

GOVERNMENT OF ROMANIA



Emergency ordinance on the introduction into Romania of used, repaired, or reconditioned products, as well as the withdrawal from the market of products identified as dangerous

In order to ensure the necessary framework for unrestricted access to products and services, full information on their essential characteristics, and the protection and safeguarding of the legitimate rights and interests of individuals against unfair practices, it is necessary to broaden the legislative framework to regulate the placing on the market and marketing of non-food consumer goods for the general public and to impose additional obligations on economic operators, so that it is mandatory, prior to placing on the market, marketing and free distribution, including as a donation, of used or reconditioned products and/or categories of products, to ensure that they undergo cleaning, disinfection and pest control operations that allow for their safe marketing.

Considering that these elements concern the general public interest and constitute urgent and extraordinary situations whose regulation cannot be postponed,

Pursuant to Article 115(4) of the Romanian Constitution, republished,

The Government of Romania hereby adopts this Emergency Order.

CHAPTER I. GENERAL PROVISIONS

Art.1 -

(1) The object of this Emergency Ordinance is to regulate the introduction into Romania, for the purpose of placing on the market, marketing and/or free distribution, including as an act of donation, of used, repaired or reconditioned products and/or categories of products, as well as products withdrawn from the market for being dangerous products.

(2) The control of imports and transfers of goods or products regulated under paragraph 1 shall be carried out by the National Authority for Consumer Protection, in cooperation with the National Environmental Guard, the Romanian Automotive Register, the Romanian Customs Authority, as well as the Ministry of Internal Affairs through the Romanian Police and the Romanian Border Police, as applicable, in accordance with the powers provided by law.

(3) In the case of imports, exports, transit operations and intra-Community transfers of products which, according to the transport documents, are declared as used, repaired or reconditioned products and/or categories of products, as well as products withdrawn from the market for being dangerous products, where discrepancies are found between the actual condition of the products and those declared in the documents, at border crossing points or customs offices, the Romanian Border Police and the Romanian Customs Authority shall inform the National Authority for Consumer Protection, which shall carry out the verification and establish the applicable measures according to its legal powers.

(4) The holder of used, repaired or reconditioned products and/or categories of products, as well as of products withdrawn from the market for being dangerous products, has the obligation to present all documents regarding their origin, customs status and any other additional information requested by the National Authority for Consumer Protection, as applicable.

Art.2 - For the purposes of this Emergency Ordinance, the terms and expressions below shall have the following meanings:

- 1. notification** – the administrative procedure whereby an economic operator, via the SIATD ROSH application, notifies the National Authority for Consumer Protection of its intention to import, transit, carry out an intra-Community transfer or export goods covered by this Emergency Ordinance,
- 2. economic operator** – according to the definition provided in article 3 point 13 of the Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC,
- 3. product** – according to the definition provided in article 3 point 1 of the Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC,
- 4. safe product** – according to the definition provided in article 3 point 2 of the Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC.
- 5. dangerous product** – according to the definition provided in article 3 point 3 of the Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC,
- 6. used product** – a product or component that has been used previously, is in working order, can be safely reused and has economic value,
- 7. reconditioned or repaired product** – a previously used product, a returned item or one with minor defects, which has been restored to working order to ensure it operates at optimal performance,
- 8. release for free circulation** – as defined in Title VI, Chapter I, Articles 201 and 202 of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code;
- 9. making available on the market** – according to the definition provided in article 3 point 6 of the Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC,
- 10. placing on the market** – according to the definition provided in article 3 point 7 of the Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC,
- 11. certificate of reuse** – a document issued by the supplier in the country of origin, which must include: proof of functional testing; the supplier's identification details; a description of the products,
- 12. cleaning of textile products** – in accordance with the provisions of standard EN ISO 3175-1:2018 and Order of the Minister of Health No. 119/2014 approving the public health and hygiene

regulations concerning the living environment of the population, published in the Official Gazette, Part I, No. 127 of 21 February 2014, as subsequently amended and supplemented.

