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LEGAL REGLEMENTATIONS IN THE EUROPEAN UNION AND ROMANIA REGARDING COLLECTION MANAGEMENT, RECOVERY AND RECYCLE OF THE WASTE PACKAGING

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RESUME: Once with the Romania's adherence to the European Union, assuming some obligations and initiatives were imposed, from a national level to a local and a county level. Adherency to the European Union, made Romania assume its politics regarding the environment field and elaborate several plans of European directives implementations. All this plans lead to staging the directions which the European Union imposed by establishing the implementation method, delegating the component authorities and sanctioning all the implicated members, whom do not obey the environment legislation. Throughout these implementation plans, Romania requested transition and derogation periods, establishing clear terms of the implementation of all imposed requirements.

Thereby, the next implementation plans were proposed: Implementation of Council Regulation (EEC) No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community,

Directive 2004/12/EC amending Directive 94/62/EC on packaging and packaging waste, Council Directive 1999/31/EC on the landfill of waste, Directive 2000/76/EC of the European Parliament and of the Council on the incineration of waste.

Key words: environment legislation, shipments of waste, European directives, implementation plan.

INTRODUCTION

Romania became a member state of the European Union on 1st January 2007, after the Accession Treaty, signed on the 25th April 2005, was ratified by all Member States. Romania submitted the adherence application to the European Union in 1995, then in 1999, the European Council, from Helsinki, decided to open negotiations with a part of the states whom submitted adherence applications, among them being Romania. Negotiations were opened in the first half of the year 2000 and lasted until the end of 2004, when the European Council had come to a conclusion. [2]

Negotiations have determined the integration conditions in the European Union of each candidate state. At the time when the adherence to the Union took place, these states had to adopt the *acquis*, meaning the legislation build on the Founding Treaties of the Union.

Negotiations concentrated especially on the terms through which the candidate state will assume, implement and apply the community *acquis*, but also on the transition periods (which will be clearly defined in time). This action took place in the context of a similar arrangement that some recently entered in the European Union states have benefited from, allowing the completion of several stages in order to meet the European laws and regulation completely.

For Romania, transposing the *acquis* regarding to the protection of the environment into the national legislation, represented a major task. The priority list included [3]:

- European Union framework legislation (including the access to information and evaluation of the environmental impact);
- measures imposed under international conventions to which the Community takes part to;

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- reducing the global pollution and transborder;
- legislation regarding nature protection (which has purpose is the conservation of bio-diversity);
- measures which assure the good functioning of the internal Market (for example, production standards).

For this reasons, researching and documentation on “Legal regulation in the European Union comparing to the Romanian ones, regarding management, recovery and recycling of the shipments of waste” is useful in order to obtain a clear review on transposing the communitarian acquis in Romania.

MATERIALS AND METHODS

The materials and methods used in editing this article are: documentation, the analyzes and processing of data and secondary analyzes. All this methods are based on synthesis processes, analogy and benchmarking. I have studied in small detail the legal regulation from the European Union and from Romania, regarding management, recovery and recycling of the shipments of waste. The study and documentation for this field represented the starting point, which allowed me to obtain the first information in this field. The documentation represented a detailed analyzes on the actual legislation, but also a benchmarking on the studied resources.

RESULTS AND DISCUSSIONS

During the negotiations for the adherence of Romania to the European Union, in the field of management of shipments of waste have been elaborated several implementation plans, these being [4]:

- **The Plan of Implementation for The Regulation (CEE) no. 259/93 regarding supervision and control of the packaging transport to, from and toward the European Union**

The main requests of the Regulation were:

- Assigning the competent authorities responsible for the implementation of the Regulation,
- Supervising and controlling, by the competent authorities, based on notification, the transportation of the shipments of waste in order to eliminate and reuse,
- Implementation of the procedure of supervision and control of the transportation of the waste according to the waste type (the Regulation has classified the shipments of waste in three categories: waste on the green list, on the yellow list and on the red list) and the destination of the waste for elimination or recovery.

