

THE COMPETENCES OF PUBLIC ENVIRONMENTAL PROTECTION AUTHORITIES IN CASE OF NATURAL DISASTERS

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Abstract

Given that in recent years extreme weather phenomena, increasingly frequent, increased seismic activity and the COVID-19 pandemic, have had disastrous effects on Europe, we considered it necessary to develop an analysis of how the national disaster management system and its components manage, in real time, a crisis situation. In the content of this article, we highlighted the main normative acts that regulate the environmental protection activity at national level, we proceeded to a brief classification of the types of disasters specific to our country, we detailed the functioning of the National Emergency Management System and we presented the attributions of the central public institutions with a pivotal role in the field of environmental protection in case of natural disasters. In order to write this analysis, we used, cumulatively, the logical, comparative and historical method, to carry out a precise research of the legislation and jurisprudence with applicability in the field of environmental protection in case of natural disasters.

Keywords: public authority, environmental protection, natural disasters.

JEL Classification: K32

1. Introduction

At present, there is an increase in the risks inherent to climate change and the occurrence of multiple disasters in the European Union (EU). Statistics show that in the last 40 years alone, natural disasters across the EU have caused economic losses of more than EUR 511 billion (of which 71% were uninsured) and more than 91,000 victims.²

In the last century, Romania has faced 13 earthquakes that have resulted in 2,630 deaths and that affected more than 400,000 people, considering that the damages caused by the 1977 earthquake alone exceeded EUR 1.8 billion.³

The continuous threat caused by seismic risk, floods causing material damages and loss of life and the proliferation of seasonal vegetation wild fires amid the COVID-19 pandemic and an imminent economic crisis the early effects of which have already begun to occur, have made the effects of disasters a priority for the governments of the Member States of the European Union.

Internationally, a series of historic conferences have been held in the field of preventing and counteracting the effects of natural disasters, laying the foundations for EU disaster defense mechanisms. Of these conferences, the largest impact in the field of disaster control had *the International Conference for Disaster Risk Reduction (Japan, Sendai, 16.04.2015)*, a conference attended by a delegation from Romania⁴, who presented the country level intervention and highlighted the activity carried out by our country in support of the implementation of the Hyogo Framework for Action⁵ (2005-2015).

The Sendai Conference was followed by the adoption of two important documents: *The Post-Hyogo Framework for Action*⁶, a document of strategic value, which will guide disaster risk reduction work over the next 15 years, and *the Sendai Declaration*, of political value, representing a

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² The 2019 country report on Romania, including an in-depth review of the prevention and correction of economic imbalances, the document is available online at https://ec.europa.eu/info/sites/default/files/file_import/2019-european-semester-country-report-romania_ro.pdf, accessed on November 7, 2021.

³ Ibidem.

⁴ The document is available online at <https://tokyo.mae.ro/local-news/1227>, accessed October 7, 2021.

⁵ 18-22 January 2005, Kobe, Hyogo, Japan - World Conference on Disaster Reduction, Framework for Action 2005-2015: Developing the resilience of nations and communities to disasters, known as the "Hyogo Framework for Action". The Hyogo Framework for Action (HFA) was developed to reduce disaster risk and is, at the same time, the first plan to explain, describe and detail what needs to be done in all sectors and by all actors to reduce disaster losses.

⁶ The post-2015 Hyogo Framework for Action: managing risks in view of achieving resilience, the Committee of the Regions, published in the Official Journal of the European Union, C 271, 19 August 2014.

commitment made by the Member States of the United Nations to support disaster risk reduction efforts at international and national level.

However, before the Hyogo framework and the Sendai framework, *the European Union Civil Protection Mechanism (EUCPM)* was initially set up at EU level in 2001, and the current legal framework was enacted by Decision no. 1313/2013, which applies from 1 January 2014⁷.

The mechanism pursues two main objectives: strengthening cooperation between the European Union and the participating states⁸ and facilitating the coordination of actions in the field of civil protection, in order to improve the effectiveness of systems for the prevention, preparedness and response to natural and man-made disasters.

In Romania, the equivalent of *the European Union's Civil Protection Mechanism* is *the National Emergency Management System*⁹, "A network of bodies and structures competent in the management of emergency situations, established by levels or areas of competence, which has the necessary infrastructure and resources to perform the tasks provided in this emergency ordinance"¹⁰.

In the matter of combating the effects of natural hazards, as a result of the transposition of international legislation but also of the elaboration of public policies and strategies by the competent authorities, at national level, a series of normative acts and strategic documents have been promulgated, of which the ones with the most great impact are: the National Climate Change Strategy¹¹, the National Strategy for the Prevention of Emergency Situations¹², the National Civil Protection Strategy¹³, the National Strategy for Combating the Effects of Drought¹⁴, the National flood risk management strategy¹⁵, the Flood Risk Management Plans¹⁶, the National Disaster Risk Management Plan¹⁷, the Law on Civil Protection¹⁸, the Emergency Ordinance on the National Emergency Management System¹⁹, the Government Decision on risk type management²⁰.

2. Classification of natural disasters

Regarding the current context of disaster risk in Romania, geophysical and climate-related disasters pose a considerable threat to the country's efforts to alleviate poverty and stimulate sustainable economic growth, with disaster related losses increasing as climate change occurs and

⁷ Decision no. 1313/2013/EU of the European Parliament and the Council of the European Union of 17 December 2013 regarding a civil protection mechanism of the Union (OJ L 347, 20.12.2013, p. 924).

⁸ All EU Member States, plus Norway, Iceland, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Turkey. These are referred to by the Commission as "participating states".

⁹ Government Emergency Ordinance no. 21/15.04.2004 on the National Emergency Management System, published in the Official Journal, Part I, no. 361/26.04.2004.

¹⁰ Government Emergency Ordinance no. 21/15.04.2004.