13. durable-use product – a relatively complex product consisting of parts and subassemblies, designed and manufactured to be used throughout its average service life and on which repairs or maintenance activities may be carried out,

14. reuse – any operation by which products or components that have not become waste are used again for the same purpose for which they were designed,

15. labelling – provision of mandatory product information, including warnings and instructions, by affixing them to the product, to the packaging or to the documents accompanying the product, in accordance with applicable legislation.

Art.3 -

(1) In accordance with the provisions of Government Ordinance No 21/1992 on consumer protection, as subsequently amended and supplemented, economic operators must, in accordance with the provisions of this Emergency Ordinance, provide consumers with accurate, complete and precise information on the origin of batches, based on data provided by the supplier.

(2) Durable-use products that have been used, repaired or reconditioned must be accompanied by the warranty certificate, any supporting documents required by the legislation in force, the declaration of conformity, the technical manual or the instructions for use, installation, operation and maintenance issued by the manufacturer, in accordance with the provisions of Government Emergency Ordinance No. 140/2021 on certain aspects relating to contracts for the sale of goods.

(3) All information relating to the products and/or product categories referred to in Article 1(1), as well as accompanying documents, including instructions and product safety information, shall be drafted in Romanian, regardless of their country of origin, without precluding their provision in other languages.

(4) Economic operators are required to ensure the demonstration of the method of use and functionality of the products referred to in Article 1(1).

(5) Storage and transport facilities must comply with the requirements applicable to each category of products, so that the properties of the products are not altered.

CHAPTER II. PROCEDURE FOR THE INTRODUCTION INTO ROMANIA OF USED, REPAIRED OR RECONDITIONED PRODUCTS

Art.4 -

(1) Used, repaired or reconditioned products and categories of products introduced into Romania which do not comply with the provisions of this Emergency Ordinance shall be returned to the country of provenance or origin, at the sole expense of the economic operator/natural person, within 5 days from the date of ascertainment, pursuant to an order issued by the National Authority for Consumer Protection (ANPC).

(2) Used, repaired or reconditioned products and categories of products introduced into Romania may be placed on the market, marketed or distributed free of charge only if the economic operator holds an approval issued by the National Authority for Consumer Protection through the SIATD RO-SH application.

(3) The introduction into Romania of such products without the approval of the National Authority for Consumer Protection is prohibited.

(4) The ANPC's approval remains valid for a period of 3 years from the date of issue.

(5) Any change to the conditions on which the ANPC's approval was based must be notified to the ANPC; the authority will then decide whether to maintain the approval or whether it needs to be revised.

(6) Until the adoption of a decision by ANPC as provided for under paragraph 5, the carrying out of the activities regulated by this Emergency Ordinance shall be prohibited.

(7) For the proper information of consumers, the label affixed to the batch or product shall include the minimum necessary information regarding the product name, a clear indication that the

product is “second-hand”/“used”, the state of wear or degree of use, the identification of the seller: name and contact details, the country of origin if known, the essential characteristics of the product, the composition or materials used, where applicable, instructions for use, maintenance and sanitization, where applicable, storage conditions, any risks and safety warnings, as well as any other information provided for by the normative acts applicable to that category of products.

(8) All natural persons carrying out independent activities on a repeated basis for the purpose of obtaining income, authorized natural persons, and legal entities whose activities fall within the scope of this Emergency Ordinance are required to request registration with the National Authority for Consumer Protection through the SIATD RO SH application.

(9) The procedure for registering operators, and for the issue, suspension and withdrawal of authorisations, as well as the applicable fees, are laid down by an Order of the President of the National Authority for Consumer Protection, published in the Official Gazette of Romania, Part I.

Art.5 - It is prohibited to introduce into Romania products that do not comply with the safety requirements established by law or as declared, or that are dangerous, in accordance with the provisions of Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC.

