



New York, 15 April 2011

Your Excellency,

I am pleased to convey to you, in your capacity as Chairman of the 1540 Committee, the updated matrix containing information on the national measures undertaken by Romania in order to implement the provisions of the Security Council resolution 1540 (2004).

Please rest assured, your Excellency, of the Romanian authorities' availability to support the 1540 Committee to successfully deliver on its mandate.

Sincerely yours,

Simona Miculescu

A handwritten signature in blue ink, appearing to read 'Simona Miculescu', written in a cursive style.

Ambassador

H.E. Mr. Baso Sangqu
Permanent Representative of the Republic of South Africa to the United Nations,
333 East 38th Street, 9th Floor New York, N.Y. 10016

c/o Secretariat of the 1540 Committee,
730 Third Avenue, TB-08040E
United Nations, New York, NY 10017.

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State:

Romania

Date sent to sub-Committee:

April 2011

Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements ?	YES	if YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc)	Remarks (information refers to the page of the English version of the report or an official web site)
1 General statement on non-possession of WMD			
2 General statement on commitment to disarmament and non-proliferation	X	As a State Party to the international non-proliferation regimes, Romania remains committed to contributing to regional and international security and stability by promoting transparency and responsibility in transfers of armaments and dual-use goods and technologies.	
3 General statement on non-provision of WMD and related materials to non-State actors	X	The report said that Romania does not provide any form of support to non-State actors	
4 Biological Weapons Convention (BWC)	X	Ratified 25 July 1979	http://unhq-apps-04.un.org/UNODA/TreatyStatus.nsf
5 Chemical Weapons Convention (CWC)	X	Ratified 15 February 1995	http://unhq-apps-
6 Nuclear Non-Proliferation Treaty (NPT)	X	Ratified February 1970	http://unhq-apps-

The information in the matrices originates primarily from national reports and is complemented by official government information, including that made available to inter-governmental organizations. The matrices are prepared under the direction of the 1540 Committee.

The 1540 Committee intends to use the matrices as a reference tool for facilitating technical assistance and to enable the Committee to continue to enhance its dialogue with States on their implementation of Security Council Resolution 1540.

The matrices are not a tool for measuring compliance of States in their non-proliferation obligations but for facilitating the implementation of Security Council Resolutions 1540 and 1673. They do not reflect or prejudice any ongoing discussions outside of the Committee, in the Security Council or any of its organs, of a State's compliance with its non-proliferation or any other obligations

7	Comprehensive Nuclear Test Ban Treaty (CTBT)	X	Ratified on October 1999	
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	Ratified by Law no. 78/1993	
9	Hague Code of Conduct (HCOC)	X	Signed	
10	Geneva Protocol of 1925	X	Ratified 23 August 1929	
11	International Atomic Energy Agency (IAEA)	X	Since 1957	http://www.iaea.org/about/policy/member states/
12	Nuclear Weapons Free Zone/ Protocol(s)			
13	Other Conventions/Treaties			
14	Other Arrangements	X	<ol style="list-style-type: none"> 1. Nuclear Suppliers Group (NSG) 2. Zangger Committee (ZC) 3. Australia Group (AG) 	
15	Other	X	<ol style="list-style-type: none"> 1. Party to Proliferation Security Initiative (PSI) since 2004 2. Global Initiative to Combat Nuclear Terrorism (April 2007) 3. State Party to 13 UN Conventions and Protocols against Terrorism and the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material 4. Revised Cotonou Partnership Agreement (the CPA II) 	UN Conventions

OP 2 - Biological Weapons (BW)

State:
Date of Report:
Date of Addendum 1:

