

GOVERNMENT ORDINANCE no. 42/2004
regarding the organization of the sanitary-veterinary and food safety activity

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On the basis of Art. 108 from the Romanian Constitution, republished, and Art. 1 point III.1 of Law no. 559/2003 regarding the Government ability to issue ordinances,

The Romanian Government adopted this ordinance.

CHAPTER I
GENERAL PROVISIONS

Art. 1. - The protection of animal health, the protection of animals, the prevention of transmitting diseases from animals to humans, the safety of foods of animal origin intended for human consumption, the sanitation of feedstuffs for animals and the protection of the environment, relevant to the breeding of animals, is a state matter and represents a permanent duty for all the citizens of the country.

Art. 2. – The physical and juridical persons who own or take care of live animals or germinating material of animal origin, those that produce, store, collect, transport, process, intermediate, place on the market, import, export or sell live animals or germinating material of animal origin, products and by-products of animal origin, veterinary medicinal products, waste, by-products of animal origin not intended for human consumption or pathogen agents of animal origin, products and materials used in animal nutrition or other materials and products that can influence the health status of animals, are responsible for applying and respecting exactly the provisions of the sanitary-veterinary legislation, in order to assure and guarantee the animal health, public health, animal protection, environmental protection and food safety.

Art. 3. – The state supports the activity of defending the animal health, of surveillance, prevention and control of the diseases that can be transmitted from animals to humans by assuring the legislative and institutional background, the financial allocations, the techno-material basis for carrying out in best conditions the activities in the sanitary-veterinary field.

CHAPTER II
ORGANIZING AND FUNCTIONING
OF THE SANITARY-VETERINARY SERVICES

Art. 4. – Sanitary-veterinary and food safety services are organised and function as unique veterinary system and are structured as follows:

- a) state or public sanitary-veterinary and food safety services;
- b) free practice sanitary-veterinary activities;

Art. 5. – State sanitary-veterinary services are organised in a unitary conception with a pyramidal system of the command chain based on a territorial principle, as distinct and autonomous sector, with the following structure:

a) National Sanitary Veterinary and Food Safety Authority, named the Authority, the central sanitary-veterinary and food safety authority that coordinates technically and administratively the activity of sanitary-veterinary and food safety services, organises and controls the performing of public sanitary-veterinary and food safety activities;

b) the veterinary institutes, as the reference authorities at national level for the competence fields specific to these ones, with legal personality, subordinated to the Authority;

c) County and Bucharest Sanitary-Veterinary and Food Safety Directions, as county and Bucharest sanitary-veterinary and food safety authorities, with legal personality, subordinated to the Authority, established through the reorganization of county and Bucharest Sanitary-Veterinary Directions, former public decentralised services subordinated to the Ministry of Agriculture, Forests and Rural Development;

d) territorial sanitary-veterinary circumscriptions and sanitary-veterinary and food safety circumscriptions, without legal personality, organised within the structure of the county and Bucharest Sanitary-Veterinary and Food Safety Directions;

e) the border inspection posts, without legal personality, organised in the structure of the Authority.

Art. 6. – (1) The Authority is established through the reorganization of the Romanian Food Safety Agency and the National Sanitary Veterinary Agency from the Ministry of Agriculture, Forests and Rural Development, as well as some services functioning in the structure of the Ministry of Agriculture, Forests and Rural Development.

(2) The units functioning as subordinated institutions to the Authority are mentioned in Annex no. 2.

(3) The Authority takes over the rights, the obligations, the competences, the personnel and the financial resources of the National Sanitary Veterinary Agency and the Romanian Food Safety Agency.

Art. 6¹. – (1) The Authority functions as a specialised organ of the central public administration, in the coordination of the Agriculture, Forests and Rural Development minister.

(2) The financing of the Authority is assured from own revenue and state budget allocations.

Art. 6². – The Authority has the following goals:

a) the protection of animal health, the animal protection, the prevention of transmitting diseases from animals to humans, the safety of foods of animal origin intended for human consumption, the sanitation of feedstuffs for animals and the protection of the environment, relevant to the breeding, identification and registration of animals;

b) the achievement of food safety, from the production of raw materials to the distribution of food to the consumer;

Art. 6³. – The Authority has the following attributions:

a) organises the state sanitary-veterinary services and establishes the financial necessities of these;

b) organizes the public sanitary-veterinary activities for the entire Romanian territory, following a unitary conception, in order to assure the animal health, public health, animal protection, environmental protection and food safety;

c) establishes the functions and responsibilities of the state sanitary-veterinary services;

d) elaborates and promotes, together with other concerned authorities, the legal framework in food safety and quality;

e) participates in standardisation, grading and qualification activities for food products;

f) organises the activity of food safety and quality, in collaboration with other concerned authorities, within the competency limits;

g) achieves, in collaboration with other concerned authorities, the analysis, management and risk communication system in food safety and quality field;

h) issues scientific notice and provides technical and scientific assistance regarding the national and community legislation in the fields with direct and indirect influence on food and feed safety. It provides independent informations regarding all the problems in this field and communicates the risks;

i) contributes to the achievement of a high level of protection for human life and health, with respect to the animal health and welfare, plant health and environment protection;

j) collects and analyses data to allow the characterization and monitoring of risks with direct or indirect influence on food and feed safety;

k) provides scientific consultancy and technical and scientific assistance regarding human nutrition, with respect to national and community legislation, issues scientific notice regarding the animal health and welfare and plant health problems, as well as scientific notice regarding products, other than food and feed for animals, with respect to genetically modified organisms, defined in Government Ordinance no 49/2000 regarding the regime of obtaining, testing, utilisation and placing on the market of genetically modified organisms through modern biotechnology techniques, as well as products obtained from these, approved with modifications by Law no 214/2002;

l) issues scientific notice as a scientific basis to the elaboration and adopting of measures in its field of activity;

m) elaborates projects of norms in order to fulfil specific attributions.

Art. 6⁴. – (1) The Authority functions in cooperation with the Ministry of Agriculture, Forests and Rural Development, the Ministry of Health and the Consumer Protection National Authority, as well as other national authorities with executive competencies in food safety field.

(2) The Authority cooperates with the European Food Safety Authority, with similar institutions from the European Union and the Member States, as well as similar international institutions.

(3) The Authority regulates unitary, with the notice of Insurance Surveillance Commission, the insurance systems in sanitary-veterinary and food safety field.

Art. 6⁵. – (1) For the completion of its attributions, The Authority constitutes the contact structure with the European Food Safety Authority, acting on functional and decisional autonomy basis, according to the assumed commitment of Romania.

(2) In the structure of the Authority functions the Operational Secretariat for Codex Alimentarius, lead by the President of the Authority.

Art. 6⁶. – (1) The Authority is managed by a President, ranked as State Secretary, and two Vice-Presidents, ranked as State Subsecretary, assigned by Prime Minister's Decision for a five year mandate.

(2) In order to exercise his attributions, the President issues Orders and Instructions, according to the law.

(3) The President is supported in his activity by a Scientific Council and an Advisory Council, without legal personality.

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

Art. 6⁷. – The General Secretary of the Authority is assigned by Prime Minister's Decision. His attributions are established by Order of the President of the Authority.

Art. 6⁸. – (1) The Scientific Council is composed by at least 7 recognized personalities in the Authority's field of competence.

(2) The competence, organisation and functioning regulation of the Scientific Council is approved by Order of the President of the Authority, in 15 days from its appointment.