Art.6 - 1. Economic operators introducing used, repaired or reconditioned products into Romania are required to unload them only at the place of business specified in the documents accompanying the consignment.

2. The unloading of used, repaired or reconditioned goods at locations other than the destination specified in the documents accompanying the consignment is prohibited; it shall be deemed abandonment and constitutes an offence, in accordance with the provisions of Government Emergency Ordinance No. 92/2021 on waste management, approved with amendments and additions by Law No. 17/2023, as subsequently amended and supplemented.

Art.7 -

(1) Economic operators introducing into Romania used, repaired or reconditioned products intended for placing on the market, commercialization or free distribution are required to register the transactions in the register of economic operators through the SIATD ROSH application at least 24 hours prior to the moment of introduction into the country.

(2) The registration, reporting and declaration procedure and the instructions for use of the SIATD ROSH application shall be approved by joint order of the President of the National Authority for Consumer Protection and the Minister of the Environment, Water and Forests.

Art.8 - Economic operators are required to register in SIATD ROSH all data relating to the quantity or number of second-hand or used products intended to be commercialized and the packaging in which they are contained, including the registration of all transactions carried out in connection with the products subject to commercialization.

Art.9 - The introduction into Romania of used, repaired or reconditioned products of any kind for the purpose of their disposal is prohibited.

Art.10 - The transit through the territory of Romania of goods falling within the scope of this Emergency Ordinance may be carried out only if the means of transport is sealed upon entry at the cus-

toms point, with verification of the integrity of the seal upon exit, and provided that the goods are accompanied by the transport documents required under the legislation in force.

Art.11 - 1. The transit of goods provided for in this Emergency Ordinance shall be carried out through border points designated in accordance with the provisions of Article 6(1⁴) of Government Decision No 788/2007 laying down certain measures for the application of Regulation (EC) No 1013/2006 on the transfer of waste, as subsequently amended and supplemented, by Order No 1887/106/2025 of the Minister for the Environment, Waters and Forests and of the Deputy Prime Minister, Minister for Internal Affairs, No 1887/106/2025 establishing the state border crossing points for transfers of waste and second-hand goods/goods, taking into account the implementation of measures provided for within the framework of Title III of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

2. Failure by economic operators or natural persons to declare to the National Authority for Consumer Protection any import, transit, intra-Community transfer or export of goods covered by this Emergency Ordinance shall constitute an administrative offence. The goods shall be returned to the country of provenance at the sole expense of the economic operator or natural person within 5 calendar days from the date of ascertainment and issuance of the report of contravention by the control personnel of the National Authority for Consumer Protection.

3. Natural persons are prohibited from carrying out intra-Community or extra-Community transport operations of used, repaired or reconditioned products/goods for the purpose of carrying out economic activities.

Art.12 - Economic operators introducing used, repaired or reconditioned products into Romania assume the responsibilities of the manufacturer/seller as importers/distributors, in accordance with Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC.

Art.13 - 1. Economic operators introducing used, repaired or reconditioned goods into Romania are required:

a) not to deviate from the approved route without informing the authorities that issued the approval,
b) to inform the authorities that issued the approval if, during transport, they modify or change the economic operator designated to carry out the transport,
c) to ensure that the products mentioned in the documents accompanying the transport are not mixed with other products. 2. The mixing, for transport purposes, of products other than those specified in the approval documents constitutes a contravention.

Art.14 - Economic operators introducing used, repaired or reconditioned products into Romania are required:

a) to complete and submit in SIATD ROSH to the competent authorities the circulation document at least 24 hours prior to carrying out the transfer or import of used, repaired or reconditioned products and categories of products,
b) to submit to the competent authorities the ROSH certification of receipt for products and categories of products that have been worn or used, within 48 hours of its completion;
d) to comply with the obligation to record, or to ensure that no incorrect entries are made in the SIATD RO SH application, all transports carried out;

e) to keep a monthly record of the inflows and outflows relating to the quantities of products included in the inventory, in accordance with the joint order of the ANPC and the Minister of the Environment, Water and Forests referred to in Article 7(2).

