

MINISTERIAL ORDER No. 1225 of 29th November 2005

for approving the Procedure and criteria of evaluation and permitting for the collective organizations in view of overtaking the responsibility concerning the annual objectives' achievement of reusing, recycling and recovery of WEEE

Based on provisions of art. 7, paragraphs (4) and (5) of GD no. 448/2005 concerning the management of WEEE, on the grounds of GD no. 408/2004 on the organization and operation of the MoEWM with the subsequent modifications and completions and of GD no. 738/2003 on the organization and operation of MEC with the subsequent modifications and completions, and the GD no. 459/2005 on the reorganization and functioning of the National Agency for Environmental Protection,

The minister of MoEWM and the minister of MEC issue the following order:

Art. 1. – It is approved the Procedure and criteria of evaluation and permitting for the collective organizations in view of overtaking the responsibility concerning the annual objectives' achievement of reusing, recycling and energetic recovery of WEEE, hereinafter called as Procedure, and provided by the annex which is part of the order hereof.

Art. 2. – The collective organizations established in accordance with art. 7 paragraph (4) of GD 448/2005 on WEEE are obliged to apply for authorization as per the procedure mentioned above at art. 1 of the order hereof.

(2) The permitting procedure of the collective organizations as mentioned by art. 1 is carried out by issuing the operation permit.

Art. 3. (1) For the evaluation and permitting purposes of the collective organizations the Commission for evaluation and permitting is established, as provided by art. 1.

(2) The Commission provided by paragraph (1) has the following structure:

- a) Secretary of State of the MoEWM – President;
- b) President of the NEPA – Vice-president;
- c) a representative of Waste and Hazardous Substances Directorate of MoEWM - member;
- d) a representative of MEC – General Directorate for Industrial Policies– member;
- e) a representative of Waste and Hazardous Substances Directorate of NEPA – member;
- f) a representative of Permitting and Horizontal Legislation Directorate of NEPA – member;
- g) a representative of MEC - National Commission for Materials Recycling – member.

(3) NEPA provides the secretariat of the Commission for evaluation and permitting.

(4) The Regulation of Organization and Functioning of the Commission for evaluation and permitting should be approved during the first meeting of this one by at least half of the present members, with simple majority of the present members.

Art. 4. The name of the members of the Commission for evaluation and permitting should be approved by order of the minister of environment and water management within 15 days from the publication of the order hereof in the Official Gazette, upon the information received from the institutions provided by art. 3, paragraph (2).

Art. 5. NEPA is in charge with the implementation of the provisions of the order hereof.

The minister of MoEWM,
Sulfina Barbu

The minister of MEC,
Ioan – Codrut Seres

[ANNEX](#)

**The PROCEDURE and CRITERIA
of evaluation and permitting for the collective organization in view of overtaking the responsibility
concerning the annual objectives' achievement of reusing, recycling and recovery of WEEE**

Chapter I. General provisions

1. The objective of the present order is to establish the procedure and the criteria that have to be accomplished in view of granting the permit for the collective organizations that undertakes, based on art. 7, paragraph (4) of the GD no. 448/2005 on WEEE, the responsibilities of the annual objectives of reusing, recycling and recovery of WEEE.

2. The Procedure and criteria of evaluation and permitting have to ensure an integrated, efficient and transparent approach of WEEE management by promoting, at national level, solutions of collection, reusing, and recovering, which are efficient from environmental point of view and viable from economic point of view.

Chapter II. The competencies of issuing, revising and cancelling the permit

3. The issuing, revising and cancelling of the operation permit are carried out by MoEWM through NEPA.

4. The permit delivery is based on the review of the documents submitted and the evaluation of the proposed operation plan.

5. For issuing, respectively annual visa and permit revising the following tariffs are paid :

- a) permitting tariff, amounting of 5.000 lei;
- b) tariff for annual visa of permit, amounting of 2.000 RON;
- c) tariff of permit revising, amounting of 2.000 RON.

The tariffs are paid in the account indicated by NEPA.

6. The tariff for permitting, visa and revising of permit are motivated by the reviewing of submitted documentation, evaluation of the proposed operation plan, evaluation of the developed activity, issuing/visa/revising of the permit. The tariff is entirely paid and gives the right to ask the NEPA for specialized consultations.

