



GOVERNMENT OF ROMANIA

Emergency Order

on the manufacture, repackaging, marketing, import, export, use and provision of plant protection products and services on Romanian territory

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC, as subsequently amended and supplemented;

Taking into account the foreign policy desideratum of Romania, namely its accession to the Organisation for Economic Co-operation and Development (OECD);

Taking into account the recommendations of the evaluation mission carried out by the Committee on Chemicals and Biotechnologies in the process of Romania's accession to the Organisation for Economic Co-operation and Development, which were adopted under the Action Plan on combating illegal trade in plant protection products (OECD/LEGAL/0446-Best Practice Guidance to Identify Illegal Trade of Pesticides), which established the need, by the beginning of 2025, to update the national legislation on combating illegal trade in plant protection products and the export of plant protection products;

Taking into consideration the implementation of the recommendations of audit mission 2024-7974 carried out by the European Commission Directorate-General for Health and Food Safety (DG SANTE) from 20 February to 5 March 2024 to evaluate the authorisation and controls of marketing and use of plant protection products;

Taking into consideration the requirements of the report on the audit carried out in Romania from 20 February to 5 March 2024 to evaluate the authorisation and controls of marketing and use of plant protection products, which provides for updating of the legislation;

Having regard to the existence of risks of failure to update the legislation within the established deadline, which will hinder/delay Romania's accession to the Organisation for Economic Co-operation and Development, and failure to implement the DG SANTE recommendations, which will affect the effectiveness of official controls on operators manufacturing and repackaging plant protection products for export, for which there is no legal framework, resulting in negative consequences for these activities;

Taking into consideration the need for urgent measures regarding the implementation of an official control system to check compliance with the requirements provided for in Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation), as subsequently amended and supplemented, by natural or legal persons marketing or using plant protection products;

Having regard to the establishment of specific rules for the performance of official controls to address the recognised uniform hazards and risks that might be posed by plant protection products, concerning the manufacture, packaging, repackaging, labelling, marketing, import, export, storage, use and provision of plant protection products and services, to ensure their safe and sustainable use and to combat illegal trade, including the adoption of measures to be taken in the event of non-compliance, provided for in Regulation (EU) 2017/625;

Taking into account that determination of the penalties applicable in the event of non-compliance with the rules regarding the manufacture, repackaging, marketing, import, export, use and provision of services using plant protection products on Romanian territory must be effective, proportionate and dissuasive; penalties that must be communicated to the European Commission without delay, including any subsequent amendments thereto;

Taking into account that the establishment of offences or updating of financial penalties for violations of the rules perpetrated through fraudulent or deceptive practices shall reflect the seriousness of the offence;

Taking into consideration the need for regulation of repackaging and export activities through the establishment of official control requirements to ensure that unauthorised plant protection products

intended for export are actually exported from Romania, as provided for in Article 28(2)(d) of Regulation (EC) No 1107/2009;

Having regard to the fact that some categories of plant protection products should only be used by trained and certified professional users;

Taking into account the fact that non-adoption of the measures proposed by this Emergency Order will have a negative impact in terms of information gathering, monitoring and reporting on unauthorised plant protection products, including their illegal trade, with direct effects on the food safety and food security of Romania. At the same time, it will not be possible to ensure a single market and effective trade with third countries in the field of plant protection products;

In the absence of an up-to-date legal framework for the safe use of plant protection products, such that the associated risks are minimised, there will be a negative impact on human health and the environment, i.e. on beneficial flora, fauna and wildlife and the conservation of biodiversity;

Inappropriate application of plant protection products leads to increased levels of pesticide residues in fruit, vegetables and cereals, with a negative impact on consumers;

Given that the failure to urgently adopt measures to improve implementation, monitoring and official control activities in the field of manufacture, repackaging, marketing, import, export, use and provision of services of plant protection products would hinder the activity of operators carrying out these types of activities;

In view of the fact that all of the aspects presented address the general public interest and constitute extraordinary emergency situations, whose regulation cannot be postponed any longer, immediate action needs to be taken by means of the Emergency Order.

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

The Government of Romania hereby adopts this Emergency Order.

CHAPTER I – GENERAL PROVISIONS

Article 1 This Emergency Order regulates activities involving plant protection products carried out by operators on Romanian territory and official controls and other official activities concerning the manufacture, repackaging, marketing, import, export, use and provision of plant protection products and services.

Article 2 In this Emergency Order, the following terms shall be defined as follows:

- a) official activities – other activities, distinct from official controls, carried out by the National Phytosanitary Authority, hereinafter referred to as the Authority, for the purpose of issuing certificates regarding the manufacture, repackaging, marketing, import, export, use and provision of plant protection products and services;
- b) authorisation – administrative act on the basis of which a plant protection product is authorised to be placed on the market by the authorisation holder;

- c) emergency authorisation – authorisation issued pursuant to Article 53 of Regulation (EC) No 1107/2009;
- d) import authorisation certificate – official document issued by the Authority, on the basis of which a plant protection product may be imported for use on Romanian territory;
- e) quality certificate – document attesting the quality of the relevant parameters: active substance content, physico-chemical properties and packaging integrity, in accordance with the requirements of the FAO manual;
- f) export certificate – official document issued by the Authority, on the basis of which a plant protection product may be exported from the customs territory of Romania;
- g) registration certificate – official document issued by the Authority, granting operators the right to carry out activities relating to the manufacture, repackaging, marketing, import, export and use of products in acute toxicity categories 1, 2 and 3 bearing the GHS06 pictogram and the provision of plant protection products and services;
- h) intra-Community movement – the free movement of goods within the customs territory of the European Union in accordance with Article 28(1) of the Treaty on the Functioning of the European Union, as amended and supplemented;
- i) marketing – the holding of plant protection products for the purpose of placing them on the market, including offering for sale or any other form of transfer, in return for payment, as well as the sale, distribution or any other form of transfer as such, with the exception of transfer to the previous seller;
- j) official control – control carried out to check compliance with the rules established at European Union level for the application of legislation regarding the placing on the market and use of plant protection products and their sustainable use;
- k) waste – as defined in Annex 1 to Government Emergency Order No 92/2021 on the waste regime, approved as amended and supplemented by Law No 17/2023, as subsequently amended and supplemented;
- l) hazardous waste – as defined in Annex 1 to Government Emergency Order No 92/2021 on the waste regime, approved as amended and supplemented by Law No 17/2023, as subsequently amended and supplemented;
- m) distributor – an authorised legal and natural person placing a plant protection product on the market, including wholesalers, retailers, sellers and suppliers;
- n) export – the physical exit from the customs territory of Romania of a plant protection product subject to a customs procedure other than the internal transit procedure of Romania for the movement of goods within the customs territory of Romania;

