compliance with the conditions imposed through the regulatory acts.³

In this context, the purpose of applying the annual endorsement is to confirm the following two essential conditions:

- That the holder of the permit performs the activity in the same conditions for which the environmental permit or integrated environmental permit was issued; and
- No amendments with impact on the conditions established through the regulatory acts occurred.⁴

Where these conditions are met, the competent environmental authority will issue the decision to grant the annual endorsement, which will be attached as annex to the environmental permit / integrated environmental permit.

At the same time, Order No. 1150/2020 explicitly repeals Order No. 1171/2018⁵ which regulated a similar procedure for granting the annual endorsement. This latter order was issued based on legal provisions in force at the time, but which were subsequently declared unconstitutional and ceased to have legal effects as of 18 July 2020 (for details please see our Legal Bulletin of 29 July 2019 available [here](#)).

The most important provisions of Order No. 1150/2020 may be summarized as follows:

- The request of the annual endorsement and its granting are mandatory operations in respect of all environmental permits and integrated environmental permits issued:
 - either before the entry into force of the Order No. 1150/2020; or
 - after the entry into force of this order.
- The deadline for submitting the application for the annual endorsement is determined by reference to the day and month when the concerned environmental permit / integrated environmental permit was issued. Thus, the permits' holders will apply yearly for the endorsement, as follows:
 - as for the initial permits - the application will be submitted within a maximum term of 90 days and a minimum term of 60 days before the day and month corresponding to the day and month when the holder's permit was issued;

³ The reasons are also mentioned, together with other supplementary arguments, in the Explanatory Note attached to Law No. 219/2019 available [here](#).

⁴ This purpose emphasised under Art. 3 of the Annex to Order No. 1150/2020 reiterates the provisions of Art. 16 (2²) of GEO No. 195/2005, as amended by Law No. 219/2019

⁵ Order No. 1171/2018 of the Ministry of Environment approving the Procedure for the annual endorsement of environmental permits and integrated environmental permits, entered into force on 15 November 2018.

- as for the revised permits - the request will be submitted in the year immediately following the revision, by observing the above mentioned 60-day term⁶ that will be calculated depending on the date and month in which the initial permit was issued.
- As a transitory provision, it has been established that the applications for the annual endorsement submitted before Order No. 1150/2020 enters into force (11 July 2020) will be discarded, following which the competent environmental authority, at the central or local level, will inform the holders of the permits as to their obligation to apply for the annual endorsement in the immediately following year in compliance with the submission deadlines mentioned to above.

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⁶ For revised permits, there seems to be a miscorrelation by reference to the initial permits, as only the 60-day submission term is explicitly mentioned, without clarification on whether the maximum 90-day term of submission may also apply.

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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