Chapter III. The application submitting

7. The permitting dossier has to include the following documents:

- a)** standard form application – according to annex no. 1 at the Procedure;
- b)** articles of association or, upon the case, constitutive act of the legal entity (true and correct copy);
- c)** registration certificate at the National Office of the Trade Register (true and correct copy)/the report approving the registration within the Register of Association and Foundations (true and correct copy);
- d)** findings certificate issued by the National Office of the Trade Register (true and correct copy)/recording certificate within the Register of Association and Foundations (true and correct copy);
- e)** operation plan for the validity period covered by the permit, mentioning the types of equipment in accordance with the categories mentioned in annexes 1A and 1B of the GD No. 448/2005 on WEEE;
- f)** the supporting justification of the operation plan in accordance with the objectives of National Strategy of Waste Management and the National Plan of Waste Management and the Implementation Plan of the WEEE Directive.
- g)** the strategy based on which the EEE users shall be informed on the measures taken for separate collection of WEEE, the role of users in the process of reuse, recycling and other recovery procedures of WEEE, the possible results the presence of the chemical substances in the composition of the WEEE might have on the population health, the meaning of the symbol presented in annex no. 4 of the GD No. 448/2005 on WEEE.
- h)** standard contracts that will be used in relationship with all the partners ;
- i)** the amounts which will be paid by the economic operators introducing on the market the WEEE as well as the evaluation of the amounts that are to be paid to the authorized collecting/recovery/recycling companies, on type of material, and the presentation, in details, of their calculation;
- j)** the estimated amount of the annual costs for collection, treatment, disposal and other activities as mentioned by art. 9 paragraph (a) and (b), including the costs for collection and treatment of the historical and future orphan wastes as well as the calculation method of these costs, in accordance with art. 8 paragraph 6 of the GD 448/2005 on WEEE.
- k)** the estimated incomes to be achieved for covering the costs mentioned at letter j), as well as the structure of these costs, which should not exceed the real costs.
- l)** the modality of using the possible profit resulted from the activity in compliance with the provisions of the Procedure, Chapter IV, art 10, letter k);
- m)** the recording system – data base - which is be used, a system which will be up-dated depending on the EU new reporting requirements;
- n)** copies of the agreements, pre-contracts/contracts of transfer of responsibility, copy of the agreements, pre-contracts/contracts concluded with the commercial companies certified for collection, treatment, recovery and recycling of WEEE – transferred to these ones in order to agree with the clauses before submitting the application file for permitting; the received remarks which have not been included into the final document shall be enclosed at the contract included into the application file for permitting – other proofs regarding the technical-financial capacity (warranties, etc.).

8. The permitting dossier, accompanied by an electronic copy, is submitted to NEPA.

Chapter IV. Permitting Criteria

9. The collective organizations applying for the permit, based on the provisions of GD 448/2005, has to fulfil the following criteria:

- a)** to aim the taking over of the responsibilities of the producers or third parties acting on their behalf regarding the annual objectives' achievement of collection, reusing, recycling and recovery of WEEE, including the reporting procedure of the management plan of WEEE;
- b)** to promote solutions for collection and treatment, at national level, in order to assure an integrated, efficient, transparent system for WEEE management;
- c)** to prove, by the proposed operation plan, that has the capacity to achieve the objectives provided by the National Strategy for waste management, of the National Plan for waste management as well as by the Implementation Plan of WEEE Directive;
- d)** to be open towards new contractual partners ;
- e)** to act without any discrimination in terms of WEEE types and the proposed quantities to be incurred by any economic agent.

10. The Collective organization that obtained the operation permit has the following obligations:

- a)** to take over the responsibility for reaching the collection, reusing, recycling and recovery objectives provided by art. 7, paragraph (4) of GD no. 448/2005;
- b)** to conclude contracts with any of the producers requiring that and which accept the contractual conditions;
- c)** to receive within the member of the collective organization, according to the law, all the producers requiring that;
- d)** to conclude contracts with collectors authorized to take over WEEE and to facilitate the transfer of WEEE to economic agents which ensure their recovery;
- e)** to conclude contracts with economic operators performing maintenance and repairing services of EEE, as well for the recovery of reusable parts as well as for taking over the replaced components representing waste;
- f)** to conclude contracts with authorized dismantling companies/recyclers/recovery companies having the capability to recover WEEE or their materials or components.
- g)** to act without any discrimination between the contractual partners and members of the collective organization;
- h)** to comply with the tariffs included in the permitting documentation; any tariff modification is made in accordance with the provisions of letter l);
- i)** to develop, beside the activity of taking over of the responsibilities laying on the economic operators, only that type of activities related to supporting the reuse, recycling and recovery of WEEE, organization of

educational and awareness campaigns, as well as carrying out studies on collection and treatment activity of WEEE;

j) to reinvest the profit/possible amount of money resulted after the deduction of the expenses out of the obtained incomes in order to develop the WEEE management systems, in accordance with the provisions at letter i);

k) to submit to the Evaluation and permitting Commission the activity report, in full version, up to 30th April of each year, for the previous year. The report should include the following detailed information: the legal entities with which the contracts have been concluded (producers which transferred the responsibility, collectors, dismantlers, recyclers), data concerning the EEE and WEEE, the streams of wastes, presentation of the carried out activity (both from technical and organizational point of view), the amount of money and the use of the extra amounts, the real costs resulted within the respective year as per letter j), as well as any other relevant information;

l) to inform in written the Evaluation and permitting Commission on any significant changes of the data based on which the operation license has been delivered, and in this situation the evaluation Commission shall decide on the necessity to revise the license or to re-permit the legal entity, upon the case.

