



# Short Considerations Regarding the European and Romanian Legislation on the Recovery of Municipal and Similar Waste in Energy Recovery Incineration Plants

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**Abstract:** *The scope of this study is to make a summary presentation of the aspects concerning the Romanian regulation on the recovery of municipal and similar waste in energy recovery incineration plants. The authors underline that, just like the European legislation, Romanian national legislation supports and encourages recovery operations, so that the waste is used as much as possible, including for obtaining electricity and/or thermal energy, and the quantity of municipal waste disposed in waste storage facilities is reduced as much as possible. One of the targets required by the Romanian National Waste Management Plan, was that the quantity of stored municipal waste to be reduced to a maximum of 10%, until 2030, Romania being granted the opportunity to benefit from an additional five-year term, provided that all measures required in order to reduce the quantity of stored municipal waste to 20% of the total quantity of generated waste are implemented until 2030. NWMP also provides that one of the priorities of Romania in what concerns waste management and prevention is encouraging the production of energy from waste that cannot be recycled, by providing at the same time that the incineration of municipal waste with energy recovery is a very used and well-known technology.*

## 1. INTRODUCTION

Human rights education has recently become one of the main themes of international human rights law (Alfredsson, 2001, Mihr, 2004). The importance of knowing and promoting human rights is more than paramount in these times.

Besides the civil and political rights, we must focus our attention on solidarity rights (as third generation rights, which imply rights of a collective nature linked to the existence and organisation of a community and which require the contribution of the entire international community for their realization) such as the right to self-determination, the right to peace and security, the right to a healthy environment, the right to development.

Instruments such as the European Convention on Human Rights are constantly evolving, the reason for which it also indirectly recognized the right to a healthy environment (indirect protection, by ricochet, since pollution or degradation of the environment does not constitute direct violations of the right to private life), which involves the protection of health.

Thus, **the right to a healthy environment** even if not in terminis guaranteed by the international treaties, derives from the right to respect for the private and family life. In this respect, the international courts of law have held that the following constitute interference with the right to

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private life from the perspective of the right to enjoy a healthy environment: noise pollution due to heavy air, rail and road traffic, nightclubs in residential buildings, industrial premises in the vicinity of people's homes, chemical pollution. As regards the European Convention on Human Rights, please note that for environmental damage to constitute a breach of Article 8 of the Convention, there must be an “*adverse effect on a person's private or family life and not merely a general deterioration thereof*”, according to [Birsan \(2010, 644\)](#).

States have several positive obligations: to take appropriate legislative or administrative measures to protect the environment against pollution, and the obligation to provide the persons concerned with information on the possible risks of hazardous activities<sup>3</sup>. In such cases, the Court examines whether the public authorities have struck a fair balance between the right of a person to respect private and family life and the economic well-being of the State concerned (the so-called fair balance test).

Interestingly, [Boroi \(2016\)](#) speaks of “a primacy over all other fundamental rights” of the right to a healthy environment - even over the right to life. This is possible because the right to a healthy environment goes beyond the right to life: “[a]lthough it cannot be accepted that future generations already have a right to life, there is nevertheless an obligation on the part of present generations to protect the environment in such a way as not to compromise the life expectancy of those who follow”.

Because nowadays there is a huge interest in Romania and Europe regarding the recovery of municipal and similar waste in energy recovery incineration plants, we thought that the Romanian example would be great to be presented, since we consider that the lawmaking and law enforcement by the Romanian authorities would be a positive example.