¹¹ Government Decision no. 739/05.11.2016 for the approval of the National Strategy on Climate Change and Economic Growth based on low carbon emissions for the time period 2016-2020 and the National Action Plan for the implementation of the National Strategy on Climate Change and Economic Growth based on low carbon emissions for the time period 2016-2020, published in the Official Journal, Part I, no. 831 of 20.11.2016.

¹² Government Decision no. 762/16.07.2008 regarding the approval of the National Strategy for the prevention of emergency situations, published in the Official Journal, Part I, no. 566 / 28.07.2008.

¹³ Government Decision no. 547/09.06.2005 regarding the approval of the National Civil Protection Strategy, published in the Official Journal, Part I, no. 600/12.07.2005.

¹⁴ The national strategy of August 7, 2007, for reducing the effects of drought in the short, medium and long term, published in the Official Journal, Part I, no. 565 of 16 August 2007.

¹⁵ Government Decision no. 846/11.08.2010 for the approval of the National Strategy for medium and long term flood risk management, published in the Official Journal, Part I, no. 626/06.09.2010.

¹⁶ Government Decision no. 972/21.12.2016 for the approval of the Flood Risk Management Plans related to the 11 water basin administrations and that of the Danube River on the Romanian territory, published in the Official Journal, Part I, no. 106 of February 7, 2017.

¹⁷ National Disaster Risk Management Plan, National Committee for Emergency Situations, Bucharest, 2020, the document is available online at https://igsu.ro/Resources/COJ/ProgrameStrategii/pdf24_merged.pdf.

¹⁸ Law no. 481/08.11.2004 on civil protection, republished, published in the Official Journal, Part I, no. 554/22.07.2008.

¹⁹ Government Emergency Ordinance no. 21/15.04.2004.

²⁰ Government Decision no. 557 / 03.08.2016 regarding the management of risk types, published in the Official Journal, Part I, no. 615/11.08.2016.

urbanization is expanding²¹.

Romania is prone to a series of natural disasters, especially earthquakes, floods, droughts and extreme weather, but also to technological ones, such as chemical, nuclear or accidental pollution, which have had a significant physical, social and financial effect in recent decades.²²

The following are considered to be disasters:²³ destructive natural phenomena of geological or meteorological origin, or the illness of a large number of people or animals, occurring suddenly, as mass phenomena²⁴, as well as events with particularly serious consequences for the environment, caused by accidents²⁵.

The types of natural disasters with high frequency on the Romanian territory are:

The earthquake²⁶ is a vibratory motion generated by seismic waves that can generate landslides, seismic aftershocks, tsunamis, land quakes and soil liquefaction. In terms of earthquake predictability, long- and medium-term forecasts can be made with a high probability of success. In the short term, forecasts have a low probability of success. Predictability is based on monitoring seismic activity, its history and on field observations.

The main effects of the seismic phenomenon are material damages (destruction or damage to buildings or other types of infrastructure, fires, hydrotechnical accidents, landslides, etc.), human losses, damage to public health (a large number of people requiring surgical procedures, contamination of drinking water and problems of ensuring the minimum sanitary conditions for survival).

Landslides²⁷ occur via the movement of rocks that form the slopes of mountains or hills, the slopes of hydro-improvement works, or other land improvement works, presenting many forms of manifestation, but in most cases appear as side effects of other types of disasters (earthquake, dangerous meteorological phenomena, volcanic eruptions, etc.), being considered the most widespread geological phenomenon.

In terms of predictability, depending on the frequency of occurrence of the phenomenon, the extent of the phenomenon and the consequences generated by it, the risk areas can be estimated by studying the geographical area. The following are considered to be vulnerability factors: buildings set on the slopes of hills and mountains, roads and communication lines in mountainous areas, buildings with weak foundations, overhead or buried pipes.

The main effects are material damages, roadblocks, destruction of communication lines or watercourses, decrease in agricultural or forestry production as well as significant human losses.

Floods²⁸ are defined as being the covering of the land area with a layer of stagnant or moving water, which, due to its size and duration, causes human casualties and material damage that disrupts the proper conduct of socio-economic activities in the affected area.

Catalogued as a dangerous meteorological phenomenon, when evaluating the severity of the phenomenon, a series of characteristics are taken into account, such as: the speed of the flood, the height of the flood, its duration and frequency.

Predictability methods are based on long-term, medium and short-term weather forecasts, depending on the technical level of the weather and watercourse monitoring system. Buildings situated in flooded areas, the lack of a population warning system, low soil absorption capacity,

²¹ The National Disaster Risk Management Plan, the National Committee for Emergency Situations, Bucharest, 2020, p. 22. The document is available online at https://igsu.ro/Resources/COJ/ProgrameStrategii/pdf24_merged.pdf.

²² Ibidem.

²³ Article 2, letter a) and b) of the Government Emergency Ordinance no. 47/12.08.1994 on disaster protection published in the Official Journal, Part I, no. 242 of 29.08.1994.

²⁴ This category includes earthquakes, landslides and quakes, floods and dangerous meteorological phenomena, epidemics and epizootics.

²⁵ This category includes: chemical, biological, nuclear, underground accidents, damage to hydrotechnical constructions or to main pipelines, mass fires and explosions, major accidents on roads, major accidents on dangerous machinery and technological installations, falls of cosmic objects, major accidents and major breakdowns in installations and telecommunications networks.

²⁶ The text is an excerpt from the *Characteristics Sheets of the main types of disasters* prepared by OCHA/UN specialists. The document is available online at http://isuolt.ro/wp-content/uploads/2013/10/masuri_pc.pdf, accessed on October 12, 2021.

²⁷ Ibidem.

²⁸ Ibidem.

buildings and foundations with low resilience, unprotected food stocks can be considered factors of vulnerability.

The main effects are material damages, human losses and contamination of water sources.