Romania
27 October 2004
11 November 2005

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X	Law 535/2004 concerning prevention and combating terrorism, Chapter IV	X	Law 535/2004 concerning prevention and combating terrorism, Chapter IV	Law 535 of 25 November 2004
2 acquire	X	Law 535/2004 concerning prevention and combating terrorism, Chapter IV	X	Law 535/2004 concerning prevention and combating terrorism, Chapter IV	Law 535 of 25 November 2004
3 possess	X	Law 535/2004 concerning prevention and combating terrorism, Chapter IV	X	Law 535/2004 concerning prevention and combating terrorism, Chapter IV	Law 535 of 25 November 2004
4 stockpile/store					
5 develop	X	Law 535/2004 concerning prevention and combating terrorism, Chapter IV	X	Law 535/2004 concerning prevention and combating terrorism, Chapter IV Criminal Code, Art.194 – The use of genetic engineering to produce biological weapons or weapons of mass destruction, shall be punished by severe detention from 15 to 25 years and the prohibition of certain rights.	Law 535 of 25 November 2004
6 transport	X	1. European Agreement concerning the international Carriage of dangerous goods by road (ADR) 2. Law 535/2004 concerning prevention and combating terrorism, Chapter IV	X	Law 535/2004 concerning prevention and combating terrorism, Chapter IV	Law 535 of 25 November 2004
7 transfer	X	Law 535/2004 concerning prevention and combating terrorism, Chapter IV	X	Law 535/2004 concerning prevention and combating terrorism, Chapter IV	Law 535 of 25 November 2004

8	use	X	Law 535/2004 concerning prevention and combating terrorism, Chapter IV	X	Law 535/2004 concerning prevention and combating terrorism, Chapter IV Criminal Code, Art.295 – (1) The following offences are terrorist acts when they are committed in order to seriously disturb public order, through intimidation, terror or by creating a state of panic:the act of inserting or spreading, into the atmosphere, on the soil, into the underground or in water, products, substances, materials, microorganisms or toxins likely to endanger the health of people or animals or the environment	Law 535 of 25 November 2004
9	participate as an accomplice in a.m. activities	X	Law 535/2004 concerning prevention and combating terrorism, Chapter IV	X	Law 535/2004 concerning prevention and combating terrorism, Chapter IV	Law 535 of 25 November 2004
10	assist in a.m. activities	X	Law 535/2004 concerning prevention and combating terrorism, Chapter IV	X	Law 535/2004 concerning prevention and combating terrorism	Law 535 of 25 November 2004
11	finance a.m. activities	X	1. Law no. 466/2002 2. Law 535/2004, Chapter III	X	1. Law no. 466/2002 2. Law no. 656/2002 3. Law 535/2004, Chapter IV 4. Criminal Code, Financing terrorist acts Art.297 – (1) The act of making available or collecting funds, be it directly or indirectly, while aware that these funds are used, wholly or in part, for the commission of terrorist acts, shall be sanctioned by severe detention from 15 to 20 years and the prohibition of certain rights.	
12	a.m. activities related to means of delivery	X	Law 535/2004 concerning prevention and combating terrorism, Chapter IV	X	Law 535/2004 concerning prevention and combating terrorism, Chapter IV	Law 535 of 25 November 2004
13	involvement of non-State actors in a.m. activities	X	Law 535/2004 concerning prevention and combating terrorism, Art. 4	X	Law 535/2004, Chapter I	

14	Other	X	<p>1. Law 221/2006 regarding the measures which will apply for avian influenza monitoring, control and eradication in Romania.</p> <p>2. Law n. 62/2005 and law n. 206/2005 on the implementation of international sanctions</p>	<p>X</p> <p>1. Order 117/2006 on the amendment of the National Veterinary and Food Safety President Order n. 87/2006 for the approval of sanitary veterinary norms regarding diagnosis, prophylaxis, surveillance and control of avian influenza.</p> <p>2. Order 300/2006 for the approval of the Program of surveillance, prevention and control of animal diseases, transmissible disease from the animal to human, the protection of animals and environment protection.</p> <p>3. Order 54/2007 for approval of the sanitary veterinary norms regarding the control measures for avian influenza.</p> <p>4. Law n. 62/2005 and law n. 206/2005 on the implementation of international sanctions</p>	
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OP 2 - Chemical Weapons (CW)

State:
Date of Report:
Date of Addendum 1:

Romania
27 October 2004
11 November 2005

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1	manufacture/produce	X	1. Law no. 125/1994 2. Law to implement the provision of the Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their destruction no. 56/1997, modified and republished in 2004 3. Law no. 535/2004, Chapter IV	X	1. Law no. 125/1994 2. Law no. 56/1997, modified and republished in 2004 3. Law no. 535/2004, Chapter IV	http://www.opcw.org/fileadmin/OPCW/LAO/article_VII/legislation_database/RO_leg.pdf
2	acquire	X	1. Law no. 125/1994 2. Law no. 56/1997, modified and republished in 2004 3. Law no. 535/2004, Chapter IV	X	1. Law no. 125/1994 2. Law no. 56/1997, modified and republished in 2004 3. Law no. 525/2004, Chapter IV	
3	possess	X	1. Law no. 125/1994 2. Law no. 56/1997, modified and republished in 2004 3. Law no. 535/2004, Chapter IV	X	1. Law no. 125/1994 2. Law no. 56/1997, modified and republished in 2004 3. Law no. 525/2004, Chapter IV	
4	stockpile/store	X	1. Law no. 125/1994 2. Law no. 56/1997, modified and republished in 2004	X	1. Law no. 125/1994 2. Law no. 56/1997, modified and republished in 2004	
5	develop	X	1. Law no. 125/1994 2. Law no. 56/1997, modified and republished in 2004 3. Law no. 535/2004, Chapter IV	X	1. Law no. 125/1994 2. Law no. 56/1997, modified and republished in 2004 3. Law no. 535/2004, Chapter IV	
6	transport	X	1. European Agreement concerning the international Carriage of dangerous goods by road (ADR) 2. Law no. 535/2004, Chapter IV	X	Law no. 535/2004, Chapter IV	

7	transfer	X		X	1. Law no. 125/1994 2. Law no. 56/1997, modified and republished in 2004 3. Law no. 535/2004, Chapter IV	
8	use	X	1. Law no. 125/1994 2. Law no. 56/1997, modified and republished in 2004 3. Law no. 535/2004, Chapter IV	X	1. Law no. 125/1994 2. Law no. 56/1997, modified and republished in 2004 3. Law no. 535/2004, Chapter IV 4. Criminal Code, Art.295 – (1) The following offences are terrorist acts when they are committed in order to seriously disturb public order, through intimidation, terror or by creating a state of panic:the act of inserting or spreading, into the atmosphere, on the soil, into the underground or in water, products, substances, materials	
9	participate as an accomplice in a.m. activities	X	Law no. 535/2004, Chapter IV	X	Law no. 535/2004, Chapter IV	
10	assist in a.m. activities	X	1. Law no. 125/1994 2. Law no. 56/1997, modified and republished in 2004 3. Law no. 535/2004, Chapter IV	X	1. Law no. 125/1994 2. Law no. 56/1997, modified and republished in 2004 3. Law no. 535/2004, Chapter IV	
11	finance a.m. activities	X	1. Law no. 466/2002 2. Law no. 535/2004, Chapter IV	X	1. Law no. 466/2002 2. Law no. 656/2002 3. Law no. 535/2004, Chapter IV 4. Criminal Code, Financing terrorist acts Art.297 – (1) The act of making available or collecting funds, be it directly or indirectly, while aware that these funds are used, wholly or in part, for the commission of terrorist acts, shall be sanctioned by severe detention from 15 to 20 years and the prohibition of certain rights.	
12	a.m. activities related to means of delivery	X	Law 535/2004 concerning prevention and combating terrorism, Chapter IV	X	Law 535/2004 concerning prevention and combating terrorism, Chapter IV	Law 535 of 25 November 2004

13	involvement of non-State actors in a.m. activities	X	Law 535/2004 concerning prevention and combating terrorism, Art. 4	X	Law 535/2004, Chapter I	
14	Other					

OP 2 - Nuclear Weapons (NW)

State:
Date of Report:
Date of Addendum 1:

Romania
27 October 2004
11 November 2005

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1	manufacture/produce	X	Law no. 111/1996 with further modifications and completions	X		
2	acquire	X	Law no. 111/1996 with further modifications and completions	X	Law no. 111/1996 with further modifications and completions, art. 46	
3	possess	X	Law no. 111/1996 with further modifications and completions	X		
4	stockpile/store	X	Law no. 111/1996 with further modifications and completions	X	Law no. 111/1996 with further modifications and completions art. 44	http://www.cncan.ro/bd/legi/legea%20111.pdf
5	develop	X	Law no. 111/1996 with further modifications and completions	X	Law no. 111/1996 with further modifications and completions art. 46	
6	transport	X	1. European Agreement concerning the international Carriage of dangerous goods by road (ADR) 2. Law no. 111/1996 with further modifications and completions	X	1.Law no. 111/1996 with further modifications and completions art. 44 2. Law 333/2003 concerning the security of assets, goods and objectives and personnel protection	
7	transfer	X	Law no. 111/1996 with further modifications and completions	X	Law no. 111/1996 with further modifications and completions art. 46	
8	use	X	Law no. 111/1996 with further modifications and completions	X	Criminal Code,	
9	participate as an accomplice in a.m. activities	X	Law no. 111/1996 with further modifications and completions	X		

10	assist in a.m. activities	X	Law no. 535/2004, Chapter IV	X	Law no. 535/2004, Chapter IV	
11	finance a.m. activities	X	1. Law no. 466/2002 2. Law no. 535/2004, Chapter IV	X	1. Law no. 466/2002 2. Law no. 656/2002 3. Law no. 535/2004, Chapter IV 4. Criminal Code, Financing terrorist acts Art.297 – (1) The act of making available or collecting funds, be it directly or indirectly, while aware that these funds are used, wholly or in part, for the commission of terrorist acts, shall be sanctioned by severe detention from 15 to 20 years and the prohibition of certain rights.	
12	a.m. activities related to means of delivery	X	Law no. 111/1996 with further modifications and completions	X	Law no. 111/1996 with further modifications and completions	
13	involvement of non-State actors in a.m. activities	X	Law no. 111/1996 with further modifications and completions	X	Law 535/2004, Chapter I	
14	Other					

OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials

State:
Date of Report:
Date of Addendum 1:

Romania

27 October 2004
11 November 2005

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Measures to account for production	X	1. Regulation (EC) n. 851/2004 of the European Parliament and the Council of 21 April 2004 establishing an European Centre for Disease Prevention and Control 2. GO on Environmental Protection no.195/2005 Chapter II and III	X	GO on Environmental Protection no.195/2005 Chapter XV , art.96-98	http://www.ecdc.europa.eu/en/countryinfo/Pages/CompetentBodies.aspx
2 Measures to account for use	X		X		
3 Measures to account for storage	X		X		
4 Measures to account for transport	X	GO on Environmental Protection no.195/2005 Chapter II and III	X		<u>Law n. 137</u>
5 Other measures for accounting					
6 Measures to secure production	X		X	GO on Environmental Protection no.195/2005 Chapter XV , art.96-98-86	

7	Measures to secure use	X	1. Regulation (EC) n. 851/2004 of the European Parliament and the Council of 21 April 2004 establishing an European Centre for Disease Prevention and Control 2.GO on Environmental protection no.195/2005 Chapter II and III	X	Criminal Code, Art.295 – (1) The following offences are terrorist acts when they are committed in order to seriously disturb public order, through intimidation, terror or by creating a state of panic:the act of inserting or spreading, into the atmosphere, on the soil, into the underground or in water, products, substances, materials, microorganisms or toxins likely to endanger the health of people or animals or the environment	http://www.ecdc.europa.eu/en/countryinfo/Pages/CompetentBodies.aspx
8	Measures to secure storage	X		X		
9	Measures to secure transport	X	GO on Environmental Protection no.195/2005 Chapter II and III			
10	Other measures for securing			X	Criminal Code, Preventing disease combating Art.383 – Non-compliance with measures concerning the prevention and combating of contagious disease, if it has resulted in the spread of such a disease, shall be punished by imprisonment from one month to one year or by days/fine.Spreading disease among animals or plants Art.385 – (1) Non-compliance with measures concerning the prevention	
11	Regulations for physical protection of facilities/materials/ transports					
12	Licensing/registration of facilities/persons handling biological materials					
13	Reliability check of personnel					