The periods of transition which were requested are:

1. Romania reconsidered its position in the Position Paper CONF-RO 37/01 and solicited a transition period until 31st December 2015, for notifying the competent authorities about all the shipments of waste transports into Romania used for recovery, listed in Annex II of Council Regulation (EEC) 259/93, according to the Articles 6,7 and 8 of the Regulation. [5]

2. By way of derogation from Article 7(4) of Council Regulation (EEC) 259/93, Romania requested, throughout the competent authorities, to object to shipments of waste for recovery listed in Annexes II, III and IV and shipments of waste for recovery not listed in those Annexes destined for a facility benefiting from a temporary derogation from certain provisions of Directive 96/61/EC regarding the prevention and integrated control of pollution (IPPC), Directive 2001/80/EC of the European Parliament on the limitation of emissions of certain pollutants into the air from large combustion plants,

and Directive 2000/76/EC of the European Parliament on the incineration of waste, during the period in which the temporary derogation is applied to the facility of destination.

3. By way of derogation from Article 7[5] of Council Regulation (EEC) 259/93, until 31st December 2011, the Romanian competent authorities may raise objections to shipments to Romania for recovery of the following waste, in conformity with the grounds for objection laid down in Article 4(3) of the Regulation. These kind of transportation should obey Article 10 of the Regulation.

The responsible authorities are: the Ministry of Environment, Ministry of Agriculture, Forests and Rural Development, Ministry of Health, National Authority for Control through National Authority of Customs, National Environmental Guard and National Commission on Materials Recycling from the Ministry of Economy.

- **Implementation plan for Directive 2004/12/EC amending Directive 94/62/EC on packaging and packaging waste [6]**

The purpose of Directive 94/62/EC is to harmonize national measures concerning the management of packaging and packaging waste and to prevent or reduce its impact on the environment. The Directive also aims to ensure the functioning of the internal European market by avoiding obstacles to trade and distortion and restriction of competition.

Directive 94/62/EC established measures which purposes were:

- a) prevention of producing packaging waste,
- b) increase of the level of recovery of the packaging,
- c) increase of the level of recycling waste packaging,
- d) increase of the level of reuse of the waste packaging.

These measurements included essential requests for the materials from which the waste packages are made of and objectives for recovery and recycling the waste packages.

Directive 2004/12/EC has as purpose recycling targets for each specific waste material which should take account of life-cycle assessments and cost-benefit analysis, which have indicated clear differences both in the costs and in the benefits of recycling the various packaging materials, and should improve the coherence of the internal market for the recycling of these materials.

The implementation plan was based on the priorities for implementation established by the Ministry of Environment.

The strategy of reaching the Directive's targets basically refers to implementation of the separate collection, these being:

The separate collection scheme will be adapted to different areas and will be composed of [7]:

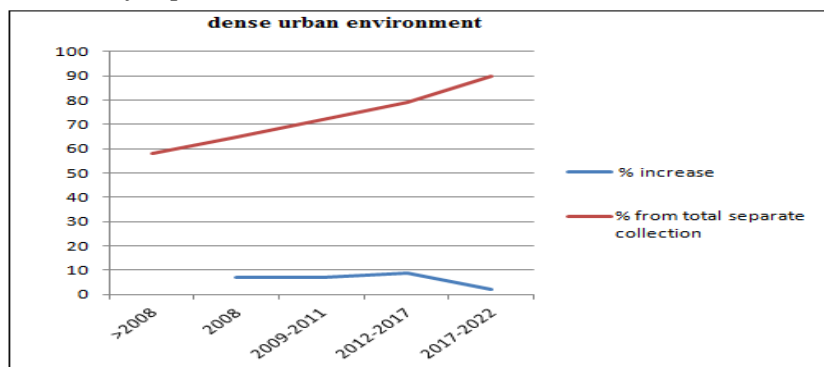
- specialized collect of the waste packaging, mostly throughout the voluntary deposit of the waste packaging, separated from the glass made ones (from technical reasons, the glass waste packaging will be exclusively collected by voluntary contribution);
- specialized collect of the biodegradable waste packaging , with exception of the ones in the rural environment;
- classic collect (household waste).