CHAPTER III. PRODUCT CATEGORIES

Art.15 -

(1) The introduction into Romania, for the purpose of placing on the market, commercialization and free distribution, of used, repaired or reconditioned clothing or used, repaired or reconditioned textile articles, as well as used, repaired or reconditioned footwear articles, shall be permitted only if these are sorted by categories and are subjected to cleaning, disinfection and pest-control operations specific to textile products for each category, carried out by authorized legal entities specialized in the field, prior to their introduction into Romania, and are accompanied by a separate document for each batch, by category and number of items, in the form of an inventory, certifying the individual performance of the aforementioned operations.

(2) The cleaning of textile products shall be carried out in accordance with ISO 3175-1:2017, approved by CEN as EN ISO 3175-1:2018, SR EN ISO 862/1998, as well as the provisions of Order No. 119/2014 approving the public health and hygiene standards concerning the living environment of the population, published in the Official Gazette, Part I, No. 127 of 21 February 2014, as subsequently amended and supplemented.

(3) Certification of the operations shall be carried out by attaching to each batch a label certifying the performance of the cleaning, disinfection and pest-control operations of textile products, used or worn clothing, and footwear.

- a) The document referred to in paragraph 3 must be submitted in Romanian and must contain: the name, registered office address and registration number of the authorised legal entity that carried out the cleaning, disinfection, pest control, washing, ironing and, where applicable, repair and reconditioning of textiles, clothing and footwear,
- b) the type of the operations referred to in paragraph 1 and the date on which they were carried out;
- c) a statement confirming that the use of the substance will not have harmful effects on public health,
- d) the submission of a document, in Romanian, listing the names of the biocidal substances used in the operations referred to in paragraph 1 for the purpose of disinfection,
- e) possession of a certificate of sorting, cleaning of textile products, ironing, repair, reconditioning, inventorying, labelling, and packaging issued by the sender,
- f) details regarding the origin of the products – country of origin, contact details of the economic operator,
- g) product destination details – country of destination, contact details of the economic operator.

Art.16 - 1. Used, repaired or reconditioned clothing and used, repaired or reconditioned textiles not complying with the provisions of Article 15 shall be regarded as dangerous products and shall be withdrawn from the market; furthermore, in the event of a border inspection, they shall not be permitted to enter the national territory.

2. Used, repaired or reconditioned footwear not complying with the provisions of Article 15 shall be regarded as dangerous products and shall be withdrawn from the market; furthermore, in the event of a border check, such footwear shall not be permitted to enter the national territory.

3. Used, repaired or reconditioned clothing, used, repaired or reconditioned textiles, whether worn or otherwise, and used, repaired or reconditioned footwear, withdrawn from the market in accordance with paragraphs (1) and (2), brought into Romania and found to be dangerous products, shall be returned to the country of origin, at the sole expense of the economic operator/natural person, within 5 calendar days of the finding, by order of the National Authority for Consumer Protection.

Art.17 - 1. Legal/natural persons placing on the market, marketing and/or distributing, free of charge, used, repaired or reconditioned goods or products shall be required to complete monthly data on their entry and exit into SIATD RO SH, to keep a monthly written record of their entry and exit, in accordance with the model laid down in the joint ANPC and MMAP order referred to in Article 7(2).

2. The data referred to in paragraph 1 shall be made available, upon request, to the persons responsible for control within the National Authority for Consumer Protection.

Art.18 -

(1) The introduction into Romania of used tyres by economic operators carrying out activities in the field of trade in vehicle parts and accessories, vehicle repair or maintenance, or road transport, as well as by natural persons, shall be permitted on the basis of an inventory including: the number of tyres, the manufacturer and the year of manufacture.