Art. 6⁹. – (1) The Advisory Council is composed of representatives of the ministries, other public administration authorities competent in sanitary-veterinary and food safety field and representatives from the civil society.

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

(3) The competence, organisation and functioning regulation of the Advisory Council is approved by by Order of the President of the Authority, in 15 days from its appointment.

(4) The members of the Scientific Council receive a participation fee of maximum 20% of gross indemnization of the President of the Authority.

Art. 6¹⁰. The members of the Medicinal Veterinary Products Committee, functioning in the structure of the Institute for Biological Products and Veterinary Drugs Control, receive a participation fee of maximum 20% of gross salary of the director of the Institute, as well as the repayment of transportation and accommodation expenses.

Art. 7. – (1) The Authority has the following structure:

a) Sanitary Veterinary General Direction, managed by a general director – veterinarian;

b) Food Safety General Direction, managed by a general director;

c) Inspection, Control, Border Inspection and Veterinary Institutes' Coordination General Direction, managed by a general director;

d) Economic, Administrative, Legal and International Relations General Direction, managed by a general director.

(2) The general directors of the General Directions are assigned through Order of the President of the Authority.

(3) The general director of the Sanitary Veterinary General Direction issues technical decisions exercising his powers and can take emergency measures in case of particular situations in the sanitary-veterinary field.

Art. 7¹. – (1) The Authority is acting according to the principles of independence, transparency, confidentiality, public access to documents and informations, in respect of the law.

(2) The Authority presents annually to the Government a report regarding its activity, including a results' survey.

Art. 8. – (1) The official veterinarians are the veterinarians that carry out their activity within the structure of the Authority, of veterinary institutes and of Bucharest and county Sanitary-Veterinary and Food Safety Directions.

(2) The veterinarians carrying out their activity in other ministries have attributions and competences of official veterinarians and can be registered, by mutual agreement, within the structure of the Authority.

CHAPTER III

ATRIBUTIONS AND COMPETENCES OF THE STATE SANITARY-VETERINARY SERVICES

Art. 9. – The fields of competence of the sanitary-veterinary services are:

a) duties and responsibilities of the physical and juridical persons in the sanitary-veterinary field;

b) the duties and responsibilities of the institutions and organs of the public administration in the sanitary-veterinary field;

c) authorization, homologation and accrediting in the sanitary-veterinary field;

d) the national informatics sanitary-veterinary system;

e) auto evaluation of the sanitary-veterinary services;

f) definition of the technical terms used in the sanitary-veterinary field, as provided in Annex no 1;

g) animal health: qualification of the health status of animals, sanitary-veterinary certification, the protection measures, veterinary notification, declaring the diseases, checking the disease for animals and preventing the transmission of those from animals to humans;

h) veterinary public health;

i) identification and registration of the animals;

j) establishing the sanitary-veterinary requirements and the control of the production, internal movements, placing on the market, commerce, import, transit and export of live animals, germinating material of animal origin, products and by-products subject to sanitary-veterinary surveillance and control;

k) animal nutrition, medicated feedstuffs and feeding additives;

l) establishing the sanitary-veterinary requirements for the protection and welfare of animals and the control of applying these;

m) inspection and sanitary-veterinary controls;

n) sanitary-veterinary requirements for the activity of animal breeding;

o) establishing the expenditures in the sanitary-veterinary field;

p) elaborating and applying the training system in the sanitary-veterinary field;

q) establishing the necessities of investments and endowment in the sanitary-veterinary field.

Art. 10. - The Authority has the following attributions:

a) organizes the public sanitary-veterinary activities for the entire Romanian territory, following a unitary conception, in order to assure the animal health, public health, animal protection, environmental protection and food safety;

b) elaborates sanitary-veterinary norms, approved by Order of the President of the Authority, for the sanitary-veterinary services in their fields of competencies that are uniquely and compulsorily for all natural and legal persons mentioned in Article 2;

c) checks the enforcement of sanitary-veterinary norms;

d) establishes the general responsibilities of the veterinarians;

e) establishes the rights and duties of the official veterinarians;

f) establishes the rights and duties of the free practice veterinarians authorized to carry out public sanitary-veterinary activities;

g) participates in drawing up and approving of intergovernmental conventions and agreements concerning cooperation in sanitary-veterinary field;

h) together with the Ministry of Health is responsible for the organising and enforcement of the necessary measures for prevention and control of human and animal common diseases, as well as for the safety of animal origin food;

i) organizes, coordinates, manages and checks the activity concerning the identification and registration of animals;

j) organizes, coordinates, manages and checks the activity concerning the border inspection posts;

k) organizes and assures the functioning of the national sanitary-veterinary informatics sistem and the connexion with the sanitary-veterinary informatics sistem of the European Union;

l) elaborates regulations for the organising and functioning of the state sanitary-veterinary services and sets up their competencies and responsibilities;

m) establishes and checks the public sanitary-veterinary activities carried up by the free practice veterinarians authorized;

n) establishes the sanitary-veterinary requirements;

i) elaborates the national programmes in sanitary-veterinary field, approved by Order of the President of the Authority;

Art. 11. – (1) The legal powers of the Authority are:

a) to have free access, in order to exercise its specific competencies, in all mentioned in paragraph (1) of Article 18, as well as in other places subject to sanitary-veterinary surveillance and control;

b) to request the presenting of any documents and information regarding the objectives mentioned in paragraph (1) of Article 18;

c) to order protection and restriction measures concerning the live animals, germinating material of animal origin, products and by-products subject to sanitary-veterinary surveillance and control from the objectives mentioned in paragraph (1) of Article 18;

d) to suspend or forbid the functioning of the objectives mentioned in paragraph (1) of Article 18;

e) to impose restriction measures concerning the movement and sanitary-veterinary certification of live animals, germinating material of animal origin, products and by-products subject to sanitary-veterinary surveillance and control from the objectives mentioned in paragraph (1) of Article 18;

f) to limit or forbid trade, import, producing or placing on the market, export and transit of live animals, germinating material of animal origin, products and by-products subject to sanitary-veterinary surveillance and control;

g) to gather sample for laboratory exams in order to elucidate the risk factors on animal health, public health, animal protection, environmental protection and food safety;

h) to verify if the hired personnel of the objectives mentioned in paragraph (1) of Article 18 respects the sanitary-veterinary requirements regarding the animal health, public health, animal protection, environmental protection and food safety;

i) to inspect and control the conformity with the sanitary-veterinary requirements for the objectives mentioned in paragraph (1) of Article 18;

j) to order sanitary-veterinary sequestering or killing of animals or sanitary-veterinary sequestering, confiscating and destroying of products and by-products subject to sanitary-veterinary surveillance and control;

k) to apply contraventional sanctions in case of any infringement by natural or legal persons of the sanitary-veterinary legislation;

l) to request to the central and local public administration authorities to take legal measures in case of necessity or imminent risk for animal health, public health, animal protection, environment protection and food safety.

Art. 12. – In order to carry out the public sanitary-veterinary activities within the competency limits of the state sanitary-veterinary services, the Authority establishes cooperation relationships with the central and local public administration authorities, with the associations and owners in agricultural field and pharmaceutical industry, as well as the representatives of the civil society and international organization in the sanitary-veterinary field.

Art. 12¹. – The Authority's attributions in food safety field are also established by specific legislation.

