

# LEGAL NEWS IN THE FIELD OF ENVIRONMENTAL PROTECTION



## Amendments to Government Emergency Ordinance no. 195/2005 on environmental protection ("GEO 195/2005")

**Law no. 219/2019** for amending and supplementing Art. 16 of **GEO 195/2005**, published in Part I of Official Gazette no. 925 of November 15, 2019 ("Law 219/2019") that entered into force on November 18, 2019, modifies the rules regarding the validity of environmental permits and integrated environmental permits.

Thus, instead of the fixed validity term of 5 and, respectively, 10 years, environmental permits and integrated environmental permits issued after the entry into force of Law 219/2019 shall be valid for an indefinite term, subject to having received an annual visa from the competent environmental protection authority (the "EPA"). The purpose of this visa is basically to confirm that (i) the permit holder is carrying out its activity under the same circumstances for which the permit has been issued and (ii) there have been no changes affecting the conditions set forth in the permit.

The obligation to apply for and obtain the annual visa is equally applicable in respect of existing permits (i.e. those issued prior to November 18, 2019, for a fixed validity term).

Failure to comply with the obligation to apply for and obtain the annual visa may trigger suspension of the environmental/integrated environmental permit and may further result in cancellation of the permit itself, in case of failure to remedy the breach within the deadline imposed by the EPA.

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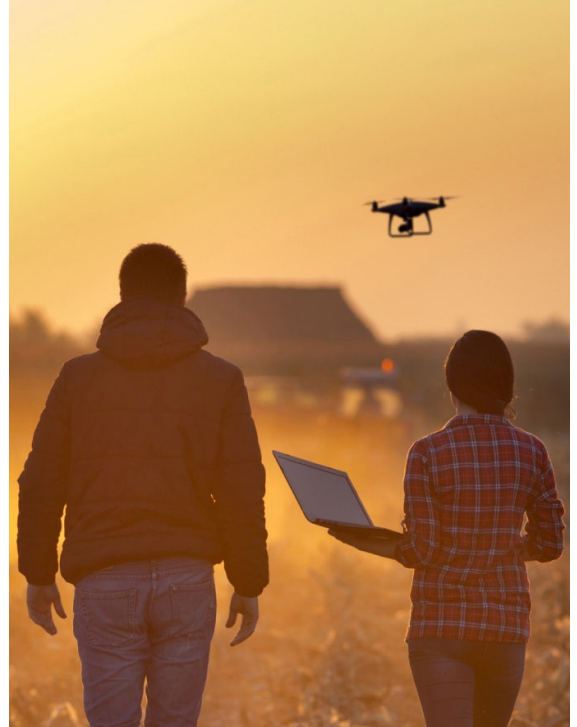
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The procedure regarding the annual visa is to be detailed in an Order of the Ministry of Environment, Waters and Forests.

As regards permits issued prior to November 18, 2019, obtaining the mandatory annual visa does not automatically lead to an amendment of the validity thereof. Holders of such permits should either (i) request the amendment of validity in line with Law 219/2019 or (ii) if they did not have the validity amended as per (i), apply for a new environmental/integrated environmental permit at least 6 months prior to the expiry of the existing permit. There is no additional provision regarding the (seemingly distinct) procedure for amending validity, so that the approach taken by EPAs in respect of such amendment requests remains to be seen in practice.



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