(2) The introduction into Romania of used tyres is permitted only if they cumulatively meet the following conditions:

- a) they have a tread depth of at least 1.6 mm and the wear indicators of the tread are not visible, in the case of standard tyres (summer tyres), as defined in UN Regulation No. 30 – Uniform provisions concerning the approval of pneumatic tyres for motor vehicles and their trailers, and UN Regulation No. 54 – Uniform provisions concerning the approval of pneumatic tyres for commercial vehicles and their trailers,
- b) have a main tread depth of at least 4 mm and the tread wear indicators are not visible, in the case of winter tyres as defined in UN Regulation No. 30 and UN Regulation No. 54,
- c) have a stud height of at least 4 mm in the case of studded tyres as defined in UN Regulation No. 117 – Uniform provisions concerning the approval of tyres with regard to rolling sound emissions and/or to adhesion on wet surfaces and/or to rolling resistance,
- d) are no more than 10 years old, in the case of standard (summer) tyres,
- e) are no more than 6 years old, in the case of winter tyres,
- f) shows no signs of mechanical damage.

(3) Used tyres that do not comply with the provisions of paragraphs 1 and 2 are considered dangerous products and are not permitted to be introduced into Romania, or must be withdrawn from the market if they have already been introduced into Romania, in accordance with Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC, and in the case of border checks, they shall not be permitted access to the national territory.

(4) Used tyres withdrawn from the market in accordance with paragraph 3 shall be returned to the country of origin, at the sole expense of the economic operator or the individual, within 5 calendar days of the finding being made, by order of the National Authority for Consumer Protection.

Art.19 - 1. The introduction into Romania, for the purpose of placing on the market, commercialization or free distribution, of used, repaired or reconditioned furniture items shall be permitted only if they have been subjected to cleaning, disinfection and pest-control operations carried out by specialized legal entities and are accompanied by a separate document for each batch, by category, certifying the performance of the aforementioned operations.

2. Used, repaired or reconditioned items of furniture must also be accompanied by accurate and useful information regarding:

- the properties of the product, including composition,
- the product presentation, the information provided by the manufacturer via labelling, marking and packaging, as well as any other information provided by the manufacturer,
- the details regarding the country of origin, product specifications, and the economic operator's contact details;

3. Used, repaired or reconditioned furniture items not complying with the provisions of paragraphs 1 and 2 shall be considered dangerous products and shall be withdrawn from the market, in accordance with Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC.

4. The products referred to in paragraph 1 shall be delivered fully assembled or accompanied by assembly instructions.

5. Furniture items withdrawn from the market, introduced into Romania and found to be dangerous products, shall be returned to the country of provenance or origin, at the sole expense of the economic operator, within 5 calendar days of the date of the finding set out in the report on the administrative offence drawn up by the inspection staff of the National Authority for Consumer Protection.

Art.20 - 1. The introduction into Romania, for the purpose of placing on the market, commercialization and free distribution, of used, repaired or reconditioned toys shall be permitted only if the economic operator complies with the provisions of Government Decision No. 74/2011 on toy safety, published in the Official Gazette of Romania, Part I, No. 125 of 18 February 2011, as subsequently amended and supplemented. Products found to be dangerous shall be returned to the country of origin, at the sole expense of the economic operator or individual, within 5 calendar days of the finding being recorded in the report of the administrative offence drawn up by the ANPC's inspection staff.

2. Toys and/or parts thereof that do not comply with the safety requirements for placing on the market shall not be permitted to enter Romanian territory if they are identified during border checks.

Art.21 -

(1) The introduction into Romania, for the purpose of placing on the market, commercialization or free distribution, of used, repaired or reconditioned low-voltage electrical equipment shall be permitted only if they are accompanied by documents certifying their functionality and a declaration on one's own responsibility stating that they are not waste. During transport, the used, repaired or reconditioned low-voltage electrical equipment shall be stowed, packaged or bonded so that it is not damaged.