Chapter V. The evaluation phase of the application

11. The preliminary review of the application is carried out within 15 working days from the submission of the documentation by the Directorate for Waste and Hazardous Substances of NEPA and transfers the submitted documentation to the Evaluation Commission along with a preliminary report.

12. Within 10 working days from the reception of the preliminary report and the documentation, the Permitting and Evaluation Commission evaluates the application, verifies the compliance with the permitting criteria, draws up the evaluation report and decides on issuing or rejecting the application.

13. In case of fulfillment of all permitting criteria, the operation permit is issued within maximum 5 days from the decision making, in accordance with the template provided by Annex no. 2 at the Procedure.

14. The reject of the application should include a motivation and it is communicated in writing to the applicant within 5 working days from the decision making.

15. The Permitting and Evaluation Commission may invite for consultation the representatives of the concerned public authorities.

16. In well justified cases, the Evaluation and Permitting Commission may ask for additional documents or information or can recommend amendments to the delivered documentation, in view of compliance with the permitting criteria. In this situation the deadline provided at art. 12 is delayed, but no more than 10 working days.

Chapter VI. Permit validity. Re-permitting, permit revising and cancellation

17. The operation permit is issued for a period of 2 years.

18. The re-permitting is done upon the procedure established for permitting, taking into account the compliance with the obligations provided by art. 10 of the order hereof. The re-permitting is approved upon condition of achieving some investments for the development of WEEE management system.

19. The operation permit is revised when annual evaluation reports of the activity impose this or in case when new elements occur, unknown at the issuing date.

20. The revising procedure of the permit can be initiated upon request of the collective organization or of the NEPA accompanied by the motivation of the revision. The permit revising follows the procedure established for evaluation and permitting.

21. The operation permit is cancelled in case of non-compliance of the obligations provided by art. 10, or in case of failing to reach the annual recycling and recovery obligations repeatedly (2 consecutive years).

22. **The collective organization** to which the operation permit was cancelled is obliged that within 30 days to inform in writing this aspect to all its partners, and to transfer, upon their written agreement, all the contracts concluded on the basis of responsibility transfer towards a legal entity authorized for this purpose.

23. (1) Finding out the failure in complying with the obligations provided by art. 10 and with the annual objectives of recovery and recycling is on the account of the concerned public authorities in the field of environment protection.

(2) Any physical and legal entity might inform the Evaluation and Permitting Commission in relation with the non-compliance with the obligations took over by the licensed collective organization.

24. The disposition of permit's voidance is executory.

25. The Annexes 1 and 2 are part of the Procedure hereof.

ANNEX No. 1 at the Procedure

LOGO Applicant
Nr. /

**APPLICATION
for granting the operation license**

We, the undersigned,, having the registered office in, str. nr., bl., ap., district/sector, incorporated at the Trade Register Office under the number, Registration Unique Code no. /, bank account no., opened at, branch, phone, fax, e-mail, duly represented by, having the position of, apply for the operation license related to the taking over the responsibility for carrying out the annual objectives of collection, reuse, recycling and recovery of WEEE, in accordance with the GD no. 448/2005 on WEEE, for (WEEE as per the type of equipment provided by art. 7 letter e) of the Procedure and the evaluation and permitting criteria of the collective organizations, as approved by the Order of the minister of environment and water management and of the minister of economy and commerce under the No. 1223/2006.

Please find enclosed the necessary documents as provided by the Procedure and the evaluation and permitting criteria of the collective organizations in view of taking over the responsibility of carrying out the annual objectives of collection, reuse, recycling and recovery of WEEE as approved by the Order of the minister of environment and water management and of the minister of economy and commerce under the No. 1223/2006.

We state on our own responsibility, under the penalty of the penal law, that the submitted documents are a true and correct copy of the originals.

Date

Duly representative,
.....
(signature & SEAL)

ANNEX No. 2 at the procedure

CONTENT OF THE OPERATION LICENSE
(template)

**MINISTRY OF ENVIRONMENT AND WATER MANAGEMENT
NATIONAL AGENCY OF ENVIRONMENTAL PROTECTION**

**THE OPERATION LICENSE
No.....of.....**

Is conferred upon of (city), sector/district
..... str. nr., for the purpose of the taking over the responsibility regarding the carrying out of the annual objectives of collection, reuse, recycling and recovery of WEEE, including the reporting of the WEEE management system (it should be mentioned the types of EEE of the categories provided by Annex no. 1A and 1B of the GD no. 448/2005), issued upon the the GD no. 448/2005 on WEEE and upon the order of the minister of environment and water management and of the minister of economy and commerce under the No. 1223/2006, regarding the Procedure and the evaluation and permitting criteria. Of the collective organizations in view to take over of the responsibility regarding the carrying out of the annual objectives of collection, reuse, recycling and recovery of WEEE.

Issuing date: Validity expires on:

President of the Evaluation and Permitting Commission
Secretary of State,
Ministry of Environment and Water Management

Vice-president of the Evaluation and Permitting Commission
President of NEPA,