

CONSIDERATIONS REGARDING THE ALIGNMENT OF THE ROMANIAN ENVIRONMENTAL LEGISLATION TO THE EUROPEAN UNION STANDARDS

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Abstract: *The perspective of economic growth, given the current conditions, without promoting an environmental protection policy, is no longer possible. Ecologic management is based on the following principle: Preventing is always better and more economic than treating. The integration of our country into the European Union required the alignment of environmental politics and practice to the EU directives. In this paper presents considerations regarding opportunity of implementation of European environmental legislation.*

Key words: *environmental legislation, environmental protection*

1. Environmental protection – an integrated part of the sustainable development concept

The XXI century took over an important issue left unsolved by the last century – environmental protection. At present, there are numerous alarm signals due to excessive pollution and exhaustion of certain natural resources. Despite all concerns on national and international level, aiming the protection of the environment and natural resources, life and ecologic diversity conservation, it is unanimously appreciated that efforts are insufficient and unequally distributed in the world. Financial support of environmental expenses depends on the economic condition of each country, thus differences between countries will mark profoundly this area too.

Ecologic reform regards tax rising for processes involving a high consumption of energy, water, raw materials, soil occupancy and simultaneously, reduction of other taxes for working people, ensuring transparency for using funds obtained from ecologic taxes and duties.

National and international debates and programs attempt to determine limitations for natural resources consumption, protection for a multitude of environmental aspects, but without stagnating progress and by providing new jobs. Certain measures are difficult to impose, by small steps policy, others are faster. At the same time, a long term vision is required, 20 - 40 years, as current pollutants have a long term effect; certain effects are not too well known, or the simultaneous presence of several pollutants does not allow a precise quantification of immediate and long term effects. That is why, besides appropriate software necessary for reducing pollutants, modern instruments of control and information on the level of pollution and environmental protection are necessary.

The issues of environmental management have been the basis for elaborating the ISO 14000 international standards. These have also been adopted in member states of the European Union. Romania has acknowledged these standards and elaborated similar ones.

In our country, ecologic management also tends to become more and more integrated in the practice of management confronted by community implication. Environmental management represents a component of the general management system, which includes organizational structure, planning activities, responsibilities, practices, procedures, processes and resources for the elaboration, implementation, achievement, analysis and maintenance of the environmental policies.

The concern of an organization regarding environmental issues should reflect upon two areas:

1. regulated area, by:

- laws, orders, governmental decisions, norms, standards;
- environmental protection agents;
- impact studies, environment balances, risk assessments, monitoring programs, conformity programs.

2. managerial area, by:

- ISO 14001, 19011;
- environmental management systems, environmental audit;
- third party certification institutions;
- environmental management guide, politics, system and operational procedures, working instructions.

The *Environmental protection* division, documented according to legal provisions, should be concerned with ensuring the organization's environmental performance. The *Environmental protection* division, documented according to ISO 14001 and integrated with the other management systems, must provide permanent improvement in this area.

The perspective of economic growth, given the current conditions, without promoting an environmental protection policy, is no longer possible. Ecologic management is based on the following principle: *Preventing is always better and more economic than treating.*

2. Aspects regarding the European environmental legislation

Environmental politics represents the statement of a public or private company, firm, enterprise, authority or institution related to its intentions and principles regarding global environmental performance which delivers the plan for action and settlement of its environmental objectives and targets [4].

A great number of international organizations, including governments, industrial associations and groups of citizens, have elaborated guiding principles which helped to define the general field of their engagement for environmental protection, providing a set of common values to the various organizations. Such principles can support the organization in the development of its politics which is unique.

Accomplishment of efficient results in the environmental politics depends on:

- organizing the monitoring of environmental factors;
- the ecologic audit;
- the development of eco-industries market;
- the environmental management.

Responsibility for determining the environmental politics belongs to the managers of companies, private companies, firms, enterprises, authorities or institutions, who aim the settlement of such politics, having to make available the data which will make possible its formulation or modification [4].

The evolution of concepts regarding the relationship between socio-economical and environmental activities, in the context of sustainable development principles, was done on two directions:

- the first direction, which has a compulsory character and requires that socio-economical agents obtain some notifications, approvals, operating permits from the institutions authorized in environmental protection. In this situation, the forms of appreciation of the ecological impact are regulated by the national environmental frame-legislation and detailed by the national secondary and tertiary legislation in the respective field;
- the second direction, which has a volunteer character, by which socio-economical agents, stimulated through certain potential advantages, engage to increase their environmental performances. In this case, the forms of appreciation of the ecological impact are regulated by the above mentioned standards (ISO 14000 and EMAS) which have an international and European acknowledgement.

