

E-ISSN: 2360 – 6754; ISSN-L: 2360 – 6754

European Journal of Law and Public Administration

2018, Volume 5, Issue 2, pp. 179-185

<https://doi.org/10.18662/eljpa/54>

CONDITIONS AND PROGRAMS FOR WASTE
MANAGEMENT

Ciprian UNGUREANU

Covered in:

CEEOL, Ideas RePeC, EconPapers, Socionet,
HeinOnline

Published by:

Lumen Publishing House

On behalf of:

STEFAN CEL MARE UNIVERSITY FROM SUCEAVA,
FACULTY OF LAW AND ADMINISTRATIVE SCIENCES,
DEPARTMENT OF LAW AND ADMINISTRATIVE SCIENCE

CONDITIONS AND PROGRAMS FOR WASTE MANAGEMENT

Ciprian UNGUREANU¹

Abstract

The new environmental European and national paradigm imposed a series of evolving changes in regulations governing waste regardless of its type.

Romania's integration into the European Union has imposed a synchronization with regard to environmental regulations. The transposition of a large majority of the European Union law into the national space constituted a genuine change of the Romanian law on the relevant issues in the field of waste management.

The unprecedented dynamics of legislation in the matter has led to the implementation of standards that are suitable as a correction of the waste management regime.

Environmental protection, sustainable development, as expressions, are found in all aspects of social life, as human society has experienced an exponential development in relation to new technologies, and this has led to the occurrence of side effects, namely creating a waste space which are a harmful pollutant.

In order to achieve a consistent approach to eliminating this harmful element, the international authorities have signalled a sign that suggests a global strategy.

Keywords:

Waste management, polluting era, environmental law, waste management.

JEL Classification K10

Introduction

Waste management refers to education on the collection, transport, treatment, recycling and disposal of waste or from another point of view to materials resulting from human activities and reducing their effect on human health, the environment or the appearance of a habitat [1:393].

¹Lecturer PhD, „Stefan cel Mare” University, Suceava, Romania, ciprian.ungureanu@fdsa.usv.ro

Waste management aims to save natural resources by applying recovery processes. Managed waste can be found in different solid, liquid or gaseous states, but also with different radioactive properties, which impose treatment-specific methods.

Awareness of the view that waste is a problem and that methods of treatment by storage or incineration have arisen since 1970, but time has shown that incineration or storage is a risk, so they are not satisfactory methods.

Thus, the United Nations Environment and Development Conference (UNCED) in Rio de Janeiro in 1992 has called into question the implementation of global policies to stop the disasters that may arise from mismanagement of various wastes.

The year 1975 brought to the community space concerns from the European Commission on waste management issues, under the implementation of an awareness campaign on the recycling process, a process imposed in Europe under the "three R" logo (Reduction, Reflow, and Recycling).

In Romania the waste recycling activity was propelled much later by Law no. 211/2011 which implements a number of Council of Europe directives. However, we must admit that the general waste legal regime is established by G.E.O. no. 195/2005.

The legal regime of waste management - national and international issues

According to its statutory framework for environmental protection, G.E.O. no. 195/2005, is limited to laying down a number of rules on the management of waste in conditions protecting the health of the population and the environment (Article 29).

In this respect, the ordinance stipulates a series of specific measures out of which we mention a few:

- Preventing the introduction of waste of any nature on the territory of Romania for the purpose of their disposal;
- Taking the introduction on the Romanian territory of the waste for the purpose of recovery, based on the specific regulations in the field, with the approval of the Government, according to the Community and national regulations;

- The recovery of waste only in installations through processes or activities authorized by the competent public authorities;

- Achieving the transit and export of waste of any kind in accordance with the agreements and conventions to which Romania appears and with the specific national legislation in the field (Article 32);

- The internal transport of hazardous waste according to specific legal provisions and the international transport and transit of hazardous waste in accordance with the provisions of the international agreements and conventions to which Romania is a party (Article 33).

As can be seen before Romania's accession to the European Union, the legislator has been concerned with the use of an environmental policy, management under environmental safeguards.

However, the legal status of waste generation and management activities in terms of ensuring an adequate level of protection of the environment and public health, based on the principles and strategic elements that lead to the sustainable development of society is established by Law no. 21/2011 on the waste regime, republished [2] and the law of the sanitation service of the localities no. 101/2006, which transpose into national legislation Directive 75/442 / EEC on waste [3], Directive 91/689 / EEC on hazardous waste [4] and Directive 2006/12 / EC of the European Parliament and of the Council on waste [5].

According to the definition given by the mentioned normative act, namely G.E.O. no. 195/2005, "waste means any substance or object in the categories established by the specific legislation which the holder discards, intends or is required to discard; recyclable waste - waste which may constitute the raw material in a production process for the purpose of obtaining the original product or for other purposes (...)"[6].

The definition given by the legislative text offers to this product, the waste, a wide range, even generous, because the generality in which it is presented presumes a variety of such products.

Priority objectives for waste management are:

- a) Prevention,
- b) Preparing for reuse,
- c) Recycling,
- d) Other recovery operations, eg energy recovery,
- e) Elimination. [6] .

They aim to develop policies targeting at encouraging action to prevent efficient and effective waste generation and management in

order to minimize as far as possible their negative environmental impacts.

Pollution by waste generation is practically an inevitable one because it should be borne in mind that any activity generates unusable scraps, and their quantity is amplified under the consumerist stream that is more and more extensive in contemporary society based on advanced technological development.

Viewed from this perspective G.E.O. no. 195/2005 is not only a legislative landmark in the environmental protection initiative but is a precursor of European legislation that focuses on a viable alternative to a healthy environment.

What the European Union is doing by means of waste management directives demonstrates the clear and concrete goal of environmental protection primarily through the implementation of a well-established legislative framework.

