# ROMANIAN LEGISLATION BASED ON THE EU GREEN DEAL STRATEGY

# Cristina-Matilda VĂNOAGĂ\*

**Abstract.** The present paper presents some of the latest Romanian legal provisions to support the European Green Deal objectives and the adoption of the "Fit for 55" package. Our paper presents some of the latest Romanian legislative initiatives and programs as part of the joint European effort to make Europe the first green continent. Thus, we briefly discuss The National Integrated Energy and Climate Change Plan 2021-2030, Emergency Ordinance 71/2021 on the promotion of non-polluting road transport vehicles, in support of low-emission mobility, Rabla Plus Program 2024, Emergency Ordinance 108/2022 regarding the decarbonisation of the energy sector, the proposed **National Hydrogen Strategy** and presents the modifications to the Law 220/2008.

**Keywords:** European Green Deal, legislation, Romania, Fit for 55, energy, sustainability.

#### Introduction

Establishing strict energy efficiency standards for new construction and promoting sustainable, ecological transport through sustainable mobility projects is essential to combat climate change. The European Green Deal emerged in this context in response to one of the most significant challenges of our generation. As pollution and ecosystem degradation increased following rapid industrialisation in the 20th century, scientific studies began to highlight the devastating effects of pollutant emissions on the environment and human life, culminating in global agreements such as the 2015 Paris Agreement, which aims at the progressive reduction of emissions and the achievement of climate neutrality. (European Commission, 2019)

The European Climate Law, adopted in June 2021, makes climate neutrality by 2050 a legal obligation for the European Union. This provides, in addition to the longterm objective, an intermediate target requiring the reduction of net greenhouse gas emissions, compared to 1990, by at least 55% by 2030. These targets represent the EU's contribution to the goals of the Paris Agreement. Energy, industry, transport, and agriculture are targeted as critical areas. EU Regulation 2020/852 is a crucial Green Deal pillar. It establishes the sustainability criteria for economic activities and defines the economic impact on the environment. It also encourages sustainable investments by granting facilities and incentives. Sustainable economic activities reflect the achievement of the main environmental objectives, such as emissions reduction, adaptation to climate change, the protection of water and marine resources, the emergence of a circular

<sup>\*</sup> PhD Lecturer, "1 Decembrie 1918" University of Alba Iulia, PhD in International Relations and European Studies, "Babes-Bolyai" University of Cluj-Napoca; email: cristina.vanoaga@uab.ro

economy, pollution control, and the restoration of biodiversity. (European Commission, 2021)

#### The Package "Fit for 55"

A package of proposals, adopted in 2021, "Fit for 55", includes several projects aimed at covering the following sectors: EU Emissions Trading System (ETS) reform; a new EU system for trading emission certificates for construction and road transport fuels; the Social Fund for Climate; Effort Sharing Regulation; Regulation on Land Use, Forestry and Agriculture (LULUCF); CO2 emission standards for cars and vans; Carbon Border Adjustment Mechanism (CBAM); Renewable Energy Directive; Energy Efficiency Directive; Alternative Fuels Infrastructure Regulation (AFIR); RefuelEU Aviation Regulation, FuelEU Maritime Regulation. The "Fit for 55" legislative package was completed in 2023 by the revised Renewable Energy Directive and the RefuelEU Regulation in aviation. The first directive establishes a renewable energy target for 2030, a minimum of 42.5% from the current target of 32%. Europe should reach a 45% share of energy from renewable sources by 2030. The second directive regards the rules for promoting sustainable aviation fuels - SAF.

The EU establishes clear, legally binding climate targets for all vital economic sectors. The EU sets a price on CO2 emissions and introduces a yearly cap for emissions in sectors such as transport, shipping and heating fuels. This cap brings financial responsibility to polluters and ensures revenue for the Member States, ensuring funds for the green transition. A carbon border adjustment is set to ensure that the imported products also pay a carbon price. This adjustment and the EU's emissions trading system reduce the risk of businesses moving production outside Europe, where the environmental standards may be more permissive.