CHAPTER IV

OBLIGATIONS OF OFFICIAL VETERINARIANS

Art. 13. – Exercising the profession, the veterinarians have the following obligations:

a) to announce without delay the sanitary-veterinary and food safety authority of any suspicion concerning the outbreak of a disease subject to compulsory notification in accordance with the law, as well as any risk for the animal health, public health, animal protection and welfare, environmental protection and food safety;

b) to take the emergency measures provided by law in order to prevent and stop the spreading of some animal transmissible diseases or any risk which could affect animal health, public health, animal protection, environmental protection and food safety;

c) to participate, at the request of the county and Bucharest sanitary-veterinary directions or, in case, of the Authority, in eradication actions of some animal transmissible diseases or control actions in case of outbreak of some emergent transmissible diseases for Romania;

d) to order the respect of waiting and interrupting periods concerning the elimination and presence of residues in live animals, products or by-products of animal origin intended for human consumption;

e) to register and keep, for a period established by the Authority, a register with the activity carried out and the evidence of prescription, distribution and utilisation of veterinary medicinal products, feed additives and medicated feeding stuffs;

f) to keep the confidentiality concerning any facts, informations or documents acknowledged exercising his activities, for which there are author rights, protection of commercial confidentiality or if its utilisation is licensed.

Art. 14. – (1) The official veterinarians have the following main obligations:

a) to order the application of sanitary-veterinary legislation provisions, control the observance of those and performs the public sanitary-veterinary activities in their responsibility;

b) to order the necessary measures and to supervise their implementation by the natural and legal persons for protection and improvement of animal health, public health protection, animal protection, environment protection and food safety;

c) to order without delay the necessary measures, until the clarification of any suspicion regarding the outbreak of any disease or any risk element in connection with animal health, public health, animal protection, environment protection and food safety;

d) to order the necessary measures to specify the disease causes and to control the enforcement of specific measures in view of eradication and control of animal transmissible diseases and zoonosis;

e) to participate in evaluation of compensation costs, in case of slaughter or killing of live animals, those of rendering and processing of animal wastes, disinfection, rodent control and disinsectization, confiscation and destroying germinating material of animal origin or products and by-products subject to sanitary-veterinary surveillance and control;

f) to ensure the control of products and by-products of animal origin intended for human consumption, as well as of those not intended for this scope, of feed materials used for animal nutrition and veterinary medicinal products, in all stages of production, storage, collection, transport, processing, intermediation, placing on the market and of those being the object of import, export, transit or trade;

g) to participate in training courses in sanitary-veterinary field.

(2) The measures established by the official veterinarians exercising their attributions and responsibilities are compulsory for all natural and legal persons carrying out activities subject to the sanitary-veterinary services competencies.

(3) The specific rights of the official veterinarians are granted by the legal powers of the sanitary-veterinary and food safety authority mentioned in article 11.

(4) Depending on the national strategy in sanitary-veterinary field, the Authority may establish other rights and obligations of official veterinarians.

Art. 15. – (1) The free practice veterinarians authorized to carry out public sanitary-veterinary activities have the obligations mentioned in Article 13, as well as those arising from the contracts for performing the public sanitary-veterinary activities, concluded with the Bucharest or county Sanitary Veterinary and Food Safety Directions.

(2) For the effectuation of some public sanitary-veterinary activities of national interest included in the “Programme of the surveillance, prevention and control activities of the diseases at animals, of those transmissible from animals to humans, animal

protection and environment protection”, , of actions regarding the identification and registration of animals, as well as other actions mentioned in other national programmes, which are to be applied by the Authority, the county and Bucharest Sanitary Veterinary and Food Safety Directions can employ sanitary-veterinary personnel or can contract with the veterinarians organized by the law.

(3) ***Repealed by Government Emergency Ordinance no 88/2004.

(4) The medical veterinary assistance activities are assured exclusively by the private medical sanitary-veterinary services.

CHAPTER V

OBLIGATIONS AND RESPONSIBILITIES IN THE SANITARY-VETERINARY FIELD

Art. 16. – The physical and juridical persons mentioned in Article 2 have the following obligations:

a) to announce the county or Bucharest sanitary-veterinary authority the beginning or cessation of the activities subject to sanitary-veterinary surveillance and control;

b) to assure the cooperation and support necessary to the sanitary-veterinary and food safety authorities in order to realize their attributions and responsibilities;

c) to allow the free, permanent and unrestricted access of the sanitary-veterinary and food safety authorities for the carrying out of inspections, controls, checks or examinations in all the objectives mentioned in paragraph (1) of Article 18;

d) to offer to the sanitary-veterinary and food safety authorities the necessary assistance during controls, inspections, checks and examinations which they carry out, for realizing their objectives, attributions and responsibilities;

e) to announce without delay the local sanitary-veterinary and food safety authorities and local public administration of the emergence of any suspicion or sickening of animals and by the veterinarian's arrival, to isolate the sick, dead, killed or slaughtered animals, being forbidden to use or commercialize the meat or other products and by-products resulting from these animals without the approval of the local sanitary-veterinary and food safety authority;

f) to announce, in the term established by the specific legal provisions, the local sanitary-veterinary and food safety authorities, the entry/exit of the animals in/from localities, the selling or buying of animals, the disappearance, death or slaughter of animals, as well as any event regarding animal movement;

g) to support the sanitary-veterinary authorities in carrying out the sanitary-veterinary activities of public interest;

h) to present the animals for carrying out the sanitary-veterinary activities of public interest, at the place, date and hour established by the official veterinarian or by the free practice veterinarian authorized to carry out public sanitary-veterinary activities;

i) to respect the measures taken by the sanitary-veterinary and food safety authority;

j) to announce the local sanitary-veterinary and food safety authority and to solicit the certificate of animal health and transport or other documents necessary in view of movement or transport of live animals, germinating material of animal origin, products and by-products subject to sanitary-veterinary surveillance and control;

k) to send to the sanitary-veterinary and food safety authority, when solicited, copies of documents and certificates that accompanies live animals, germinating material of animal origin, products and by-products subject to sanitary-veterinary surveillance and control;

l) to respect the interdictions and restrictions established by the sanitary-veterinary and food safety authority regarding the activities mentioned in Article 2;

m) to place on the market, import, export and commercialize only live animals, germinating material of animal origin, products and by-products resulted from animals for which, if they were treated with veterinary medicinal products, the periods of waiting or interruption were respected;

n) to respect the measures of interdiction and restriction for veterinary medicinal products and for products and materials used in animal nutrition, for some substances that are forbidden or unauthorized to be administered to animals or to be used in relation with the products of animal origin;

o) to place at the disposal of authorities the live animals or germinating material of animal origin, products and by-products of animal origin, sanitary-veterinary medicinal products, waste, by-products of animal origin that are not intended for human consumption or pathogen agents of animal origin, products and materials used in animal nutrition or other materials and products that can influence the health status of animals, in view of testing and examining these, to track down some forbidden or unauthorized substances to be used for sanitary-veterinary purposes;

p) to respect the measures of forbidding or restriction regarding the placing on the market, import, export, transit and commerce with products and by-products that are not intended for human consumption or are inadequate for human consumption or for the nutrition of animals, as well as the dispositions of the sanitary-veterinary authority for destroying the products and by-products that are not intended for human consumption or are inadequate for human consumption or for the nutrition of animals, that can represent a potential risk for animal health, public health, animal protection, environmental protection and food safety;

q) to apply the sanitary-veterinary rules regarding the requirements of zoo hygiene, of sheltering, care, reproduction and rational use of animals as well as the supplementary measures established by the sanitary-veterinary and food safety authorities in these fields;

r) to apply sanitary-veterinary measures for preventing the animal diseases as well as for eradication and control or prevention of spreading these in the territory;

s) to maintain in good state of functioning and hygiene, with the strict respect of the sanitary-veterinary rules, the objectives mentioned in paragraph (1) of Article 18, the means of transportation for live animals, germinating material of animal origin, products and by-products subject to sanitary-veterinary surveillance and control;

ş) to keep, in the time limits established by the sanitary-veterinary and food safety authority, the certificates and documents attesting or certifying the health status of live animals, germinating material of animal origin, products and by-products subject to sanitary-veterinary surveillance and control;

t) to respect the measures of suspension or retirement from the market of the veterinary medicinal products, established by the sanitary-veterinary and food safety

authority and to place at its disposition the documents and products, for examination, including by sampling for laboratory exams;

t) to be in conformity with the sanitary-veterinary requirements established by Order of the President of the Authority.