The EU approach to waste management is based on three major principles:

- *Prevention of waste generation* - a factor considered to be of major importance in any waste management strategy, directly linked to both improving production methods and consumer determination to modify its demand for products (greening) and to tackle a lifestyle that generates small amounts of waste.

- *Recycling and reuse* - where waste is generated, encouraging a high level of recovery of component materials, preferably through material recycling. For this purpose, several waste streams are identified for which material recycling is a priority: packaging waste, end-of-life vehicles, battery waste, and electrical and electronic equipment waste.

- *Improvement of final waste disposal and monitoring* - if waste cannot be recovered, it must be disposed of in a safe environment for the environment and human health, with a strict monitoring program.

Thus, in order to monitor the fulfilment of the undertaken commitments, the Waste Management Service elaborates the National Waste Management Strategy and Plan, proposes, initiates, elaborates and promotes draft normative acts, endorses strategies and drafts of normative acts related to the field of waste management.

The principle of prevention is expressed by the fact that in the production activity, the holder uses techniques and processes that have a low impact on the environment, both in this stage and in the final product stage which will subsequently become waste.

Law no. 211/2011 outlines these new imperatives, establishing that for the purpose of prevention, reuse, recycling and other forms of waste recovery, the central public environmental protection authority promotes or, where appropriate, proposes measures whereby the manufacturer of the product, an authorized natural person or a legal entity designing, producing, processing, treating, selling or importing products is subject to a manufacturer's extended liability regime.

As such, the legislator's text continues to outline possible measures that will lead to solutions that reduce the environmental impact and limit waste that may occur in the commercial flow.

In order to effectively implement these measures, the manufacturer must take into account the economic viability and effects of globalization on the environment, population health, and social impact.

General conditions for waste management

The processes on which the recovery or disposal of waste is based must not endanger the health of the population, the environment.

The economic operators authorized according to the legal provisions must be authorized in this respect being compelled to observe essentially the following principles [7: 434]:

- Ensure the complete disposal of the waste they have produced,
- Use best available techniques and do not involve excessive costs for waste disposal,
- To lay down and arrange the waste disposal technique in an area and under the conditions established by the territorial authorities for environmental protection,
- Introduce only the waste mentioned in the authorization issued by the competent authorities and comply with the technology approved by the competent authority.

As a result of these principles, the Romanian legislator focused on the implementation of a national waste management strategy for 2014-2020 which was established by G.O. no. 870/2013.

The National Waste Management Strategy (SNGD) has emerged from the need to identify the objectives and policies of action that Romania has to follow in the field of waste management in order to achieve the company's recycling status.

The issue of negative impacts on the environment and human health as a result of waste disposal by using inappropriate methods and technologies remains topical, especially in the context of the sustained upward trend in the amount of generated waste. It becomes necessary to include in the strategic priorities as important as the decline of natural resources and the opportunity to use waste as a raw material for the support of economic activities.

In particular, the purpose of SNGD is to direct Romania towards a "recycling society" by:

- Prioritize waste management efforts in line with the waste hierarchy;
 - Encouraging waste generation prevention and re-use for greater resource efficiency;
 - Developing and expanding separate waste collection systems to promote high-quality recycling;
 - Development / implementation of recycling and / or recovery technologies and / or facilities with high efficiency of extraction and use of the raw material from the waste;
 - Avoid exports and encourage imports of some types of waste for which there are recycling / recovery technologies.
 - Supporting the recovery of waste energy, as appropriate, for non-recyclable waste;
 - Reduce the quantities of waste disposed of by storage [8]
- https://www.juridice.ro/wp-content/uploads/.../2013-01-18-DGDSP-SNGD_v2.doc

This strategy presents clear objectives, means to achieve these objectives and the necessary resources on short, medium and long term. Meanwhile, measures are also anticipated to achieve and maintain a high level of environmental safety and environmental safety at the estimated timeframes. At the same time, Romania's situation and needs are highlighted, the activities and measures with national impact that have been implemented and are expected to be promoted, in order to ensure competence and efficiency, as well as to eliminate from the outset the causes that may adversely affect the achievement of Romania's policy objectives in this domain.

Conclusions

The legislative framework, both nationally and internationally, demonstrated that society needs well-established programs to pursue a "grubbing-up" of waste from the existential space.

In order to comply with legislative requirements in the field of waste management, integrated waste management projects will be carried out in accordance with the National Waste Management Plan and Regional Waste Management Plans. Investment programs will include hierarchy-related waste management activities (prevention, collection and selective collection, recovery and recycling, treatment and disposal), along with the closure of non-compliant landfills.

The purpose of these programs is based on a modern waste management system that contributes to reducing the amount of landfilled waste by establishing an appropriate system to treat each type of waste in order to protect the environment.

Contributing to the preservation and reuse of existing resources is more than just evidence of a good civic policy, it is exactly what every citizen needs to do to protect the environment we live in.

Reducing the volume of landfilled waste and protecting natural resources imply the implementation of the selective waste collection, recovery and recycling of reusable waste.

Reference

- [1]. Onet C. Dreptul mediului. Bucuresti: Editura Universul juridic; 2017.
- [2]. Official Gazette No. 220 of 28 March 2014.
- [3]. OJ L 194, 25.07.1975.
- [4]. OJ L 377, 31.12.1991.
- [5]. OJ L 114 of 27.04.2006.
- [6]. O.U.G. no. 195/2005 privind protecția mediului
- [7]. Dutu M, Dutu A. Dreptul mediului. Editia a-4-a. Bucuresti: Editura C.H. Beck; 2014.
- [8]. https://www.juridice.ro/wp-content/uploads/.../2013-01-18-DGDSP-SNGD_v2.doc