Drought²⁹ is a natural hazard with a temporary effect, especially on agriculture. The forms of manifestation depend on a series of factors (the presence of the irrigation system, etc.) at the origin of the phenomenon being the fluvimetric deficit, the soil degradation, the increase of the ocean water temperature and the increase of the carbon dioxide concentration in the atmosphere.

In terms of predictability, it should be noted that periods of low rainfall are normal for all climate systems, however, weather forecasts make possible early warnings about the possibility of the phenomenon occurring.

Vulnerability factors in case of drought are: the establishment of habitats in arid areas, isolated agricultural lands, lack of water supply resources, lack of planning on the allocation of resources in risk areas, etc.

The effects of the phenomenon consist in the decrease of agricultural, viticultural and zootechnical production, the increase of prices, the increase of the inflation rate, the decrease of the nutritional status of the population, diseases, energy crises, etc.

Animal disease outbreaks³⁰ are due to a combination of several factors such as temperature, the introduction of new animal breeds, the use of pesticides, water quality and animal migration and can be anticipated by the use of systems to examine the stage of development of animals.

The large and varied number of affected animals and the lack of control over imports are factors of vulnerability.

Mass disease in the community and hunger are the main effects which can be avoided through specific training measures, such as: the development of a national defense plan, training programs for government officials and farmers, etc.

Epidemics³¹ have as their main cause, in most cases, poor sanitation, poverty and contamination of water and food.

These are characterized mainly by the high possibility of spreading, the existence of economic and social imbalances and the lack of specialized personnel. The probability of occurrence of these phenomena can be estimated by analyzing epidemiological studies and reports, including for diseases with long incubation periods.

Lack of immunization against diseases, poor nutrition and poor drinking water are vulnerability factors for the population and have as side effects a large number of ill and deceased individuals, the overcrowding of the medical system, significant economic losses and the creation of a general state of panic among the population.

3. The National Emergency Management System

Although the public authorities *per se* constitute the subject of this paper, I consider it necessary to review the organization, operation and responsibilities of the National Emergency Management System (S.N.M.S.U.)³².

As argument for this decision, I specify that S.N.M.S.U. provides the necessary framework for effective cooperation between all public authorities with responsibilities in the field of disaster control and prevention at national level.

Defined in art. 1 of the Government Emergency Ordinance no. 21/15.04.2004 on the National Emergency Management System as a set of "bodies, organisms and structures" with responsibilities in the management of emergency situations, this system "ensures and coordinates human, material, financial and any other resources regardless of their nature, necessary to restore the state of

²⁹ Ibidem.

³⁰ Ibidem.

³¹ Ibidem.

³² Government Emergency Ordinance no. 21/15.04.2004 on the National Emergency Management System, published in the Official Journal, Part I, no. 361/26.04.2004.

normalcy".

At organizational level, S.N.M.S.U. consists of:

- emergency committees;
- the Department for Emergency Situations;
- the General Inspectorate for Emergency Situations;
- professional emergency services and voluntary emergency services;
- operational centers and intervention coordination and management centers;
- operational centers for emergencies;
- the commander of the operation.

Thus, **the National Committee for Emergency Situations**³³ is an inter-ministerial body operating under the direct leadership of the Prime Minister, in his capacity of President, assisted by three Vice-presidents - the Minister of Internal Affairs, the Minister of Public Administration and the Head of the Department for Emergency Situations.

The main tasks³⁴ of the National Committee target the coordination and management, at national level, of emergency situations; the approval of request/granting of international assistance in case of emergency situations with a particularly serious impact, according to the international commitments assumed by Romania, based on the proposal of the head of the Department for Emergency Situations; it proposes to the Government, through the Minister of Administration and Internal Affairs, instituting, by the President of Romania, of the "state of emergency" in the affected areas; it ensures the fulfillment of the specific attributions on the line of accomplishing in Romania the objectives of the international disaster reduction strategy.

The Ministerial Committees for Emergency Situations³⁵ are composed of the president - the minister/head of the central public institution and the members - who are decision-makers, experts and specialists from the ministry's own apparatus and from some institutions and units subordinated to it.

According to the law³⁶, The Ministerial Committees for Emergency Situations inform the National Committee with regard to states with potential of generating emergency situations and with regard to the imminence of their threat; they draw up regulations on the management of emergencies specific to the types of risk in the areas of competence; assess the emergencies produced in the areas of competence; propose the declaration of the state of alert or the institution of the state of emergency; analyze and approve their own plans to ensure the necessary resources for emergency management.

The County/the Bucharest Municipality Committees for Emergency Situations³⁷ have a president, a position always held by the prefect of the county where the committee is established, a vice-president - a position that belongs to the chief inspector of the County/Bucharest Municipality Emergency Situations Inspectorate with unitary coordination responsibilities of all components with responsibilities in carrying out the intervention and members - the president of the county council, heads of decentralized and communal household services and other managers of institutions and other managers of institutions and companies of county interest who perform support functions in managing emergencies, as well as managers of economic operators who constitute potential risk factors generators of emergency situations³⁸.

Both the County Committees and the Bucharest Municipality Committee for Emergency Situations have joint competences³⁹ involving the notification, through the Inspectorate General for Emergency Situations, of the National Committee of potential emergency situations and the imminent threat thereof; evaluating the emergency situations occurring in the administrative-territorial units,

³³ Government Emergency Ordinance no. 21/15.04.2004, art. 8¹ para. (1) and (2).

³⁴ Government Emergency Ordinance no. 21/15.04.2004, art. 20.

³⁵ Government Emergency Ordinance no. 21/15.04.2004, art. 9.

³⁶ Government Emergency Ordinance no. 21/15.04.2004, art. 21.

³⁷ Government Emergency Ordinance no. 21/15.04.2004, art. 10 and 11.

