

ROMANIA

22 June 1992

Decree on Importation of Hazardous Wastes

92BA1206A Bucharest MONITORUL OFICIAL in Romanian 22 Jun 92 pp 1-4

["Decision No. 340 Regarding the Importation of Wastes and Residues of Any Nature, as Well as the Importation of Other Items That Are Dangerous to the Health of the Population and to the Environment"]

[Text] The Romanian Government decrees:

Article 1. The importation into Romania of wastes and residues of any nature, in unprocessed or processed condition, is forbidden.

In the sense of the present decree, wastes and residues of any nature are understood to be technical residues of any nature, products and materials with expired dates of guarantee, physically worn products that have no utilization value, as well as household waste.

Article 2. Excepted from the provisions of Article 1 are certain categories of waste: ores, ferrous and nonferrous metals, as well as other wastes to be processed by importers in existing production facilities so as to obtain raw and useful materials, as long as the transportation, storage, and processing of this waste does not present toxic or ecologic risks.

The waste categories excepted from the provisions of Paragraph 1 are stipulated in Appendix 1.

Appendix 1 can be revised at the recommendation of interested ministries, with the approval of the Ministry of the Environment, and through government decision.

Article 3. The wastes mentioned in Article 2 are imported on the basis of importation licenses that are issued only with the approval of the Ministry of the Environment and the Ministry of Health.

Importation licenses are required to contain an importer's statement made on his own responsibility, specifying the name of the product to be brought into the country, with the express indication "wastes of"

Article 4. In contracting, packaging, loading, and shipping the categories of wastes stipulated in Article 2, importers are required to assure that they fully correspond to the characteristics of the documentation presented to the Ministry of the Environment and the Ministry of Health, in order to obtain the approval stipulated in Article 3, Paragraph 1.

At the same time, importers are required to obtain conformance statements from authorized organizations in the country of origin, certificates attesting that these products do not present toxic and ecologic risks, as well as approvals from the customs organizations of the exporter's country.

Article 5. In transportation contracts, importers are required to stipulate that the existence of international transportation documents as well as of the documents specified in Article 4, be

verified at loading time.

Transportation documents, including those stipulated in Article 4, will accompany the shipment throughout the transportation process.

Customs agents will allow transportation facilities loaded with such products to enter Romania only if they are shown an importation license with the written approval of Ministry of the Environment and Ministry of Health, as well as the documents stipulated in Article 4.

In the absence of any of these documents, the transportation facilities in question will not be allowed to enter Romanian territory.

Article 6. Products which are dangerous to the health of the population and to the environment, as stipulated in Appendix 2, will be imported only on the basis documents and approvals established through legal provisions for each group of products on the basis of quality certificates issued by authorized organizations in the country of origin, appended to the conformance statements, as well as on the period of guarantee of validity, as the case may be.

In the absence of any of these documents, customs agents will not allow the products to enter Romanian territory.

Article 7. Transportation facilities for products which on the basis of the documents stipulated in Articles 4, 5, and 6 of the present decision fulfill the conditions for entering Romania, will be directed to customs units within the country for customs processing.

At the request of customs agents and together with them, customs inspections will be conducted with the participation of specialists from the National Commission for Standards, Metrology, and Quality, the Ministry of the Environment, the Ministry of Health, the Ministry of Agriculture and Food, as well as of other ministries and central agencies of public administration, as the case may be.

Article 8. Transportation facilities which raise suspicions regarding the products they contain at the time they cross the border, will be inspected at the border according to the provisions of Article 7 Paragraph 2.

Article 9. When inspections disclose violations of legal provisions, all costs resulting from product verification, expert evaluation, and return, will be borne by the importers or transporters, as the case may be.

Article 10. In implementing the present decision, the Ministry of the Economy and Finance, the General Customs Directorate, the National Commission for Standards, Metrology, and Quality, the Ministry of the Environment, the Ministry of Health, the Ministry of Industry, the Ministry of Agriculture and Food, the Ministry of Commerce and Tourism, as well as other ministries and central agencies of public administration, will jointly formulate within 30 days from the adoption of the present decision, procedural regulations specifying the functions they will exercise, and will assure the training of specialized personnel.

Article 11. Within 30 days from the publication of the present decision in MONITORUL OFICIAL AL ROMANIEI, importers of the products stipulated in Appendix 1 are required to obtain approvals from the Ministry of the Environment and the Ministry of Health, and to apply for reconfirmation of importation licenses.

Article 12. Failure to respect the importation regulations covered in the present decision will result in civil or penal responsibility, as the case may be, for the guilty persons.

Article 13. The following acts are contraventions, if they are not infractions according to penal law, and are penalized with fines of 250,000 to 1,000,000 lei:

- a) Failure to enter in the importer's documentation complete data about the exact characteristics and name of the products to be imported;
- b) Failure on the part of importers to take the measures necessary to assure that in contracting, packaging, loading, and shipping, the products stipulated in Appendices 1 and 2 fully correspond to the characteristics specified in the documents approving the importation;
- c) Failure on the part of importers to compel transporters to verify at loading time the existence of international transportation documents as well as of the certificates stipulated by the present decision;
- d) Violation on the part of transporters, of the obligations stipulated in Article 5;
- e) Permission on the part of custom agents to bring into Romanian territory transportation facilities loaded with products stipulated in Articles 2 and 6, in the absence of any one of the documents required by the present decision;
- f) Failure to respect reconfirmation deadlines for importation licenses and to obtaining approvals from the Ministry of the Environment and the Ministry of Health.

