



## Legal Newsletter

12 Iunie 2020	12 June 2020
In data de 11 iunie 2020 a fost publicat in Monitorul Oficial Ordinul Ministrului Mediului, Apelor si Padurilor nr. 1150/2020 privind aprobarea Procedurii de aplicare a vizei anuale a autorizatiei de mediu si autorizatiei integrate de mediu (“ <b>Ordin nr. 1150/2020</b> ”).	On 11 June 2020, the Order of the Minister of Environment, Waters and Forests no. 1150/2020 on the approval of the Procedure of applying the annual visa on the environmental permit and the integrated environmental permit (“ <b>Order no. 1150/2020</b> ”) was published in the Official Gazette.
<u>Procedura prevazuta de Ordinul nr. 1150/2020 va intra in vigoare incepand cu data de 11.07.2020.</u>	<u>The procedure provided under the Order no. 1150/2020 shall become effective as of 11 July 2020.</u>
<b>I. Autoritati competente</b>	<b>I. Competent authorities</b>
Viza anuala se aplica de catre: <ul style="list-style-type: none"><li>➤ <b>Ministerul Mediului, Apelor si Padurilor sau Administratia Rezervatiei Biosferei “Delta Dunarii”</b> pentru autorizatiile de mediu si autorizatiile integrate de mediu care intra in sfera de competenta a acestora;</li><li>➤ <b>Agentia Nationala pentru Protectia Mediului sau agentiile judetene pentru protectia mediului</b>, prin decizie de delegare a presedintelui Agentiei Nationale pentru Protectia mediului, pentru autorizatiile de mediu si autorizatiile integrate de mediu ce nu intra in sfera de competenta a Ministerului Mediului sau a Administratiei Rezervatiei Biosferei “Delta Dunarii”.</li></ul>	The annual visa is applied by: <ul style="list-style-type: none"><li>➤ The <b>Ministry of Environment, Waters and Forests</b> or the <b>Administration of the “Danube Delta” Biosphere Reservation</b> for the environmental permits and integrated environmental permits that fall within their competence;</li><li>➤ <b>The National Environmental Protection Agency</b> or the <b>county environmental protection agencies</b>, by decision of delegation of the president of the National Environmental Protection Agency, for the environmental permits and integrated environmental permits that do not fall within the competence of the Ministry of Environment or Administration of the “Danube Delta” Biosphere Reservation.</li></ul>
<b>II. Documentele necesare</b>	<b>II. Necessary documentation</b>
Documentele pe care titularul activitatii este obligat sa le depuna in vederea obtinerii vizei anuale: <ul style="list-style-type: none"><li>➤ <b>cerere tip;</b></li><li>➤ <b>raport anual de mediu</b> si/sau alte raportari mentionate in actele de reglementare;</li></ul>	The documents that the holder of the activity is obliged to submit in order to obtain the annual visa: <ul style="list-style-type: none"><li>➤ <b>written request (standard form);</b></li><li>➤ <b>annual environmental report</b> and/or other reports required under the regulatory acts;</li></ul>
<ul style="list-style-type: none"><li>➤ <b>declaratia tip pe propria raspundere</b> ca desfasoara activitatea in aceleasi conditii pentru care a fost emisa autorizatia/autorizatia integrate de mediu si ca nu au intervenit modificari de fond care sa afecteze conditiile</li></ul>	<ul style="list-style-type: none"><li>➤ <b>Written statement (standard form)</b>, confirming that the activity is carried out in the same conditions for which the permit/integrated environmental permit was issued and that no substantial changes occurred that would affect the conditions</li></ul>