- o) import – the physical introduction into the customs territory of Romania of a plant protection product subject to a customs procedure other than the external transit procedure of Romania for the movement of goods within the customs territory of Romania;
- p) formulation location – the location declared by the authorisation holder at which the plant protection product is manufactured;
- q) operator – legal or natural person provided for in Emergency Order No 44/2008 on the performance of economic activities by authorised individuals, individual companies and family companies, as subsequently amended and supplemented, holding a registration certificate issued on the basis of this Emergency Order for activities relating to the manufacture, repackaging, marketing, import, export, use and provision of plant protection products and services;
- r) parallel trade permit – administrative act on the basis of which a plant protection product authorised in a Member State may be placed on the market and used if its composition is identical to that of a plant protection product authorised in Romania;
- s) service provider – the legal person, the authorised natural person, individual companies and family companies, carrying out phytosanitary treatments for crops, agricultural products and seed treatments for third parties, on the basis of a service contract;
- ş) producer – as defined in Article 3(11) of Regulation (EC) No 1107/2009;
- t) illicit plant protection product – any plant protection product that is counterfeit or not authorised in Romania, which is placed on the market, manufactured or repackaged without the consent of the approval holder or whose chemical composition is not as declared in the authorisation;
- ţ) non-compliant plant protection product – any plant protection product that does not meet the authorised technical specifications, whose validity period has expired or whose label and packaging do not meet the authorisation conditions;
- u) plant protection product – as defined in Article 2 of Regulation (EC) No 1107/2009;
- v) advertisement – as defined in Article 3(31) of Regulation (EC) No 1107/2009;
- w) repackaging – the operation of transferring a plant protection product from commercial packaging to smaller capacity packaging with a view to marketing;
- x) professional user – person defined in accordance with the provisions of Emergency Order No 34/2012 establishing the institutional framework of action for the sustainable use of pesticides on Romanian territory, as subsequently amended and supplemented;
- y) registered professional user – professional user holding a registration certificate in accordance with Article 4(2);
- z) authorisation holder – according to the definition provided in Article 3(24) of Regulation (EC) No 1107/2009.

Article 3 On Romanian territory, plant protection products authorised in Romania shall be marketed and used, with the exception of the products referred to in Article 28(2) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC, as subsequently amended and supplemented.

Article 4 (1) The activity of manufacture, repackaging, marketing, export and provision of plant protection products or services, as well as the activity of using products in acute toxicity categories 1, 2 and 3 bearing the GHS06 pictogram, shall be carried out on the basis of a registration certificate issued by the Authority, through the regional structures.

(2) Notwithstanding the provisions of (1), the activity of marketing, the activity of providing plant protection services and the activity of using products in acute toxicity categories 1, 2 and 3 bearing the GHS06 pictogram shall be carried out with the endorsement of the County Police Inspectorate or the General Police Directorate of Bucharest – Arms, Explosives and Dangerous Substances Service, as the case may be, and of the regional labour inspectorate.

(3) For the activities provided for in (1), operators are obliged to register each of their working locations in the county in which it is declared.

(4) The registration certificate shall be valid for the entire duration of the activity, with annual endorsement, obtained at the request of the operator, and shall be issued in two original copies.

(5) Any changes to the documentation that formed the basis for obtaining the registration certificate must be notified to the Authority within a maximum of 30 days of their occurrence.

(6) The annual endorsement shall be applied for no later than 30 days before the expiry date of the annual endorsement; failure to apply within said period shall result in termination of the validity of the issued registration certificates, their withdrawal and prohibition of the activity by the Authority.

(7) In the event of loss or deterioration of the registration certificates, the operator shall request a duplicate from the Authority.

(8) The operator must comply with the registration conditions in its manufacture, repackaging, marketing, import, export, use and provision of plant protection products and services.

(9) The operator must submit the registration certificate at the request of the authorities' control staff.

Article 5 (1) The manufacture, import, export, intra-Community movement, possession, storage, repackaging, marketing and use of illicit plant protection products are prohibited.

(2) Illicit plant protection products shall be withdrawn from marketing, use, the provision of services and repackaging and shall be considered hazardous waste subject to the legislation on the waste regime.

(3) Illicit plant protection products, considered as hazardous waste, shall not be mixed with each other or with other categories of hazardous waste, shall not be diluted and shall be stored separately,

such that a high degree of protection can be ensured for the environment and the health of the population, including ensuring traceability from the generation site to the final destination, in order to meet the provisions of the legislation on the waste regime.

(4) Natural or legal persons finding themselves in the situation referred to in (2) and/or (3) shall submit to the Authority the evidential document proving that the hazardous waste has been transferred to an authorised collection operator.

(5) The costs of storage and transfer of hazardous waste shall be borne by the natural or legal person concerned.

Article 6 It shall be prohibited for minors to carry out activities relating to the manufacture, repackaging, marketing, use and provision of plant protection products and services.

Article 7 It shall be prohibited to advertise unauthorised plant protection products on Romanian territory.

Article 8 Operators carrying out activities involving plant protection products must provide the information requested by the Authority under the conditions laid down by the Authority.

Article 9 Operators carrying out activities involving plant protection products must grant access to Authority staff or to officers and police officers of the Romanian Police force, to take samples for analysis, both for those products covered by monitoring programmes and those outside such programmes in the event of suspicion of illegality, counterfeiting, labelling and non-compliant packaging.

Article 10 (1) Manufacturers, repackagers, exporters, importers and traders shall keep records of plant protection products for a period of at least five years.

(2) Professional users of plant protection products and plant protection service providers shall keep records of plant protection products for at least three years.

Article 11 It shall be prohibited for natural and legal persons who do not meet the requirements in Article 4(2) to store plant protection products in acute toxicity categories 1, 2 and 3 bearing the GHS06 pictogram.

Article 12 (1) The marketing, use and provision of services using plant protection products whose validity period has expired, without the analytical report or quality certificate referred to in Article 13, shall be prohibited.

(2) The plant protection product provided for in (1) shall be managed in accordance with the legislation on waste.

Article 13 By way of an exception to Article 12(1), the validity period of a plant protection product existing in stocks held on Romanian territory at least 6 months before the expiry date may be extended by the producer, or the laboratories designated by it to use the information in the product file, without modifying the label, as follows:

(a) 12 months, on the basis of an analysis report or quality certificate attesting to the quality of the relevant parameters: the active substance content, physico-chemical properties and packaging integrity, in accordance with the requirements of the FAO Manual;

(b) up to 24 months on the basis of a test report or quality certificate attesting to the quality of the relevant parameters: active substance content, physico-chemical properties and packaging integrity, in accordance with the requirements of the FAO manual, strictly subject to an accelerated storage stability test.

CHAPTER II – MANUFACTURE

Article 14 (1) Authorised plant protection products may be manufactured on Romanian territory once the producer has notified the Authority accordingly, no later than 15 days before the start of manufacturing.

(2) The notification referred to in (1) shall include information regarding:

(a) the existence of a commercial contract concluded with the product authorisation holder in Romania or its legal representative;

(b) the trade name of the product, the name of the active substance(s), the sources and quantities of the active substance(s) planned to be used in the manufacture of the product and the quantity of finished product planned to be manufactured;

(c) possession of the environmental authorisation issued by the competent regional environmental protection authority, in accordance with the law.