## 2. REGULATION IN ROMANIA OF THE RECOVERY OF MUNICIPAL AND SIMILAR WASTE IN ENERGY RECOVERY INCINERATION PLANTS

### A. Regulation of the Waste Incineration Plant

First of all, in what concerns **the classification of waste incineration plant**, the provisions of **art. 3** of Law no. 278/2013 on industrial emissions (hereinafter “**Law no. 278/2013**”) stipulate the following **definitions** relevant to this study:

*“jj) waste incineration plant – any stationary or mobile technical equipment or unit intended for thermal treatment of waste, with or without recovery of the heat generated, by incineration by means of oxidation, as well as by any other thermal treatment process, such as pyrolysis, gasification or plasma processes, provided that the substances resulting from the treatment are subsequently incinerated;*

*kk) waste co-incineration plant - any stationary or mobile technical unit the main scope of which is energy generation or the production of materials or which uses waste as usual or additional fuel or in which waste is thermally treated in order to be removed by incineration by means of oxidation, as well as by other thermal treatment processes, such as pyrolysis, gasification or plasma process, provided that the substances resulting from the treatment are subsequently incinerated.”*

<sup>3</sup> See the case of *Tatar v. Romania* (application no. 67021/01), judgment of 27.01.2009, para. 88.

In a similar manner, according to the provisions of **art. 42 para. (5)** of Law no. 278/2013:

*“Provided that waste co-incineration process takes place so that the **main scope** of the plant is not the production of energy or materials, but waste thermal treatment, the plant shall be considered to be a waste incineration plant”.*

In relation to these legal provisions and technical features, the **exact classification of the plant is to be established (incineration or co-incineration plant).**

**Secondly, plant operator** is, according to the provisions of **art. 3 letter o)** of Law no. 278/2013:

*“any natural person or legal entity that **exploits or holds total or partial control** over the plant or combustion plant or waste incineration plant or waste co-incineration plant or, as provided by the national legislation, **to whom/which was delegated the final economic power over the technical operation of the plant”.***

**Thirdly**, according to the provisions of **art. 44 para. (1)** of Law no. 278/2013, **the operation of waste incineration or co-incineration plants:**

*“shall be performed based on **the integrated environmental permit or the environmental permit, as the case may be**”, issued by the competent environmental authorities (**art. 3 letter g), g1) and g2)** of Law no. 278/2013).*

According to the provisions of **item 5.2. of Appendix 1** to Law no. 278/2013, for the activity *“disposal or recovery of waste in waste incineration plants or waste co-incineration plants: a) in case of non-hazardous waste, with a capacity of over 3 tons per hour; b) in case of hazardous waste, with a capacity of over 10 tons per day”* the **integrated environmental permit is required.**

**Last but not least**, please note that **special provisions** on waste incineration plants and waste co-incineration plants are found in **Chapter IV** of Law no. 278/2013, respectively in **art. 42 – art. 55** of Law no. 278/2013.

## **B. Regulation of Municipal and Similar Waste**

In what concerns *“municipal waste”*, according to the provisions of **art. 2 para. (4) item 6** of Law no. 101/2006 on localities sanitation service (hereinafter *“Law no. 101/2006”*) and **item 13 of Appendix no. 1** to Government Emergency Ordinance no. 92/2021 (hereinafter *“GEO no. 92/2021”*), this shall mean:

*„a) mixed waste and waste collected separately from households, including paper and cardboard, metals, plastics, biowaste, wood, textile fabrics, packaging, waste of electric and electronic equipment, waste of batteries and accumulators and bulky waste, including mattresses and furniture;*

*b) mixed waste and waste collected separately from other sources, if the respective waste is similar in nature and composition to household waste.*

*Municipal waste shall not include waste from production, agriculture, forestry, fishing, septic tanks and the sewage and treatment network, including sewage sludge, end-of-life vehicles or waste from construction and demolition activities.*

*This definition also applies if waste management responsibilities are shared between public and private actors”.*

Furthermore, in what concerns “**similar waste**”, according to the provisions of **art. 2 para. (4) item 7** of Law no. 101/2006 and **art. 1 para. (2) of the Commission Decision** of 18 November 2011 establishing rules and calculation methods for verifying compliance with the targets set in Article 11 (2) of Directive 2008/98/EC of the European Parliament and of the Council (hereinafter the “**Commission Decision 2011/753/EU**”), this shall mean:

*“waste in nature and composition comparable to household waste, excluding production waste and waste from agriculture and forestry”.*

**Territorial and administrative divisions** (hereinafter referred to as “**TAD**”) have the capacity of **legal holder of municipal waste and similar waste**, stored in containers located in their territorial area (**art. 2 para. (9)** of Law no. 101/2006).

