



# Law no. 227/2022 on industrial emission

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## **Law no. 227/2022 on industrial emissions**

### **Transpose:**

- Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (prevention and integrated control of pollution), included in Annex XI to Chapter 16 "Environment", the field "Industrial pollution and industrial accidents" of the Agreement of Association RM - EU and the Energy Community Treaty (art. 16, annex II, points 3, 5).
- Directive 2015/2193 of the European Parliament and of the Council of November 25, 2015 regarding the limitation of atmospheric emissions of certain pollutants from medium combustion plants, arising from the proposals to update Annex XI of the Association Agreement, but also of the provisions of the Energy Community Treaty .



## **Goal and objective of the Law no. 227/2022**

- The purpose of the law is to establish the normative framework for the prevention and control of pollution caused by industrial and economic activities, in order to reduce emissions in air, water, soil, as well as the generation of waste, the promotion and application of the best available techniques, in order to reach a level high environmental protection.
- The object of the law is the procedures and regulations applied in the process of preventing and controlling air, water and soil pollution, waste generation, preventing or reducing the negative impact on the environment.



## The application domains of the Law no. 227/2022

<b>Industrial and economic activities with significant risk (Appendix no. 1)</b>	<b>Low-risk industrial and economic activities (Appendix no. 2)</b>	<b>Industrial and economic activities with insignificant risk (Appendix no. 3)</b>
<b>Integrated environmental authorisation</b>	<b>Environmental authorisation</b>	<b>General binding rules</b>



## **Duties/responsibilities of the Environmental Agency**

### **The Environmental Agency (Article 7):**

- issues the integrated environmental authorization, the environmental authorization and the mandatory general rules;
- creates and ensures the operation of record keeping systems of operators and industrial and economic activities;
- review and approve the Report on the baseline situation;
- establishes emission limit values for polluting substances in water, air and soil, as well as measurement methods; approves operator alignment plans;
- applies the reference documents BAT etc.;



## **Duties of the Environmental Protection Inspectorate**

### **Environmental Protection Inspectorate (Article 8):**

- perform environmental control;
- inspects the installations within the activities of annexes no. 1 and 2 in the process of issuing permissive acts;
- verifies the compliance of the data from the Report on the reference situation, prepared by the operator;
- initiates the procedure for withdrawing or suspending the integrated environmental authorization and the environmental authorization following non-compliant activities;



## Obligations of operators

- To take all measures to prevent environmental pollution by equipping emission-generating sources with purification devices, equipment and installations;
- Apply the best available techniques;
- To re-engineer the production processes;
- To develop and present the alignment plan to the Environmental Agency for approval;
- To prepare and present the Report on the reference situation to the Environmental Agency;
- To report annually to the Environment Agency the air, water and soil emissions of polluting substances, off-site transfers of hazardous or non-hazardous waste in the manner provided by the National Register of Emissions and Transfer of Pollutants.



## Authorization of activities with environmental risk

Integrated environmental authorization and environmental authorization

- Issued at the request of the operator: when putting new installations into operation for the operation of existing facilities (article 12);
- The application for the issuance of environmental permits is submitted through the one-stop shop to which the technical file and the Report on the reference situation are attached (article 15): within 30 days
  - launch public consultations;
  - suspends the deadline for examination of the application (30 days);
  - requests the inspection and environmental control;
  - rejects the application for issuing an integrated environmental permit;
- Public consultations with central and local public authorities (30 days) – recommendations and objections are made public and taken into consideration when issuing permissive acts.





## **The decision on the issuance of the integrated environmental permit and the environmental permit**

Following public consultations with central and local public authorities, the Environmental Agency issues one of the decisions:

- a) initiating the drafting of the integrated environmental permit or the environmental permit;
- b) requesting the operator to complete and finalize the technical file according to the objections and recommendations received from the interested public and the central and local public administration authorities involved in the approval and consultation process;
- c) refusal to issue the integrated environmental authorization or the environmental authorization, arguing the decision taken.



## **The draft of the integrated environmental permit and the environmental permit**

- In the case of the decision to initiate the drafting of the integrated environmental permit or the environmental permit, the Environmental Agency drafts:
  - The draft of the integrated environmental permit (term 90 days)
  - Draft environmental permit (30 days)
- The draft of the integrated environmental authorization or the environmental authorization is consulted with the operator (30 days).
- The operator, as the case may be, draws up the alignment plan with the permit conditions and presents it to the Environment Agency for approval.