(3) The manufacturer must adhere to the technological process, composition and technical specifications in the product file on which the authorisation was based.

(4) The products manufactured shall be accompanied by the analysis report for each batch, issued by the manufacturer's laboratory or by another accredited laboratory, the transport documents and the safety data sheet.

(5) After manufacture, within a maximum of 30 days, the manufacturer shall notify the Authority of the quantity of finished product manufactured, the quantities of active substances used and the quantities of active substances remaining in stock, as appropriate.

(6) The manufacturer must keep a sample of each batch for a period equal to the validity period of the manufactured product.

Article 15 (1) The manufacture of plant protection products not authorised in Romania intended for use in another Member State or in a third country, shall be subject to notification to the Authority by the manufacturer, at least 15 days before the commencement of manufacture, of:

(a) the existence of a commercial contract concluded with the product authorisation holder in the Member State or third country, as applicable;

(b) the trade name of the product, the name of the active substance(s), the quantities of the active substance(s) planned to be used in the manufacture of the product, the quantity of finished product planned to be manufactured and the destination country;

(c) a written evidential document, referred to as an attestation, issued by the Ministry of Environment, Water and Forests on a case-by-case basis, on the basis of which the customs office allows customs clearance formalities to be processed in accordance with the provisions of Order No 1214/3729/2019 of the Minister of Environment and the Minister of Public Finance on the export and import control procedures for chemicals presenting a risk, as well as the procedures for cooperation between authorities, in accordance with Government Decision No 770/2016 on some measures for the implementation of Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals.

(2) After manufacture, within a maximum of 30 days, the manufacturer shall notify the Authority of the quantity of finished product manufactured, the quantities of active substances used and the quantities of active substances remaining in stock, as appropriate.

(3) The manufacturer must keep a sample of each batch for a period equal to the validity period of the manufactured product.

Article 16 Manufacturers must notify the Authority of any changes arising while carrying out the activities specific to the plant protection product manufacturing process.

Article 17 In order to manufacture plant protection products, the producer must hold a registration certificate for the marketing of plant protection products, in accordance with Article 4(1).

CHAPTER III – PACKAGING AND LABELLING

Article 18 (1) Plant protection products shall be packaged in packaging approved during their authorisation process.

(2) Plant protection products classified in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006, as products in acute toxicity categories 1, 2 and 3 and bearing the GHS06 pictogram are intended for registered professional users only.

Article 19 (1) The labels of plant protection products shall contain information in Romanian in accordance with the authorisation and must comply with Regulation (EU) No 547/2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards labelling requirements for plant protection products.

(2) The label must contain the trade name of the product, the authorisation number, the holder of the authorisation, the manufacturer and, where applicable, the repackager of the plant protection product.

(3) It shall be prohibited to market and use plant protection products with a damaged, illegible label and which do not contain the information provided for in the authorisation.

(4) The packaging of repackaged plant protection products must have a label that complies with the provisions of (1) and (2), or in the case of small packaging, if space does not permit, it shall be accompanied by a leaflet containing the entire text of the label.

Article 20 Plant protection products authorised in Romania shall be entered in the Authority's database within a maximum of 30 days of the date of issue of the authorisation.

CHAPTER IV – REPACKAGING

Article 21 The repackaging of plant protection products authorised in Romania shall be subject to the written agreement of the authorisation holder or, where applicable, its legal representative in Romania, specifying the name of the product and the type, material and nominal capacity of the approved packaging and shall be notified to the Authority no later than 15 days before the start of the activity.

Article 22 (1) The repackaging of plant protection products not authorised in Romania but authorised in another Member State of the Union shall be subject to a commercial contract concluded with a supplier, specifying the name of the product, the active substance(s), the quantity of product purchased, the type, material and nominal capacity of the packaging and the destination Member State, and shall be notified to the Authority at least 15 days before the start of the activity.

(2) After repackaging, the registered operator must notify the Authority within a maximum of 10 days that the entire quantity of product purchased under the contract has been dispatched to the destination Member State.

Article 23 It shall be prohibited to repackage plant protection products in acute toxicity categories 1, 2 and 3 bearing the GHS06 pictogram.

Article 24 The label and packaging of plant protection products authorised in Romania, if repackaged, must be checked and approved by the authorisation holder.

Article 25 (1) Plant protection products authorised in Romania shall only be repackaged by operators registered for the activity of repackaging and/or marketing plant protection products.

(2) It shall be prohibited to market unauthorised products in Romania that have been repackaged.

Article 26 The registration certificate for repackaging plant protection products, with the exception of plant protection products in acute toxicity categories 1, 2 and 3 bearing the GHS06 pictogram, shall be obtained by operators who cumulatively meet the following conditions:

(a) their main activity as provided for in their operating statutes consists of a specialised profile in the field of repackaging plant protection products;

(b) they have a responsible person who holds a professional distributor training certificate acquired through training in accordance with the provisions of Order No 1356/2018, as amended and

supplemented, and has a secondary education attested by a diploma in the agricultural field with specialisations in agriculture and horticulture and in the forestry sector, a forestry specialisation or university education attested by a degree certificate or equivalent in farming, with specialisations in agriculture, biology, horticulture, agricultural biotechnology, landscape architecture, agricultural economic engineering, agricultural engineering and business management, montology and forestry with specialisations in forestation and forestry operations, or a Master's degree including plant protection studies, or a diploma attesting to post-secondary education as a plant protection technician, technician in forestry or forestry technician;

(c) they hold an environmental authorisation for each working location at which they carry out the repackaging activity, issued by the competent territorial authority for environmental protection, in accordance with the law;

(d) they have automatic packaging installations intended for the packaging of plant protection products;

(e) they have an authorised plant protection product storage facility;

(f) they have a service contract concluded with an authorised economic operator that collects waste and packaging from repackaged plant protection products.

Article 27 It shall be prohibited to repackage plant protection products after termination of the agreement with the authorisation holder or the holder of the commercial contract with the supplier, as applicable.

Article 28 (1) Operators repackaging plant protection products shall be responsible for maintaining their quality in order to avoid contamination of the repackaged product.

(2) It shall be prohibited for the repackaging process to interfere with the quality of the plant protection product by altering its physico-chemical parameters.

Article 29 Batches of repackaged products must be accompanied by a quality certificate and the safety data sheet issued by the manufacturer, as well as the declaration of conformity issued by the repackager for consignments of repackaged products.

Article 30 Operators repackaging plant protection products must keep one sample of each repackaged batch for a period equal to the validity period of the repackaged product.

CHAPTER V – MARKETING OF PLANT PROTECTION PRODUCTS

Article 31 (1) Plant protection products shall only be marketed in specially designated premises, namely phytopharmaceutical repositories and phytopharmacies, registered by the Authority via the regional structures.