Moreover, the allocation of 86 billion EUR through the Social Climate Fund, with an amount of 65 billion EUR from the EU budget, is meant to assist the most vulnerable categories of citizens and businesses in the process of transitioning toward a sustainable economy on green principles.

Energy efficiency will improve by 11.7% until 2030, especially in the public sector, aiming for a yearly saving target of 1.9% and focusing on improving energy efficiency with priority among people affected by energy poverty. Another objective is the elimination of polluting vehicles by 2035. The new vehicles registered in Europe will have zero emissions by the targeted term. Also, in the interim phase, the average emissions of new cars will have to decrease by 55% by 2030 and those of new vans by 50% by 2030. In addition, implementing electric recharging and hydrogen refuelling infrastructure along European roads is mandatory, along with using alternative fuels in land, sea and air transport.

The energy efficiency of buildings is another priority area within "Fit for 55". The reduction of energy consumption is regulated by the proposal of a Directive on energy efficiency as part of the package that will impose on member states a progressive increase in the annual energy-saving targets required for heating the buildings. The public sector in each member state will have to renovate a minimum of 3% of its buildings to high energy efficiency standards. Increasing the energy efficiency of old buildings is also an important objective which, through the cumulative effect of stopping energy waste (it is about millions of homes targeted, at the level of the entire EU), will generate a vital economy and, implicitly, a consistent reduction of greenhouse gas emissions.

Stricter protection of EU forests is a distinct objective of "Fit for 55". Protecting and restoring forests through massive reforestation programs, restoring soils, and protecting wetlands and biospheres are other directions of action promoted by the "Fit for 55" package. The focus will be forest conservation measures and transparency in managing logging and reforestation programs. It is also intended to increase the green area per inhabitant.

#### Romanian measures and legislation according to the European Green Deal

Romania is part of the "Fit for 55" Package as a Member State. It has the obligation of implementing it by making sure that the national legislation is up to the package's standards.

To support the European Green Deal strategy and the "Fit for 55" Program, Romania adopted **The National Integrated Energy and Climate Change Plan 2021-2030**. It outlines the following targets for 2030: Emissions Trading System (ETS) -43.9% compared to 2005, non-ETS -2% compared to 2005, the overall share of renewable energy in gross final energy consumption 30.7%, the share of renewable energy in the electricity sector 49.4%, the share of renewable energy in the transport sector (SRE-T) 14.2%, the share of renewable energy in the heating and cooling sector (SRE-H&C) 33.0%, primary energy consumption -45.1%, final energy consumption -40.4%, primary energy consumption (Mtoe) 32.3 and final energy consumption (Mtoe) 25.7. (Guvernul României, 2023)

Additionally, the European Commission recommended that Romania increase its ambition level for 2030 to at least 34% renewable energy. As a result, Romania has recalculated its target to 30.7%, up from the initially calculated 27.9%. This way, national macroeconomic forecasts align with those in the "Ageing Report: Economic and Budgetary Projections for the 28 EU Member States (2016-2070)."

Although ambitious, the plan has some significant gaps, according to an analysis by the Energy Policy Group (EPG), a non-profit, independent think-tank specialising in energy and climate policy, market analytics and energy strategy. EGD signalled: a lack of detailed implementation plans and specific sectoral measures; the inadequacy of the use of renewable energy in industry and buildings; insufficient details on the decarbonisation of the transport sector; failure to fully comply with the requirements of the Energy Efficiency Directive (EED) and the objectives of the Renewable Energy Directive (RED III); a lack of ambition in long-term renovation strategies and global emissions reductions; the absence of plans to reduce gas consumption and improve energy storage; a lack of concrete measures to support research and innovation in the field of renewable energy technology and adaptation to climate change. (Energy Policy Group, 2024)

Along with the National Integrated Energy and Climate Change Plan 2021-2030, a series of other recent Romanian actions may be mentioned. We present the following part of the Romanian legislative measure supporting the EGD desiderate.