14	Measures to account for/secure/ physically protect means of delivery					
15	Regulations for genetic engineering work	X	<p>Governmental Emergency Ordinance (EGO) no.195/2005 on the environmental protection with its completions and modifications (OUG nr. 195/2005 privind protecția mediului, cu modificările și completările ulterioare)</p> <p>GEO no. 44/2007 on the contained use of the genetically modified microorganisms, with completions and modifications by Law no. 3/2008 (transposing 2009/41/EC Directive) (OUG nr.44/2007 privind utilizarea în condiții de izolare a microorganismelor modificate genetic, aprobată cu modificări și completări prin Legea nr.3/2008)</p> <p>Law no. 59/2003 on ratifying of the Cartagena Protocol on Biosafety to the Convention of the Biological Diversity (Legea nr.59/2003 pentru ratificarea Protocolului de la Cartagena privind biosecuritatea la Convenția privind Diversitatea Biologică)</p> <p>Law for the transposition of 2008/99/EC Directive of the European Parliament and of the Council on the protection of the environment through criminal law (in course of approval)(Legea pen</p>	X	<p>Criminal Code, Art.194 – The use of genetic engineering to produce biological weapons or weapons of mass destruction, shall be punished by severe detention from 15 to 25 years and the prohibition of certain rights.</p>	<p>http://www.bioresurse.ro/paginiomg/aplicatie2.html</p>
16	Other legislation/ regulations related to safety and security of biological materials					
17	Other					

OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials

State:
Date of Report:
Date of Addendum 1:

Romania

27 October 2004
11 November 2005

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Measures to account for production	X		X		<p>Law n. 56/1997 http://www.opcw.org/docs/la_nati_mpleg/romania%20 leg.pdf</p>
2 Measures to account for use	X	1. GO on the Environmental Protection no.195/2005 Chapter II and III 2. Law no. 56/1997, modified and republished in 2004 3. Government Decision no. 211 / 1994	X	1. GO on Environmental Protection no.195/2005 Chapter XV, art.96-98 2. Law no. 56/1997, modified and republished in 2004, Chapter VIII The Ministry of Foreign Affairs, through the General Directorate ANCEX as the National Authority for CWC	
3 Measures to account for storage	X	Government Decision no. 211 / 1994 GO on the Environmental Protection n. 195/2005 Chapter II and III	X	Law no. 56/1997, modified and republished in 2004, Chapter VIII The Ministry of Foreign Affairs, through the General Directorate ANCEX as the National Authority for CWC	
4 Measures to account for transport	X	GO on the Environmental Protection no.195/2005 Chapter II and III			
5 Other measures for accounting					
6 Measures to secure production	X		X	Law no. 56/1997, modified and republished in 2004, Chapter VIII Law on the Environmental Protection n. 137 of 29 December 1995, Chap. V - Arts. 81-86	

7	Measures to secure use	X	Government Decision no. 211 / 1994 GO on the Environmental Protection n. 195/2005 Chapter V	X	Law no. 56/1997, modified and republished in 2004, Chapter VIII Criminal Code, Art.295 – (1) The following offences are terrorist acts when they are committed in order to seriously disturb public order, through intimidation, terror or by creating a state of panic:the act of inserting or spreading, into the atmosphere, on the soil, into the underground or in water, products, substances, materials, microorganisms or toxins likely to endanger the health of people or animals or the environment	<u>Law n. 137</u>
8	Measures to secure storage	X		X		
9	Measures to secure transport	X	Government Decision no. 211 / 1994 GO on the Environmental Protection 195/2005 Chapter II and III.			
10	Other measures for securing			X	Criminal Code Art.390 – The production, possession or any other operation relating to the circulation of toxic products, the cultivation for processing of plants that contain such substances or experimenting with toxic products or substances, all these without right, shall be punished by strict imprisonment from 3 to 15 years and the prohibition of certain rights.	
11	Regulations for physical protection of facilities/materials/ transports					
12	Licensing of chemical installations/entities/use of materials	X	Law no. 56/1997, modified and republished in 2004 Government Decision no. 211 / 1994	X	Law no. 56/1997, modified and republished in 2004, Chapter VIII	http://www.opcw.org/docs/la_nati_mpleg/romania%20_leg.pdf
13	Reliability check of personnel					
14	Measures to account for/secure/ physically protect means of delivery					