(2) The products marketed shall be accompanied by the parallel trade authorisation or permit, the analysis report, the quality certificate and the safety data sheet.

(3) The marketing and use of plant protection products outside the area of use approved under the authorisation or parallel trade permit shall be prohibited.

(4) The marketing of plant protection products in markets, fairs and other premises, other than those referred to in (1) shall be prohibited.

(5) It shall be prohibited for plant protection products in acute toxicity categories 1, 2 and 3 bearing the GHS06 pictogram, intended exclusively for registered professional users, to be marketed in phytopharmacies.

(6) Plant protection products in acute toxicity categories 1, 2 and 3 bearing the GHS06 pictogram shall only be marketed by operators registered under Article 4(2) who hold a professional training certificate acquired through training in the sustainable use of plant protection products.

Article 32 The registration certificate for the marketing of plant protection products shall be issued to operators who fulfil all of the following conditions:

1. for phytopharmaceutical repositories, which:

(a) have as their main activity the marketing of plant protection products;

(b) have a responsible person who holds a professional distribution training certificate acquired through training in accordance with the provisions of Order No 1356/2018, as amended and supplemented, and has a secondary education attested by a diploma in the agricultural field with specialisations in agriculture and horticulture and in the forestry sector, with a forestry specialisation or university education attested by a degree certificate or equivalent in farming, with specialisations in agriculture, biology, biochemistry, horticulture, agricultural biotechnology, landscape architecture, agricultural economic engineering, agricultural engineering and business management, montology and forestry with specialisations in forestation and forestry operations, or a Master's degree including plant protection studies, or a diploma attesting to post-secondary education as a plant protection technician, technician in forestry or forestry technician;

(c) hold an environmental authorisation for each working location at which they market plant protection products, issued by the competent regional authority for environmental protection, in accordance with the law;

(d) have storage space, in accordance with the law, for the plant protection products marketed;

(e) have a service contract concluded with an authorised operator that collects waste and packaging from plant protection products.

(2) for phytopharmacies which:

(a) have as their main activity the marketing of plant protection products;

(b) have a person who holds a professional distribution training certificate acquired through training in accordance with the provisions of Order No 1356/2018, as amended and supplemented, and has a secondary education attested by a diploma in the agricultural field with specialisations in agriculture

and horticulture and in the forestry sector, with a forestry specialisation or university education attested by a degree certificate or equivalent in farming, with specialisations in agriculture, biology, biochemistry, horticulture, agricultural biotechnology, landscape architecture, agricultural economic engineering, agricultural engineering and business management, montology and forestry with specialisations in forestation and forestry operations, or a Master's degree including plant protection studies, or a diploma attesting to post-secondary education as a plant protection technician, technician in forestry or forestry technician;

(c) have storage space, in accordance with the law, for the plant protection products marketed;

(d) have a service contract concluded with an authorised operator that collects waste from plant protection products.

Article 33 (1) Operators registered for the marketing of plant protection products in acute toxicity categories 1, 2 and 3 bearing the GHS06 pictogram must register with the County Police Inspectorate or the General Directorate of Police of the City of Bucharest, as the case may be, and with the regional labour inspectorate, in order to obtain the endorsement.

(2) In order to comply with the registration obligation referred to in (1), the operator shall, within 30 days of the date of obtaining the registration certificate referred to in Article 4(1), send the following documents to the County Police Inspectorate or the General Directorate of Police of the City of Bucharest (depending on the jurisdiction in which the registered office is located):

(a) a written application, including letterhead, registration number, stamp and signature of the company director;

(b) the decision to appoint qualified persons to be responsible for the operations involving plant protection products;

(c) the list of plant protection products covered by the registered operations and their classification;

(d) a document unequivocally showing the following information on the activity carried out: the type of operations carried out, the safety assurance conditions relating to the storage and handling of the abovementioned plant protection products and the measures for the protection of staff and the environment.

(3) The time limit for carrying out the checks and processing the application shall be 30 days and shall run from the date on which the complete application is submitted or from the date on which it is completed with the documents referred to in (2).

(4) In the case of applications submitted that do not contain all the documents referred to in (2), the applicant shall be sent a reasoned letter concerning the additions or amendments necessary to complete the registration procedure.

Article 34 (1) Plant protection products shall be marketed in phytopharmaceutical repositories and phytopharmacies, in packaging approved during the product authorisation process, labelled and sealed.

(2) The unsealing of packaging and the marketing of plant protection products in packaging other than the original packaging shall be prohibited.

Article 35 Auxiliary products used in agriculture, horticulture, landscaping, plant nutrition, seeds, equipment for phytosanitary treatments, pheromone traps, etc. may be sold in phytopharmacies, in compliance with the specific legislation regarding their commercialisation.

Article 36 Phytopharmaceutical repositories and phytopharmacies must have a register of plant protection products, in electronic format, for a period of at least 5 years, which shall be verified by the Authority.

Article 37 (1) Plant protection products shall be marketed on Romanian territory only in approved, sealed, labelled packaging.

(2) Plant protection products shall be marketed within the validity period specified by the manufacturer on the label or packaging.

(3) Plant protection products identified as non-compliant shall be withdrawn from the market as of the date of the finding of non-compliance and one of the following measures shall apply:

(a) products that do not meet the technical specifications and/or whose validity period has expired shall be considered waste and shall be handed over to an authorised operator for collection within 60 days of the date of this finding;

(b) products bearing a label and/or packaging that do not comply with the conditions of the authorisation shall be relabelled or repackaged, as appropriate.

(4) The costs of transferring the waste shall be borne by the operator in the situation referred to in (3).

(5) It shall be prohibited to use packaging from plant protection products for purposes other than those for which it was intended.

Article 38 In order to carry out marketing activity involving plant protection products authorised on Romanian territory, operators from another Member State of the European Union must have a working location and a certificate of registration for the marketing of plant protection products authorised in Romania.

Article 39 The marketing of seeds treated with plant protection products authorised in a third country but not authorised in Romania or in another Member State of the European Union shall be prohibited.

Article 40 (1) Online trading shall be permitted only to the holder of the authorisation or its legal representative in Romania, as well as to the distributors authorised by it.

- (2) Online trade shall be permitted only on the website of the economic operators referred to in (1), in compliance with the provisions of this legislative act.
- (3) The operators referred to in para. (1), who intend to engage in online trading must register in advance in accordance with the provisions of Article 32 and post the registration certificate on the website.
- (4) At least 30 days before the start of the online trading activity, the operator referred to in paragraph (1) shall notify the Authority of its intention to start the online activity.
- (5) The delivery to the buyer of plant protection products sold/purchased online shall be made by authorised means of transport.
- (6) The online marketing of plant protection products in acute toxicity categories 1, 2 and 3 bearing the GHS06 pictogram shall be prohibited.
- (7) The online marketing of plant protection products to minors shall be prohibited.