In 2022, the Romanian Govern issued Emergency Ordinance 71/2021 on the promotion of non-polluting road transport vehicles, in support of low-emission mobility (OU 71/2021). In the context of the European Green Deal, boosting the market for clean, energy-efficient road transport vehicles in support of low-emission mobility is gaining ground and influencing the market for mass-produced standardised vehicles such as cars, buses, coaches and trucks, ensuring a level of demand for clean and energy-

efficient road transport vehicles high enough to encourage manufacturers and industry to invest in and develop low-energy, low-CO2 and other vehicles pollutants. (OU 71/2021)

By the provisions of Directive (EU) 2019/1161, the objective of which is to increase the degree of spread of non-polluting vehicles on the market in public procurement procedures and, therefore, to contribute to the reduction of CO2 emissions in the road transport sector, as well as competitiveness and economic growth, the Ordinance contains distinct provisions regarding the object and the targeted objectives, the scope of application, the allowed exemptions, the definition of specialised terms and expressions, the establishment of minimum targets regarding public procurement, as well as regarding reporting and the revision compared to the provisions in the matter previously regulated at the level of national legislation. (OU 71/2021)

The Ordinance provides for the regulation of obligations for contracting authorities and contracting entities to take into account the energy and environmental impact during their lifetime, including energy consumption, CO2 emissions and certain pollutants, when purchasing certain road transport vehicles; promoting and stimulating the market for clean and energy-efficient vehicles and improving the contribution of the transport sector to the Union's environment, climate and energy policies; establishes the obligation to comply with the ordinance provisions for all purchase, leasing, rental or instalment purchase contracts of road transport vehicles, awarded by contracting authorities or contracting entities; regulates the categories of vehicles subject to the emergency ordinance, by the provisions of Directive (EU) 2019/1161; aims to set minimum targets for purchases of clean vehicles. (OU 71/2021)

The main socioeconomic impact of the normative act refers to the market introduction of clean, energy-efficient vehicles in support of low-emission mobility. The purchase of non-polluting and energy-efficient road transport vehicles allows municipalities to demonstrate a responsible attitude towards the environment and ensure a healthier living environment for citizens. At the same time, by reducing other pollutants, the use of non-polluting road transport vehicles contributes to increasing the quality of life and improving the population's health. The use of non-polluting, energy-efficient road transport vehicles in support of low-emission mobility is likely to improve air quality in urban areas and contribute to the reduction of CO2 emissions in order to meet the EU's shared objective of achieving climate neutrality by 2050.

As a support for the purchases of energy-clean vehicles, **the Rabla Plus Program** was introduced. As part of the program, the applicant benefits from an ecoticket when purchasing a new vehicle in exchange for renouncing at least one used vehicle for scrapping. A maximum of two used vehicles can be handed over for scrapping.

The amount of the eco-ticket, regardless of the number of used vehicles handed over for scrapping, is 25,500 lei for the purchase of a new purely electric vehicle or a new vehicle with a hydrogen fuel cell, excluding motorcycles; 13,000 lei for the purchase of a new hybrid electric vehicle, excluding the motorcycle, which generates a maximum of 80 g CO\_2/km in the WLTP system; 13,000 lei for the purchase of an electric motorcycle. The eco-ticket is granted for purchasing an electric vehicle whose value does not exceed the sum of 70,000 euros, including VAT. Public institutions and administrative-territorial units benefit from an eco-ticket for 120,000 lei when purchasing a new vehicle without being obliged to hand over a used vehicle for scrapping.