³⁸ For a comprehensive opinion, see Cristina Elena Popa Tache, *Defense or cooperation between states and international investors in times of crisis?*, in „Juridical Tribune-Tribuna Juridica”, Volume 11, Special Issue, October 2021, pp. 380-394.

³⁹ Government Emergency Ordinance no. 21/15.04.2004, art. 22 and 23.

establishing specific measures and actions for their management and following up the fulfillment process; analyzing and approving the county plans for ensuring the human, material and financial resources necessary for the management of emergency situations.

The Local Emergency Committees⁴⁰ operate under the authority of a president - the mayor of the municipality, of the city, of the Bucharest district or of the town assisted by the members appointed by art. 12 of the Government Emergency Ordinance no. 21/2004 on the National Emergency Management System, in this case, a deputy mayor, the secretary of the town, city, sector or municipality, as the case may be, and representatives of public services and those of the main institutions and economic operators from the respective administrative-territorial unit, as well as managers or heads of economic operators, of subsidiaries, branches or local units, which are potential risk factors generating emergencies.

The duties⁴¹ that are assigned by law to the Local Committees for Emergency Situations are: informing the county committee regarding states with potential of generating emergency situations and the imminence of their threat; assessing emergencies, establishing specific measures and actions for their management and implementation thereof; analyzing and approving the local plan for ensuring the human, material and financial resources necessary for the management of the emergency situation.

The Department for Emergency Situations⁴² (DSU) - an operational structure, without legal form, established within the Ministry of Internal Affairs (M.A.I) with permanent responsibilities of coordinating, at national level, the activities of civil protection, prevention and management of emergencies, insuring human, material, financial and other resources necessary for the restoration of the provisional state of normalcy, including qualified first aid and emergency medical care, within the emergency reception units and divisions, hereinafter referred to as UPU/CPU, and within SMURD structures and public ambulance services, until hospitalization or discharge from UPU/CPU.

The department coordinates the General Inspectorate for Emergency Situations, the General Aviation Inspectorate, except for public order missions, and operationally coordinates the county ambulance services, respectively the Bucharest-Ilfov Ambulance Service, UPU/CPU, the Salvamont (Mountain Rescue) and Salvaspeo (Cave Exploration Rescue) public services and canine search and rescue activities in the field of emergency situations⁴³.

The General Inspectorate for Emergency Situations⁴⁴ is a specialized structure subordinated to the Ministry of Internal Affairs, which ensures the unitary application of legislation in the fields of protection of life, of property and the environment against fires and disasters, as well as the implementation of civil protection measures and the management of emergency situations.

The National Center for Coordination and Management of Intervention⁴⁵ has as its main objective the integrated and uninterrupted coordination of the operative intervention in emergencies of great magnitude and intensity occurring or having an effect on the national territory. It is staffed by specialized personnel, appointed with decision-making power, from within the authorities with the main, secondary role and from within the ones who provide support functions.

The County Center for Coordination and Management of Intervention⁴⁶, ensures the integrated and uninterrupted coordination of the operative intervention in emergency situations of great magnitude and intensity occurring on or that have an effect on the territory of the county/the municipality of Bucharest. It is staffed by specialized personnel from the territorial structures subordinated to, under the authority or coordination of the responsible authorities, with primary and

⁴⁰ Government Emergency Ordinance no. 21/15.04.2004, art. 12.

⁴¹ Government Emergency Ordinance no. 21/15.04.2004, art. 24.

⁴² Government Emergency Ordinance no. 1/29.01.2014 on some measures in the field of emergency management, as well as for amending and supplementing the Government Emergency Ordinance no. 21/2004 on the National Emergency Management System, published in the Official Journal, Part I, no. 88/04.02.2014, art. 1.

⁴³ The National Disaster Risk Management Plan, the National Committee for Emergency Situations, Bucharest, 2020, p. 19. The document is available online at https://igsu.ro/Resources/COJ/ProgrameStrategii/pdf24_merged.pdf.

⁴⁴ Ibidem.

⁴⁵ Ibidem.

⁴⁶ Ibidem.

secondary role, as well as by experts and specialists from economic operators of local interest who provide support functions.

The commander of the operation⁴⁷ is responsible for the unitary coordination of the action of all forces involved in the intervention, being designated at national, county or Bucharest Municipality level, depending on the nature and severity of the event and the size of the categories of concentrated forces; the designation and competencies of the operation commander and the intervention commander are established by Government decision on the management of risk types

The commander shall be assisted by one or more intervention commanders situated at the scene of the exceptional event, by the task force and the advanced operational station, who shall assist him in carrying out the tasks.

4. Public authorities with a role in environmental protection in the event of natural disasters

The Law on Administrative Litigation defines *the public authority* as “any body of the state or of the administrative-territorial units that acts, under the regime of public power, in order to satisfy a legitimate public interest; legal entities under private law that, according to the law, have obtained the status of public utility or are authorized to provide a public service, under the regime of public power, are assimilated to public authorities”⁴⁸.

On the other hand, Law no. 500/2002 on public finances⁴⁹ introduces to the discussion the notion of *the public institution*, the latter being, a generic name that includes the Parliament, the Presidential Administration, the ministries, the other specialized bodies of the public administration, other public authorities, autonomous public institutions, as well as the institutions subordinated/coordinated thereto, financed from the budgets provided for in art. 1 para. (2)” of this normative act⁵⁰.

Analyzing the provisions of art. 2 para. (1) point 39 of Law no. 273/2006⁵¹ on local public finances we find that the normative act defines in its contents *the local public institutions* as being the "towns, cities, municipalities, districts of the Bucharest Municipality, counties, the Bucharest Municipality, the public institutions and the services subordinated to them, with legal form, regardless of how their activity is financed".

The three normative acts offer different criteria for defining the quality of public authority, they are neither similar nor exclusive⁵².