CHAPTER VI – IMPORTATION OF PLANT PROTECTION PRODUCTS

Article 41 (1) Operators carrying out the activity of importing plant protection products must hold a registration certificate issued by the Authority through the regional structures.

(2) Plant protection products authorised in Romania shall be imported on the basis of the import authorisation certificate for the purpose of marketing on national territory.

(3) Products not authorised in Romania but authorised in a third country, intended for seed treatment with a view to export, shall be imported on the basis of an import authorisation certificate.

(4) It shall be prohibited to import plant protection products not authorised in Romania for the purpose of marketing and use at national level.

(5) It shall be strictly prohibited to market and use the treated seeds referred to in (3) on Romanian territory.

(6) Within a maximum of 120 days of the date of entry into force of this Emergency Order, the technical inspection rules shall be approved by order of the Minister for Agriculture and Rural Development in accordance with the provisions of Regulation (EU) 2017/625 on official controls.

Article 42 (1) The import authorisation certificate shall be issued by the Authority through the regional structures on the basis of the following documents submitted to the regional structure by the importer:

(a) an application for the issuance of an import authorisation certificate, which shall include information on the name of the product, the quantity imported, the batch, the type and capacity of the packaging, the location and the storage period;

(b) a declaration regarding the name and address of the manufacturer, the sources of active substances and the written consent of the product authorisation holder or their legal representative for products authorised in Romania;

- (c) a copy of the product authorisation;
- (d) proof of the existence of a commercial contract in the case of imports of non-authorised plant protection products into Romania.
- (2) Before issuing the import authorisation certificate, the regional structure must check that the formulation location and the sources of active substance declared by the applicant operator are approved in Romania.
- (3) The template for the import authorisation certificate shall be approved by order of the Minister of Agriculture and Rural Development at the proposal of the Authority.
- (4) The import authorisation certificate shall be issued for each consignment, specifying the trade name, the holder of the authorisation, the quantity, the type and capacity of packaging and the batch(es) imported.
- (5) The importer shall notify the regional structure within the Authority having issued the import authorisation certificate of the date of storage of the product in order to check its conformity.

Article 43 The operator importing plant protection products shall have the following obligations:

- (b) to notify the issuing authority regarding any change that may have occurred in the documentation submitted in order to obtain the certificate of authorisation, within a maximum of 15 days of the change arising;
- (b) to use the import authorisation certificate only under the conditions and for the purpose for which it was issued.

Article 44 Within a maximum of 10 days of submission of the complete documentation, the Authority shall notify the importer of the issuance of the import authorisation certificate through its regional structures.

Article 45 The import authorisation certificate shall cease to be valid and shall be withdrawn by the Authority via its regional structures in the following situations:

- (a) checks of the imported products reveals that the quantity does not correspond to that referred to in the import authorisation certificate;
- (b) the labelling and packaging of plant protection products does not comply with their authorisation conditions;
- (c) the documents and/or data on the basis of which the import authorisation certificate was issued are false;
- (d) it is found that the import authorisation certificate has been used for purposes other than those for which it was issued;
- (e) the operator so requests.

Article 46 In the event that the Authority finds the imported products to be non-compliant or illicit, the importer must apply one of the measures provided for in Article 66(3) of Regulation (EU) 2017/625, at its own expense.

CHAPTER VII – EXPORTATION OF PLANT PROTECTION PRODUCTS

Article 47 The operator carrying out the export of plant protection products shall hold a marketing registration certificate issued by the Authority via the regional structures referred to in Article 4(1).

Article 48 (1) In order to implement the provisions of Article 28(2)(d) of Regulation (EC) No 1107/2009, the technical inspection rules shall be approved by order of the Minister for Agriculture and Rural Development, in accordance with the provisions of Regulation (EU) 2017/625, within 120 days of the date of entry into force of this Emergency Order.

(2) The exportation of plant protection products shall be carried out on the basis of the export certificate issued by the Authority via the regional structures for each consignment.

(3) The export certificate shall be issued on the basis of the following documents:

(a) application for the export certificate, which shall contain information regarding the name and address of the exporter, the importing country, the trade name of the product and active substances, the exported quantity and other information requested by the importer;

(b) the product authorisation issued by the destination country and the legalised translation of the document into Romanian.

(4) The template for the export certificate shall be approved by order of the Minister of Agriculture and Rural Development, at the proposal of the Authority.

CHAPTER VIII – USING AND PROVIDING SERVICES INVOLVING PLANT PROTECTION PRODUCTS

Article 49 The plant protection product shall be used only for the purpose for which it was authorised, respecting the dose, crop, pest and safety interval, in accordance with the instructions for use indicated on the label.

Article 50 Professional users and providers of services involving plant protection products shall keep the plant protection product treatment register up to date, in written or electronic form.

Article 51 (1) It shall be prohibited to apply phytosanitary treatments containing products toxic to pollinating insects, to honey-bearing plants or to plants pollinated by bees, during the flowering period.

(2) The application of phytosanitary treatments in protected natural areas regulated by Government Emergency Order No 57/2007 on the regime of protected natural areas and the conservation of natural habitats and of wild flora and fauna, approved with amendments by Law No 49/2011, as amended, shall be permitted only under the conditions and, where applicable, in compliance with the

endorsement/approval procedure laid down in the specific legislation and the regulatory acts applicable to each protected natural area.

Article 52 It shall be prohibited to offer agricultural products for sale that have been harvested before expiry of the safety interval between the last treatment and harvesting as indicated on the label of the plant protection product.

Article 53 Operators meeting all of the following conditions may obtain a registration certificate for the use of plant protection products in acute toxicity categories 1, 2 and 3 bearing the GHS06 pictogram:

- (a) their operating statutes show that their activity includes support activities for crop production, NACE code 0161, including support services to forestry, NACE code 0240;
- (b) they have a responsible person who holds a professional user training certificate acquired through training in accordance with the provisions of Order No 1356/2018, as amended and supplemented, and have a secondary education attested by a diploma in the farming field with specialisations in agriculture and horticulture or a university education graduated with a degree certificate or equivalent in farming, with specialisations in agriculture, horticulture, agricultural biotechnology, landscape architecture, agricultural economic engineering, agricultural engineering and business management, montology and forestry with specialisation in forestation and forestry operations;
- (c) they hold storage space for plant protection products in accordance with the legal provisions;
- (d) they hold an environmental permit issued by the competent regional environmental protection authority, in accordance with the law;
- (e) they have a service contract concluded with an authorised economic operator that collects waste products and packaging from repackaged plant protection products.