Article 14. The contraventions stipulated in Article 13 letters a), b), c), d), and f) are ascertained, and fines collected, by custom agents, police officers and non-commissioned officers, as well as by specifically empowered personnel in the Ministry of the Environment, the Ministry of Health, National Commission for Standards, Metrology, and Quality, and the Ministry of Commerce and Tourism.

The contravention stipulated in Article 13 letter e) is ascertained, and fines collected, by police officers and non-commissioned officers.

Appeals against contravention reports can be made within 15 days from the date they are communicated.

Appeals, together with a copy of the contravention report are filed with the organization of the person who issued the report, which then forwards it for solution to the court in whose territorial area the contravention was committed.

Article 15. The provisions of Law No. 32/1968 Regarding Establishment of and Penalties for Contraventions, apply to the contraventions stipulated in the present decision.

Article 16. In particular cases beyond the responsibilities stipulated in Articles 12 and 13, the Ministry of Commerce and Tourism, at the recommendation of the Ministry of the Environment, is authorized to refuse to issue importation licenses to economic units for a period of 2 to 10 years, or as the case may be, to rescind approvals that have already been granted according to law, for conducting foreign trade operations.

Article 17. Agencies of the Ministry of the Interior and of the Financial Guard are required to provide support to the inspection agencies stipulated in article 7, at their request and during the exercise of their functions.

Article 18. Any provisions to the contrary cease to be applicable on the date the present decision comes into force.

- Prime Minister Theodor Stolojan
- Minister of the Environment, Marcian Bleahu
- Minister of Commerce and Tourism, Constantin Fota
- Minister of the Economy and Finance, George Danielescu
- Minister of Justice, Mircea Ionescu-Quintus
- Minister of the Interior, Victor Babiuc
- Minister of Industry, Dan Constantinescu
- Minister of Agriculture and Food, Petru Marculescu
- Minister of Health, Mircea Maiorescu

Bucharest, 20 June 1992, No. 340

Appendix 1.

Categories of Usable Waste

Conditionally Accepted for Importation

1. Steel scrap (old iron)
2. Scrap cast iron (old cast iron)
3. Scrap copper
4. Scrap brass
5. Scrap bronze
6. Scrap lead
7. Scrap zinc
8. Scrap aluminum
9. Hard metal scrap

10. Precious metal scrap
11. Uncolored and opaque glass chips
12. Waste paper and cardboard
13. Clean cotton and wool-mill waste containing 100-percent natural fiber
14. Clean waste from cotton and wool knitting plants

Comments:

- a) The presence of the products named in Appendix 1 to the document formulated during Session II of OECD on 17-20 September 1991, regarding the importation of dangerous chemical products, is forbidden in wastes.
- b) The presence of organic substances (plastic materials, oils, and so on) is not allowed in waste categories 1-11.
- c) Importation licenses are issued only to the economic units indicated by specific ministries to the Ministry of Commerce and Tourism.

Appendix 2. Categories of Products Dangerous to the Health of the Population and to the Environment, in Order of Customs Code

Product Category, Generic Name	Customs Code (to . . . from, inclusive)
1. Various products of animal origin	05.01-05.11
2. Lacquers, resins, and vegetal extracts	13.01-13.02
3. Glycerin, pure or not pure; lye washes and glycerin waters	15.20
4. Coal, solid fuels, pest, coke	27.01-27.04
5. Tars, oils, vaseline, paraffin, bitumen	27.06-27.15
6. Inorganic chemical products and organic and inorganic compounds	28.01-28.11
7. Halogen or sulfur compounds containing met- alloids	28.12-28.13
8. Inorganic bases and oxides, hydroxides, and peroxides	28.14-28.25
9. Salts and peroxide salts of inorganic compounds	28.26-28.42
10. Various inorganic compounds	28.43-28.51
11. Hydrocarbons and their derivatives	29.01-29.04
12. Alcohols and their derivatives	29.05-29.06
13. Phenols and their derivatives	29.07-29.08
14. Ethers, epoxies, acetals	29.09-29.11

15. Aldehyde compounds	29.12-29.13
16. Compounds with ketone functions	29.14
17. Carboxylic acids, halogenated compounds, peroxides, and peroxide acids	29.15-29.20
18. Nitrogen compounds	29.21-29.29
19. Organic-inorganic compounds, heterocyclic compounds	29.30-29.35
20. Vitamins and hormones n1	29.36-29.37
21. Heterogeneous compounds and alkaloids	29.38-29.39
22. Other organic compounds	29.40-29.42
23. Pharmaceutical products n1	30.01-30.06
24. Fertilizers	31.01-31.05
25. Tanning extracts, dyes, pigments, paints, putties, and caulks	32.01-32.15
26. Essential oils, perfume and cosmetic products and preparations<1>	33.01-33.07
27. Soaps, washing preparations, lubricants n1	34.01-34.07
28. Albumen-based substances, starch, enzymes	35.01-35.07
29. Miscellaneous flammable material items	36.06
30. Photographic chemical preparations	37.07
31. Oils, essences, resins, tars	38.03-38.07
32. Pesticides n1	38.08
33. Miscellaneous chemical industry products	38.09-38.23
34. Resin-based plastic materials and plastic material items	39.01-39.26
35. Raw leather	41.01-41.03
36. Raw furs	43.01
37. Various sprays	96.19

n1 In accordance with the list of products approved by the Ministry of Health and the Ministry of Agriculture and Food, based on prevailing legal regulations.

Note: Products such as these can be imported only by economic units approved by their specific ministries.