Thus, Law no. 500/2002 on public finances refers only to central public institutions, being an extensive norm that emphasizes the budgetary financing of the activities carried out by the public authority.⁵³

Law no. 554/2004 promotes a single criterion, namely the functional one, so in order to be part of the category of public authorities, the “state body”, the administrative-territorial unit and the legal private law entity must function under the regime of public power, in view of satisfying a legitimate public interest⁵⁴.

⁴⁷ Government Emergency Ordinance no. 21/15.04.2004, art. 16.

⁴⁸ Art. 2 para. (1) letter b) of the Law on administrative litigation no. 554/2004, published in the Official Journal, Part I, no. 1154 of December 7, 2004.

⁴⁹ Law no. 500/2002 on public finances, published in the Official Journal, Part I, no. 1154 of December 7, 2004.

⁵⁰ Law no. 500/2002 on public finances, published in the Official Journal, Part I, no. 1154 of December 7, 2004, art. 1 para. (2): the state budget; the state social security budget; the special funds budgets; the state treasury budget; the budgets of autonomous public institutions; the budgets of public institutions fully or partially financed from the state budget, the state social security budget and the budgets of special funds, as the case may be; the budgets of public institutions financed entirely from own revenues; the budget of the funds coming from external credits contracted or guaranteed by the state and the reimbursement, interests and other costs of which are ensured from public funds; the budget of non-reimbursable external funds.

⁵¹ Law no. 273/2006 on local public finances, published in the Official Journal, Part I, no. 618 of 18.07.2006.

⁵² Admission decision no. 28/2017 regarding the pronouncement of a preliminary decision for resolving a legal issue regarding the interpretation of art. 2 para. (1) letter b) of the Law on administrative litigation no. 554/2004, with subsequent amendments and completions, the High Court of Cassation and Justice - the Panel for resolving legal issues, published in the Official Journal no. 378 of 22 May 2017

⁵³ Ibidem.

⁵⁴ Ibidem.

The provisions of Law no. 273/2006 on local public finances refers strictly to local authorities, imposing conditions of functional subordination and the existence of legal form.

The law of litigation offers a wide range to analyze, the multitude of public authorities that would have competences in the field of disaster management being much too large to be the subject of a single article.

On the other hand, the previously cited norm within Law no. 273/2006 on local public finances covers a narrower range, in which case it should be noted that, although local public authorities have clearly defined duties for the echelon they represent, their exclusive description in this article would present a distorted picture with shortcomings of the national emergency management system.

In conclusion, I would like to mention that the purpose of the research, in this case, is strictly represented by the central public authorities with funding from the state budget, as defined in Law no. 500/2002 on public finances. It should also be noted that, although most ministries have responsibilities in the targeted field of research, a large part of them have minor and/or circumstantial/temporary responsibilities in the sense that I consider their inclusion in this article as being redundant.

Thus, by referring to the fundamental normative acts in the matter of preventing and combating natural hazards, I appreciate that the central public institutions, which play a pivotal role in the management of emergencies, are:

1. The Government⁵⁵, is the public authority of executive power, which operates on the basis of the vote of confidence granted by the Parliament, ensuring the realization of the internal and external policy of the country, exercising the general governing of the public administration. The government is competent to promote legislative initiatives received from the central public authorities for environmental protection as well as from the other interested central public authorities, which it submits for approval to the parliament⁵⁶.

According to the provisions of art. 22 of Law no. 481/2004 on civil protection⁵⁷ The Government, in order to prevent and reduce the risks of disasters, to protect the population, the property and the environment against the negative effects of emergencies, exercises the following responsibilities:

- a) approves the national strategy of civil protection and specific normative acts, according to competence;
- b) analyzes periodically and whenever the situation requires it, the civil protection activity;
- c) approves the national insurance plan with human, material and financial resources, for the management of emergency situations;
- d) proposes, according to the law, to the President of Romania, the establishment and cessation of the state of emergency in the affected areas;
- e) concludes international agreements in the field of civil protection;
- f) adopts decisions granting emergency aid and compensation to the affected natural persons and legal entities;
- g) approves the planning of international civil protection exercises and applications;
- h) requests, if necessary, international support;
- i) approves the granting of aid, at their request, to the states affected by disasters.

2. The Parliament⁵⁸, has as its main function the enactment of laws, either constitutional, organic or ordinary. At the same time, draft laws and legislative proposals for the ratification of treaties or other international agreements and of legislative measures resulting from the application of these treaties or agreements are submitted for debate and adoption to the Chamber of Deputies, as the first notified Chamber⁵⁹.

If the Parliament is notified of acts of flagrant violation of the rules of environmental

⁵⁵ Art.102 of the Romanian Constitution, revised, 1991. For a comment on this regulation see Săraru Cătălin-Silviu, *Drept administrativ. Probleme fundamentale ale dreptului public*, Ed. C.H. Beck, Bucharest, 2016, p. 602, 603.

⁵⁶ Marinescu Daniela, Petre Cristina Maria, "Tratat de dreptul mediului (Treaty on environmental law)", 5th edition, University Publishing House, Bucharest, 2015, pp. 682, 683.

⁵⁷ Law no. 481/2004 on civil protection, published in the Official Journal, Part I no. 554 of July 22, 2008.

⁵⁸ Art. 73 of the Romanian Constitution, revised, 1991.

⁵⁹ Art. 75 para. (1) of the Romanian Constitution, revised, 1991.

protection, it may set up parliamentary committees to analyze and order the necessary sanctions against those who are found guilty⁶⁰.

3. The Ministry of National Defense (M.A.P.N.), is the specialized body of the central public administration, subordinated to the Government, which conducts the activity in the field of national defense, according to the provisions of the law and the national security strategy, to guarantee the sovereignty, independence and unity of the state, the territorial integrity of the country and the constitutional democracy⁶¹.

