

ROMANIA

1. Provisions in place in the Member States on REACH penalties

The table below has been compiled on the basis of the information provided in the legislation sent by Romania in its notification to the European Commission. This table indicates briefly which REACH articles are covered in the national legislation.

When there is a star (*) next to the country name, it means that the country applies what is called a “catch-all” provision, meaning that there is a provision in the law indicating that any infringement of the REACH Regulation can be sanctioned under national law.

Country	ROMANIA
Article	
5	
6(1)	X
6(2)	
6(3)	X
7(1)	X
7(2)	X
7(3)	
7(5)	
8(1 and 2)	
9(2)	
9(6)	X
10	
11(1 and 3)	
12(1)	
12(2)	X
13(1-5)	
14(1)	X
14(6)	X
14(7)	X
17(1 and 2)	X
18(1 to 3)	X
19(1 and 2)	
20(2)	
21(1)	
21(2)	
21(3)	
22(1)	X
22(2)	X
24(2)	
25(1)	
26(1)	
27(1 to 3)	
27(4)	
27(6)	
28(1)	
28(6)	
29(3)	
30(2)	X
30(6)	X
31(1)	X
31(2-9)	X
32(1)	X
32(2-3)	X
33(1 and 2)	X
34	X
35	X
36(1)	X
36(2)	X
37(2)	X
37(3)	X
37(4)	X

Country	ROMANIA
Article	
37(5)	X
37(6)	X
37(7)	X
38(1)	X
38(2)	X
38(3)	X
38(4)	X
39	X
40(4)	
41(4)	
46(2)	
49(a)	
50(2-3)	
50(4)	
53(1) to (3)	
53(4)	
55	
56(1)	X
56(2)	X
60(8)	
60(10)	
61(1)	
61(3)	
62 (4 and 5)	
63(3)	
65	X
66(1)	
67(1)	X

2. Types of offences related to REACH in Romania

This section gathers information on the REACH offences (administrative and/or criminal ones) pointed by the law in Romania. We divided the offences in four groups:

- Offences related to the registration requirements;
- Offences related to authorisation and restrictions requirements;
- Offences related to the supply chain requirements;
- Offences related to the downstream user requirements;

The only criminal sanctions in place regarding the environment seem to be in the Law of the Environment and are not REACH specific. There is also one paragraph in the Penal Law, which regulates that crimes concerning the environment are to be punished with imprisonment; which is also not REACH specific and is of a very general nature. Therefore, as discussed and agreed with the Commission, we would like to suggest not including them in the tables, but rather mention them in a separate paragraph in the report.

	Administrative offences	Criminal offences
Offences related to the registration requirements	<i>Minor offences:</i> - Failure to submit a registration to the Agency (Article 6) - Failure to submit a registration to the Agency for substances in articles (Article 7 (1)) - Failure to notify the Agency (Article 7(2)) - Failure to notify the Agency and provide it with the information requested (Article 9(4) and (6), Article 22)	

	<ul style="list-style-type: none"> - Failure to notify the Agency with additional information where the next tonnage threshold has been reached (Article 12(2)) - Failure to provide the relevant information in a correct way for registration (Article 17(1) and 17(2), Article 18)) <p><i>Major offences:</i></p> <ul style="list-style-type: none"> - Failure to keep CSR available and up to date (Article 14(7)) - Failure to perform a CSA and to complete a CSR (Article 14(1)) and to control the risks identified in the CSA (Article 14(6)) - Failure to share data on animal testing (Article 30) 	
Offences related to authorisation and restrictions requirements	<p><i>Major offences:</i></p> <ul style="list-style-type: none"> - Failure to ask for an authorization before the placing on the market of substances subject to authorisation (Article 56) - Failure to include the authorisation number on the label (Article 65) - Failure to comply with the conditions of the restrictions on the manufacturing, placing on the market and use of certain dangerous substances, preparations and articles (Article 67 (1)) 	N/A
Offences related to the supply chain requirements	<p><i>Major offences:</i></p> <ul style="list-style-type: none"> - Failure by the supplier to provide safety data sheet (Article 31) - Failure to indicate true information on the safety data sheet (Article 31) - Failure to respect the provisions relating to the obligation of the members of the supply chain to communicate information (Article 31) - Failure to respect the provisions relating to the obligation of the members of the supply chain to communicate information (Articles 33 (1) and (2), 34) - Failure to provide information to the Agency and to the national competent authority (Article 36) <p><i>Minor offences:</i></p> <ul style="list-style-type: none"> - Failure to supply and keep available information (Articles 32) - Failure to provide access to information (Article 35) 	N/A
Offences related to the downstream user requirements	<p><i>Major offences:</i></p> <ul style="list-style-type: none"> - Failure to comply with the provisions relating to the duty to perform a chemical safety assessment and complete a chemical safety report as well as to identify, apply and recommend risk reduction and risk assessment measures (Article 37) - Failure to comply with the provisions relating to the obligation of downstream users to communicate information (Article 38) <p><i>Minor offences:</i></p> <p>Failure to comply in due time with the provisions of Article 37 and article 38 (Article 39)</p>	N/A

