

**Government Decision No. 738 from 14th of July 2005
regarding the organization and functioning
of the National Sanitary Veterinary and Food Safety Authority and its subordinated units**

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Having regard of art. 108 from the Constitution of Romania, republished, and Article 56 paragraph (1) of Government Ordinance no. 42/2004 regarding the organization of sanitary veterinary and food safety activity, approved by Law no. 215/2004, with subsequent amendments,

The Government of Romania has adopted this Decision.

Article 1. – (1) The National Sanitary Veterinary and for Food Safety Authority, hereinafter the Authority, is organized and operates as specialty organ of central public administration, with juridical personality, as a state regulating authority in the sanitary veterinary and food safety field, subordinated to the Government and coordinated by the Minister of Agriculture, Forests and Rural Development.

(2) The Authority's headquarters are in Negustori Street no. 1B, sector 2.

(3) The Authority is represented at county level by the county sanitary veterinary and food safety divisions and in zonal level by zonal sanitary veterinary circumscriptions and sanitary veterinary and food safety circumscriptions.

Article 2. – For the achievement of the objectives in its field of activity, the Authority has the following functions:

a) strategy - to elaborate, according to the Government policy and international course, the strategy for assuring the animal health, the public health, animal protection, environment protection and food safety;

b) regulation - to ensure, according to the adopted strategy, the accomplishment of the juridical framework and to develop the specific regulations in the sanitary veterinary and food safety field;

c) administration of the subordinated structures, to ensure the coordination and administration of the state's services in the sanitary veterinary and food safety field;

d) representation – to ensure in the name of the State or the Romanian Government, the representation at internal and external level in its field of activity;

e) state authority – to ensure the surveillance and control of the application and conformation to the legislation in its field of activity.

Article 3. – (1) In order to apply the functions referred to in Article 2, the Authority has the following main attributions:

A. In the veterinary field:

a) to organize the public sanitary veterinary activities on the entire territory, following a unitary conception, to ensure the animal health, the public health, animal protection, environment protection and food safety;

b) to lead the state sanitary veterinary services and to set up the organization and the necessities of financing for those;

c) to elaborate sanitary veterinary norms, approved by order of the president of the Authority, for the veterinary sanitary services domains of competence, unique and compulsory for all the natural or legal persons;

d) to set the general responsibilities of the veterinarians;

e) to set the rights and obligations of the official veterinarians;

- f) to set the rights and obligations of the free practice veterinarians, empowered for performing certain public sanitary veterinary activities;
- g) to participate to the development or the approval of the inter-governmental conventions and agreements regarding the cooperation in the sanitary veterinary field;
- h) along with the Health Ministry is responsible for organizing and applying the necessary measures for preventing and combating the diseases common to humans and animals, as well as for food safety;
- i) to organize, coordinate, administrate and control the activity regarding the identification and registration of animals;
- j) to organize, coordinate, administrate and control the activity the activity of border inspection points;
- k) to organize and ensure the functioning of the national sanitary veterinary informatics system and to connect this system to the Community informatic veterinary system;
- l) to develop regulations for organizing and functioning of state's sanitary veterinary services and to set the attributions and responsibilities of those;
- m) to organize and lease, through the sanitary veterinary and food safety county directions, the public sanitary veterinary activities of national interest, and to control their accomplishment by the empowered free practice veterinarians;
- n) to establish sanitary veterinary requirements for: the internal and international announcement, declaration, notification of any disease or illness suspicion; the production, commercialization, holding and use of thyreostatic, hormonal beta-antagonistic products of any similar product in order to administer it to food producing animal; the surveillance and the monitoring of certain products and residues to living animals, animal products and by-products intended to human consumption; the zoonosis surveillance, prevention and control; the production, testing, authorization, prescription, use, import, trade, transit and export of medicine feed, feed additives and concentrated feed for pets; sanitary veterinary inspections and controls; the organization and the functioning of border inspection points as well as the procedures of performing these inspections and controls; the production, testing, authorization, storage, transport, commercialization, use, import, transit, export and trade with feed, feed material, pre-mixes, zooforts, feed additives, complete feed, additional feed, combined feed, other types of materials and products used in animals feed and nutrition; the production, testing, authorization, storage, transport, commercialization, use, import, transit, export and trade with medicinal veterinary products;
- o) to ensure the surveillance and control regarding the compliance with the general requirements in food industry, by imposing specific measures in order to minimize and eliminate the incidence of diseases transmitted from animals to humans;
- p) to develop national programs in sanitary veterinary field, approved by order of the president of the Authority;
- q) to control the application of the sanitary veterinary norms;
- r) any other attributions set by normative acts in the sanitary veterinary field.