Article 54 (1) Operators who meet all of the following conditions may obtain a registration certificate for the provision of plant protection services with a view to carrying out phytosanitary treatments in vegetation, seed and grain storage, seed and grain storage:

- (a) their operating statutes show that their activity includes support activities for crop production, NACE code 0161, including support services to forestry, NACE code 0240;
- (b) they have a responsible person who holds a professional user training certificate acquired through training in accordance with the provisions of Order No 1356/2018, as subsequently amended and supplemented, for professional user activity and has a secondary education attested by a diploma in the farming field with specialisations in agriculture and horticulture or university studies attested by a degree certificate or equivalent in farming, with agricultural specialisations, horticulture, agricultural biotechnologies, landscape architecture, economic engineering in agriculture, engineering and management of agricultural affairs, montanology and forestry field with forestry specialisation;
- (c) they hold storage space for plant protection products;

(d) they hold an environmental authorisation issued by the competent regional authority for environmental protection, in accordance with the law;

(e) they have concluded a service contract with an authorised operator that collects waste and packaging from plant protection products.

(2) Operators registered for the use of plant protection products and service providers registered for the provision of services involving plant protection products in acute toxicity categories 1, 2 and 3 bearing the GHS06 pictogram shall be prohibited from supplying these products to unauthorised persons.

Article 55 (1) Operators registered for the use of plant protection products and service providers registered for the provision of plant protection services involving plant protection products in acute toxicity categories 1, 2 and 3 bearing the GHS06 pictogram must register with the County Police Inspectorate or the General Directorate of Police of the City of Bucharest, as the case may be, and with the regional labour inspectorate in order to obtain the endorsement.

(2) The provisions of Article 33(2), (3) and (4) shall apply accordingly.

Article 56 Plant protection products identified as non-compliant shall be withdrawn from use as of the date of the finding and the provisions of Article 37(3) and (4) shall apply.

Article 57 (1) The marketing of seeds treated with plant protection products authorised for this purpose, for use on Romanian territory, shall be accompanied by a label including the trade name of the product used, the name(s) of the active substance(s) in that product, the standard statements regarding the risks and precautionary measures and the risk mitigation measures referred to in the authorisation.

(2) The provision of services for the treatment of seeds with plant protection products intended for export to or marketing in another Member State or third country, authorised in the destination country but not authorised in Romania, shall be carried out with notification to the Authority, no later than 15 days before the treatment is carried out.

(3) The notification shall include the following details: the destination country, the trade name of the product, the name of the active substance(s), the quantity of plant protection product to be used for seed treatment and the quantity of seed estimated to be treated.

(4) The notification shall be accompanied by proof of authorisation of the product concerned in the destination country.

(5) In order to ensure traceability, the service provider shall keep records of the quantities of plant protection products used for seed treatment and of the quantities of treated seed exported and/or delivered, for a period of 3 years.

(6) The stocks of plant protection products not authorised in Romania, not used for seed treatment, shall be returned to the supplier within a maximum of 90 days of the treatment date for the last batch

of the current campaign, and the document attesting to this return shall be sent to the Authority within a maximum of 10 days.

Article 58 The export of seeds treated under the conditions laid down in Article 57 shall be carried out in compliance with Articles 100 and 102 of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC, as amended and supplemented.

Article 59 Phytosanitary treatments involving plant protection products in acute toxicity categories 1, 2 and 3 bearing the GHS06 pictogram shall be carried out by service providers registered in accordance with Article 4(2) of this Emergency Order.

Article 60 In order to use plant protection products in acute toxicity categories 1, 2 and 3 bearing the GHS06 pictogram or to provide plant protection services on Romanian territory, legal persons authorised in another Member State of the European Union are required to comply with the provisions of Article 4(2) and Article 53.

Article 61 (1) Professional users and plant protection service providers must transfer the packaging of the used plant protection products to the authorised waste collection operators within a maximum of 90 days after emptying it.

(2) Without prejudice to the provisions of specific legislation applicable to waste, professional users and service providers must rinse plastic, metal or glass packaging three times prior to its transfer, with a view to its recovery through recycling and collection of the rinsing fluid in wastewater recovery equipment.

(3) Natural person users of plant protection products have the same obligations to transfer triple-rinsed packaging waste as legal persons.

Article 62 Distributors, service providers and professional users marketing and/or using plant protection products authorised under Article 53 of Regulation (EC) No 1107/2009 must comply with the measures included in the emergency authorisations in order to reduce the risks associated with their use.

CHAPTER IX – STORAGE FOR THE PURPOSE OF REPACKAGING, MARKETING, USING AND PROVIDING PLANT PROTECTION PRODUCTS AND SERVICES

Article 63 Plant protection products shall be stored in specially equipped premises called plant protection repositories and storage premises, and the conditions for their organisation and operation shall be regulated by order of the Minister of Agriculture and Rural Development, at the proposal of the Authority.

Article 64 The following conditions shall be complied with for the safe storage of plant protection products:

- (a) plant protection products shall be stored in their original sealed packaging in dry rooms intended for that purpose, away from direct sunlight or heat and under the storage conditions specified on the label;
- (b) plant protection products in acute toxicity categories 1, 2 and 3 bearing the GHS06 pictogram must be stored in specially designated spaces with restricted access;
- (c) seeds treated with plant protection products may be stored in the same space as the plant protection products;
- (d) illicit and non-compliant plant protection products shall be stored separately from compliant products and shall be managed in accordance with the relevant provisions.

CHAPTER X – PENALTIES

Article 65 (1) In the absence of a registration certificate, carrying out the operations of manufacture, repackaging, import, export, intra-Community movement, holding, storage, marketing, use and provision of plant protection products and services involving products in acute toxicity categories 1, 2 and 3 bearing the GHS06 pictogram constitutes the offence of trafficking in toxic products or substances, an offence provided for and punishable under Article 359 of the Criminal Code.

(2) The repackaging of and online trade in plant protection products classified as products in acute toxicity categories 1, 2 and 3 bearing the GHS06 pictogram constitutes the offence of trafficking in toxic products or substances, an offence provided for and punishable by Article 359 of the Criminal Code.

(3) The act of manufacturing, repackaging, importing, exporting and/or putting into circulation illicit plant protection products constitutes a crime and is punishable with a prison sentence of 2 to 7 years and the withdrawal of certain rights. Putting into circulation means offering, marketing or holding of such products for the purpose of placing them on the market to the general public.