Art. 17. – The central and local public administration authorities have the obligation to collaborate and support the official veterinarians and the free practice veterinarians authorized to carry out public sanitary-veterinary activities.

CHAPTER VI

AUTHORIZATION, VALIDATION AND ACCREDITATION IN THE SANITARY-VETERINARY FIELD

Art. 18. – (1) The functioning of animals holdings, quarantine farms, those with game animals, parks, national reservations and zoological gardens, pastures and summer camps, temporary agglomerations of animals, hatcheries, as well of units that produce, store, collect, transport, process, intermediate, place on the market, import, export or sell live animals or germinating material of animal origin, products and by-products of animal origin intended for human consumption, veterinary medicinal products, waste, by-products of animal origin not intended for human consumption or pathogens of animal origin, products and materials used for animal feeding or other materials and products which may influence animal health, is allowed only if they are authorized by the county or Bucharest sanitary-veterinary and food safety authorities or, in case, by the Authority and have assured the surveillance and sanitary-veterinary control, in the conditions of the law.

(2) The sanitary-veterinary and food safety authorities authorizes the units mentioned in paragraph (1) only if they satisfy the requirements provided by the sanitary-veterinary legislation in force.

(3) The Authority authorizes, in the conditions of the law, the units mentioned in paragraph (1) that perform export activities.

(4) The sanitary-veterinary and food safety authority participates in the homologation and accreditation commissions for the sanitary-veterinary field, as the law prescribes.

(5) For the release of the sanitary-veterinary authorizations, notifications and certificates are established fees paid in advance, as own incomes and are updated annually, regarding the inflation by Order of the President of the Authority.

(6) The Authority will establish norms regarding the specific requirements to be fulfilled by the objectives in order to be authorized for the activities subjected to sanitary-veterinary authorization, approved by Order of the President of Authority.

Art. 19. – (1) The functioning of the animal slaughtering units, of collecting, processing, storing, transporting and selling of products and by-products of animal origin, established by Order of the President of the Authority, is allowed only if they are authorized and have assured state technical sanitary-veterinary assistance, in the conditions of the law.

(2) The technical sanitary-veterinary assistance mentioned in paragraph (1) is assured by the sanitary-veterinary personnel hired, in the conditions of the law, for a

limited period, by the county and Bucharest Sanitary-Veterinary and Food Safety Directions, on the basis of tariffs established according to Article 48.

(3) The functioning of the units for collecting, processing, storing, transporting and selling of products and by-products of non-animal origin, established by Order of the President of the Authority, is allowed only if they are authorized and have assured specific technical assistance, in the conditions of the sanitary-veterinary and food safety law.

(4) The specific technical assistance mentioned in paragraph (3) is assured by the personnel hired, in the conditions of the law, for a limited period, by the county and Bucharest Sanitary-Veterinary and Food Safety Directions, on the basis of tariffs established according to Article 48.

CHAPTER VII

SANITARY-VETERINARY REQUIREMENTS AND HEALTH CONTROLS FOR LIVE ANIMALS AND GERMINATING MATERIAL OF ANIMAL ORIGIN

Art. 20. – (1) In order to certify the animal movement and to apply the area and region concept, the county and Bucharest sanitary-veterinary and food safety authority must define or qualify the health status of animals in the objectives mentioned in paragraph (1) of Article 18 and of the epidemiologic areas or regions of Romania, reported to specific diseases of animals, established by the Authority, qualification realized on the basis of “The programme of the supervising, prevention and control of the animal diseases, of those transmissible from animals to humans, animal protection and environmental protection”, in the conditions provided by the sanitary-veterinary legislation in force.

(2) The profile sanitary-veterinary institute lays down and monitors the actualized situation of the animal health status in the objectives mentioned in paragraph (1) of Article 18, as well as the epidemiological areas or regions established following the sanitary-veterinary qualification, mentioned in paragraph (1).

Art. 21. – (1) The internal movement, import, transit, export and commerce with live animals and germinating material of animal origin are subject to the sanitary-veterinary certification.

(2) The live animals and germinating material of animal origin, in order to be placed on the market, imported, exported or to be the object of transit or commerce must be accompanied by a sanitary-veterinary certificate and, eventually, by other documents attesting the fulfilment of sanitary-veterinary and conformity requirements.

(3) The sanitary-veterinary requirements, the conditions, the means and the competencies for the sanitary-veterinary certification are established by Order of the President of the Authority.

(4) The Authority can modify and complete the requirements, conditions, means and certifying competencies in function of the strategy of sanitary-veterinary services.

Art. 22. – (1) The Authority must apply, at national level, a unique system of identification and registration of animals, that can make possible the traceability of animals and germinating material of animal origin, in direct relation with the labelling and marking system used for the products and by-products obtained from these.

(2) The Authority is the coordinator of the activities regarding the identification and registration of animals and the owner of the informatics system for the identification and registration of animals.

Art. 23. – (1) The commerce, import, internal movement, transit and export of live animals and germinating material of animal origin are carried out on the basis of the specific sanitary-veterinary requirements mentioned in the sanitary-veterinary norms issued by Order of the President of the Authority.

(2) The Authority establishes the third countries and units authorized for export in Romania of live animals and germinating material of animal origin.

Art. 24. – (1) The germinating material of animal origin must be produced in specialized units, approved by the sanitary-veterinary and food safety authority.

(2) The specialized units mentioned in paragraph (1) must be included on the official list issued by the Authority and are subject to sanitary-veterinary inspection and controls, in order to correspond to the sanitary-veterinary requirements provided by the sanitary-veterinary legislation.

(3) The sampling, processing and storing of the germinating material of animal origin must be carried out by specialized teams, authorized by the Authority.

CHAPTER VIII

MEASURES OF PROTECTION AND CONTROL OF ANIMAL TRANSMISSIBLE DISEASES

Art. 25. – (1) Regarding the commerce, transit or import of live animals and germinating material of animal origin, products and by-products subject to sanitary-veterinary surveillance and control, the Authority can take special measures of protection against any risk which could affect animal health, public health, animal protection, environmental protection and food safety.

(2) The Authority establishes the sanitary-veterinary requirements for announcing, declaring, internal and international notification of any suspicion of disease or sickness.

(3) The cases of sickness created for the purpose of producing bio-products or for carrying out scientific research or testing of veterinary medicinal products are excepted from the duty of announcing and notifying.