### **C. General Regulations on the Recovery of Municipal and Similar Waste by Incineration**

**Beforehand**, we note that, just like the European legislation, **Romanian legislation supports and encourages recovery operations**, so that the waste is used as much as possible, including for obtaining electricity and/or thermal energy, and the quantity of municipal waste disposed in waste storage facilities is reduced as much as possible.

One of the targets required by the Romanian National Waste Management Plan, approved by Government Resolution no. 942/2017 (hereinafter the “**NWMP**”) was that **the quantity of stored municipal waste to be reduced to a maximum of 10%**, until 2030, Romania being granted the opportunity to benefit from an additional five-year term, provided that all **measures required in order to reduce the quantity of stored municipal waste to 20% of the total quantity of generated waste** are implemented until 2030. The NWMP also provides that one of the priorities of Romania in what concerns waste management and prevention is **encouraging the production of energy from waste that cannot be recycled**, by providing at the same time that the incineration of municipal waste with energy recovery is **a very used and well-known technology**.

This scope is related to the **obligation** provided by **art. 8 para. (5)** of the Government Ordinance no. 2/2021 on waste storage (hereinafter “**GO no. 2/2021**”), namely:

*“Central public administration authority for environmental protection (i.e. Ministry of the Environment) **adopts the required measures so that, until 2035, the total quantity, denominated in tons, of municipal waste annually disposed in waste storage facilities is reduced to 10% or less of the total generated municipal waste**”.*

Furthermore, according to **art. 7 para. (1)** of GO no. 2/2021, central public administration authority for environmental protection (namely the Ministry of the Environment) should **propose**

**appropriate measures** in order to promote the reuse of products and the activities intended for their preparation for reuse purposes, so that, starting with 2030 **no waste that can be recycled or otherwise recovered, especially when it comes to municipal waste, is accepted in waste storage facilities**, except waste for which disposal in waste storage facilities has the best outcome for the environment, according to art. 4 of Directive 2008/98/EC.

In accordance with Directive 2008/98/EC, the provisions of **art. 4 para. (1)** of GEO no. 92/2021 require **a waste hierarchy**, which shall apply **as a priority** order in waste prevention and management legislation and policy of Romania:

- a) *prevention*;
- b) preparing for reuse;
- c) *recycling*;
- d) *other recovery, such as energy recovery*;
- e) *disposal*.

Furthermore, the scope of applying waste hierarchy provided for by art. 4 para. (1) is **to encourage the options that deliver the best overall outcome** in what concerns the environment and health of the population (**art. 4 para. (2)** of GEO no. 92/2021).

Moreover, for certain specific waste stream, **the application of waste hierarchy may undergo changes** based on the life cycle analysis regarding the global effects of the generation and management of such waste (**art. 4 para. (3)** of GEO no. 92/2021).

Finally, according to the provisions of **art. 21** of GEO no. 92/2021, waste management must be carried out **without endangering the health of the population and without harming the environment**, especially:

- a) without generating risks of contamination for air, water, soil, fauna or flora;
- b) without creating discomfort due to noise or smells;
- c) without adversely affecting landscape or areas of special interest.

**It is prohibited** to incinerate separately collected waste for preparation for reuse and recycling, **except for** waste from further treatment operations of separately collected waste, for which incineration is the optimal outcome from an ecological point of view, in accordance with art. 4 (**art. 16 para. (3)** of GEO no. 92/2021).