Article 66 The following acts shall constitute administrative contraventions if they have not been committed in such a way as to be regarded as criminal offences under the law and shall be punishable:

1. with a fine of from RON 10 000 to RON 15 000:

- (a) failure of the operator to comply with the obligation to register each working location in the county in which it is declared;
- (b) failure of the operator to apply for the annual renewal stamp for the registration certificate within the 30 days preceding the expiry date;
- (c) failure of the operator to request a duplicate of the registration certificate;

- (d) non-compliance with the registration conditions for the activities of manufacture, repackaging, marketing, import, export, use of products in acute toxicity categories 1, 2 and 3 bearing the GHS06 pictogram and the provision of plant protection products and services;
- (e) failure to comply with the prohibitions on the mixing of illicit plant protection products considered as hazardous waste, with each other or with other categories of hazardous waste, their dilution or storage, including failure to ensure traceability from their point of generation to their final destination;
- (f) failure to comply with the obligation to transmit to the Authority the evidential document proving that the hazardous waste has been transferred to an operator authorised for its collection;
- (g) activities relating to the manufacture, repackaging, marketing, use and provision of plant protection products and services carried out by minors;
- (h) operators carrying out activities with plant protection products refusing to provide the information requested by the Authority, under the conditions laid down by the Authority;
- (i) obstruction of the Authority staff or police officers and agents within the Romanian Police, from taking samples for analysis, both for those products covered by monitoring programmes and those outside such programmes in the event of suspicion of illegality, counterfeiting, labelling and non-compliant packaging;
- (j) marketing, use and provision of services using plant protection products whose validity period has expired, without an analytical report or quality certificate;
- (k) failure of the manufacturer to comply with its obligation to notify the Authority, within 15 days, before starting manufacture;
- (l) failure of the manufacturer to comply with its obligation to notify the Authority of any changes arising while carrying out the activities specific to the plant protection product manufacturing process;
- (m) absence of documents accompanying the manufactured products, namely the analysis report for each batch, issued by the manufacturer's laboratory or by another accredited laboratory, the transport documents and the safety data sheet;
- (n) failure by the manufacturer to notify the Authority within 30 days of manufacture, of the quantity of finished product manufactured, whether or not authorised in Romania, and the quantities of active substances used or remaining in stock, as applicable;
- (o) failure of the manufacturer or repackager to comply with their obligation to keep a sample of each batch for a period equal to the validity period of the product manufactured, repackaged, of the product authorised or not authorised in Romania, as applicable;
- (p) failure of the repackager to notify the Authority of commencement of activity within the 15-day deadline;

- (q) failure of the operator registered for the repackaging of plant protection products not authorised in Romania but authorised in another Member State of the European Union to comply with the time limit of maximum 10 days within which to notify the Authority that the entire quantity of product purchased under the contract has been dispatched to the destination Member State;
- (r) non-compliance with the obligation to hold the quality certificate and safety data sheet issued by the manufacturer, as well as the declaration of conformity issued by the repackager for the batches of repackaged products;
- (s) unsealing of packaging and marketing of plant protection products in packaging other than the original packaging;
- (ş) failure of the operator registered for the marketing activity to comply with its obligation to transfer products identified as non-compliant, which do not meet the technical specifications and/or whose validity period has expired and which are classified as waste, to an authorised operator within 60 days of the date of the finding;
- (t) online marketing of plant protection products by persons other than the authorisation holder or its legal representative in Romania, or its authorised distributors;
- (ţ) failure of the authorisation holder or its legal representative in Romania, or its authorised distributors, to comply with the obligation to register for the online marketing of plant protection products and to publish the certificate of registration on the website;
- (u) failure of the operator to comply with its obligation to re-label or repackage products whose label and/or packaging do not meet the requirements of the authorisation;
- (v) failure of the importer to comply with its obligation to notify the regional structure of the Authority having issued the import authorisation certificate regarding the date of storage of the product so that it can check its conformity;
- (w) failure of the operator importing plant protection products to comply with its obligation to notify the Authority of any change in the documentation submitted to obtain the import authorisation certificate, within 15 days of the change arising;
- (x) failure of the operator importing plant protection products to comply with the obligation to use the import authorisation certificate only under the conditions and for the purpose for which it was issued;
- (y) failure by the operator to comply with the obligation to use the plant protection product only for the purpose for which it was authorised, respecting the dose, crop, pest and safety interval, in accordance with the instructions for use indicated on the label;
- (z) agricultural products offered for sale that have been harvested before expiry of the safety interval between the last treatment and harvesting, as indicated on the label of the plant protection product;

- (aa) marketing of seeds treated with plant protection products authorised for this purpose, for use on Romanian territory, without a label including the trade name of the product used, the name(s) of the active substance(s) in that product, the standard statements regarding the risks, precautionary measures and risk mitigation measures referred to in the authorisation;
- (bb) failure of the operator to comply with its obligation to notify the Authority, within 15 days prior to carrying out the treatment, of the provision of services for the treatment of seeds with plant protection products intended for export to or for marketing in another Member State or third country, authorised in the destination country but not authorised in Romania;
- (cc) failure by professional users and plant protection service providers to transfer the packaging from used plant protection products to authorised waste collectors within 90 days of emptying it;
- (dd) failure by professional users, service providers and natural persons using plant protection products to rinse plastic, metal or glass packaging three times before transfer;
- (ee) failure to comply with the obligation to store plant protection products in specially designated areas;
- (ff) failure to comply with the conditions laid down in Article 64(b) and (d) of this Emergency Order, 2. with a fine of from RON 20 000 to RON 25 000:
 - (a) advertising of unauthorised plant protection products on Romanian territory;
 - (b) plant protection products packaged in packaging not approved during their authorisation process;
 - (c) repackaging of plant protection products authorised in Romania without the written agreement of the authorisation holder or, where applicable, its legal representative in Romania, specifying the name of the product and the type, material and nominal capacity of the approved packaging;
 - (d) repackaging of plant protection products authorised in Romania, whose labelling and packaging have not been approved by the authorisation holder;
 - (e) repackaging of plant protection products after termination of the agreement with the authorisation holder or the holder of the commercial contract with the supplier, as applicable;
 - (f) non-compliance with the obligation to hold the authorisation or parallel trade permit, analysis report, quality certificate and safety data sheet for the products marketed;
 - (g) importation of plant protection products authorised in Romania without an import authorisation certificate;
 - (h) marketing and use of plant protection products outside the area of use approved in accordance with the authorisation or parallel trade permit;
 - (i) marketing of plant protection products on Romanian territory in packaging that is not approved, sealed and labelled;

(j) failure to comply with the obligation to market plant protection products within the period of validity set by the producer, specified on the label or packaging;

(k) exportation of plant protection products without an export certificate issued by the Authority via the regional structures,

3. with a fine of from RON 30 000 to RON 35 000:

(a) marketing and use of non-authorised plant protection products in Romania, with the exception of the products referred to in Article 28(2) of Regulation (EC) No 1107/2009;

(b) marketing, import and use of products in acute toxicity categories 1, 2 and 3 bearing the GHS06 pictogram and provision of plant protection services without a registration certificate issued by the Authority via the regional structures;

(c) marketing, provision of services and use of plant protection products in acute toxicity categories 1, 2 and 3 bearing the GHS06 pictogram without the endorsement of the County Police Inspectorate or the General Directorate of Police of the City of Bucharest – Weapons, Explosives and Dangerous Substances Service, and the territorial labour inspectorate;

(d) repackaging of plant protection products not authorised in Romania but authorised in another Member State of the European Union, without a commercial contract concluded with a supplier specifying

the name of the product, the active substance(s), the quantity of the product purchased, the type, material and nominal capacity of the packaging and the destination Member State;

(e) failure to comply with the prohibition on interfering with the quality of the plant protection product during the repackaging process;