Art. 26. – (1) The identification of animal transmissible diseases is realized by carrying out some activities of active and passive sanitary-veterinary surveillance, in view of knowing the incidence and prevalence of these.

(2) In order to prevent the spreading of the transmissible diseases by the movement of live animals, germinating materials of animal origin, products and by-products subject to sanitary-veterinary surveillance and control, the Authority issues sanitary-veterinary norms approved by Order of the President of the Authority.

(3) The Authority establishes and updates the list of animal transmissible diseases that are subject to the official declaration and notification, as well as of those subject to the necessity quarantine, differentiated in report with the seriousness of the disease, the spreading range, the particularities of the means and ways of transmitting this, as well as with the economic-social implications.

(4) To support the actions of fight against the animal transmissible diseases, by the decision of the local or county council, respectively of Bucharest, are constituted

anti-epizootic headquarters set up by leaders of the units on the respective territory and other persons to whom revert duties regarding the applying the control measures established by the Authority concerning the fight against the diseases.

(5) If the epizooty represents a serious danger for the national economy, by decision of Government, the central anti-epizootic headquarters is constituted, set up by leaders of the ministries and other central organs interested, which establishes the measures that impose themselves in all social-economic fields and is responsible for applying these, in the conditions of the law.

(6) Regarding the measures used for the rapid stamping out of the animal transmissible disease outbreaks, that involve slaughtering or killing some animals, are given compensations to the animal owners for the ones killed, slaughtered or affected, in conditions established by Government decision.

(7) Paying the compensations presented in paragraph (6) is done from the state budget through the budget of the Ministry of Agriculture, Forests and Rural Development, at the value of replacing at the market price the killed, slaughtered or affected animals, by case, at the sum of the loss suffered by the owner, at the date when took place the action of stamping out the disease outbreak, in conditions established by Government decision.

(8) The financial sources for other measures needed to prevent and fight epizooties and protect the animal health, in case of particular importance actions, are supported from the state budget by the budget of the Authority.

(9) The Authority will set up and apply national strategies of control of the animal transmissible diseases, based on principles and criteria similar to those used by the Member States.

(10) The Authority sets up and applies national programmes of necessity and alert for the control of animal transmissible diseases.

(11) The list of diseases for which must be created necessity and alert programmes is established by the Authority.

Art. 27. – (1) The Authority will set up, for the animal transmissible diseases already existent in Romania, national programmes of eradication and will control their adequate and duly applying.

(2) The Authority sets up the technical file for obtaining the status of country or area free or officially free of these diseases and applies measures to maintain that status.

(3) The Authority must carry out the dividing into areas and regions the entire territory of Romania in relation with the diseases mentioned in paragraph (1).

Art. 28. – The local and county or Bucharest councils perform the gathering and destruction of animal corpses that cannot be gathered by the log squaring units, organize actions to gather the stray dogs, assuring the application of the admitted techniques from the international sanitary-veterinary norms, set up and maintain the storing places for domestic wastes, according to the sanitary-veterinary norms.

CHAPTER IX

SANITARY-VETERINARY REQUIREMENTS REGARDING PRODUCTS AND BY-PRODUCTS OF ANIMAL ORIGIN INTENDED FOR HUMAN CONSUMPTION

Art. 29. – (1) Commerce, import, producing, placing on the market, transit and export of products and by-products of animal origin intended for human consumption are carried out on the basis of the specific sanitary-veterinary requirements provided in the sanitary-veterinary norms issued by the Authority and approved by Order of its President.

(2) The Authority establishes, by Order of its President, the types of products and by-products of animal origin intended for human consumption that cannot be produced, placed on the market and represent the object of the import, export or transit.

Art. 30. – The products and by-products of animal origin intended for human consumption or used for other purposes can be the object of placing on the market, import or export only if they have been subject to sanitary-veterinary inspections and controls in accordance with the provisions of the sanitary-veterinary legislation and have been obtained from animals which:

a) have not been the object of restrictions because of sanitary-veterinary reasons, or

b) have been the object of some restrictions because of sanitary-veterinary reasons, but which:

- have been marked with a special mark in this sense;
- have been treated and processed by an adequate method for inactivating or destroying the causal agent.

Art. 31. – (1) The internal movement, import, transit, export and commerce with products and by-products of animal origin intended for human consumption are subject to sanitary-veterinary certification.

(2) The sanitary-veterinary requirements, the conditions and modalities of the realization of the sanitary-veterinary certification, as well as the establishing of the certification competencies for the operations mentioned in paragraph (1) are established by the Authority by Order of its President.

CHAPTER X

SANITARY-VETERINARY REQUIREMENTS REGARDING THE ANIMAL WASTE, THE BY-PRODUCTS OF ANIMAL AND NON-ANIMAL ORIGIN THAT ARE NOT INTENDED FOR HUMAN CONSUMPTION, OTHER ANIMAL WASTE AND PATHOGEN AGENTS OF ANIMAL ORIGIN

Art. 32. – (1) The commerce, import, export, transit and any internal movement of by-products of animal and non-animal origin not intended for human consumption, other animal waste and pathogen agents of animal origin, as well as other processed products resulted from by-products of animal origin not intended for human consumption, are carried out on the basis of the specific sanitary-veterinary and food safety requirements provided in the sanitary-veterinary and food safety norms issued by the Authority and approved by Order of its President.

Art. 33. – The exchange of pathogen agents and pathologic material of animal origin is carried out only between institutions of medical superior education, veterinary institutes, veterinary laboratories, organizations and research institutions, laboratories that produce immunological substances, kits and diagnosis reagents, authorized by the Authority to develop such activities, on the basis of the specific sanitary-veterinary

requirements provided in the sanitary-veterinary norms issued by the Authority and approved by Order of its President.

Art. 34. – (1) The by-products of animal and non-animal origin that are not intended for human consumption or other animal waste, as well as other processed products resulted from by-products of animal origin not intended for human consumption can be collected, stored, transported, processed, manufactured, incinerated, coincinerated or any other process of neutralisation, on the basis of the specific sanitary-veterinary and food safety requirements provided in the sanitary-veterinary and food safety norms issued by the Authority and approved by Order of its President.

(2) The activities mentioned in paragraph (1) are subject to inspection and sanitary-veterinary and food safety controls, on the basis of the specific sanitary-veterinary and food safety requirements, in order to prevent the spreading of diseases to animals and humans, as well as the prevention of environment contamination.

Art. 35. – Repealed by point 45, art. I of Law no 215/2004.

CHAPTER XI COMMON SANITARY-VETERINARY REQUIREMENTS FOR PROTECTION OF PUBLIC HEALTH

Art. 36. – The Authority establishes the sanitary-veterinary requirements for producing, commercializing, detaining and using the tireostatic, hormonal, beta agonistic substances or other similar substances, for administration to animals producing food.

Art. 37. – (1) The Authority establishes the specific sanitary-veterinary requirements, provided in the sanitary-veterinary norms approved by Order of its President, for the surveillance and monitoring some substances and wastes for live animals, products and by-products of animal origin intended for human consumption.

(2) The Authority issues and applies, by the profile veterinary institute, „The national programme of surveillance and monitoring of some substances and wastes at live animals, products and by-products of animal origin” and controls the respecting of the specific sanitary-veterinary requirements.

(3) The Authority transmits to the international institutions the informations and data in the sanitary-veterinary and food safety field, according to the undertaken obligations.