The original waste producer or, as the case may be, any waste holder shall **be bound to perform treatment operations in accordance with the provisions of art. 4 para. (1) - (3) and art. 21** by own means or by means of an authorized economic operator that carries out waste treatment activities or of a public or private waste collecting operator, in accordance with the provisions of art. 4 para. (1) - (3) and art. 21 of GEO no. 92/2021 (**art. 23 para. (1)** of GEO no. 92/2021).

On the other hand, according to the provisions of **art. 8 para. (2) letter a)** of GO no. 2/2021, municipal waste storage is allowed in non-hazardous waste storage facilities, in accordance with para. (6), and according to the provisions of **art. 8 para. (6)** of the same normative act, the **storage** of waste, according to the provisions of para. (1) and (2), **is allowed only if waste is previously subject to technically feasible treatment operations** which contribute to the fulfillment of the scopes referred to in GO no. 2/2021.



The term “**treatment**” includes the operations of recovery or disposal, including preparation performed before recovery or disposal (**item 32 of Appendix no. 1** to GEO no. 92/2021).

According to the provisions of **item 36 of Appendix no. 1** to GEO no. 92/2021, “**recovery**” means any operation the main outcome of which is that the waste serves a useful scope by replacing other materials which would have been used for a specific purpose or that the waste is prepared to serve the respective purpose, within companies or economy in general.

**Appendix no. 3** to GEO no. 92/2021 establishes a list of recovery operations, a list which is not exhaustive. This list provides operations **R1 – The use mainly as a fuel or as another source of energy**, which includes incineration plants intended mainly for the treatment of municipal solid waste, only if their **energy efficiency is equal or greater than 0.65** for plants authorized after 31 December 2008.

By taking into account waste hierarchy (**art. 4 para. (1)** of GEO no. 92/2021) and the obligation to perform treatment operations before storage (**art. 8 para. (6)** of GO no. 2/2021), the activity of treating municipal waste with energy potential in incineration installations with high energy efficiency is **one of the options of treatment by recovery** that the territorial and administrative divisions are bound to perform for municipal waste, **with priority over the disposal in waste storage facilities**.

However, in practice, at the time being, most of the territorial and administrative units **have not included treatment by recovery of municipal waste in local sanitation system**, by proceeding directly to the direct disposal of waste in non-hazardous waste storage facilities (which sometimes operates in violation of the relevant legal provisions, namely in the absence of integrated environmental authorizations, ANRSC licenses, delegation contracts, etc.).

#### **D. Regulation of the Recovery of Municipal and Similar Waste by Means of Incineration, as a Component of Public Sanitation Service**

**Preliminary**, it is important to note that the provision of the services specific to sanitation service is governed by the **proximity principle**, according to which disposal and recovery of municipal waste must be performed **in the nearest appropriate plants and by means of the most suitable methods and techniques**, in order to ensure a high level of protection for the environment and public health (**art. 25 para. (1) and (3)** of GEO no. 92/2021).

In what concerns **regulation of the public sanitation service of localities**, Law no. 51/2006 represents the **general norm**, and Law no. 101/2006 is the **special norm**. Therefore, our analysis will firstly refer to general provisions and then to special provisions, specific to the activity.

**The public sanitation service of localities** falls under the scope of the community services on public utilities and is carried out under the **control, management or coordination** of the local public administration authorities of TAD or the intercommunity development associations, for the purpose of localities sanitation (**art. 1 para. (2) letter e**) of Law no. 51/2006 and **art. 2 para. (1)** of Law no. 101/2006).

Public utility services are established, organized and provided within communes, cities, municipalities, counties, Bucharest municipality and, as the case may be, under the terms of the law, at

the level of territorial and administrative subdivisions of municipalities or at the level of intercommunity development associations, **under the leadership, coordination, control and responsibility of the local public administration authorities (art. 1 para. (3) of Law no. 51/2006).**

According to the provisions of **art. 2 para. (3)** of Law no. 101/2006, sanitation service includes, among others the *treatment of municipal waste with energy potential in incineration plants with high energy efficiency, including the transport of residues resulting from incineration in waste storage facilities.*

Sanitation service is performed **by means of a sanitation system**, made up of goods in the public and private domain of TAD **and/or of the goods that represent the private property of the operators**, which are **included** in the county waste management plan, including the waste management plan for Bucharest municipality (**art. 4 para. (1)** of Law no. 101/2006).

