



SUMMARY OF CASE LAW ON WASTE PRODUCER LIABILITY IN EUROPE

ROMANIA

Summary of the Law:

The law in Romania has been amended to transpose the revised Waste Framework Directive. There are no relevant reported cases but the language of the law is not ambiguous. The Law on Waste, No. 211/2011, [republished in 2014](#), has explicit provisions on waste producer responsibility:

“§ 14. Responsibility for waste management

Art. 22 (1) waste producer or, if applicable, any holder of waste has the obligation to perform the treatment in accordance with Art. 4 para. (1) - (3) and art. 20 or transferring these operations an authorized economic operator performing waste treatment or a public or private operator of waste collection in accordance with Art. 4 para. (1) - (3) and art. 20. (2) authorized economic operators in terms of environmental protection for performing operations are required to collect and transport waste transport installations only authorized to carry out treatment operations. (3) The owners / legal Waste producers, traders, and operators in para. (2) must appoint a person from among its employees to follow and ensure fulfillment of the obligations stipulated by this law or to delegate this obligation to a third party. (4) The persons appointed as provided in par. (3) must be trained in waste management, including hazardous waste, following the completion of specialized courses.

Art. 23 (1) transferring waste producer or holder to one of the natural or legal persons mentioned in art. 22 para. (1) in order to perform some operations preliminary treatment operations complete recovery or disposal is not exempt from responsibility for carrying out the completed recovery or disposal operations. (2) The central public authority for environmental protection through legislative act regulating category of waste are established conditions on waste management responsibility and cases where the original waste producer has the responsibility for the entire process chain of treatment or instances where producer responsibility and waste holder may share or delegate between actors involved in the treatment chain. (3) On the proposal of the central public authority for environmental protection, the normative act that regulates the category of waste, in accordance with Art.12 determining whether organizing activities for waste management lies partially or fully produced the product from which the waste came and product distributor extent that participate in this responsibility. (4) Paragraph. (2) and (3) shall apply to the extent that evaluation studies conducted at the request of the central public authority for environmental protection determine the appropriateness sharing on waste management. (5) If the waste treatment involves shared responsibility waste transport across the border Romania, this can only be done in compliance with Community legislation on waste transfers. (6) The waste transport control and

supervision over the Romanian border count transition periods stipulated in the Treaty of Accession to the European Union and those stipulated by Government Decision no. 788/2007 establishing measures for the implementation of Regulation of the European Parliament and of the Council (EC) no. 1.013 / 2006 on the transfer of waste, as amended and supplemented.”

The above provisions have been construed by [Romanian sources](#) as creating the obligation to assure final proper treatment and disposal on the waste producer.

Note: Nothing in the waste law transposed into national law supersedes, replaces or negates potential liability under the Environmental Liability Directive or the Industrial Emissions Directive (IPPC). Both of which have been applied to waste producers.

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