B. In food safety field:

- a) to coordinate the elaboration and the implementing of food safety strategy and legislation;
- b) to elaborate food safety norms, approved by the Authority President's order, and, if necessary, together with involved authorities, approved by common orders;
- c) to promote and coordinate the performing of the unitary methodologies for risk evaluation in the field of food safety;
- d) to perform the risk evaluation and to establish the necessary measures when a major problem which might affect people's health and consumers' interests appears;

e) to coordinate the activity of good practice codes elaboration and other similar materials;

f) to coordinate methodologically the surveillance and control activity concerning food safety, from the raw material production to the food distribution to the consumer;

g) to ensure the coordination of the elaboration and application of the government policies in the food safety and biotechnology field;

h) to coordinate the specialists' identification in order to participate in the activities of Codex Alimentarius and national and international organizations in its field of competence;

i) to coordinate the specialists' identification in order to participate to national and international organisms and organizations actions in the field of food standardization, safety and quality;

j) to coordinate the control activity in food safety and quality, consistent with the existing system in EU countries;

k) to coordinate methodologically the food control, testing and expert appraisal activity, from the raw material production to the distribution to the consumer;

l) to perform and capitalize the own database by collecting, classifying, correlating, archiving and disseminating the information regarding the monitoring of authorizations and licenses concerning food safety, issued by public authorities competent in this field, the monitoring of the surveillance and control actions results regarding food safety, as well as the legislative frame in this field, statistic data, data concerning the research – development process;

m) to coordinate the continuous training activity of the personnel involved in the food safety field;

n) to provide scientific opinions and technical assistance in its activity field;

o) to represent the national contact point and the coordinator at national level of the Rapid Alert System – SRA;

p) to organize a permanent contact point based on a “hot-line”, emergency phone from which any natural or legal person might obtain objective information and where this person might present legal contests in the food safety field;

q) to assume any other attributions in food safety field, as well as in regulating the food and biotechnology field;

r) to supervise and monitor, from food safety point of view, the economic agents with activities in food industry;

s) to participate, along with other involved institutions, in standardization, graduation and classification of agro-food products;

t) to be the contact point and to be in permanent contact with the authorities for food safety constituted at national and international level;

u) to elaborate and promote legal acts for sanitary veterinary and food safety field and to participate in promoting the regulations in food quality field;

v) to elaborate national programs in food safety field, along with other involved institutions;

x) to carry out, in food safety field, the attributions set by specific legislation.

(2) The Authority provides the harmonization of the national legal framework with the European Union regulations in sanitary veterinary and food safety field.

(3) The Authority elaborates and promotes normative acts in sanitary veterinary and food safety field.

(4) The Authority makes the necessary steps in order to obtain community finances for certain sanitary veterinary and food safety activities, especially for the implementation of community legislation.

(5) The Authority may contract consulting services in information technology and communication, public relations, promoting campaigns in its specific field of activity.

(6) The Authority publishes informative papers and other specialty publications in limit of budgetary resources.

(7) The Authority, by the specialists from its structure, designated by President's order, coordinates the necessary measures in emergency situations in sanitary veterinary and food safety field and, where necessary, consults other involved institutions.

(8) In exerting its attributions, the Authority collaborates with ministries, specialized central bodies of Government sub-ordination, as well as with other authorities of the central public administration and interested bodies.

Article 4. – (1) The Authority is led by a president, ranked as a secretary of state, helped by 2 vice-presidents, ranked as sub-secretary of state, named by Prime-Minister's decision for a 5 years mandate.

(2) The vice-presidents have the attributions delegated by the President of the Authority. Their responsibilities and attributions are set by order of the Authority's President.