Sanitation system is made up of technological and functional ensemble, which includes specific constructions, plants and equipment intended to provide sanitation service, such as **high energy efficiency incineration plants (art. 4 para. (2) letter j)** of Law no. 101/2006).

According to the provisions of **art. 22 para. (1)** of Law no. 51/2006, the local public administration authorities of TAD are **free to decide** on the way of managing the public utility services under their responsibility.

Public administration authorities have the **possibility to directly manage** public utility services based on a contracting out decision **or to entrust their management**, respectively all or only a part of the own competences and responsibilities regarding the provision of a public utility service or one or more activities within the scope of the respective public utility service, **based on a management delegation agreement.**

Therefore, in accordance with the provisions of **art. 22 para. (2)** of Law no. 51/2006 and **art. 12 para. (1)** of Law no. 101/2006, sanitation service management is carried out in the following ways: **direct management** (based on a decision for contracting out sanitation activity/activities), and **delegated management** (based on the management delegation agreement).

**The choice of the management** of the sanitation service is performed under the decisions of the decision-making authorities of the TAD, in accordance with the sanitation strategies and programs adopted at the level of each locality, as well as in accordance with the provisions of Law no. 51/2006 (**art. 12 para. (2)** of Law no. 101/2006).

The legal relations between the territorial and administrative divisions/districts of Bucharest municipality or, as the case may be, intercommunity development associations and sanitation service operators shall be regulated by the decisions on the contracting out of the sanitation activity/activities or by means of management delegation agreements, as the case may be (**art. 13** of Law no. 101/2006).

The local public administration authorities of TAD/districts of Bucharest municipality have **exclusive powers** in what concerns organization, assignment, coordination and control of the sanitation activities carried out in the territorial area of their competence and exercise, among others, **attributions regarding the following:**

- **to approve the inclusion** in the management delegation agreements and the contracting out decisions **of the performance indicators for waste management activities**, at the level provided in the technical specifications for the operation of waste treatment facilities/plants and/or at the minimum level provided for by appendix no. 5 to GEO no. 92/2021, including of the penalties incurred by the operators for the failure to fulfill the aforementioned obligations (**art. 6 para. (1) letter i**) of Law no. 101/2006);
- **to adopt the organizational measures required** for the implementation of the separate waste collection system, **in order to transport it to the treatment facilities (art. 6 para. (1) letter j)** of Law no. 101/2006).

According to the provisions of **art. IV para. (1)** of Law no. 99/2014, **decision-making authorities of the districts of Bucharest municipality** have exclusive powers in what concerns establishment, organization, assignment and performance of sanitation service activities, **except the activities which fall within the competence of the territorial and administrative division of Bucharest municipality**, respectively for pest control, disinfection, **organization of processing, neutralization and material and energy recovery of waste**, organization of mechano-biological treatment of municipal waste and similar waste, management of waste storage facilities and/or municipal and similar waste disposal facilities, as well as coordination, monitoring and control of sanitation service, establishing and approval of sanitation service performance indicators, after their public debate. The decision-making authorities of the districts of Bucharest shall be **bound to comply with the local strategy** on the medium and long term development of sanitation service, approved by the General Council of Bucharest.

As an exception to the provisions of para. (1), in order to avoid abandonment and illegal storage of waste, **the decision-making authorities of the districts of Bucharest can take over the powers of the territorial and administrative divisions of Bucharest** on the organization of material and energy recovery of waste (**art. IV para. (2)** of Law no. 99/2014).

The powers of the decision-making authorities of the districts of Bucharest, provided for by para. (2), shall be taken over by means of the resolution of the local council and shall be notified to the General Council of Bucharest within 15 days as of the adoption thereof (**art. IV para. (3)** of Law no. 99/2014).