3. Sanctions applicable to legal persons in Romania

This table mentions whether or not Romania applies administrative or/and criminal sanctions to legal persons when REACH provisions are infringed and of a specific regime applies for legal persons in comparison to the regime applicable to natural persons.

In Romanian legislation there are not criminal sanctions specific for REACH infringement.

	Sanctions applicable to legal persons	Criteria	Sanctions applicable to other groups
Romania	Y	Identical to natural persons	N

4. REACH related administrative and criminal penalties in Romania

This section gathers information regarding administrative and/or criminal penalties applicable for the infringement of REACH in Romania. We divided the penalties in four groups:

- Penalties related to infringement of registration requirements;
- Penalties related to infringement of authorisation requirements;
- Penalties related to infringement of the supply chain requirements;
- Penalties related to infringement of the downstream users requirements;

	Administrative penalties	Criminal penalties
Penalties related to infringement of registration requirements	Depending on the severity of the offence: <ul style="list-style-type: none"> • A penalty of 6 500 to 15 000 RON¹ (1 544 to 3 564 EUR), or • A penalty of 15 000 to 30 000 RON (3 564 to 7 128 EUR), or • A penalty of 30 000 to 50 000 RON (7 128 to 11 889 EUR) 	N/A
Penalties related to infringement of authorisation requirements	Depending on the severity of the offence: <ul style="list-style-type: none"> • A penalty of 15 000 to 30 000 RON² (3 564 to 7 128 EUR), or • A penalty of 30 000 to 50 000 RON (7 128 to 11 889 EUR) 	N/A
Penalties related to infringement of the supply chain requirements	Depending on the severity of the offence: <ul style="list-style-type: none"> • A penalty of 6 500 to 15 000 RON³ (1 544 to 3 564 EUR), or • A penalty of 15 000 to 30 000 RON (3 564 to 7 128 EUR), or • A penalty of 30 000 to 50 000 RON (7 128 to 11 889 EUR) 	N/A
Penalties related to infringement of the downstream users requirements	Depending on the severity of the offence: <ul style="list-style-type: none"> • A penalty of 6 500 to 15 000 RON⁴ (1 544 to 3 564 EUR), or • A penalty of 15 000 to 30 000 RON⁵ (3 564 to 7 128 EUR), or • A penalty of 30 000 to 50 000 RON (7 128 to 11 889 EUR) 	N/A

5. Short description of REACH sanctions and related issues in Romania

By the time Romania notified the Commission about the legislation in force to deal with infringements of REACH, the specific piece of legislation, supposed to deal with REACH infringements only was

¹ Approx. 1 544 to 3 564 EUR (calculated on the basis of the change rate as on 27 August, 2009)

² Approx. 1 544 to 3 564 EUR (calculated on the basis of the change rate as on 27 August, 2009)

³ Approx. 1 544 to 3 564 EUR (calculated on the basis of the change rate as on 27 August, 2009)

⁴ Approx. 1 544 to 3 564 EUR (calculated on the basis of the change rate as on 27 August, 2009)

⁵ Approx. 1 544 to 3 564 EUR (calculated on the basis of the change rate as on 27 August, 2009)

already approved by the Parliament but not in force yet. The above-mentioned Governmental Decision (**H.G. 477/2009**) came into effect at the end of May this year.

This law provides only administrative sanctions when REACH obligations are infringed. The amount of fines is the same for legal and natural persons. The law itself does not provide any guidelines for how the fines are supposed to be calculated on a case-to-case basis; only the frame, with a minimal and a maximal amount, is given.

The enforcement of this law is mainly attributed to inspectors of the National Guard for Environment. They are entitled to carry controls on any premises. Some of those controls are known well in advance, because they are registered in an annual plan, but the inspectors have also the possibility to make unannounced visits.