In 2022, the Romanian Government issued the **Emergency Ordinance 108/2022** regarding the decarbonisation of the energy sector (OU 108/2022). The emergency

ordinance establishes measures for the coordination and implementation of the decarbonisation process through the establishment of the Interministerial Coal Committee, the Advisory Committee and the Working Group for the coordination and monitoring of the implementation of the measures established by the draft normative act, as well as the possibility of restarting closed energy groups, by the decision of the Government of Romania and at the proposal of the Ministry of Energy, in a situation of energy crisis and in correlation with the measures included in the emergency plans related to the energy sector. (OU 108/2022)

The normative act establishes the legal framework for closing and preserving energy groups based on lignite and coal; closure of lignite quarries and coal mines; support measures for closure and preservation of lignite-based electricity production capacities and coal; support measures for the closure of lignite quarries and coal mines; the measures to mitigate the social consequences of the closure and conservation of electricity production capacities on the base of lignite and coal and related quarries and mines; sources of financing of state aid measures; measures for the coordination and implementation of the process of decarbonisation. (OU 108/2022)

From a socioeconomic point of view, the Ordinance reduces costs, balances the BVC of the economic operators involved, and reduces the cessation of the subsidies granted from the state budget to the mining sector within the coal-based electricityproducing companies. As a result of the restriction of electricity production activities based on coal and extracting the necessary lignite and oil, the number of staff was reduced through retirement and collective dismissals. Part of the laid-off staff could be absorbed by securing the holdings mining and land greening. Staff redundancies due to closure and conservation energy groups operating on lignite, coal, quarries, and related mines impact the employment rate of the force of work and the unemployment rate. The impact cannot be quantified as an essential part of the staff laid off will be re-framed for mining operations and land greening safety activities. By supporting and promoting alternative activities to mining, by supporting local economic operators in diversifying offers of goods and services, by creating a stable environment and predictably, by promoting entrepreneurship and encouragement of entrepreneurial initiatives, by creating a favourable ecosystem investment and, implicitly, by increasing the attractiveness of localities for investors and job creation can be estimated a positive impact.

In 2023, the Ministry of Energy has put into public debate a draft of the **National Hydrogen Strategy**, with implementation until 2030. According to the document, hydrogen can be a substitute for fossil fuels used today, such as steel, fertilisers, and cement, or it can be used as an energy storage option. Hydrogen from renewable sources will be necessary, obtained by water electrolysis. (Ministerul Energiei, 2023)

Through the PNRR, Romania allocated 148 million euros for 100 MW of electrolysis capacity provided for companies interested in developing renewable hydrogen production capacities. Several economic sectors (chemicals, refining processes, steel production, etc.) could reduce carbon emissions by up to 70-95% through renewable hydrogen. (Ministerul Energiei, 2023)

Hydrogen is used in the Romanian industry, but it is not the so-called "clean hydrogen"; its production processes produce carbon dioxide emissions. Most hydrogen is produced by steam reforming of methane, catalytic reforming and, to a lesser extent, by electrolysis of water consumed in the industrial processes required for production. Obtaining hydrogen by catalytic reforming and steam reforming methane produces carbon dioxide emissions. In Romania, there are no industrial facilities to capture these emissions. (Ministerul Energiei, 2023)

The project under public consultation shows that to decarbonise, the production of grey hydrogen should be replaced by renewable hydrogen and, to a lesser extent, hydrogen with a reduced carbon footprint. Renewable hydrogen is produced by electrolysis of water, using electricity from renewable sources, so any renewable energy source could be used: wind, solar, hydro, biomass and biogas. (Ministerul Energiei, 2023)

Biomass power plants, regardless of technology (direct combustion, conversion to biogas, or other technology, e.g. pyrolysis), represent a non-variable source of energy (band production, unlike wind and solar) but in significantly smaller volumes and at a cost environment in real terms (LCOE) much higher than that of wind and solar plants. Thus, hydrogen produced by water electrolysis from biomass electricity would contain an uncompetitive cost component, and the resulting volumes would be shallow, making hydrogen transportation and distribution inefficient. The production of renewable hydrogen using biomass electricity harms the environment, especially on "carbon sinks" and biodiversity. (Ministerul Energiei, 2023)