The separate collection of the waste packaging will take place such as:

- “door-to-door” – trash bins or garbage bags;
- civic amenity site – bring-point systems.

The waste packaging separately collected will be treated in sorting stations. The implement of the separate collection scheme was created as following:

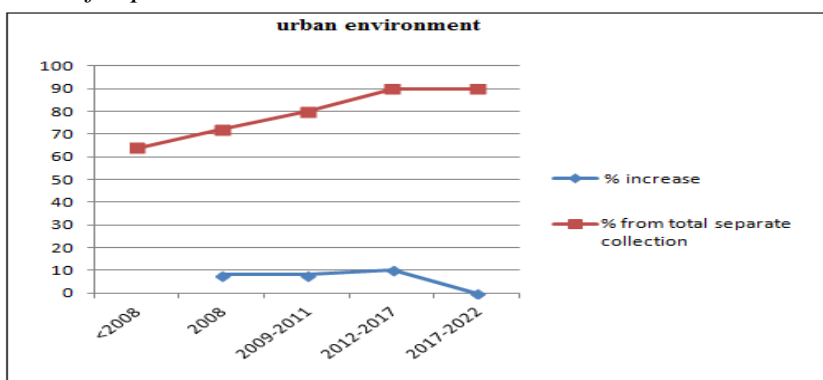
Fig. no. 1. Implementation of separate collection scheme in dense urban environment



Source: Personal analyzes

- dense urban environment – in 2008, the increase coefficient of separate collection was cca 7%, followed by a 7%/year increase until the year of 2011, by 9%/year between 2012 and 2017 and 2%/year between 2017 and 2022, when a coefficient of 90% of separate collection was reached;

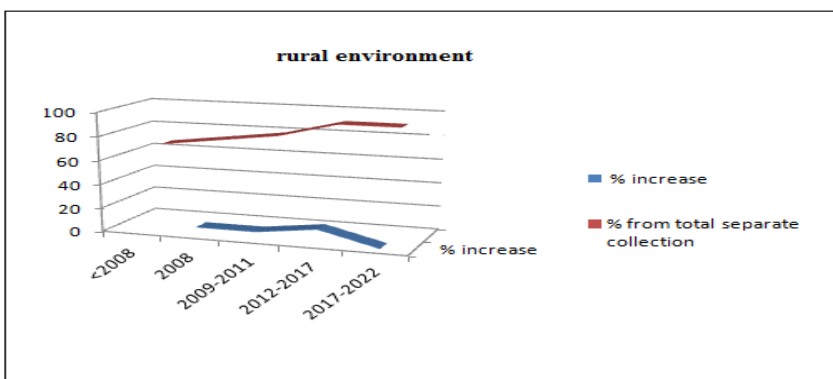
Fig. no. 2 Implementation of separate collection scheme in urban environment



Source: Personal analyzes

- urban environment – in 2008, the increase coefficient of separate collection was 8%, followed by a raise of 8% until the year 2011 and 10% between 2012 and 2017, when a 90% coefficient was reached, and remained constant until the year of 2022;

Fig. no. 3 Implementation of separate collection in rural environment



Source: Personal analyzes

- rural environment – in 2008 the increase coefficient of separate collection will be of 6%, followed by a raise of 6%/year until 2011 and 12%/year between 2012 and 2017, when a 90% coefficient will be reached and will remain constant until the year of 2022.

The implementation of separate collection will be divided in three periods:

- 2004-2006: experimentation (pilot projects), acknowledging the population;
- 2007-2017: extending the separate collection at a national level;
- 2017-2022: implementing the separate collection in difficult areas (collective inhabitation, scattered rural environment, mountain areas).

