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Order no. 876/2004 by minister of environment and water management, published in Official Gazette of Romania no. 31 of 11 January 2005, approves the authorisation procedure for activities with a significant environmental impact

Order approving the authorization procedure for activities with a significant environmental impact

Order no. 876 of 20 December 2004 (“the Order”)

(published in Official Gazette no. 31 dated 11 January 2005)

The authorisation procedure for activities with a significant environmental impact approved by the Order includes information about the authorities responsible for the issuance of environmental authorisations, their competencies, and the necessary steps to be followed by an applicant for obtaining the environmental authorisation. Thus, companies whose activities have remained unchanged must submit to the Local Environmental Authority (LEA) at least 45 days prior to the expiry of the existing environmental authorisation, the following documents:

- application for the environmental authorisation;
- presentation file and statement;
- evidence that the application was made public;
- note regarding the stage reached in the implementation of the existing compliance program.

The documents supporting an environmental authorization application in respect of activities that have suffered changes or of new activities for which had been issued an environmental agreement according to the Order no. 860/2002, will be the same as for the unchanged activities except that the report regarding the stage of the compliance program will be replaced by minutes whereby conformity with the environmental agreement requirements will be assessed.

Once the LEA has received and reviewed an application, it will then decide whether an environmental balance is needed. If such an environmental balance is required, its summary will be made public and then the company will submit a draft environmental compliance program to LEA.

The compliance program can have 2 sections:

- Measures to mitigate present and future environmental effects;
- Measures to remedy the environmental impact of previous activities.

The compliance program cannot exceed the validity period of the environmental authorisation (maximum 5 years), except for the measures aimed to remedy the negative effects of previous activities.

Insofar as new activities are concerned, LEA will publicize its decision to issue an environmental authorisation and the relevant documents supporting such decision. Contestations are accepted only 15 days after publication of the decision by LEA.

The environmental authorisation will be issued within a maximum of 90 working days after the filing of the application form.

Where a company's owner / company's name is changed, but its activity remains however unchanged, the environmental authorisation is transferred to the new owner without any other additional taxes.

The following 5 appendices are part of the authorization procedure for activities with a significant environmental impact.

- Appendix 1: List of activities with a significant environmental impact;
- Appendix 2: Presentation file and statement;
- Appendix 3: Public debate procedure
- Appendix 4: Environmental authorisation form;
- Appendix 5: Taxes and tariffs for obtaining an environmental authorisation.

About us

The members of KPMG Romania's environmental team have acquired extensive experience in environmental advisory by developing an impressive number of environmental studies for companies operating in various industrial fields. Being familiarized with both Romanian and European environmental legislation, our professionals can assist you in improving the environmental performance of your company.

Services

- Environmental issues advice
- Environmental due diligence
- Environmental audit report
- Environmental public report
- Advisory services for implementing environmental management systems according to ISO 14001
- Advisory or validation for greenhouse gases (GHG) reduction projects using emission trading mechanism (JI) according to Kyoto Protocol
- Environmental training

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