15	National CWC authority	X	Law no. 56/1997, modified and republished in 2004, Chapter VIII Government Decision no. 211 / 1994	X	The Ministry of Foreign Affairs, through the General Directorate ANCEX	
16	Reporting Schedule I, II and III chemicals to OPCW	X	Law no. 56/1997, modified and republished in 2004	X	Law no. 56/1997, modified and republished in 2004	http://www.opcw.org/docs/la_nati_mpleg/romania%20_leg.pdf
17	Account for, secure or physically protect old chemical weapons					
18	Other legislation/ regulations controlling chemical materials					
19	Other	X	A transparency and cooperation program was also developed for the benefit of the Romanian chemical industry: o A large dissemination of CWC implementing legislation was achieved by organizing dedicated workshops and seminars; o The National Authority became more transparent to the Romanian companies and plant sites by running an internet site: www.ancex.ro dedicated to specific legislation and recommendations for the Romanian chemical companies and providing relevant information regarding national/international events by the NA in the export control and nonproliferation area, including prohibition of CW related issues			http://www.opcw.org/docs/la_nati_mpleg/romania%20_leg.pdf

OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials

State:
Date of Report:
Date of Addendum 1:

Romania

27 October 2004
11 November 2005

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Measures to account for production	X	1. Law no. 111/1996 as modified by Law no. 193/2003 2. Nuclear Field Authorization Procedures Regulations: safeguards regulations 3. GO on Environmental Protection no 195/2005 Chapter II , III , VII	X	1. Law no. 111/1996 as modified by Law no. 193/2003, (art. 44, 45, 47) 2. Safeguards Regulations in Nuclear Field (art. 109) 3. GO on Environmental Protection no 195/2005 Chapter XV (art.96-98)	http://www.cncan.ro/bd/legi/legea%20111.pdf
2 Measures to account for use	X		X	1. Law no. 111/1996 as modified by Law no. 193/2003, (art. 44, 45, 47) 2. Safeguards Regulations in Nuclear Field (art. 109) 3. GO on Environmental Protection no 195/2005 Chapter XV (art.96-98)	
3 Measures to account for storage	X		X	1. Law no. 111/1996 as modified by Law no. 193/2003, (art. 44, 45, 47) 2. Safeguards Regulations in Nuclear Field (art. 109)	

4	Measures to account for transport	X	Law no. 111/1996 as modified by Law no. 193/2003 (Art. 21. Ñ The utilization of transport means specially arranged for the transport of nuclear fuel, of nuclear materials, of radioactive products or of radioactive waste shall be permitted only when the authorized carrier is in possession of an authorization for the respective transport means granted by the Commission)	X	Law no. 111/1996 as modified by Law no. 193/2003, (art. 44)	
5	Other measures for accounting	X	1. Law no. 111/1996 as modified by Law no. 193/2003 2. Nuclear Field Authorization Procedures Regulations: safeguards regulations	X	1. Law no. 111/1996 as modified by Law no. 193/2003, (art. 44, 45, 47) 2. Safeguards Regulations in Nuclear Field (art. 109)	
6	Measures to secure production	X	Law no. 111/1996 as modified by Law no. 193/2002	X	Responsibility of the applicant for an authorisation Criminal Code, Art.295 – (1) The following offences are terrorist acts when they are committed in order to seriously disturb public order, through intimidation, terror or by creating a state of panicd) offences of non-abidance by the legal treatment of weapons and ammunition, non-observance of the legal treatment of nuclear material and other radioactive materials, as well as non-compliance with the legal treatment of explosives, provided in Art.406-408;	http://www.cncan.ro/bd/legi/legea%20111.pdf
7	Measures to secure use	X		X		
8	Measures to secure storage	X		X		