(2) Only when accompanied by documents certifying that they can be repaired and a declaration on honour that they are not waste, may low-voltage electrical equipment in use be brought into Romanian territory. Failure to repair products within 90 days constitutes an administrative offence. In such cases, the goods shall be returned to the country of origin at the economic operator's expense within 5 working days of the date of the finding, in accordance with the report on the finding of the administrative offence drawn up by the inspection staff of the ANPC.

(3) Low-voltage electrical equipment that does not comply with the provisions of paragraphs 1 and 2 is considered dangerous and shall be withdrawn from the market, in accordance with Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC.

(4) Low-voltage electrical equipment that does not comply with the provisions of paragraphs 1 and 2 shall not be allowed access to the territory of Romania in the case of border control.

(5) The introduction into Romania of electrical equipment withdrawn from the market, found to be dangerous products, constitutes a contravention and such equipment shall be returned to the country of provenance at the sole expense of the economic operator, within 5 calendar days from the moment of ascertainment, in accordance with the report of contravention issued by the control personnel of the National Authority for Consumer Protection.

Art.22 -

- (1) It is prohibited to bring into Romania motor vehicles, two- or three-wheeled vehicles, quadricycles, agricultural or forestry vehicles, self-propelled machinery (non-road mobile machinery) and used trailers that have been declared a “total loss”, have been taken out of service or are not eligible for registration in their country of origin.
- (2) Compliance with the requirement set out in paragraph 1 shall be demonstrated by documents issued by the competent authorities of the country of origin, by insurance companies in the country of origin, or by a sworn statement from the economic operator.
- (3) It is prohibited to bring into Romania any motor vehicle that does not meet the Euro 5 emissions standard.
- (4) Compliance with the pollution standards referred to in paragraph 3 shall be evidenced by documents issued by the competent authorities of the state of origin or the manufacturers of motor vehicles.
- (5) Where the documents referred to in paragraph 4 cannot be provided, compliance with the emission standards referred to in paragraph 3 shall be determined in accordance with the provisions of Order No 2386/2024 of the Minister of Transport and Infrastructure approving the Regulations on the individual type-approval, the issue of the vehicle registration certificate and the certification of the authenticity of road vehicles, as well as the issue of the technical certificate for self-propelled machinery and slow-moving vehicles - RNTR 7.
- (6) Vehicles referred to in paragraph 1 may only be brought into Romania if they are accompanied by a valid roadworthiness test certificate or a sworn statement from the owner confirming that the vehicle is not waste.
- (7) It is prohibited to introduce into Romania the vehicles referred to in paragraph 1 that are incomplete and do not contain all of the essential components – engine, transmission, running gear, bodywork and chassis – unless they are to be restored to working order as historic vehicles, on the basis of a sworn statement by the owner.
- (8) The provisions of paragraphs 1 and 3 do not apply to historic vehicles, as defined by Order of the Minister of Transport and Infrastructure No. 2386/2024 approving the Regulations on individual type-approval, the issue of identity cards and the certification of authenticity of road vehicles, as well as the issue of technical certificates for self-propelled vehicles and slow-moving vehicles – RNTR 7.
- (9) Vehicles referred to in paragraph 1 not complying with the provisions of paragraphs 1, 3, 6 and 7 shall be regarded as dangerous products and shall not be permitted to be placed on the market in Romania, or shall be withdrawn from the market if they have already been placed on the market, in accordance with Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC.
- (6) The vehicles provided for in paragraph 1, withdrawn from the market, if they have already been introduced on the territory of Romania, shall be returned to the country of origin, at the exclusive expense of the economic operator or natural person, within 5 calendar days from the moment the infringement is found, according to the report on the infringement concluded by the personnel with control responsibilities within the ANPC.