M.A.P.N. is accountable to the Parliament, the Government and the Supreme Council of National Defense for the enforcement of the provisions of the Constitution, of other normative acts in force, of the decisions of the Government and the Supreme Council of National Defense, as well as those of the international treaties to which Romania is a party in its field of activity⁶².

Together with the armies of the other states, our army has embarked on an extensive modernization process, which involves, first of all, the materialization of international and domestic norms on environmental protection within the military system.

In the field of preventing and combating natural hazards, M.A.P.N plans and executes civil protection measures according to: its own organization and specific plans, joint plans established with other ministries⁶³ and the obligations established by the normative acts in force, as follows:

- participates and collaborates with the designated personnel from other ministries in the actions of limiting and removing the consequences of civil protection situations⁶⁴;

- is represented by the Civil Defense Command in the *Permanent Technical Secretariat of the Governmental Commission for Disaster Defense*⁶⁵, which operates under the General Secretariat of the Government. The operational center for notification, alarm and intervention of the Civil Defense Command within the M.A.P.N. is operationally subordinated to the Permanent Technical Secretariat and has main duties aimed at operatively carrying out data collection, on warning as well as transmission of decisions on measures for protection against disasters established by the Commission; maintaining the operative link with the central commissions specialized on types of disasters as well as with the other authorities of the central public administration; collaboration, in the field, with the county posts and with those of the Bucharest municipality for disaster notification and warning, organized by the civil defense general staffs, within the permanent technical secretariats of the county disaster defense commissions⁶⁶;

- fulfills its duties as a member of *the National Committee for Special Emergency Situations*, an inter-ministerial body, which is set up and operates under the leadership of the Deputy Prime Minister for National Security, within the national emergency management system⁶⁷;

- establishes, according to the provisions of the Regulation on the organizational structure, the attributions, operation and equipping of the committees and operative centers for emergency situations⁶⁸, by order of the relevant Minister, the *Committee and the Emergency Operations Center*⁶⁹. The operative centers with permanent activity organize and ensure the permanent technical secretariats of the respective ministerial committees;

- *participate in the defense against floods*, dangerous meteorological phenomena and

⁶⁰ Marinescu Daniela, Petre Cristina Maria, *op. cit.*, 2015, p. 682.

⁶¹ Law no. 346/2006 on the organization and functioning of the Ministry of National Defense, republished in the Official Journal, Part I no. 867 of November 2, 2017, art. 1 para. (1).

⁶² Law no. 346/2006, art. 3 para. (3).

⁶³ Law no. 481/2004 on civil protection, published in the Official Journal, Part I no. 554 of July 22, 2008, art. 22 para. (2).

⁶⁴ Law no. 481/2004, art. 59 para. (2).

⁶⁵ The Commission shall manage the organization, coordination and control of the activities of *the Integrated System for Observation, Measurement, Recording, Processing and Transmission of Data*, through the Technical Secretariat.

⁶⁶ Government Decision no. 635/18.08.1995 on the collection of information and the transmission of decisions in case of disaster protection, published in the Official Journal, Part I, no. 194/25.08.1995, art. 1-4.

⁶⁷ Government Decision no. 94/12.02.2014 on the collection of information and transmission of decisions in case of disaster protection, published in the Official Journal, Part I, no. 121/18.02.2014, art. 1.

⁶⁸ Framework Regulation/2004 on the organizational structure, tasks, operation and staffing of committees and operational centers for emergency situations, updated, approved by Government Decision no. 1491/2004, published in the Official Journal, Part I, no. 885/28.09.2004.

⁶⁹ It belongs to the category of institutions that establish permanent operational centers.

accidents in hydrotechnical constructions having the following attributions⁷⁰: ensure, through the county civil protection inspectorates, the transmission of forecasts, warnings and information regarding the occurrence of floods and dangerous meteorological phenomena to the local commissions and commands for disaster protection; participate with their own forces and means, in areas affected by floods, dangerous meteorological phenomena and accidents in hydrotechnical constructions, in intervention actions to limit and remove their effects, as well as in the evacuation of the population and endangered goods, according to defense plans; monitor and coordinate the implementation of population warning systems in localities and periodically checks their operation status; participate in the elaboration of population training programs, for protection and intervention in case of floods, dangerous meteorological phenomena and accidents at hydrotechnical constructions, conduct exercises and applications for training the population and economic agents in risk areas and verify the applicability of defense measures.

4. The Ministry of Internal Affairs⁷¹ (M.A.I) is the specialized body of the central public administration, with legal form, which exercises, according to the Constitution and the laws of the country, its attributions regarding the protection of fundamental human rights and freedoms, of public and private property, as well as civil protection and the management of emergency situations.

The Ministry of Internal Affairs has in its composition, as subordinate structures, two of the pivotal public institutions within the National Emergency Management System: the Department for Emergency Situations (D.S.U) and the General Inspectorate for Emergency Situations (I.G.S.U).

The Department for Emergency Situations⁷² is the basic operational structure of S.N.M.S.U., hierarchically subordinated to M.A.I., without legal form, having as main objectives:

- integrated coordination, at national level, of civil protection, prevention and emergency management activities;

- coordinates the evaluation of vocational training and continuing education in the field of emergency medical care and qualified first aid;

- manages vocational training and continuing education activities in the field of mountain rescue interventions and those in the speleological underground environment, as well as canine search-rescue activities in the field of emergency situations, in collaboration with specialized structures with responsibilities in the field.

- ensures the monitoring, operational control and inspection of the activity of the structures under its coordination or operational coordination, the implementation of projects with external financing in the field of emergencies, civil protection and civil-military cooperation;

- ensures, under the coordination of the Minister of Internal Affairs, public communication in the field of emergencies and disasters, according to the areas of competence of the structures under its coordination or operational coordination.

The head of the D.S.U., has the rank of Secretary of State and is appointed by decision of the Prime Minister. He coordinates IGSI and the General Aviation Inspectorate⁷³.

