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SUSTAINABLE TOURISM LEGISLATION BETWEEN ENVIRONMENTAL PROTECTION AND ECONOMIC DEVELOPMENT

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Abstract: ***:*** *This paper aims to examinate the national legislative framework governing sustainable tourism, highlighting the need to balance economic development with environmental protection. It also explores the legal obligations of tourism operators, the role of environmental regulations and the challenges associated with their implementation in accommodation establishments. This research aims to highlight the importance of legislation in promoting responsible and competitive tourism that is oriented towards the long-term conservation of natural resources.*

• Introduction

Contemporary tourism is emerging as one of the most dynamic sectors of the global economy, acting as a key catalyst for regional development, heritage preservation, and the generation of revenue at both local and national levels[6]. However, the rapid and often uncontrolled expansion of tourism activities exerts direct ecological pressure on natural ecosystems through the overexploitation of resources, habitat fragmentation, a substantial carbon footprint, and the generation of significant volumes of waste. In this context, reconciling the economic profitability of tourism operators with the imperative of environmental protection goes beyond the scope of an ethical choice or corporate social responsibility, becoming a fundamental legal requirement integrated into the paradigm of sustainable development[1].

• Material and methods

This research adopts a qualitative approach based on legal and comparative analysis, structured around a rigorous examination of legislative sources and operational implementation mechanisms in the sustainable tourism sector. The study employs several complementary research methods.

• Results and discussions

1. The Asymmetrical Reconciliation Between Economic Freedom and Environmental Principles (Constitution and Government Emergency Ordinance No. 195/2005)

At the core of the legal analysis lies the inherent tension between the guarantee of economic freedom and the right to private initiative, as stipulated in Article 45 of the Constitution of Romania, republished, and the corresponding obligation to ensure the protection of the constitutional right to a healthy and ecologically balanced environment, as established in Article 35. This dichotomy finds its regulatory mechanisms in the mandatory provisions established by Government Emergency Ordinance No. 195/2005 on Environmental Protection, approved with amendments by Law No. 265/2006[2].

2. The Dysfunctionality of Tourism Classification Criteria and the Lack of Sustainability Incentives (Government Ordinance No. 58/1998)

An examination of Government Ordinance No. 58/1998 on the Organisation and Conduct of Tourism Activities in Romania, approved with amendments by Law No. 755/2001, and the Methodological Norms for the Classification of Tourist Accommodation Establishments (Order No. 65/2013, as subsequently amended) reveals an outdated conception of service quality in the hospitality sector[3].

3. Operational Constraints in Waste Management and Challenges Associated with the Deposit-Return System (Law No. 212/2024 and Government Decision No. 1074/2021)

In accommodation and food service establishments, waste generation represents one of the most immediate sources of environmental impact.

The general legal framework established by Law No. 212/2024, supplemented by Government Emergency Ordinance No. 92/2021 on the Waste Regime, imposes strict obligations regarding the separate collection at source of at least four waste fractions (paper/cardboard, plastic/metal, glass, and residual waste), as well as the separate management of biodegradable waste[5].

4. The Wastewater Treatment Infrastructure Crisis (Water Law No. 107/1996)

According to Water Law No. 107/1996, as subsequently amended and supplemented, every tourist establishment is required to ensure that wastewater is discharged without polluting groundwater or surface watercourses. Possession of a water management permit and compliance with the pollutant concentration limits for discharged wastewater, established by the technical standards NTPA-001 and NTPA-002, are mandatory[4].

5. The Incompatibility Between Tourism Pressure and Conservation Requirements in Protected Natural Areas (Government Emergency Ordinance No. 57/2007)

In the case of tourist accommodation establishments and recreational infrastructure located within or near protected natural areas and Natura 2000 sites, the legal framework is governed by the strict provisions of Government Emergency Ordinance No. 57/2007 on the Regime of Protected Natural Areas, the Conservation of Natural Habitats, and the Preservation of Wild Flora and Fauna, approved by Law No. 49/2011. This legislative act transposes the European Union’s Habitats Directive (92/43/EEC) and Birds Directive (2009/147/EC).[5].

• Conclusions

The research undertaken demonstrates that the relationship between environmental protection legislation and tourism development in Romania is not characterised by an irreconcilable ontological contradiction, but rather by a profound crisis of institutional, operational, and methodological coordination. Although the national regulatory framework is extensive and formally harmonised with the EU acquis and international treaties, its practical effectiveness remains limited by the gap between abstract legal requirements and the realities faced by the hospitality industry.

• REFERENCES

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