The taking over of the competences according to para. (3) shall apply **on a definite term**, provided in the resolution of the local council, **without exceeding the term provided by the Waste Management Plan of Bucharest Municipality**, approved by Resolution no. 260 of the General Council of Bucharest Municipality of 01.09.2021 (**art. IV para. (4)** of Law no. 99/2014). Direct management or delegated management **can be granted for one or more of the activities provided for by art. 2 para. (3) (art. 14 para. (2)** of Law no. 101/2006).

The operators **shall be prohibited to perform activities of transfer, sorting, treatment and/or disposal by storage of municipal waste without having a delegation agreement** concluded with TAD/district of Bucharest municipality the waste originates from (**art. 2 para. (8<sup>1</sup>)** of Law no. 101/2006).

**In the case of delegated management**, the **procedure for awarding agreements of delegation** of the management of sanitation activities, **including for public procurement of services provided by means of treatment facilities/plants privately owned by economic operators**,



shall be established by the contracting authorities **according to the provisions of Law no. 98/2016 or Law no. 100/2016**, including by observing legal regime of management delegation agreements provided for by art. 29 para. (10) and (11) of Law no. 51/2006 (**art. 14 para. (3)** of Law no. 101/2006).

The territorial and administrative divisions that individually assign the activity of separate collection and separate transport of municipal waste shall be **bound to assign, in advance, the activities of sorting, waste treatment and/or disposal**, by storage, of residual waste and of residues resulting from the treatment process, as the case may be, provided that the respective activities have not been delegated, in association with other territorial and administrative divisions, by the intercommunity development association where they have the capacity of members. The operators **shall be prohibited to perform activities of sorting, treatment and/or disposal**, by storage, of municipal waste **without having a delegation agreement** concluded with the territorial and administrative unit/subdivision the waste originates from (**art. 14<sup>4</sup>** of Law no. 101/2006).

The operators performing the activity of separate collection of municipal waste shall be **bound to transport the separately collected fractions only to** the operators of transfer facilities, operators of sorting facilities, **operators of treatment plants** and operators of waste storage facilities **which have concluded delegation agreements** with the territorial and administrative divisions or, as the case may be, with the districts of Bucharest municipality the respective waste is collected from (**art. 14<sup>5</sup>** of Law no. 101/2006).

**The economic operators that own sorting facilities, waste treatment plants and/or non-hazardous waste storage facilities shall be entitled to carry out the activities** of sorting, treatment or, as the case may be, disposal of municipal waste **only based on the management delegation agreements** concluded with the territorial and administrative divisions/districts of Bucharest municipality the respective waste originates from or, as the case may be, with the intercommunity development associations, based on the special mandate received from the territorial and administrative units/subdivisions where they have the capacity of members (**art. 149** of Law no. 101/2006).

In what concerns the **financing of the activity**, the prices and rates for the payment of the services shall be proposed by the operators and shall be established, adjusted or modified by resolutions of the decision-making authorities of TAD or, as the case may be, of the intercommunity development associations the scope of which is the public utility services, under the terms of the special laws, in compliance with the methodologies drawn up by the competent regulatory authority (i.e. A.N.R.S.C.) (**art. 43 para. (5)** of Law no. 51/2006).

The level of the rates tendered/negotiated within the procedures for the awarding of the management delegation agreements **shall be substantiated on expenditure items**, on the basis of the substantiation sheets for setting the rates for the specific activities of the sanitation service drawn up by the operators, according to the provision of art. 137 para. (3) letter a) of GO no. 395/2016 or, as the case may be, art. 89 para. (3) letter a) of GO no. 867/2016 (**art. 26 para. (5)** of Law no. 101/2006).