The emergence of the new regulations regarding environmental protection and related to the elaboration of impact studies for the new investment objectives and of environmental balances for the objectives in exploitation, requires a large working volume.

In the European Union, the motivation of the environmental politics is characterized by economical and environmental factors [6].

- ✓ Economical factors:

- advantages and/or disadvantages for harmonizing the regulations and standards depending on the level of development of each community state;
- advantages and/or disadvantages for implementing the directives in community states.
- ✓ Environmental factors:
 - cross-border pollution, dangerous imports and exports, acid rains, etc.;
 - protection of the ozone layer, greenhouse effect, biodiversity protection;
 - protection of rivers, streams, surface and coastal waters.

The principles of the European Union on which the environmental legislation relies are [5]:

- To prevent is more efficient than to remedy;
- The environmental impact must be considered from the investment phase;
- Nature exploitation which leads to ecologic lack of balance must be abandoned;
- The adoption of measures should be done based on a good scientific knowledge;
- The „polluter-payer” principle is translated by the polluter’s having to bear the costs for preventing pollution and remedying the damages produced;
- The activities in a member state must not bring damages to the environment of another state;
- The environmental protection policy of member states must also consider the interests of developing countries;
- Member states must promote an environmental protection policy through international organizations;
- Environmental protection is everyone’s responsibility, educational actions being necessary for this purpose;
- The environmental protection measures must be considered on an appropriate level, by taking into account the type of pollution, the necessary actions and the geographical area which needs to be protected. This principle is known as the “subsidiarity principle”;
- The national programs for environmental protection must be based on an unitary long term conception and national politics must harmonize within the Community.

The implementation of these principles can be achieved through the following modalities: adoption of environmental politics harmonized with development programs; obligativity of the procedure for the assessment of environmental impact in the initial phase of projects, programs or activities; correlation of the environmental, territorial management and urbanism planning; introduction of stimulating or corrective economic key-factors; elaboration of directives and standards, their harmonization with international regulations and introduction of conformity programs; promotion of fundamental and applicative research in the field of environmental protection, etc.

The integration of our country into the European Union required the alignment of environmental politics and practice to the EU directives, according to the long term national strategy for economic development of Romania, and it is unfolded through:

- the development of sustainable management for water resources according to the provisions of the Dublin Conference (1992) and of the Rio de Janeiro Summit (1992);
- the accomplishment of the national program for sustainable management and use of soils and for the prevention of soil erosion;
- the assessment of the Romanian Natural Capital according to its current diversity and vulnerability, the development of the National Protected Areas Network;
- the introduction of rehabilitation measures for the Natural Capital in damaged areas;
- the accomplishment of the national program for the administration of urban and industrial waste, for recycling and reuse of products and materials;
- the construction of financial instruments related to the environment, for taking over the acquis, especially in the field of water exploitation, environmental protection in industry, agriculture, soil and damaged areas protection, organic protection and certification of organic products;
- the consolidation of institutional capacities and formation of competences necessary for the achievement of a partnership between the environmental institutions of Romania and those of the

European Union, providing thus the administrative support necessary for the development of major opportunities and advantages provided by the European Union through the strategies and instruments destined to support our country in the process of accession to the European Union;

- the formation of a legal and institutional frame in order to facilitate and stimulate the dialogue between authorities and civil society regarding strategy, politics, programs and decisions related to the environment and the socio-economical development of the country;
- the conservation and development of human capital in the environmental field by improving the formative and informative educational system, the promotion of scientific research and of specific works.

3. Case study – The issue of environmental protection in oil derricks

For the contemporary society, environmental protection has a major importance as the economical development exists in the framework created by the environment where we exist and unfold our activity.

By definition, the environment represents the assembly, at a certain moment, of natural factors – physical, chemical, biological and social (created through human activities) which, in close interaction, influence upon the ecologic balance and determine life conditions for individuals and development conditions for society.

The issues of environmental protection have profound implications in all the organizations, irrespective of their size. A positive attitude towards the environmental protection is an essential factor in the development of each organization for an undefined period of time.

Principles and strategic elements on which environmental protection regulations rely, are [3]:

1. The principle of environmental politics integration in the other divisional politics;
2. The principle of precaution in decision making;
3. The principle of preventive action;
4. The principle of retaining pollutants to the source;
5. The principle „polluter pays“;
6. The principle of preserving biodiversity and ecosystems specific to the natural biogeographical framework;
7. Sustainable use of natural resources;
8. Public informing and participating in decision making, as well as access to justice in environmental issues;
9. Development of international collaboration for environmental protection.