<p>stabilite prin autorizatie;</p> <p>➤ <b>dovada achitarii tarifului.</b></p>	<p>provided by the permit;</p> <p>➤ <b>proof of payment of the fee.</b></p>
<p><b>III. Termenul de solicitare a vizei anuale. Suspendarea actului de reglementare</b></p>	<p><b>III. The deadline for applying for the annual visa. Suspension of the regulatory act</b></p>
<p>Termenul in care titularul trebuie sa solicite viza anuala:</p> <p>➤ <b>maximum 90 de zile si minimum 60 de zile</b> inainte de ziua si luna corespunzatoare zilei si lunii in care a fost emisa autorizatia;</p> <p>➤ pentru autorizatia/autorizatia integrata de mediu revizuita, titularul solicita aplicarea vizei <b>in anul imediat urmator revizuirii</b>; in aceste situatii, calculul termenelor de 90 si 60 zile se va raporta la ziua si luna in care a fost emisa autorizatia initiala (nu a revizuirii);</p>	<p>The deadline in which the holder must apply for the annual visa is:</p> <p>➤ <b>maximum 90 days and minimum 60 days</b> before the day and month corresponding to the day and month in which the permit was issued;</p> <p>➤ for the revised permit/integrated environmental permit, the holder requests the application of the visa <b>in the year immediately following the revision</b>; in such situations, the computation of the 90 and 60 days periods shall refer to the initial issuance of the permit (not the revision);</p>
<p>In cazul nerespectarii termenului limita, autoritatea publica pentru protectia mediului transmite titularului o notificare cu privire la <b>suspendarea actului de reglementare pe o perioada echivalenta cu perioada de intarziere.</b></p> <p>Perioada de suspendare începe după data emiterii autorizației/autorizației integrate de mediu (ziua și luna).</p>	<p>In case of non-observance of the deadline, the public authority for environmental protection agency provides the titleholder with a notification regarding <b>the suspension of the regulatory act for a period equivalent to the delay period.</b></p> <p>The suspension period starts after the date of issuance of the environmental permit/ integrated environmental permit (day and month).</p>
<p><b>IV. Verificarea amplasamentului</b></p>	<p><b>IV. Site verification</b></p>
<p>➤ Verificarea amplasamentului este <b>obligatorie la prima solicitare de aplicare a vizei anuale.</b></p> <p>➤ In cazul autorizatiei integrate de mediu, verificarea amplasamentului se efectueaza <b>cu ocazia fiecarei solicitari de aplicare a vizei anuale.</b></p> <p>➤ In cazul autorizatiei de mediu, verificarea amplasamentului se face <b>cel putin o data la 2 ani.</b></p>	<p>➤ The verification of the location is <b>mandatory at the first request for the application of the annual visa.</b></p> <p>➤ In regards of the integrated environmental permit, the verification of the location is performed <b>with the occasion of each request for the application of the annual visa.</b></p> <p>➤ In regards of the environmental permit, the site verification is performed <b>at least once every 2 years.</b></p>

<p><b>V. Respingerea vizei anuale. Pierderea valabilitatii actului de reglementare</b></p>	<p><b>V. Rejection of the annual visa. Loss of validity of the regulatory act</b></p>
<ul style="list-style-type: none"> <li>➤ In cazul in care autoritatea publica pentru protectia mediului constata ca nu sunt respectate conditiile impuse prin autorizatia/autorizatia integrata de mediu, <b>titularului i se acorda un termen de maximum 60 de zile pentru a le remedia.</b></li> <li>➤ In situatia in care titularul nu indeplineste masurile de remediere in termenul indicat, <b><u>autoritatea publica pentru protectia mediului suspenda autorizatia de mediu.</u></b></li> <li>➤ Daca titularul nu indeplineste masurile de remediere pana la expirarea termenului de suspendare a actului de reglementare, autoritatea publica pentru protectia mediului decide respingerea vizei anuale.</li> <li>➤ Astfel, <b><u>autorizatia/autorizatia integrata de mediu isi pierde valabilitatea</u></b>, iar titularul are obligatia de a solicita emiterea unei noi autorizatii/autorizatii integrate de mediu.</li> </ul>	<ul style="list-style-type: none"> <li>➤ If the public authority for environmental protection determines that the conditions imposed by the permit/integrated environmental permit are not fulfilled, <b>the holder is granted a maximum period of 60 days to remedy them.</b></li> <li>➤ In case the holder does not fulfill the remedial measures within the indicated deadline, <b><u>the public authority for environmental protection suspends the environmental permit.</u></b></li> <li>➤ If the holder does not fulfill the remedial measures until the expiration of the term of suspension of the regulatory act, the public authority for environmental protection decides to reject the annual visa.</li> <li>➤ As such, <b><u>the permit/integrated environmental permit loses its validity</u></b>, and the holder has the obligation to request the issuance of a new permit/integrated environmental permit.</li> </ul>
<p><b>VI. Dispozitii tranzitorii</b></p>	<p><b>VI. Transitory provisions</b></p>
<p>In cazul autorizatiilor/autorizatiilor integrate de mediu pentru care a fost solicitata aplicarea vizei anuale inainte de data intrarii in vigoare a Ordinului nr. 1150/2020, autoritatea publica pentru protectia mediului <b>claseaza solicitarea</b> si informeaza titularul cu privire la obligatia de a solicita aplicarea vizei in anul imediat urmator.</p>	<p>In the case of the permits / integrated environmental permits for which the application of the annual visa was requested before the date of the entry into force of Order no. 1150/2020, the public authority for environmental protection <b>closes the application</b> and informs the holder about the obligation to apply for the visa application in the next year.</p>
<p><b>Pentru mai multe detalii va rugam sa ne contactati:</b></p>	<p><b>For further details, please contact:</b></p>
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<p><i>Acest newsletter a fost pregatit exclusiv in scop de informare generala si nu se va interpreta ca si consultanta juridica. In masura in care considerati util sa aflati mai multe despre aspectele ce fac obiectul acestui newsletter, va rugam sa ne contactati.</i></p>	<p><i>This newsletter was prepared solely for general information purposes and shall not be construed in any way as legal advice. Should you find it useful and want to know more about the issues presented herein, please do not hesitate to contact us.</i></p>