The contracting authorities shall be bound to provide in the tender book that the **tendered rates must be accompanied by the substantiation sheets on expenditure items**, on the contrary, the offer being considered non-compliant, in accordance with the provisions of art. 137 para. (3) letter a) of GO no. 395/2016 or, as the case may be, art. 89 para. (3) letter a) of GO no. 867/2016 (**art. 26 para. (5)** of Law no. 101/2006).

Subsequent adjustment or modification of rates/taxes shall be performed by the local public administration authorities, upon the operator's request, in compliance with the methodological regulations issued by A.N.R.S.C. (**art. 26 para. (7)** of Law no. 101/2006).

The level of sanitation rates and taxes shall be established so that (**art. 26 para. (8)** of Law no. 101/2006):

- a) to cover the effective cost of the sanitation service provision;
- b) to cover at least the invested amounts and the current maintenance and operation expenses of the sanitation service;
- c) to encourage capital investment;
- d) to observe and to ensure the operator's financial autonomy.

### 3. FUTURE RESEARCH DIRECTIONS

Please note that in future research, we would like to analyse the Romanian regulation of operator's licensing. According to the provisions of **art. 13 para. (1) and (2) letter e)** of Law no. 51/2006 and **art. 11 para. (1)** of Law no. 101/2006, the **National Authority for Regulating Community Services on Public Utilities** is the authority competent to regulate locality sanitation service. **It issues licenses**, develops methodologies and framework regulations for the field of public utility services in its regulatory area and for the market of such services and monitors the compliance with and implementation of the legislation applicable to these services (**art. 13 para. (3)** of Law no. 51/2006).

In case of the delegated management, the operators can carry out their activity **based on the management delegation agreement and the license granted by A.N.R.S.C.** The performance of the sanitation activity/activities by operators without the license granted by A.N.R.S.C. shall represent an offence and shall be punished by a fine amounting between RON 30,000 and RON 50,000 (**art. 22 para. (2)** of Law no. 101/2006 and **art. 47 para. (4) letter c)** of Law no. 51/2006).

In what concerns **ANRSC license**, according to the provisions of **art. 6 para. (2) letter g)** of GO no. 745/2007, this shall be granted for specific activities of the public sanitation service of localities, among which "*organization of the processing, neutralization and material and energy recovery of waste*".

In what concerns **types of licenses**, according to the provisions of **art. 10** of GO no. 745/2007, licenses shall be granted in **three (3) classes**, depending on the number of inhabitants served, as follows: **class 1** – for a number **higher or equal to 300,000 inhabitants**, **class 2** – for a number **between 50,000 and 300,000 inhabitants**, and **class 3** – for a number **lower or equal to 50,000 inhabitants**.

### 4. CONCLUSION

For all these reasons, we think that just like the European legislation, Romanian national legislation ([Legislatie.just.ro](http://Legislatie.just.ro), n.d.) supports and encourages recovery operations, so that the waste is used as much as possible, including for obtaining electricity and/or thermal energy, and the quantity of municipal waste disposed in waste storage facilities is reduced as much as possible.

As underlined, one of the targets required by the NWMP, was that the quantity of stored municipal waste to be reduced to a maximum of 10%, until 2030, Romania being granted the

opportunity to benefit from an additional five-year term, provided that all measures required in order to reduce the quantity of stored municipal waste to 20% of the total quantity of generated waste are implemented until 2030. The NWMP also provides that one of the priorities of Romania in what concerns waste management and prevention is encouraging the production of energy from waste that cannot be recycled, by providing at the same time that the incineration of municipal waste with energy recovery is a very used and well-known technology.

Romania is a good example of a state that has been obliged, on the basis of the judgments of the **European Court of Human Rights (n.d.)**, to constantly adapt and align itself with European standards in matters essential to the existence of a democratic society (e.g. protection of the right to property, freedom of expression, the functioning of the judiciary, the prohibition of torture and ill-treatment, and the list goes on). The legacy of communism, which turned the most basic human rights into privileges, has often led the European Court of Human Rights to find that the Romanian authorities have violated the provisions of the Convention.

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