The biogas resulting from different raw materials (residual sludge, food or biological waste, etc.) is a "green", clean gas, which can be improved by purifying CO2 and other residues, becoming biomethane. Thus, biogas, especially biomethane, can be considered a complementary energy source to hydrogen with a low carbon footprint, with its role in decarbonising the national energy mix. Moreover, the technical characteristics of biomethane do not differ from those of "natural" methane so that it can be used directly in domestic or industrial consumption. It can be mixed with methane, contributing to the reduction of the carbon footprint. (Ministerul Energiei, 2023)

Using hydrogen produced from energy from variable renewable sources (solar or wind) on an industrial scale will create the need to develop substantial hydrogen storage capacity. Although it involves considerable investment costs, this offers an efficient way of storing renewable energy and avoids the congestion of the electricity transmission network, which is currently one of the factors slowing down the development rate of the production capacity of energy from renewable sources in Romania. (Ministerul Energiei, 2023)

The National Hydrogen Strategy, although published after a series of delays, proposes an approach correlated with the decarbonisation objectives of the Romanian economy. The National Hydrogen strategy must promote the efficient use of this resource.

In the field of renewable energy, the Romanian legislation includes several normative acts:

Last but not least, the **Law no. 220 of October 27, 2008** (Legea 220/ 2008) for establishing the system to promote energy production from renewable energy sources was updated per the EGD coals. Its consolidated form include modifications according to the following normative acts: GD no. 1535/2003 regarding the approval of the Strategy for capitalising on renewable energy sources; GD no. 750/2008 Regional state aid scheme regarding the exploitation of renewable energy resources; Law no. 220/2008 for the establishment of the promotion system for energy production from renewable energy sources; OG no. 29/2010 regarding the amendment and completion of Law no. 220/2008 for the establishment of the system for the promotion of energy production from renewable energy sources; Law no. 139/2010 regarding the amendment and completion of Law no. 220/2008 for the establishment of the establishment of the system for the promotion of energy production from renewable energy sources; Law no. 139/2010 regarding the amendment and completion of Law no. 220/2008 for the establishment of the establishment of the system for the promotion of energy production from renewable energy sources; Law no. 139/2010 regarding the amendment and completion of Law no. 220/2008 for the establishment of the establishment of the system for the promotion of energy production from renewable energy sources; Law no. 139/2010 regarding the amendment and completion of Law no. 220/2008 for the establishment of the system for the promotion of energy production form renewable energy sources; Law no. 139/2010 regarding the amendment and completion of energy production from renewable energy sources; Law no. 139/2010 regarding the amendment and completion of Law no. 220/2008 for the establishment of the system for the promotion of energy production form the promotion of energy production form the promotion of energy sources; Law no. 220/2008 for the establishment of the system for the promotion of energy production form the promotion of energy production form th