(3) The President of the Authority issues orders and instructions. Those acts are published in Official Monitor of Romania, Part I.

(4) The President of the Authority is primary credit coordinator.

(5) The Authority has a general secretary, high public servant, named by Prime-Minister's decision, after a contest organized according to the law.

(6) The general secretary has the attributions set by Law 90/2001 regarding the organization and functioning of the ministries and the Romanian Government, and other attributions set by order of the president of the Authority.

(7) The President leads the Authority and the subordinated units, designates and releases the personnel of the Authority and the board of subordinated units, according to the law.

(8) The President represents the Authority in relation with the ministers, the public administration authorities and other public authorities and institutions, natural or legal persons inside the country or abroad, as well as in justice. The President participates in Government meetings with veterinary and food safety subject.

Article 5. - The organization of the Authority is mentioned in Annex 1. By order of the President, offices, services, and compartments can be organized in the general directorates and directorates.

(1) The maximum number of posts in the own system of the Authority is 313, including the statesmen and the President's Office.

(2) The personnel from the Authority and the county sanitary veterinary and for food safety directions are public servants and contracted personnel.

(3) Payment of the Authority's personnel is made according to the law applicable to the public servants and contracted personnel in public central administration.

(4) The attributions and responsibilities of general directorates, directorates, offices, compartments and structures from the Authority and the internal circuit of the documents are set by internal organizing and functioning regulation, approved by order of the President.

Article 6. - As a coordinator of the sanitary veterinary and food safety field, the minister of agriculture, forests and rural development has the following attributions:

a) analyses periodical activity reports in the coordinated field and takes the necessary measures;

b) supervises the projects of normative acts initiated by the Authority and coordinates the policies in the sanitary veterinary and food safety field;

c) monitors the measures taken for the implementation of the obligations assumed in the European integration process in the sanitary veterinary and food safety field;

d) approves the maximum number of posts in the Authority's structure;

e) approves the organizational structure of the Authority.

Article 7. - The units subordinated to the Authority and the maximum number of posts are mentioned in Annex 2.

(2) The county sanitary veterinary and food safety directions, and Bucharest direction respectively, are led by a veterinary Executive Director, supported by Assistant Executive Directors, those in number established respecting the provisions of paragraph (4) of Article XVI of Title III of Book II of Law 161/2003 laying down certain measures to ensure the transparency in exerting public dignities, public functions and business environment, preventing and sanctioning the corruption, with subsequent amendments.

(3) The veterinary institutes are led by a director, supported by two assistant directors.

(4) The redimensioning of county sanitary veterinary assistance circumscriptions is made regarding the complexity of activity and the number of animals, on the proposal of the general director of the Authority's Sanitary Veterinary General Directorate, by President's order.

(5) The number of posts, the organizational structure, the functions and the regulation of organization and functioning for the subordinated units are approved by President's order.

(6) The payment of the county and Bucharest sanitary veterinary and food safety directions personnel is made according to the rules applicable to personnel from deconcentrated public services of the ministries, and the payment of the central veterinary institutes personnel is made according to the rules applicable to budgetary units personnel.

Article 8. - In the Authority functions the Scientific Council and the Consultative Council.

Article 9. - (1) The Scientific Council consists of least 7 recognized personalities in the Authority's field of competence.

(2) The members and the regulation of organization and functioning are set out by President's order.

(3) The Scientific Council meets trimestrially or whenever is necessary for the examination of certain issues in sanitary veterinary and food safety field and reports the scientific opinions on the request of the Authority.

(4) The Scientific Council can be consulted by the Authority, regarding the elaboration of normative acts in its field of activity.

(5) The Members of the Scientific Council benefits of a participation fee of maximum 20% of the Authority President's gross fee.

Article 10. - (1) The Consultative Council consists of representatives of ministries, other authorities of the competent public administration in sanitary veterinary and food safety field and civil society.

(2) The Consultative Council is led by the President of the Authority.

(3) The Consultative Council meets periodically, on the request of the President.

(4) The Consultative Council has attributions in setting priorities concerning the requests of scientific consultations for the identification, evaluation and risk management and the crisis situations.

(5) The members and the regulation of organization and functioning of the Consultative Council are set out by President's order, on the proposal of ministries and the civil society representatives.