## Alignment plan

- At the operator's request, the Environmental Agency grants a transition period for alignment with the provisions of this law and with the requirements and conditions of the draft integrated environmental permit or environmental permit.
- The alignment plan is drawn up by the operator, according to the structure established in annex no. 11, and includes at least the alignment measures to the environmental quality standards, to the provisions of this law, to the requirements and conditions of the project of the integrated environmental authorization or of the environmental authorization and the deadlines for their realization.
- The plan is coordinated with the Environment Agency and is a component of the integrated environmental permit or the environmental permit.



## **Issuing the integrated environmental permit and the environmental permit**

- (1) The integrated environmental authorization is issued for a period of 12 years, with the right of suspension, withdrawal, re-examination, update and cancellation in case of non-compliance with the conditions of the authorization or detection of non-conformities.
- (2) The environmental authorization is issued for a period of 6 years, with the right of suspension, withdrawal and cancellation in case of non-compliance with the conditions of the authorization or detection of non-conformities.
- (3) After the expiration of the validity period of the integrated environmental authorization and the environmental authorization, its extension is carried out in accordance with the provisions of art. 6 of Law no. 160/2011 regarding the regulation by authorization of the entrepreneurial activity. The request for the extension of the term is submitted 12 months before the expiry date.



## General bidding rules

- Industrial and economic activities with an insignificant risk to the environment are carried out on the condition that they are registered by the operator with the Environment Agency, based on the mandatory general rules.
- The mandatory general rules are determined for the specific type of each activity and are established by the Environment Agency for each individual operator.
- Upon the request regarding the registration of the activity, the Environmental Agency issues the mandatory general rules within 30 days.
- The operators who carried out, until the entry into force of this law, industrial and economic activities provided in annex no. 3 requests the mandatory general rules within 12 months from the entry into force of this law.
- The general rules are mandatory to be executed by the operator and are subject to control by the Environmental Protection Inspectorate.



## **Regulations for existing industrial and economic activities (art. 27)**

- The activities in annexes no. 1 and no. 2 who hold a permissive act in the field of environment issued before the entry into force of the law on industrial emissions, request the issuance of the integrated environmental authorization/environmental authorization upon the expiration of the validity period of the held permissive act, but no later than 5 years from the moment of entry into force of this law.
- Operators who hold several environmental permits for the operation of one or more existing installations, apply for the integrated environmental permit/environmental permit upon the expiration of the first permit they hold, after the entry into force of this law, but no later than 5 years from at the time this law enters into force.
- The application for the issuance of the integrated environmental authorization/environmental authorization is submitted to the Environmental Agency 12 months before the expiration of the environmental permit held until the entry into force of this law.



## The baseline report

- The baseline report – information on the state of air, groundwater and soil contamination and is the basis for a quantified comparison of the state of soil and groundwater contamination within the site where an authorized activity took place.
- The report on the reference situation is drawn up by the operator for the activities in annex no. 1 and no. 2 and is approved by the Environmental Agency;
- At the time of the termination of the activity, the operator takes the necessary measures to return the location to the initial state, presented in the Report on the reference situation.



## **New approaches for the Republic of Moldova**

- Establishing mandatory General Rules and environmental quality standards, attributed to the process of operating facilities or carrying out activities with an impact on the environment (Article 28);
- Establishing requirements for monitoring, reporting and verifying emissions, including greenhouse gases;
- Introduction of the BAT reference documents necessary to establish the authorization conditions (Article 29);
- Regulation of emission limit values, parameters and equivalent technical measures for polluting substances (Article 30);
- Regulation of bilateral relations regarding cross-border effects for cases when the operation of facilities could cause negative effects on the environment of the neighboring state (Article 59);





## Final provisions

Law no. 227/2022 on industrial emissions **enters into force on 21.10.2024.**

### **The Government:**

- a) will bring its normative acts in accordance with this law;
- b) will submit proposals to the Parliament regarding bringing the legislation into force in compliance with this law;
- c) will develop and approve the Methodology for calculating the cost of the integrated authorization by environment and environmental authorization;
- d) will develop and approve the Regulation regarding the organization and provision of services public for issuing the integrated environmental permit and the environmental permit.

### **The Ministry of the Environment will approve:**

- a) BAT reference documents;
- b) Guide regarding the preparation of the Report on the reference situation;
- c) Guide regarding the issuance of the integrated environmental authorization, the environmental authorization and the registration of activities.



**MINISTRY OF ENVIRONMENT  
OF THE REPUBLIC OF MOLDOVA**

**THANK YOU FOR ATTENTION**

**Angela Panciuc,  
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of the Republic of Moldova**