(f) failure by the operator to comply with the obligation to market plant protection products in specially equipped areas, namely phytopharmaceutical repositories and phytopharmacies, registered by the Authority via the regional structures;

(g) marketing of plant protection products in markets, fairs and spaces other than phytopharmaceutical repositories and phytopharmacies;

(h) use of packaging from plant protection products for purposes other than those for which it was intended;

(i) failure by operators from another European Union Member State to comply with the obligation to have a working location and a registration certificate for the marketing of plant protection products authorised in Romania;

(j) marketing of seeds treated with plant protection products not authorised in Romania or in another European Union Member State;

- (k) online trade of plant protection products on websites other than those belonging to the authorisation holder or its legal representative in Romania, or its authorised distributors;
- (l) delivery of plant protection products marketed online to the buyer by unauthorised means of transport;
- (m) online marketing of plant protection products to minors;
- (n) import of a product not authorised in Romania but authorised in a third country, intended for seed treatment with a view to export, without an import authorisation certificate;
- (o) import of plant protection products not authorised in Romania for the purpose of marketing and use at national level;
- (p) marketing and use of seeds treated with plant protection products not authorised in Romania;
- (q) application of phytosanitary treatments containing products toxic to pollinating insects, to honey-bearing plants or to plants pollinated by bees, during the flowering period;
- (r) failure to return stocks of plant protection product not authorised in Romania and not used for seed treatment to the supplier within 90 days of the date of treatment of the last batch of seeds in the current campaign;
- (s) failure of distributors, service providers and professional users marketing and/or using plant protection products authorised under Article 53 of Regulation (EC) No 1107/2009 to comply with the obligations regarding the measures in emergency authorisations aimed at reducing the risk associated with the use thereof.

Article 67 (1) In order to fulfil the duties established by the legal rules in force, Authority staff, police officers and agents of the Romanian Police and authorised staff of the National Environmental Guard shall carry out official controls to check compliance with the provisions of this legislative act. Authority staff must hold a document certifying that they are on duty with the control mission.

(2) Identification of the contraventions and application of the penalties provided for in Article 66 shall be carried out by Authority staff with duties in this field.

(3) Identification of the contraventions and application of the penalties provided for in Article 66(1) (b), (d), (e), (g), (i), (j), (m), (r), (t), (ț) and (ff) and Article 66(3)(c), (k), (l), (m) and (g) shall also be carried out by officers and agents of the Romanian Police with duties in this field.

(4) Identification of the contraventions and application of the penalties provided for in Article 66(1) (e) and (3)(h) shall also be carried out by the authorised staff of the National Environmental Guard, under the conditions laid down by the legislation in force on hazardous waste and packaging waste.

(5) The penalties for contraventions, as provided for in Article 66 shall enter into force and shall be applied within 30 days of the date of publication of this Emergency Order.

Article 68 The contraventions provided for in this Emergency Order shall be subject to the provisions of Government Order No 2/2001 on the legal regime of contraventions, approved by Law No 180/2002, as amended.

CHAPTER XI – OTHER PROVISIONS

Article 69 (1) Premature termination of the validity of the registration certificates provided for in Article 4(1) shall be established by the issuer in the following situations:

- (a) conviction for an offence referred to in this legislative act;
 - (b) repetition within 2 years of one of the contravening actions referred to in Article 66;
 - (c) the registration certificate was obtained on the basis of false information that misled the issuer.
- (2) In the situations provided for in (1), the registration certificates shall be withdrawn by the Authority via the regional structures.
- (3) Any marketing of plant protection products without a registration certificate or duplicate will result in activity being suspended until the aforementioned documents have been obtained.

CHAPTER XII – FINAL AND TRANSITIONAL PROVISIONS

Article 70 By order of the Minister for Agriculture and Rural Development, on the proposal of the Authority, within a maximum of 120 days of the date of entry into force of the adoption of this Emergency Order, the following shall be approved:

- (a) the template for the registration certificates provided for in Article 4(1);
- (b) the template for the import authorisation certificate provided for in Article 42(3);
- (c) the template for the export certificate provided for in Article 48(4);
- (d) the conditions for the organisation and operation of the plant protection repository and phytopharmacy referred to in Articles 31(1) and 63;
- (e) the procedure for performing official controls and other official activities regarding the manufacture, repackaging, import, export, marketing, use, storage and provision of plant protection products and services;
- (f) the inspection rules for products manufactured for the export, import and intra-Community movement of plant protection products.

Article 71 (1) Within 12 months of the date of entry into force of the legislative acts referred to in Article 70, the official documents issued by the Authority through the regional bodies on the basis of Government Order No 4/1995 on the manufacture, trade and use of plant protection products to control diseases, pests and weeds in agriculture and forestry, as amended, Government Order No 41/2007 on the marketing of plant protection products and amending and repealing certain legislative acts in the field of plant health, as subsequently amended and supplemented, and Government Order No 38/2007 regarding the import into Romania of plant protection products and

samples, aids and donations of plant protection products from third countries, shall be replaced on the expiry date of the annual renewal stamp.

(2) As of the date of entry into force of this Emergency Order in Government Decision No 1559/2004 on the procedure for the approval of plant protection products with a view to their placing on the market and use in Romania, as subsequently amended and supplemented, and Order No 60/2013 approving the Regulation on the organisation and functioning of the National Commission for the Approval of Plant Protection Products and approving the procedures for the approval, parallel trade and approval of the second trade name for a plant protection product approved on Romanian territory, the words ‘approval’ and ‘approval certificate’ shall be replaced by the term ‘authorisation’.

Article 72 This Emergency Order has been adopted in compliance with the notification to the European Commission in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015, laying down a procedure for providing information in the field of technical regulations and of rules on Information Society services.

Article 73 On the date of entry into force of this Emergency Order, the following legislative acts shall be repealed:

(a) Government Order No 4/1995 on the manufacture, trade and use of plant protection products to control diseases, pests and weeds in agriculture and forestry, as subsequently amended and supplemented, published in the Official Gazette of Romania, Part I, No 18 of 30 January 1995, with the exception of Article 38, which shall be repealed on the date of entry into force of the Order provided for in Article 70;

(b) Government Order No 41/2007 on the marketing of plant protection products and amending and repealing certain legislative acts in the field of plant health, as subsequently amended and supplemented, published in the Official Gazette of Romania, Part I, No 592 of 28 August 2007, with the exception of Annexes 1 to 3;

(c) Articles 1 to 13 and Article 29(1)(a) of Government Order No 38/2007 regarding the import into Romania of plant protection products and samples, aids and donations of plant protection products from third countries, approved with amendments by Law No 203/2018, published in the Official Gazette of Romania, Part I, No 590/2007;

(d) Article 3(1)(a)-(d), (h), (i), (k) and (l) of Government Decision No 1230/2012 establishing certain measures implementing the provisions of Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC, published in the Official Gazette of Romania, Part I, No 876/2012;

(e) any other provisions to the contrary.

PRIME-MINISTER

Ilie-Gavril BOLOJAN