(6) The Consultative Council meets for the examination and debating of certain issues in sanitary veterinary and food safety field and reports the consultative advices on the request of the Authority.

Article 11. - In the Authority's Food Safety General Directorate is functioning the Operational secretariat for Codex Alimentarius; the members and the attributions are set by President's order.

Article 12. - The Authority carries out its tasks, transparently and makes available to the public the scientific advices, the activity reports and other documents of public interest, according to the law.

Article 13. - The Authority ensures the access to its own documents and takes measures in order to make information available and accessible to the interested parts, in its field of competence, according to the law.

Article 14. – (1) The Rapid Alert System for the notification of direct or indirect risks regarding animal health, public health, animal protection, environment protection and food safety, is organized in a network formed by Health Ministry, Ministry of Agriculture, Forests and Rural Development, National Consumers Protection Authority and the National Sanitary Veterinary and Food Safety Authority.

(2) The Authority is the national contact point and the national coordinator of Rapid Alert System and Codex Alimentarius.

Article 15. – (1) The financing of current and capital expenses of the Authority and the subordinated units, mentioned in Annex 2, are ensured from own incomes and subsidies from the state budget.

(2) In order to achieve its role and attributions, the Authority may benefit of consultancy and technical support from abroad, as well as training and perfecting programs of the personnel, within the available funds, according to the legislation.

Article 16. – (1) The Authority is endowed with a number of 17 vehicles for persons of its own structure transportation, with a monthly fuel consumption established according to the legislation in force and 6 auto-laboratories with a monthly fuel consumption established according to paragraph (2).

(2) The subordinated units, referred to in Annex 2, may use for the specific activities a number of auto-vehicles, according to Annex 3, with a fuel consumption established according to the legislation in force for personal transportation, the auto-laboratories having an unnormed fuel consumption.

(3) Tulcea County Sanitary Veterinary and Food Safety Division has, in addition, a riverine auto-laboratory, with unnormed fuel consumption.

Article 17. - In exercising the attributions, the empowered personnel of the Authority may put under sanitary veterinary sequestration the non-conform foodstuffs, may confiscate, destroy or incinerate the foodstuffs improper for human consumption, may dispose the slaughter of animals, according to the law, in conformity with the sanitary veterinary and food safety requirements.

Article 18. - Standard contracts for performing certain public sanitary veterinary activities, signed by the county and Bucharest Sanitary Veterinary and Food Safety directions with the empowered free practice veterinaries shall be approved by order of the Authority's President.

Article 19. - The payment of compensations mentioned in Article 26 paragraphs (6) and (7) from Government Ordinance no. 42/2004 regarding the organization of sanitary-veterinary and food safety activity, approved by Law no. 215/2004, with subsequent amendments, is made from the state's budget, through the budget of Ministry of Agriculture, Forests and Rural Development, the title "Transfers".

Article 20. - The contracts for services for applying the auricular marks, and other sanitary veterinary services are made in accordance with the legal acts regarding the public acquisitions.

Article 21. - The words “veterinarians with attributions of inspector of Sanitary Veterinary Police” from the legislation in force are replaced by “inspector of veterinary and food safety authority”.

Article 22. - Annexes 1-3 are part of this decision.

Article 23. – On the date this decision enters in force, the Government Decision no. 308/2004 regarding the organization and functioning of the National Sanitary Veterinary and Food Safety Authority and its subordinated units, published in the Official Monitor of Romania, part I no 243 from 19th of March 2005, with subsequent amendments, is repealed.

Annex 2

Units subordinated to the National Sanitary Veterinary and Food Safety Authority

Public institutions financed from subventions granted from state’s budget and own incomes:

I) Units with legal person;

- 1) Diagnosis and Animal Health Institute;
- 2) Control of the Biological Products and Veterinary Use Drugs Institute;
- 3) Hygiene and Public Veterinary Health Institute;
- 4) County Sanitary Veterinary and Food Safety Directions, including veterinary state’s laboratory.

II) Units without legal person:

- 1) zonal sanitary veterinary circumscriptions;
- 2) sanitary veterinary and food safety circumscriptions;

Note:

The maximum number of posts for these units is 3.688.