



NEW LEGAL UPDATES: ANNUAL VISA FOR ENVIRONMENTAL AUTHORISATION AND INTEGRATED ENVIRONMENTAL AUTHORISATION

1. New provisions regarding environmental studies

On June 11, 2020, Order of the Minister of Environment, Water and Forest no. 1.150 from May 27, 2020 was published in the Official Gazette no. 495. (the “**Order no. 1.150/2020**”).

Order no. 1.150/2020 established a new procedure for the annual visa of the Environmental Authorisation and Integrated Environmental Authorisation.

The procedure provided by Order no. 1.150/2020 is effective starting with July 11, 2020. The procedure is applied also for the visas issued before July 11, 2020.

For the application of the annual visa requested before July 11, 2020, the public authority for environment protection will close the application and will inform the holder of the authorisation of the obligation to apply for the visa in the next year. In other words, it seems that as long as an application for visa is pending at the date of the entry into force of Order 1.150/2020, the authority will not analyse such an application and issue a visa but it will rather inform the applicant that he needs to follow again the procedure next year as detailed under section 3 below.

2. The competent public environment protection authorities

The annual visa is issued or rejected by the following public environment protection authorities:

- (i) the Ministry of Environment, Water and Forest (the “**Ministry**”) and the Administration of the Danube Delta Biosphere Reservation (the “**Delta Danube Administration**”) for the Environmental Authorisation and Integrated Environmental Authorisation within their competence;

- (ii) the National Agency for Environmental Protection (the “**National Agency**”) for the Environmental Authorisation and Integrated Environmental Authorisation that are not in the competence of the Ministry or Delta Danube Administration;
- (iii) the County Environmental Agencies for the Environmental Authorisation and Integrated Environmental Authorisation in their competence per the delegation decision issued by the National Agency.

3. The visa

The application for the annual visa will be submitted by the holder of the Environmental Authorisation or the Integrated Environmental Authorisation, as the case may be. The application may be submitted also on – line, by e-mail or fax).

The application file will contain the following documents:

- (i) a written request (a standard form);
- (ii) the annual environmental report or other reports required under the regulatory provisions;
- (iii) a written statement asserting that the activities for which the authorization was issued are carried out in the same conditions as the ones mentioned in the authorization (a standard form);
- (iv) the proof of payment of the relevant fees (RON 100 for Environmental Authorization and RON 300 for Integrated Environmental Authorization).

The application must be filed with minimum 60 days and maximum 90 days before the anniversary of the date of issuance of the authorization.

For the reviewed authorizations, the term will be calculated by taking into consideration the date of the issuance of the authorization and not the date of its revision.

Failure to observe the above deadline will lead to the suspension of the authorization for a period equal to the delay in filing the application.

If the conditions for the issuance of the visa are fulfilled, the public authority for the environmental protection will issue the visa in 5 working days.

If the public authority for environmental protection deems that the conditions for the issuance of the visa are not fulfilled, it will grant the holder of the authorization a maximum 60 days’ term to perform the required remedial actions. Failure to take the remedial actions within the prescribed deadline may lead to the suspension of the authorization for a period established by the environment protection authority. If the

non-compliance persists, then the authority will reject the application for visa and the environmental authorization will lose its validity.

4. Site verification

The verification of the site for which the authorization is issued is mandatory:

- (i) at first request for visa;
- (ii) at least once every 2 years;
- (iii) on each request for visa made for the Integrated Environmental Authorization.

This article contains general information and should not be considered as legal advice.



Dana Rădulescu

Partner

dana.radulescu@mprpartners.com



Ada Pascu

Senior Associate

ada.pascu@mprpartners.com