Art. 38. – (1) The Authority establishes and applies, by the sanitary-veterinary and food safety authorities, the sanitary-veterinary requirements for the surveillance, prevention and control of the zoonoses.

(2) The Authority has the responsibility of surveillance, prevention and control of zoonoses in relation with health of animals and products and by-products of animal origin subject to sanitary-veterinary surveillance and control.

Art. 39. – (1) The Authority establishes and applies, by the sanitary-veterinary and food safety authorities, the sanitary-veterinary requirements for producing, testing, authorizing, prescribing, commercializing, using, import, transit, export and commerce with medicine feedstuffs, feed additives and concentrated food for pets.

(2) The Authority sets up and updates the list of types of products that represent medicine feedstuffs or concentrated food for pets, feed additives and the list of units and

factories authorized to manufacture medicine feedstuffs, concentrated food for pets or feed additives.

CHAPTER XII

SANITARY-VETERINARY REQUIREMENTS REGARDING SANITARY-VETERINARY INSPECTIONS AND CONTROLS

Art. 40. – (1) The import, export and tranzit of live animals, germinating material of animal origin, products and by-products subject to sanitary-veterinary surveillance and control are carried out only by the border inspection posts (BIP) organized at the control points on the state border of Romania.

(2) The Authority establishes the sanitary-veterinary requirements for the organizing and functioning of the border inspection posts, as well as the procedures of carrying out these inspections and controls, approved by Order of its President.

(3) The administrators of the control points at the state border passing of Romania have the obligation to take measures to assure the adequate conditions of developing of the sanitary-veterinary activity, as well as the necessary material basis and labour force for carrying out of disinfection, rodent control and disinsectization in these places, as well as for the destroyal of the animal corpses, of the products inadequate for human consumption, of some wastes and by-products of animal origin not intended for human consumption.

(4) The autovehicles disinfection activity from the control points on the state border of Romania is carried out by the county or Bucharest Sanitary-Veterinary and Food Safety Directions, according to the sanitary-veterinary norms issued by the Authority and approved by Order of its President.

(5) If at the border inspection post are found out animal transmissible diseases or there is a suspicion of these or a risk of other nature that can endanger the animal health, public health, animal protection, environment protection or food safety, the whole group of animals will be sent to the country of origin and if this measure is not possible, the Authority can order to kill them immediately and put them to good use in special conditions or killing the whole group of animals, as well as destroying the objects and materials involved.

(6) In the situations mentioned in paragraph (5), the Authority must notify the measures taken to the central sanitary-veterinary authority of the exporting country.

(7) When the sanitary-veterinary conventions or agreements between Romania and other countries ascertain differently, they will take action in conformity with the respective provisions.

Art. 41. – (1) The live animals, germinating material of animal origin, products and by-products subject to sanitary-veterinary surveillance and control coming from the member states or from third countries, are the subject of inspection and border sanitary-veterinary controls carried out by the sanitary-veterinary and food safety authorities, on the basis of the specific sanitary-veterinary requirements provided in the sanitary-veterinary norms issued by the Authority and approved by Order of its President.

(2) The imported animals must be subject to the profilactic quarantine, in isolated and special arranged places, authorized by the county and Bucharest Sanitary-Veterinary

and Food Safety Directions, which will allow the introduction of the animals in these places only after checking the fulfillment of the specific sanitary-veterinary requirements.

Art. 42. – (1) The Authority establishes and applies by the sanitary-veterinary authorities, the sanitary-veterinary requirements regarding the sanitary-veterinary inspection and controls that must be carried out for the live animals, germinating material of animal origin, products and by-products subject to sanitary-veterinary surveillance and control, controlling the conformity with these requirements.

(2) The accomplishment of the hygiene requirements regarding the producing, transport, placing on the market and commercialization of live animals, germinating material of animal origin, products and by-products subject to sanitary-veterinary surveillance and control is the responsibility of the objectives mentioned in paragraph (1) of Article 18.

(3) The Authority controls the accomplishment of hygiene requirements provided in paragraph (2).

(4) The Authority establishes and applies the national programme of sanitary-veterinary inspection and controls, establishing the responsibilities of the Authority and county and Bucharest Sanitary-Veterinary and Food Safety Directions.

Art. 43. – In order to import from third countries the products mentioned in paragraph (1) of Article 18, to set up the official lists with the countries, units or factories authorized to export in Romania, representatives of the Authority can carry out sanitary-veterinary evaluations in the countries and objectives mentioned, regarding the respect of the sanitary-veterinary requirements and the conformity of these objectives with the provisions of the Romanian sanitary-veterinary legislation regarding the import from third countries.

CHAPTER XIII

SANITARY-VETERINARY REQUIREMENTS REGARDING THE ANIMAL PROTECTION AND WELFARE

Art. 44. – (1) The owners or carerers of animals have the obligation to respect and apply the provisions of the sanitary-veterinary legislation or other provisions regarding the sheltering and taking care of animals in holdings, gardens, parks and zoological reservations, in the temporary animal gatherings or during the pasturing period, in order to respect the physiological and behavioural requirements of these, according with the animal protection and welfare legislation.

(2) The Authority establishes, by Order of its President, the sanitary-veterinary requirements for the protection of farm animals, of animals during transport, during slaughtering or killing, of animals used for research, experiments or diagnosis purposes, of the animals in the parks, gardens, zoological reservations, wild animals, pets or job animals, of competition animals, of the animals from temporary animal gatherings, of animals of extinct species, controlling the conformity with these requirements.

(3) The Authority, together with the non-governmental organisations for the protection of animals, will take the necessary measures in order to respect the sanitary-veterinary requirements mentioned in paragraph (2).

Art. 45. – (1) The Authority establishes, by Order of its President, the sanitary-veterinary requirements for producing, testing, authorization, storing, transporting,

placing on the market, using, import, tranzit, export and commerce with feedstuffs, feed materials, premixes, zooforts, feed aditives, complete feeds, supplementary feeds, combined feeds, other materials and products used in the feeding and nutrition of animals.

(2) The Authority establishes and updates the lists of different categories of feedstuffs, feed materials, premixes, zooforts, feed aditives, complete feeds, supplementary feeds, combined feeds, other materials and products used in the feeding and nutrition of animals in Romania.

Art. 46. – (1) The central sanitary-veterinary authority establishes, by Order of its President, the sanitary-veterinary requirements for producing, testing, authorizing, storing, transporting, placing on the market, using, import, transit, export and commerce with sanitary-veterinary medicinal products.

(2) The central sanitary-veterinary authority establishes and updates, by Order of its President, the list of factories which manufacture sanitary-veterinary medicinal products, as well as the list of the manufacturers and dealers authorized to possess the active substances with anabolic, antiinfectious, antiparasitary, antiinflammatory, hormonal or psychotropes proprieties which can be used for manufacturing the sanitary-veterinary medicines.

(3) The central sanitary-veterinary authority establishes and updates, by Order of its President, the list of authorized sanitary-veterinary medicinal products, the waiting and pausing periods, as well as the interdictions regarding the use of some of these products.

(4) The central sanitary-veterinary authority establishes and applies a pharmacovigilance system.

Art. 47. - Together with the national authority responsible for the activities of amelioration and selection of animals and the organizations and associations of the animal-owners, the Authority establishes the sanitary-veterinary requirements regarding the animals and the reproduction activity.

CHAPTER XIV

Financing and expenses of the state sanitary-veterinary services and activities

Art. 48. – (1) Financing the current and capital expenditures of the Authority and the subordinated institutions, reffered to in Annex no. 2, is assured from its own incomes and public sources.