Art.23 - 1. The introduction into Romania, by economic operators carrying out activities in the field of trade in vehicle parts and accessories, vehicle repair or maintenance, or road transport, as well as by natural persons, of used, repaired or reconditioned systems, equipment, parts, components or separate technical replacement units for vehicles, hereinafter referred to as “automotive products”, shall be permitted only if they are accompanied by a certificate issued by an economic operator from the country of origin stating that the replacement automotive product is functional, or by a

declaration on one's own responsibility stating that it does not constitute waste. The certificate must include the name and contact details of the economic operator, as well as the name of the automotive spare part, including its serial number and identification number, if available. During transport, the parts must be stacked, packaged or secured so as not to be damaged.

2. In the case of vehicle products resulting from dismantling, the certificate referred to in paragraph 1 must be issued by an end-of-life vehicle treatment centre authorised by the state of origin.

3. Automotive spare parts that do not comply with the provisions of paragraph 1 shall be regarded as dangerous products and shall not be permitted to be placed on the market in Romania, or shall be withdrawn from the market if they have already been placed on the market, in accordance with Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and of the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC.

4. Automotive spare parts withdrawn from the market in accordance with paragraph (3), if they have already been introduced into Romanian territory, shall be returned to the country of origin, at the exclusive expense of the economic operator or natural person, within 5 days from the time of the finding, according to the report ascertaining the infringement concluded by the staff with control duties within the ANPC.

Article 24 Natural persons are permitted to bring into Romanian territory, for personal use, of goods referred to in this Emergency Ordinance, which they are required to declare within 5 calendar days of entering the country to the local consumer protection authority under the ANPC in the area where they have their domicile or residence, subject to the provisions of Article 11(3).

CHAPTER IV. PENALTIES

Article 25.1. Any breach of the provisions of this Emergency Ordinance shall, in accordance with the law, give rise to financial, civil, administrative or criminal liability, as the case may be.

2. The following are contraventions and shall be punished as follows:

- a) failure to comply with the provisions of Article 3, Article 4, Article 5, Article 9, Article 10, Article 11, Article 12, Article 13, Article 15, Article 16, Article 17, Article 19, Article 20, Article 22 and Article 23, with a fine of between 50,000 RON and 150,000 RON,
- b) failure to comply with the provisions of Article 6, Article 7, Article 8, Article 14, Article 18, Article 21, with a fine of between 70,000 RON and 150,000 RON.

3. The penalties referred to in paragraph 2 may also be imposed on natural persons, in which case the minimum and maximum limits of the fines shall be reduced by half.

4. The identification of administrative offences and the imposition of penalties shall be carried out by authorised representatives of the National Authority for Consumer Protection.

Article 26. Failure by economic operators to comply with the obligation to return products found to be dangerous to the country of provenance or origin, in accordance with the legal provisions in force, constitutes a criminal offence and is punishable by imprisonment for a term of between 2 and 7 years.

Article 27. The prevention or obstruction, in any form, by the economic operator or any other person, of the authorised representatives of the National Authority for Consumer Protection in the exercise of their duties regarding the control of compliance with the provisions of this Emergency Order constitutes a contravention and shall be sanctioned with a fine of between RON 75 000 and RON 150 000.

CHAPTER V. TRANSITIONAL PROVISIONS

Article 28.1. Economic operators carrying out sorting, washing, disinfection and pest control operations within Romania for products and categories of products that are used, repaired or reconditioned, and which are in stock on the date of entry into force of this Emergency Ordinance, may market and distribute them free of charge until stocks are exhausted, but for no longer than 365 days from the date of entry into force of this Emergency Ordinance, with the exception of those for which deficiencies have been identified in relation to the relevant legal provisions

2. Economic operators engaged in the marketing, distribution, repair, reconditioning or recycling of components and products in the field of information and communication technology (IT), on Romanian territory, may market and/or distribute free of charge the products and components in stock on the date of entry into force of this Emergency Order, for the categories of products concerned by this Emergency Order, until the liquidation of the stock, but no longer than 365 days from the date of entry into force of this Emergency Order.