production from renewable energy sources; GEO no. 88/2011 regarding the amendment and completion of Law no. 220/2008 for the establishment of the system for the promotion of energy production from renewable energy sources; Law no. 134/2012 for the approval of GEO no. 88/2011 regarding the amendment and completion of Law no. 220/2008 for the establishment of the system for the promotion of energy production from renewable energy sources; GEO no. 57/2013 regarding the amendment and completion of Law no. 220/2008 for the establishment of the system for the promotion of energy production from renewable energy sources; GEO no. 79/2013 regarding the amendment and completion of the Land Improvements Law no. 138/2004, for completing GEO no. 82/2011 regarding some measures to organise the activity of land improvements, as well as for the amendment of letter e) of paragraph (6) of article 3 of Law no. 220/2008 for the establishment of the promotion system for energy production from renewable energy sources; GD no. 994/2013 regarding the approval of measures to reduce the number of green certificates in the situations provided for in art. 6 para. (2) lit. a), c) and f) from Law no. 220/2008 for the establishment of the system for the promotion of energy production from renewable energy sources; Law no. 23/2014 for the approval of the Government Emergency Ordinance no. 57/2013 regarding the amendment and completion of Law no. 220/2008 for the establishment of the system for the promotion of energy production from renewable energy sources; Law no. 122/2015 for the approval of some measures in the field of promoting the production of electricity from renewable energy sources and regarding the modification and completion of some normative acts. Unfortunately, the GD no. 1535/2003 regarding the approval of the Strategy for capitalising on renewable energy sources; GD no. 750/2008 Regional state aid scheme regarding the exploitation of renewable energy resources; Law no. 220/2008 for the establishment of the promotion system for energy production from renewable energy sources; OG no. 29/2010 regarding the amendment and completion of Law no. 220/2008 for the establishment of the system for the promotion of energy production from renewable energy sources; Law no. 139/2010 regarding the amendment and completion of Law no. 220/2008 for the establishment of the system for the promotion of energy production from renewable energy sources; GEO no. 88/2011 regarding the amendment and completion of Law no. 220/2008 for the establishment of the system for the promotion of energy production from renewable energy sources; Law no. 134/2012 for the approval of GEO no. 88/2011 regarding the amendment and completion of Law no. 220/2008 for the establishment of the system for the promotion of energy production from renewable energy sources; GEO no. 57/2013 regarding the amendment and completion of Law no. 220/2008 for the establishment of the system for the promotion of energy production from renewable energy sources; GEO no. 79/2013 regarding the amendment and completion of the Land Improvements Law no. 138/2004, for completing GEO no. 82/2011 regarding some measures to organise the activity of land improvements, as well as for the amendment of letter e) of paragraph (6) of article 3 of Law no. 220/2008 for the establishment of the promotion system for energy production from renewable energy sources; GD no. 994/2013 regarding the approval of measures to reduce the number of green certificates in the situations provided for in art. 6 para. (2) lit. a), c) and f) from Law no. 220/2008 for the establishment of the system for the promotion of energy production from renewable energy sources; Law no. 23/2014 for the approval of the Government Emergency Ordinance no. 57/2013 regarding the amendment and completion of Law no. 220/2008 for the establishment of the system for the promotion of energy production from renewable energy sources; Law no. 122/2015 for the approval

of some measures in the field of promoting the production of electricity from renewable energy sources and regarding the modification and completion of some normative acts. Unfortunately, despite the entire history of modifications, the Ministry of Energy's official website does not offer the public the consolidated form of the Law for renewable energy, directing them to a scan with the form from 2010. (Ministerul Energiei, 2024)

### Conclusions

As part of the EU family, Romania understands the challenges of climate change. It respects the legally binding EU normative, adapting the national legislation to correspond to the objectives of the "Fit for 55" package. In its path toward a green future, Romania has not just obligations in regard to the EU green goals but also the EU support, as the CE shows: "Thanks to the adoption of its Territorial Just Transition Plan (TJTP), Romania will receive  $\notin 2.14$  billion from the Just Transition Fund (JTF) to support a just climate transition to a more attractive and greener economy". (European Commission, 2022).

Romania clearly takes concrete actions and harmonises the legislation, together with a series of plans dedicated to EGD-related goals. Still, during our research, we did not find a thematic centralised situation of all the legislative measures in the field. Due to its importance, such a measure will be welcomed by each citizen interested in the change brought about by the EGD policies. (Ciot, 2021: 1-2)

On the other hand, we observe that the majority of changes in the legislation in this direction are established through Emergency ordinances of Government directives, which denote a lack of initiative at a parliamentary level or a lack of good practices in initiating and adopting green legislation. The new national and, at the same time, European green goals deserve more coherent legislation and increased interest among the Romanian legislators.

Another question that arises is the continuity of the measures in the new legislative mandate following the elections for the Romanian Parliament in December 2024. The PE elections in Romania did not highlight an increased interest of the candidates in discussing the EGD, due to the juxtaposition of PE elections with the local administration ones, generating an electoral discourse focused more on local issues than European ones. The new Parliament members will have to find the legislative means to ensure Romania's compliance with the European EGD objectives and to ensure its support among citizens not only by highlighting its importance but also by ensuring a centralised, structured and updated access to all the programs and norms in the field, together with the opportunities offered by the EU in overcoming any difficulty in the process of transitioning towards a green Europe.

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