

LEGAL AND TAX ALERT, 21 November 2018

NEW RULES REGARDING THE PROCEDURE FOR THE ANNUAL ENDORSEMENT OF THE ENVIRONMENTAL PERMIT AND THE INTEGRATED ENVIRONMENTAL PERMIT

On 15 November 2018, Order no. 1171 regarding the approval of the Procedure for the annual endorsement of the environmental permit and the integrated environmental permit was issued. This enactment was adopted as a consequence of the recent amendments made to the Government Emergency Ordinance no. 195/2005 on environmental protection, by means of which the validity of the environmental permit and of the integrated environmental permit was conditioned by the annual endorsement thereof. Prior to this legal amendment, the environmental permit was valid for a period of 5 years and the integrated environmental permit for a period of 10 years.

The National Agency for Environmental Protection or the agencies for environmental protection is the competent authority for issuing a decision regarding the annual endorsement. By way of exception, the Ministry of Environment and the Administration of the “*Danube Delta*” Biosphere Reserve, respectively issue these decisions regarding the environmental permits and integrated environmental permits within their exclusive competence.

The application for the endorsement will be made every year, with a minimum of 60 days prior to the issuance day and month of the environmental permit or the integrated environmental permit.

The activity owner is required to apply for the annual endorsement by submitting the following documents: (i) an application for the approval of the endorsement; (ii) the annual environmental report, as the case may be; (iii) a statement that the activity is carried out under the same conditions for which the environmental permit or the integrated environmental permit was issued and that no changes occurred with respect to the conditions established by the permit.

The competent authority for environmental protection will issue the decision regarding the annual endorsement following a site visit made in the presence of the permit holder or its representative. If the authority acknowledges that the environmental permit or the integrated environmental permit is in accordance with the conditions on the site, the decision of annual endorsement will be issued. If, on the contrary, certain inconsistencies are found, the holder will be given a term of maximum 30 days to correlate the onsite data with the environmental permit or the integrated environmental permit, and if this correlation is not made in the established period, the authority will issue a decision dismissing the annual endorsement.

The environmental permits and the integrated environmental permits for which the annual endorsement is not obtained will cease to produce legal effects and the activities owners shall have to undergo a new authorization procedure in order to perform the relevant activity.

Should you require any further information, please feel free to contact us:

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