(2) From the budget of the Authority is assured the financing, on the basis of programmes approved as annexes to the budget, for:

a) carrying out some the activities included in the “Programme of the surveillance, prevention and control activities of the animal diseases, of those transmissible from animals to humans, animal protection and environment protection”;

b) the activities included in the national eradication programmes of some animal transmissible diseases;

c) instituting, organizing and functioning of the national sanitary-veterinary informatic systems;

d) the activities regarding the identification and registration of the swine, ovine and caprine animals;

e) the activities regarding the identification and registration of the bovine animals;
f) the assuring of continuous instruction of the official veterinarians and of the free practice veterinarians authorized to carry out public sanitary-veterinary activities;
g) the activities provided in other national programmes which the Authority must apply.

(3) The activities mentioned in letter f) of paragraph (2) are realized on a basis of a contract signed between the education institutions or other authorized institutions.

(4) The operations' incomes realized from the sanitary-veterinary inspection and control is forwarded monthly by the units mentioned in paragraph (1) of Article 19 to the account of county and Bucharest Sanitary-veterinary and Food Safety Directions and represents for them own incomes destined for financing the current and capital expenditures and are registered in accounting distinctively.

(5) The own income for the institutions mentioned in Article 5 letters b) and c) is made from the sanitary-veterinary inspection and control activities, from manual labour tariffs for sanitary-veterinary and laboratory activities, from consultancy and from other specific labour conscriptions: disinsection, disinfection, deratting, laboratory exams and papers, as well as other activities in the sanitary-veterinary field.

(6) The own income from the paragraph (4) and (5) are destined for financing the current and capital expenditures and are registered in accounting distinctively. They will be used also to contract specialized and auxiliary personnel.

(7) The amount of the tariffs for the own income is approved by order of the President and is updated annually, regarding the inflation rates from the precedent year.

(8) The own income of the Authority is constituted by a quota from the own income the subordinated institutions, mentioned in Annex no 2.

(9) The quota mentioned in paragraph (8) is approved annually by Order of the President, is used for financing the current and capital expenditures of the Authority and, regarding the sanitary-veterinary and food safety policy, can be redistributed to the subordinated institutions.

Art. 49. – (1) The border sanitary-veterinary inspection and control activity is performed by the Authority, through border inspection posts. The own income of the Authority also consists of the tariffs from sanitary-veterinary inspection and control activities, which the exporters, importers or, in case, the person responsible according to the contract for transit, import and export activities with live animals, germinating material of animal origin, products and by-products subject to sanitary-veterinary surveillance and control, must pay off to carry these out.

(2) The level of the tariffs mentioned in paragraph (1) is established by Order of the President.

Art. 50. – (1) The expenditures involved by carrying out the measures taken by the Authority at the border inspection posts, provided in the paragraph (5) of Article 40, are supported by the exporter, importer or, in case, by the person responsible according to the contract.

(2) The national sanitary-veterinary informatics system includes: the informatics system for intranet, the informatics system for registration of animals, the informatics system for notifying the animal transmissible diseases, the rapid alert informatics system, the informatics system for monitoring the movement of animals, the informatics system regarding the monitoring of import and transit, the informatics system regarding the

sanitary-veterinary surveillance of animal transmissible diseases, as well as other informatics systems necessary to carry out the functions of the state sanitary-veterinary service in the competence limits of these.

(3) The Authority is the owner of the data basis of the informatics system mentioned in paragraph (2), the conditions for its use being approved by Order of the President.

Art. 50¹. – The Authority can contract consultancy services regarding information and communication technology, public relations, promoting campaigns, publicity, education and information regarding the specific activity.

CHAPTER XV

TRANSITORY AND FINAL DISPOSITIONS

Art. 51. – (1) The facts that constitute contraventions to the sanitary-veterinary norms, as well as the persons able to ascertain contraventions and apply sanctions, are established by Government decision.

(2) The contraventional sanctions are also applied to juridical persons.

(3) The provisions of this ordinance regarding the contraventions are completed by the provisions of the Government Ordinance no. 2/2001 regarding the contraventions, approved with modifications by the Law no. 180/2002, with subsequent modifications.

Art. 51¹. – (1) Inside the postuniversity schools from the evaluated faculties approved by the European Commission will be established continuous veterinary education and training centres, with juridical personality, coordinated by the Authority.

(2) The attestation regarding the graduation and promotion of the courses from the continuous veterinary education and training centres is made by a graduation diploma issued by the Authority and the evaluated faculties approved by the European Commission.

(3) The regulation for the functioning and organization of the continuous veterinary education and training centres is established by the Order of the President, with the notice of the Minister for Education and Research.

Art. 51² – (1) In the coordination of the President is established the National Committee Codex Alimentarius.

(2) The competence and the attributions of the National Committee Codex Alimentarius are established by Order of the President.

Art. 52. – To apply in unitary manner the provisions of the present ordinance, the Authority elaborates and approves by Order of the President, the sanitary-veterinary norm regarding the defining of the technical terms used in the sanitary-veterinary field.

Art. 53. – Repealed by point 69 of art. I from Law no 215/2004.

Art. 54. – Repealed by point 69 of art. I from Law no 215/2004.

Art. 55. – The Government Ordinance no 83/2003 concerning the BIPs approval, organised in border crossing points, established for import, export and transit of goods under sanitary-veterinary control, as well BIPs approval conditions responsible for sanitary-veterinary control of live animals and animal origin products coming from third

countries, published in the Official Monitor of Romania, Part I, nr. 622 from 30 August 2003, approved with modifications by Law no. 524/2003, is modified as follows:

1. Letter d) of Article 3 will have the following content:

“d) administrator – The National Sanitary Veterinary and Food Safety Authority.”

2. Paragraph (1) of Article 4 will have the following content:

“Art. 4. – In order to be included in the list of approved BIPs established for controls of live animals, products of animal origin and other products subject to sanitary-veterinary controls, the BIP must fulfil the general and special conditions established by the National Sanitary Veterinary and Food Safety Authority by Order of its President.”

3. Paragraph (1) of Article 5 will have the following content:

“Art. 5. – (1) The temporary or permanent closing of a BIP or of a inspection center inside a BIP, as well as the update of BIPs list is established by common Order of public central authorities in charge of public administration, agriculture, food, sanitary-veterinary and food safety, forestry, environment protection and transport.”

4. Article 6 will have the following content:

“Art. 6. – The types of goods subject to sanitary-veterinary controls for every BIP will be established by common Order of public central authorities in charge of public administration, agriculture, food, sanitary-veterinary and food safety, forestry, environment protection and transport.”

5. Article 7 will have the following content:

“Art. 7. – Sanitary-veterinary control services from the state border of Romania are organised and function in the BIP structure, inside the National Sanitary Veterinary and Food Safety Authority.”

6. Article 9 will have the following content:

“Art. 9. – The attributions of the personnel from the BIPs are established by Order of the President of the National Sanitary Veterinary and Food Safety Authority.”

7. Article 10 will have the following content:

“Art. 10. – The coordination and control of technical and administrative activities of the BIPs, the competencies and responsibilities in line of command are established by Order of the President of the National Sanitary Veterinary and Food Safety Authority.”

