No: 3508

Brussels, 24th April 2013

Ref: Report on the implementation of the Directive 2004/35/EC on environmental liability

Dear Mr. Codescu,

Please find enclosed the report on the implementation of the Directive 2004/35/EC on environmental liability as prepared by Romanian authorities.

Looking forward to continuing our cooperation,

Sincerely yours,

Cristian Badescu
Deputy Permanent Representative

Mr. Ion CODESCU
Head of Unit
Directorate A.1 Enforcements, infringement coordination and legal issues
DG Environment
European Commission
REPORT OF ROMANIA
on the experience gained in the application of
2004 on environmental liability with regard to the prevention and remedying of
environmental damage

ANNEX VI
Information and data referred to in art. 18(1)

MANDATORY PART

<table>
<thead>
<tr>
<th>No. crt.</th>
<th>Q1: Type of environmental damage</th>
<th>Q1: Date of occurrence and/or discovery of the damage</th>
<th>Q1: Date on which proceedings were initiated under this Directive</th>
<th>Q2: NACE CODE and Annex 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oltenia County</td>
<td>Pollution of surface waters of the river Olten with petroleum products by COMPET SA Ploiesti</td>
<td>30.05.2012</td>
<td>30.05.2012</td>
<td>4950</td>
</tr>
<tr>
<td></td>
<td>The incident was announced by COMPET SA</td>
<td></td>
<td></td>
<td>Not included in Annex 3</td>
</tr>
<tr>
<td>Cluj County</td>
<td>Soil pollution by oil, caused by a railway accident; Soil pollution by nitric acid, caused by road accident</td>
<td>21.09.2009</td>
<td>21.09.2009</td>
<td>4920</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10.11.2009</td>
<td>10.11.2009</td>
<td>4941</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Annex 3, Item 8</td>
</tr>
<tr>
<td>Salaj County</td>
<td>Soil pollution by oil caused by a railway accident/dereailment of 6 wagons, 2 wagons overturned</td>
<td>02.04.2008</td>
<td>03.04.2008</td>
<td>4920</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Annex 3 item 8, Letter b</td>
</tr>
</tbody>
</table>

Q3. Whether there has been resort to judicial review proceedings either by liable parties or qualified entities. (The type of claimants and the outcome of proceedings shall be specified.)

Q4. Outcome of the remediation process.

Q5. Date of closure of proceedings.
<table>
<thead>
<tr>
<th>No.crt.</th>
<th>Q3: Whether there has been resort to judicial review proceedings either by liable parties or qualified entities. (The type of claimants and the outcome of proceedings shall be specified.)</th>
<th>Q4: Outcome of the remediation process.</th>
<th>Q5: Date of closure of proceedings.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Olt</td>
<td>No</td>
<td>entire area has been restored to its original state primary remediation</td>
<td>4.06.2012</td>
</tr>
<tr>
<td>County</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cluj</td>
<td>No</td>
<td>- repaired environmental damage from oil pollution of soil - repaired environmental damage from nitric acid pollution of soil</td>
<td>2011 (aprox 2 years) estimated period of 2 years at the written request of LEPA</td>
</tr>
<tr>
<td>County</td>
<td></td>
<td></td>
<td>April 2010 – 5 months for the pollution with nitric acid on road</td>
</tr>
<tr>
<td>Salaj</td>
<td>No</td>
<td>Restoration and greening area affected by the oil spill. Actions undertaken were scraping contaminated soil, transport to decontamination site, cover the area with fertile soil and applying fertilizers. The activities were carried out according to the &quot;Soil and agrochemical study on the improvement of the polluted soils contaminated with oil residues on the railway Zalău-Mirăști-Jibou&quot; prepared by DARD-OSPA Salaj</td>
<td>30.06.2008 – 3 months</td>
</tr>
<tr>
<td>County</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**VOLUNTARY PART**

Member States may include in their reports any other information and data they deem useful to allow a proper assessment of the functioning of this Directive, for example:

1. Costs incurred with remediation and prevention measures, as defined in this Directive:
   - paid for directly by liable parties, when this information is available;
   - recovered ex post facto from liable parties;
   - unrecovered from liable parties. (Reasons for non-recovery should be specified)

Olt County, costs paid by polluters: aprox. 469 786 Euro, without VAT.

Cluj County, paid by polluters: costs for oil pollution paid by SC UNIFERTRANS aprox. 3822 Euro and for nitric acid pollution about 14000 Euro paid by EUROPEDA SLOVACIA (the authorized transporter from Slovak Republic) and insurer.
Salaj County, all costs paid by polluters: CNGF "CFR" SA Chuj Regional Branch Railway

Ilfov County:
We can also mention an imminent threat of a damage that was identified by the National Environmental Guard, Local Environmental Protection Agency (LEPA) and Inspectorate for Emergency Situations within Ilfov County in Chiția town. It was found an improper storage of hazardous and non-hazardous waste on land, while the arrival of the cold season was envisaged, with related rainfall that could lead to soil and groundwater pollution. The authors of the improper storage of wastes are SC PETROMAR IMPEX SRL and SC PETROMAR INTERMED SRL.
The reported activity is listed in Annex 3 of the ELD, item 2, NACE code: 3811 and 3812. No environmental damage was caused.
Identification, labelling and securing improperly stored waste, including the transport to the relocation site were undertaken by S.C. EASTERN EUROPE LOGISTICS & MANAGEMENT S.R.L; a new relocation site was found in Jilava.
The relocation costs on 23.07.2012 were 285 162 Euro.

The LEPA acted according to art.5 para 3, letter (a), (b) and (c) of the ELD.
There is no dispute in court regarding the administrative decision issued by LEPA Ilfov.
LEPA Ilfov set itself as civil party in the trial to recover costs of preventive actions provided by S.C. EASTERN EUROPE LOGISTICS & MANAGEMENT S.R.L. The costs have not been recovered yet.
SC PETROMAR SRL and SC PETROMAR INTERMED SRL are defendants in criminal proceedings (file no. 18577/3/2011 pending Bucharest Court Criminal Division I).

2. Results of the actions to promote and the implementation of the financial security instruments used in accordance with the Directive.

Ministry of Environment and Climate Change has started proceedings for awarding a public procurement contract for a study on the financial instruments needed in Romania that will enable operators to cover their responsibilities under ELD (in 2009 and 2011). Unfortunately, no one participated to the auction.
Romania has not yet developed any financial security instrument according to this Directive.

In order to promote the application of the ELD, Romania can mention the following:
NEPA has organized a seminar on the implementation of the ELD, in March 2009, provided within a Twinning project with Germany named RO2006/IB/EN-09 "Implementation and enforcement of the Acquis at national level. Phase II". The seminar was attended by representatives of LEPA's and Ministry of Environment.
The Ministry of Environment and Climate Change has organized 2 workshops with the COM representatives, on April 7th, 2011 and on October 8th, 2012 in Bucharest. The workshops were attended by the representatives of the LEPA's, NEPA and Ministry of Environment.
The operators working the mining field are obliged to have a financial guarantee according to the Mining Law no.85/2003.
The most difficult problem, for the time being, is the calculation of the financial guarantee and the development of the financial security instruments and markets, as required by ELD. The same requirement exists within the national legislation in force as a result of the transposition of the Directive 2006/21/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC.
We encounter difficulties due to the lack of expertise in financial, economical and liability matters.

3. An assessment of the additional administrative costs incurred annually by the public administration in setting up and operating the administrative structures needed to implement and enforce this Directive.

No additional administrative structures have been created, no costs incurred.