Regarding the achieving of the recycling/recovery targets established so far, Romania solicited the next transition periods:

- Achieving the objectives of recycling of 15% of the weight for wood until 31st December 2011 (3 years transition period);
- Achieving the global recycling objective of 55%, the global recovery objective of 60%, the objectives of recycling of 22,5% of the weight for plastic (considering only the recycled material as plastic material) and the objectives of recycling of 60% of the weight for glass, until 31st December 2013 (5 years transition period).
- In order to achieve the recycling targets of waste packaging from paper and cardboard (60%) and metals (50%), Romania did not request a transition period. These targets must have been achieved, according to the Directive's provisions, until 31st December 2008.

Responsible authorities are the Ministry of Environment, Ministry of Economy.

○ **Council Directive 1999/31/EC on the landfill of waste**

Council Directive's 1999/31/EC [8] main objectives are: establishing the measures, procedures and recommendations for preventing or reducing the negative effects on the environment and health, determined by the landfill of waste. In order to achieve these objectives, the member states must apply measures, such as: treating the waste packages before depositing them, forbidding the mix of dangerous waste with not dangerous one, implementing activities of control of closing and monitoring post-closing of waste.

The plan of implementation refers both to municipal deposits of waste and also industrial deposits of waste. In the implementation plan were presented 265 deposits of waste of class "b", the urban environment, as follows:

- 11 deposits of waste complied until 31st December 2006;
- 3 deposits of waste in accord with the request of the Directive 1999/31/EC were build in 2003
- 251 deposits of waste not in accord with the requests of Directive 1999/31/EC, which ceased and will cease the activity of gradually depositing, from which 10 deposits have ceased their activity until 16th July 2009, and 101 deposits (about 301 ha) will cease the depositing action between 16th July 2009 and 16th July 2017.

After 1st January 2007, the deposits which will cease the depositing process will be close according to the requests of Directive 1999/31/EC, in a period of maximum 2 years after ceasing the landfill. Taking in account the calendar previously presented, Romania has solicited a 8 years transition period for closing the 101 deposits of waste of class "b" not in accord with the urban environment, which will be gradually closed between 16th July 2009 and 16th July 2017.

Responsible authorities are the Ministry of Environment, National Environmental Protection Agency, National Environmental Guard, Ministry of Economy, Ministry of Internal Affairs, Ministry of Transports, Ministry of Health, local authorities.

- **Directive 2002/96/EC of the European Parliament on waste electrical and electronic equipment**

Directive's objectives are [9]:

-preventing the appearance of waste electrical and electronic equipment and reusing, recycling and other forms of recovery of these types of waste in order to reduce a big quantity of eliminated waste;
-improving the environment performance of all operators involved in the life time cycle of the electrical and electronic equipments (producers, distributors and consumers) and especially of the economic agents directly implicated in treating the waste electric and electronic.

Romania solicited throughout the implementation plan:

- 2 years transition period, until 31st December 2008, for applying paragraph 5 of Article 5 regarding the objective of collecting a minimum of 4 kg of waste electrical and electronic equipment/resident and year;
- 2 year transition period, until 31st December 2008, for implementing paragraph 2 of Article 7 regarding the recycling/recovery objectives.

Responsible authorities are the Ministry of Environment, National Environmental Guard, local authorities.

- **Directive 2000/76/EC on the incineration waste**

Directive 2000/76/EC on the incineration waste confines itself for deploying the activities of incineration and co-incineration and for control measures and supervising the incineration and co-incineration facilities. Regulation of these activities has as purpose preventing or reducing the negative effects they have on the environment, especially on air, soil, surface and underground waters pollution and any kinds of risks regarding the good health of the population. The Directive requires the Member States to accomplish all the measures imposed in order to accord with the Directive's requests, including the heat treatment of the waste.