7. Paragraph (3) of Article 11 will have the following content:

“(3) After the conclusion of the mentioned debates, the Ministry of Agriculture, Forests and Rural Development, the the Ministry of Administration and Internal Affairs, the Ministry of Public Finance, the National Sanitary Veterinary and Food Safety Authority and the National Customs Authority will establish methodological norms for implementation of this Ordinance, regarding the long term strategy, approved by Government decision, including the responsibilities and the terms from the national strategy for accession for those responsible for the building, equipping and ensuring personnel for the future BIPs of national interest.”

9. Article 12 will have the following content:

“Art. 12. – The National Sanitary Veterinary and Food Safety Authority is responsible for financing the projection and building of BIPs provided in the long term strategy.”

10. Article 13 will have the following content:

“Art. 12. – The buildings for the construction and functioning of BIPs will be obtained in the state public property respecting the Article 7 of the Law no 213/1998

regarding the public property and its juridical regime, with subsequent modifications, and will be administrated by the National Sanitary Veterinary and Food Safety Authority.”

Art. 56. – (1) The organizational structure, the functioning and the number of personnel of the Authority, as well as the total number of personnel for the subordinated institutions is approved by Government decision.

(1¹) The Authority’s President approves by Order the organizational structure, number of personnel and the organization and functioning of the veterinary institutes and the county and Bucharest Sanitary Veterinary and Food Safety Directions.

(2) The number of personnel from the Authority is assured by taking over 14 posts financed from the state budget from the Ministry of Agriculture, Forests and Rural Development, 14 posts financed from the state budget from the Ministry of Health and 35 posts financed from the state budget by the taking over of the National Sanitary Veterinary Agency from the Ministry of Agriculture, Forests and Rural Development, as well as from the posts financed from own income and public funds for the subordinated institutions that leave the Ministry of Agriculture, Forests and Rural Development for the Authority.

(3) The personnel from the Authority and the county and Bucharest Sanitary Veterinary and Food Safety Directions consists of public functionaries and contractual personnel.

(4) The remuneration of the personnel from the Authority is realised according to the legal provisions regarding the personnel paid from its own income and public funds; the remuneration of the personnel from the county and Bucharest Sanitary Veterinary and Food Safety Directions is realised according to the legal provisions regarding the personnel from decentralised services of ministries.

(5) The personnel from the veterinary institutes consists of public functionaries and contractual personnel. The remuneration of the personnel is realised according to the legal provisions regarding the personnel from budgetary institutions.

(6) The personnel framing in the new structure is realised on the basis of a professional knowledge test, within the number of posts.

Art. 57. – (1) The Ministry of Public Finance is authorized to introduce modifications from this Ordinance in the structure of the state budget for the budget of the Ministry of Agriculture, Forests and Rural Development, the Ministry of Health and the Authority for the year 2004 and the annexes, based on the protocol of handing over–reception signed between the Ministry of Agriculture, Forests and Rural Development, the Ministry of Health and the Authority, in 6 month from the entry in force of this ordinance.

(2) Until the conclusion of the protocol mentioned in paragraph (1), the financing of the actions and activities of the Authority and the institutions mentioned in annex no 2 is assured by the Ministry of Agriculture, Forests and Rural Development.

(3) Until the conclusion of the protocol mentioned in paragraph (1), from the state budget from the Ministry of Agriculture, Forests and Rural Development are assured the financial sources for the activities provided in:

a) Government Emergency Ordinance no. 113/2002 regarding the identification and registration of bovine animals in Romania, published in the Official Monitor of Romania, Part I, nr. 708 from 27 September 2003, approved with modifications by Law no 25/2003;

b) Government Emergency Ordinance no. 127/2003 regarding the identification and registration of swine, ovine and caprine animals in Romania, published in the Official Monitor of Romania, Part I, nr. 931 from 23 December 2003, approved with modifications by Law no 118/2004;

c) Government Ordinance no. 83/2003 concerning the BIPs approval, organised in border crossing points, established for import, export and transit of goods under sanitary-veterinary control, as well BIPs approval conditions responsible for sanitary-veterinary control of live animals and animal origin products come from third countries, published in the Official Monitor of Romania, Part I, nr. 622 from 30 August 2003, approved with modifications by Law no. 524/2003.

Art. 57¹. – The current projects with the Authority as a beneficiary run through the PHARE Implementation Unit from the Ministry of Agriculture, Forests and Rural Development, will be run by the specialized structures of Ministry of Agriculture, Forests and Rural Development and co-financed from the Ministry's budget until their conclusion.

Art. 58. – Repealed by Law no 127/2005.

Art. 59. – Government Emergency Ordinance no. 127/2003 regarding the identification and registration of swine, ovine and caprine animals in Romania, published in the Official Monitor of Romania, Part I, nr. 931 from 23 December 2003, approved with modifications by Law no 118/2004, is modified as follows:

1. Article 3 is repealed.

2. Paragraph 3 of Article 4 will have the following content:

“(3) The acquisition of the elements mentioned in letters a)-d) of paragraph (1) for the registration of swine, ovine and caprine animals is made by the National Sanitary Veterinary and Food Safety Authority through public auction, according to the provisions of Government Emergency Ordinance no. 60/2001 regarding the public acquisitions, approved with modifications by the Law no 212/2002, with subsequent modifications.”

Art. 60. – All the references to “the National Sanitary Veterinary Agency” and “the Romanian Food Safety Agency” from the legislation in force are considered as being made to “the National Sanitary Veterinary and Food Safety Authority”.

Art. 61. – The Annexes no 1 and 2 are part of this ordinance.

Art. 62. – When this ordinance enters in force, the sanitary veterinary Law no. 60/1974, consolidated in the Official Monitor of Romania, Part I, nr. 626 from 2 September 2003, with subsequent modifications, and also other contrary dispositions, are repealed.

ANNEX No. 1

DEFINITION OF TERMS

“The National Sanitary Veterinary and Food Safety Authority” – regulation authority in the sanitary-veterinary and food safety field, public central administration specialised institution, with legal personality, under Government subordination, in Agriculture, Forests and Rural Development Minister's coordination;

“sanitary-veterinary activity” – the activity deployed on Romanian territory by a veterinarian within the competency limits of the sanitary-veterinary services provided by this ordinance;

“public sanitary-veterinary activity” – sanitary-veterinary strategic activities, of national interest, performed within the competency limits of the sanitary-veterinary services, in order to apply the governmental strategies and politics of defending and improving the animal health status, protection of public health, animal protection, environmental protection and food safety;

“private sanitary-veterinary activities” – sanitary-veterinary activities other than the public ones, performed by the free practice veterinarians according to the law;

“sanitary-veterinary and food safety authority” – central sanitary-veterinary and food safety authority that has the legal powers in the competence fields of the sanitary-veterinary services or any other authority in the sanitary-veterinary field to whom these powers and competences were delegated;

“central sanitary-veterinary authority” –

“county sanitary-veterinary authority” –

“local sanitary-veterinary authority” –

“official veterinarian” – the veterinarian hired and retributed by the state, nominated to perform the sanitary-veterinary activities established by the sanitary-veterinary authority;

“free practice veterinarian” –

“free practice veterinarian authorized” – the free practice veterinarian empowered by the county and Bucharest sanitary-veterinary authority to carry out some public sanitary-veterinary activities, on the basis of a contract, according to the law;

“member states” –

“third countries” –

“animal” – mammals, domestic and wild birds, fish, bees, silk worms, batrachians, molluscs, gastropods, crustaceans and tunicates;

“.....” –