3. Where products or components can no longer be sold or distributed, economic operators are required to test them to determine whether they can be reused, reconditioned or recovered. Products which, as a result of testing, do not meet the minimum operating and safety requirements shall be classified as waste and managed in accordance with the applicable waste management legislation.

4. Economic operators carrying out operations involving the sorting, cleaning, washing, disinfection, pest control, repair or reconditioning of furniture, within Romania, for the products and categories of products used, repaired or reconditioned, which are in stock on the date of entry into force of this Emergency Ordinance, may sell and/or distribute them free of charge until the stock is cleared, but for no longer than 365 days from the date of entry into force of this Emergency Ordinance. The following are exempt from the provisions of paragraph 1: items of furniture in respect of which non-compliance has been established with the relevant legal provisions concerning safety in use, structural stability, hygiene or other applicable technical requirements.

5. Economic operators engaged in the sale, distribution, repair, reconditioning, sanitisation, cleaning, decontamination or recycling of motor vehicles, within Romania, may, in respect of used, repaired or reconditioned vehicles held in stock on the date of entry into force of this Emergency Ordinance, sell and/or distribute them free of charge until the stock is cleared, but for no longer than 90 days from the date of entry into force of this Emergency Ordinance. The following are exempt from the provisions of paragraph 1: motor vehicles in which non-compliance has been identified with the relevant legal provisions on road safety, type-approval, periodic technical inspection (ITP), environmental protection or other applicable technical and legal requirements; and historic vehicles (of historical interest), as defined by law.

6. Upon expiry of the period referred to in paragraph 1, products and categories of products used, repaired or reconditioned that remain in stock shall be managed in accordance with the provisions of Government Emergency Ordinance No 92/2021, approved with amendments and additions by Law No 17/2023, as subsequently amended and supplemented, through authorised operators.

Article 29.1. This Emergency Ordinance shall apply without prejudice to other applicable national or European regulations. This Emergency Ordinance shall apply without prejudice to imports of products necessary for the defence industry.

2. The provisions of Government Ordinance no. 2/2001 on the legal regime of contraventions, approved with amendments and additions by Law no. 180/2002, shall apply to the contraventions referred to in Article 25.

3. Notwithstanding the provisions of Article 28(1) of Government Ordinance No 2/2001, approved with amendments and additions by Law No 180/2002, as subsequently amended and supplemented, the provisions of Article 25 of this Emergency Ordinance shall apply *mutatis mutandis*.

4. The provisions of Article 32(3), first sentence, of Government Ordinance No 2/2001, approved with amendments and additions by Law No 180/2002, as subsequently amended and supplemented, shall not apply to the provisions of Article 25.

5. By way of derogation from Article 13(1) of Government Order No 2/2001 on the legal arrangements for administrative offences, as amended, for the administrative offence referred to in Article

25, the limitation period for the establishment and application of the administrative penalty shall be 3 years from the date on which the act was committed.

6. Government Decision No. 163/2007 on the placing on the market, marketing and free distribution of second-hand or worn clothing and second-hand or worn textile articles, published in the Official Gazette, Part I, No. 128 of 21 February 2007, shall be repealed on the date of issue of the orders referred to in Article 4(9) and Article 7(2).

Article 30.

Within 6 months, the competent authorities shall make available the platform referred to in Article 4(2).

Within 6 months, the competent authorities shall issue the orders referred to in Article 4(9) and Article 7(2).

Article 31. This Ordinance was adopted in accordance with the notification procedure laid down in (EU) Directive 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, transposed into Romanian law by Government Decision No 1016/2004 on measures for the organisation and exchange of information in the field of technical standards and regulations, as well as rules on information society services between Romania and the Member States of the European Union, as well as the European Commission, as subsequently amended and supplemented, and under the conditions established by the European Commission.