According to the legislation in force, modalities of implementing environmental protection principles and objectives are determined [3]:

- a) prevention and integrated control of pollution by using the best available techniques for activities with a significant impact upon the environment;
- b) adoption of development programs, according to the environmental politics;
- c) correlation of the territorial management and urbanism planning to the environmental planning;
- d) accomplishment of the environmental assessment before approving the plans and programs which may have a significant impact on the environment;
- e) assessment of the impact on the environment in the initial phase of projects which have a significant impact on the environment;
- f) introduction and use of stimulating and coercive economic key-factors and instruments;
- g) solutions, by levels of competence, of environmental issues, according to their degree of importance;
- h) promotion of legislative acts harmonized with the specific European and international regulations;
- i) establishing and monitoring of the accomplishment of conformity programs;
- j) achievement of the national system for integrated monitoring of environment quality;

- k) acknowledgement of products with reduced impact on the environment, by granting the ecologic labelling;
- l) maintenance and improvement of the environment quality;
- m) rehabilitation of the areas affected by pollution;
- n) encouraging the implementation of environmental management and audit systems;
- o) promotion of fundamental and applicative research in the field of environmental protection;
- p) individuals education and awareness, as well as their participation in the process of elaboration and implementation of environment related decisions;
- q) developing the national network of protected areas for maintaining the favourable preserving condition of natural habitats, flora species and wild fauna as an integrated part of the European ecologic network - Nature 2000;
- r) implementation of the systems for ensuring the traceability and labelling of genetically modified organisms;
- s) prioritized elimination of pollutants which endanger directly and seriously individuals' health.

Extraction of hydrocarbons, as any other industrial activity, affects the environment, by unfolding the technologic processes as well as by the eventual accidents.

Although the extraction industry is not one of the most noxious, considering its extended area of inland and by sea activity, a reduction of its effects on the environment is required by promoting some less polluting technologies and some methods and techniques of de-pollution.

The specificity of the hydrocarbon extraction industry requires precise measures regarding environmental protection. The implementation of ecologic management concepts in the hydrocarbon extraction industry aims the issue of purifying contaminated soil and phreatic waters and the minimization of the amount of residues before using some expensive installations for their treatment.

The complexity of activities in the oil extraction industry leads to a large rang of polluting sources, including, besides pollution sources resulted from human activities, specific polluting sources. As the latter are the most serious, and their infestation effect has a long term negative impact, it is necessary to identify those sources, as well as possible modalities of action on the ecosystems.

The exploration and exploitation activities of hydrocarbon deposits are considered factors with a high degree of occurrence of environmental pollution phenomena. Oil extraction in derricks is done in a closed system, which should allow the avoidance or minimization of any form of pollution.

Pollution prevention means the reduction or the exhaustion of discharges or emissions into the environment and it can be cumulated with the reduction of waste generation to the source or by using, reusing or recovering the generated waste. As the rehabilitation of contaminated areas' potential is an expensive process and sometimes even impossible to achieve, we try to prevent pollution and, if it has already occurred, to limit its effect by immediate local actions. An exact analysis of each pollution source, with its specific agents, leads to making certain concrete and efficient measures in order to prevent and reduce pollution in oil derricks [2].

4. Conclusions

In order to achieve some competitive and efficient economic results in the context of economic – environmental requirements, the companies operating in oil industry must observe a number of demands listed in the sustainable development coordinates required by the integration of our country into the European Union.

Consequently, they must unfold an activity based on technical and technological innovation which should materialize in cleaner and safer technological processes, in high quality products, according to the environmental protection requirements, and which should ensure the preservation of health and safety of these companies' customers. The activity unfolded must observe the regulations in force in the energetic area regarding the environmental protection, and the standards

and principles in the field of health - safety - environmental protection must be aligned to those in force on an international level.

The development strategy of the oil industry in Romania between 2001-2010, which makes the object of the Governmental Decision H.G. no.655/June 2001, establishes as a medium and long term strategic objective, the necessity of aligning the quality of oil products to the level of the European Union's requirements.

The decisional process must include both economic decisions and environmental or ecological decisions. The adoption of ecologic decisions implies a good knowledge of the issues to be solved as well as informing, documenting, determining and processing of the information and decision making.

All these activities require the presence of an environment specialist and the accomplishment of an IT system which will include data sources, methods of investigating and collecting internal and external information of the company, as well as information from its environment.

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