In turn, **the General Inspectorate for Emergency Situations⁷⁴** (I.G.S.U.) is a unified structure, created by reorganizing the Civil Protection Command and the General Inspectorate of the Military Fire Brigade within the Ministry of Administration and Internal Affairs, managed by an Inspector General, appointed by decision of the Prime Minister, at the proposal of the Minister of Internal Affairs.

⁷⁰ Government Decision no. 638/05.08.1999 on the approval of the Regulation on protection against floods, dangerous meteorological phenomena and accidents in hydrotechnical constructions and the Framework Norm for equipping with materials and means of operative protection against floods and frost, published in the Official Journal no. 385 of 13 August 1999.

⁷¹ Government Emergency Ordinance no. 30 of April 25, 2007, on the organization and operation of the Ministry of Internal Affairs, published in the Official Journal, Part I no. 309 of May 9, 2007.

⁷² Government Emergency Ordinance no. 1/29.01.2014 on some measures in the field of emergency management, as well as for amending and supplementing the Government Emergency Ordinance no. 21/2004 on the National Emergency Management System, published in the Official Journal, Part I, no. 88/04.02.2014, art. 1.

⁷³ Except for public order missions which are coordinated by the Secretary of State for Public Order.

⁷⁴ Government Emergency Ordinance no. 25/21.04.2004 for the amendment and completion of the Government Ordinance no. 88/2001 on the establishment, organization and operation of community public services for emergencies, published in the Official Journal, Part I, no. 391/03.05.2004.

The I.G.S.U. organizes the prevention inspection, the national operational center and other appropriate structures for the management of emergency situations, staffed with specialized personnel on types of risks, in communications, IT and public relations⁷⁵.

As part of the National Emergency Management System, the General Inspectorate for Emergency Situations has the following responsibilities⁷⁶:

- analyzes, evaluates and monitors the types of risk, makes forecasts on their evolution in order to identify states with the potential of generating emergency situations, while at the same time proposing measures to warn the population and prevent the situation from worsening;
- ensures the coordination of the unitary application, throughout the country, of measures and actions for the prevention and management of emergencies;
- ensures the operative information of the Minister of Administration and Internal Affairs and of the interested institutions on the states with potential of generating emergency situations or of the occurrence of emergency situations in the territory, through its own information system;
- coordinates the development of national disaster preparedness training programs;
- coordinates prevention and intervention activities carried out by professional community public services, as well as setting up task forces to coordinate and support emergency response in severely affected areas;
- transmits and monitors the implementation of the decisions of the National Committee;
- ensures the information of the population through the media about the imminent threat or occurrence of emergencies, as well as about the measures taken to limit or eliminate their effects;
- ensures the technical and specialized coordination of the operational centers and operative centers and ensures the permanent maintenance of the information flow with them;
- cooperates with the specialized bodies at international level, based on the conventions to which the Romanian state is a party, and follows the observance of these conventions in the field of emergency situations;
- approves and proposes to the National Committee, for approval, the intervention, cooperation or technical assistance plans with other structures or international organizations, in order to improve the management of emergency situations;
- sets up and manages the emergency database and makes available to the institutions interested the data and information required for the resolution of emergencies;
- endorses the regulations on the management of emergency situations specific to the types of risk, drawn up by the ministerial committees, and submits them for approval;
- provides specialized technical assistance to central and local public authorities on emergency management;
- proposes to the Minister of Administration and Internal Affairs the participation with forces and means in removing the effects of emergencies outside the country, according to the treaties, agreements and international accords to which Romania is a party;
- coordinates the planning of resources needed to manage emergencies at national level;
- prepares reports and other documents for informing the National Committee, the Prime Minister, the Supreme Council of National Defense, the President of Romania and the specialized committees of the Parliament;
- cooperates with the other state bodies empowered in the management of the state of emergency, state of siege or other exceptional states;
- functions as a national point of contact in relations with international governmental and non-governmental bodies and organizations with responsibilities in the field of emergencies;
- draws up the Framework Regulation on the organization, duties, operation and staffing of committees, operational centers and operative centers for emergencies;
- informs the Board of the Ministry of Internal Affairs on the activity carried out;
- fulfills any other attributions established by the National Committee or by the Prime Minister

⁷⁵ Government Emergency Ordinance no. 21/15.04.2004 on the National Emergency Management System, published in the Official Journal, Part I, no. 361/26.04.2004, art. 13, para. (2).

⁷⁶ Ibidem, art. 25.

regarding the management of emergency situations and by its own organization and operation regulation.

5. The Ministry of Environment, Waters and Forests⁷⁷ (M.M.A.P.) is a central public authority, with legal form, which carries out its activity subordinated to the Government. The main areas of activity related to its scope are: strategic planning, sustainable development, green economy, environmental infrastructure, ecological resilience, meteorology, climate change, protection, conservation and enhancement of natural capital, protected natural areas, biodiversity, biosecurity, protection of citizens against environmental risks, circular economy and waste management, management of potentially contaminated and contaminated sites, management of hazardous substances and products, assessment and management of air quality and ambient noise, industrial pollution control and risk management, atmosphere protection, forest fund and hunting grounds management, water management, safety of hydrotechnical, hydrology, hydrogeology constructions and facilities, protection, conservation and restoration of natural capital in the field of waters and forests, etc.

In the exercise of its duties, M.M.A.P. collaborates with the other ministries and specialized bodies subordinated to the Government, with the local public administration authorities, with other institutions and authorities, as well as with any other legal entities⁷⁸.

At the level of the ministry, the priority is, as it results from the act of establishment - environmental protection, subsidiarily, through the normative acts that regulate its activity and the public policies and strategies that it promotes, M.M.A.P. actively contributes to the prevention of natural disasters.