Romania solicited a transition period until 31st December 2008 for closing 110 existent installations of dangerous waste incineration resulted from medical activities, which closed after 31st December 2006, as follows:

- ❖ in one year, until 31st December 2007, closing 52 existent installations of dangerous waste incineration from medical activities;
- ❖ in two years, until 31st December 2008, closing 58 existent installations of dangerous waste incineration from medical activities.

Romania did not requested a transition period for the existing installations of dangerous industrial waste incineration, for the incineration of municipal waste and for the existing installations of waste co-incineration.

Regarding the municipal waste incineration, the plan of implementation provides:

- planning an installation of waste incineration in Bucharest, with bigger capacity then 150.000 tones/year;
- planning several installations of waste incineration in three cities with a population larger than 300.000 residents, including the adjoining areas.

Responsible authorities are the Ministry of Environment, National Environmental Protection Agency, National Environmental Guard, Ministry of Economy, Ministry of Internal Affairs, Ministry of Transports, Ministry of Health, local authorities.

Waste and waste packaging management activity is based on general principles provided in Emergency Ordinance no. 78/2000 regarding waste treatment, approved with modifications and additions through Law no. 426/2001.

Main principles regarding waste and waste packaging are:

- + preventing the producing of waste packaging;
- + reusing the waste;
- + recycling the waste packaging;
- + other waste recovery methods which will lead to minimizing the eliminated through final landfill.

Recovery of waste packaging is included in the general principles which underlies the management of the groups of industrial recycling waste packaging (ferrous scrap metal, paper and cardboard waste, glass waste, plastic products, rubber, textiles) specified in Emergency Ordinance no. 16/2001, approved with addition and modifications through Law no. 465/2001, these being:

- only using procedures of industrial recycling waste management which are not a risk for the population health and for the environment;
- the polluter pays;
- the producer's responsibility;
- the use of the best actual techniques, without charging big costs.

National legislation in this field emphasizes that the waste and waste packaging management principles are available for all waste packaging produced in the marketing, no matter what the material they have been composed of is, and the use in the economical, commercial and household activities it has.

CONCLUSIONS

The environment is a responsibility which must be assumed conjointly. Regarding the ecological damage in the last period of time, it was noticed that the implication level and responsibility both on the national but also on the international plan has increased significantly. First concern in this field took place in 1970. The environment policy of the European Union was born in the European Community Treaty and has as target assuring the sustainability of the protection measures of the environment. Through the Maastricht Treaty, the environmental protection becomes a main priority for the European Union, where it was signaled the necessity of integrating and implementing the environment politics within a sectorial policy, such as agriculture, energy, industry, transport.

The main pylon of the environmental politics is the concept of lasting development, which creates a transversal policy which encapsulates all the other communitarian policy, highlighting the need to integrate the environment protection requests into defining and implementing all the European policy.

[12]

Concluding, it comes out that for accomplishing the national and European objectives regarding management, recovery and recycling of waste and waste packaging it is necessary that the whole

community involves, from the public and central authorities, to the waste generators and researching-developing institutes and consumers, NGO (reunited as a civil society).

The condition of waste packaging was governed in our country as laws, ministerial order, decisions which involved the European directives. Once transposed, Romania assumed its obligation to monitor the stages which our country has to go through mentioned in the Accession Treaty of the European Union. [13]

Romanian legislation is harmonized with the European Directive 94/62/EC regarding waste and waste packaging. The management of waste and waste packaging has legislative support in all fields of activity – from producing, using/reusing, recovery, recycling – so that the managerial results will quantify in restoration and protection of the environment throughout the country.

In the field of waste and waste packaging management, the central authority has the obligation to monitor the activity of protection of the environment. There were and still are implemented studies and resources which must consider finding the most efficient methods of respecting the requirements of the European Union, but also intensifying the selective collection of waste packaging.

The principles regarding waste and waste packaging management are available for all the waste packages introduced in the market, no matter what the material they were created from is and their way of use in economic, commercial and household activities of the population or any other activities, such as all the waste which do not match the purpose they were created for, no matter what their generation, recovery or recycling method is. [14]

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