As for the component of active counteraction of the effects of natural hazards, it is carried out through the duties designated by M.M.A.P. within the regulatory package for disaster prevention and control, as follows:

- it is a member of the *Permanent Technical Secretariat of the Governmental Disaster Defense Commission*, which functions under the General Secretariat of the Government;

- performs its duties as a member of *the National Committee for Special Emergency Situations*;

- constitutes within its own apparatus, according to the provisions of the *Regulation on the organizational structure, the duties, operation and equipping of the committees and operative centers for emergency situations*⁷⁹, by order of the relevant Minister, the *Committee and the Emergency Operations Center*⁸⁰;

- manages and coordinates at national level the activities of protection against floods, dangerous meteorological phenomena and accidents at hydrotechnical constructions through the *Central Commission for Defense against floods, dangerous meteorological phenomena and accidents at hydrotechnical constructions*. Central Flood Defense Commission cooperates on an ongoing basis with and reports to the Government Disaster Defense Commission in the event of disasters⁸¹. At the same time, the commission establishes, through regulations approved by the Central Commission for flood protection, the organization and operation, the structure, the specific attributions and the equipping of the county commissions, respectively those of the Bucharest municipality, for disaster protection⁸²;

- in the field of protection against floods and dangerous meteorological phenomena⁸³, M.M.A.P.:

⁷⁷ Government Decision no. 43/16.01.2020 on the organization and operation of the Ministry of Environment, Waters and Forests, published in the Official Journal, Part I, no. 55/28.01.2020.

⁷⁸ Government Decision no. 43/16.01.2020, art. 1.

⁷⁹ Framework Regulation/2004 on the organizational structure, responsibilities, operation and equipping of committees and operational centers for emergency situations, updated, approved by Government Decision no. 1491/2004, published in the Official Journal, Part I, no. 885/28.09.2004.

⁸⁰ It belongs to the category of institutions that establish permanent operational centers.

⁸¹ Government Decision no. 638/05.08.1999 on the approval of the Regulation on protection against floods, dangerous meteorological phenomena and accidents in hydrotechnical constructions and the Framework Norm for equipping with materials and means of operative protection against floods and frost, published in the Official Journal no. 385 of August 13, 1999, art. 8.

⁸² Ibidem, art. 10.

⁸³ Ibidem, art. 50.

- a) elaborates the national defense strategy against floods, dangerous meteorological phenomena and accidents at hydrotechnical constructions;
- b) makes, annually, proposals for ensuring from the state budget the financial means necessary to cover the expenses for the constitution of the stock of materials and means of defense, for the defense actions against floods, dangerous meteorological phenomena and accidents at hydrotechnical constructions in the field of water management, as well as for the execution of new works with a role of protection against floods and the restoration of some works affected by calamities;
- c) coordinates and pursues the realization in a unitary conception of the hydrotechnical works with defense role;
- d) coordinates, at national level, the activity of defense against floods, dangerous meteorological phenomena and accidents at the hydrotechnical constructions and follows the manner of informing with hydrological and meteorological data and with forecasts of the interested factors;
- e) initiates the elaboration or modification of normative acts in the field of protection against floods, dangerous meteorological phenomena and accidents at hydrotechnical constructions, as well as regulations in their implementation. Controls the way in which the legal provisions and regulations in this field are observed;
- f) cooperates with the specialized bodies on an international level, based on the conventions to which the Romanian state is a party, regarding the protection against floods, dangerous meteorological phenomena and accidents at hydrotechnical constructions;
- g) verifies, annually, the technical and operational state of the flood protection works, together with the units that have in administration these works, establishing the measures and works necessary to increase the degree of safety in their operation;
- h) verifies the accomplishment of the repair and maintenance works of the hydrotechnical constructions with role of protection against floods, of the maintenance works of the watercourses to ensure their drainage capacity, of the bridges, footbridges and other works that may influence the water flow, ordering mandatory measures for units that have these objectives in place;
- i) ensures the operating conditions of the Central Commission for Flood Defense and its Permanent Technical Secretariat.

5. Conclusions

The image and credibility of the public administration in Romania have been in a "state of siege" lately and the national institutions with responsibilities in the field of natural disaster management have carried the burden in our attempt to overcome the pandemic.

Normative acts with applicability in the field of emergencies, regardless of the level of hierarchy, contain action procedures, protocols for managing various emergencies, which largely reflect the situations currently found in the field.

Regarding the management of the COVID-19 pandemic, we must keep in mind that, although the legal basis and the pandemic management protocol exist within our legislation and have been applied, when we in fact facing such a situation, changing the legislation is inevitable and even becomes the material expression of the timeliness that socio-economic and environmental factors imprint on the legislative process, in other words, legal norms develop and improve rapidly when we face crisis situations and beyond any speculations that may arise from the media area, this process is not the result of a system's inability make predictions but a natural evolution, based on the interaction of multiple factors.⁸⁴

The advantage of evaluating, in 2021, the way in which the National Emergency Management System can manage a hazard, is represented by the last two years in which we fought the COVID-19 pandemic, thus, I dare say that at national level, this situation has been coordinated as efficiently as

⁸⁴ See Cristina Elena Popa Tache, *How can be affected international investment by the reaction of states during crises?*, in Sónia de Carvalho, Anton Petričević (editors), *Building an Adapted Business Law (Contributions to the 11th International Conference Perspectives of Business Law in the Third Millennium, November 19, 2021, Bucharest)*, Adjuris – International Academic Publisher, 2022, pp. 12- 27.

in most European countries.

The intervention of the Romanian firefighters, during this year, at the wild fires in Greece, proves that the regulations, protocols and specific legislation that serve this public institution are functional and up-to-date; but, as in any other field, there is room for better.

The pandemic and any other major disasters we will inevitably face in the future will substantially change the way we manage emergencies and it is necessary to act so that the legislation of public institutions perfectly reflects these new realities.

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