9	Measures to secure transport	X	Law no. 111/1996 as modified by Law no. 193/2003 (Art. 21. Ñ The utilization of transport means specially arranged for the transport of nuclear fuel, of nuclear materials, of radioactive products or of radioactive waste shall be permitted only when the authorized carrier is in possession of an authorization for the respective transport means granted by the Commission) Radioactive Material Transport Regulation	X	1. Transport only by specially authorized transporters 2. Law no. 111/1996 as modified by Law no. 193/2002, Chapter III 3. Law 333/2003 concerning the security of assets, goods and objectives and personnel protection	http://www.cncan.ro/bd/legi/legea%20111.pdf
10	Other measures for securing	X	1. Physical Protection Regulations in Nuclear Field 2. Regulations on the Requirement for Qualification of Physical Protection Personnel 3. Design Basis Threat Document: Guide on Using the DBT Document	X	Physical Protection Regulations in Nuclear Field (art. 186)	http://www.cncan.ro/bd/legi/legea%20111.pdf
11	Regulations for physical protection of facilities/materials/ transports	X	Law no. 11/1996 with further modifications and completions and 1.Order no. 382/2001 of CNCAN President approving the Norms on physical protection in nuclear field; 2.Order no. 106/2002 of CNCAN President approving the Norms for the requirements related to the qualification of personnel ensuring the security of protected materials and installations; 3. Order no.373/2001 of CNCAN President approving the Fundamental Norms	X	1. Physical Protection Regulations in Nuclear Field (art. 186): national norms 2. Regulations on the Requirement for Qualification of Physical Protection Personnel Design 3. Basis Threat Document: Guide on Using the DBT Document	http://www.cncan.ro/bd/legi/legea%20111.pdf
12	Licensing of nuclear installations/entities/use of materials	X	no.373/2001 of CNCAN President approving the Fundamental Norms	X	Law no. 111/1996 as modified by Law no. 193/2002, Chapter III	http://www.cncan.ro/bd/legi/legea%20111.pdf
13	Reliability check of personnel	X		X		
14	Measures to account for/secure/ physically protect means of delivery	X	Law no. 111/1996 as modified by Law no. 193/2002, Chapter III	X	Law no. 111/1996 as modified by Law no. 193/2002, Chapter III	
15	National regulatory authority	X	1. Special empowered CNCAN representatives at the authorization holder's precinct 2. Law no. 111/1996 as modified by Law no. 193/2002, Chapter III	X	National Commission for Nuclear Activities Control (CNCAN)	http://www.cncan.ro/bd/legi/legea%20111.pdf

16	IAEA Safeguards Agreements	X	Safeguards Agreement in force 27 October 1972 and the Additional Protocol to the IAEA Safeguards	X	The IAEA inspects nuclear and related facilities under safeguards agreements	http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	Expressed support to IAEA DG	X		http://www-ns.iaea.org/downloads/rw/meetings/code-conduct-signatories.pdf
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	Contributes to database program	X	Verifications are concluded pursuant to the global Treaty on the Non-Proliferation of Nuclear Weapons (NPT), for which the IAEA is the verification authority.	http://www.iaea.org/About/Policy/GC/GC42/Documents/gc42-17.html
19	Other Agreements related to IAEA	X	Law n. 185/2007 for the submission to the Agreement and the Additional Protocol (among some EU member States, EURATOM and IAEA)	X		http://ola.iaea.org/FactSheets/CountryDetails.asp?country=RO
20	Additional national legislation/regulations related to nuclear materials including CPPNM	X	Law n. 419/2006 for the application of the Amendment to Convention on Physical Protection of Nuclear Material (CPPNM)			
21	Other	X	Law n. 703/2007 on civil liability for nuclear damage	X	<ol style="list-style-type: none"> 1. TRIGA research reactor from HEU fuel to LEU 2. Law n. 703/2007 on civil liability for nuclear damage 3. Law n. 62/2005 and law n. 206/2005 on the implementation of international sanctions 	

**OP 3 (c) and (d) and related matters from OP 6 and OP 10 -
Controls of BW including Related Materials**

State:
Date of Report:
Date of Addendum 1:

Romania
27 October 2004
11 November 2005

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Border control	X	1. Council Regulation no. 2913/1992 (Community Customs Code) 2. Commission Regulation no. 2454/1993 (Implementing Provisions to the Community Customs Code) 3. EU Regulation no. 648 of 13 April 2005 (Security Amendment) 4. Law no. 86/2006 on the Customs Code 5. Government Decision no. 707/2006 on the Regulation of Application of the Customs Code	X	1. Law no. 86/2006 on the Customs Code, Title XI - " Prohibitions and restrictions" and Title XII - "Sanctions" 2. Emergency Government Resolution 104/2001 concerning the establishment and function of the Romanian Border Police 3. Law no. 81/2002 to approve the resolution	http://www.customs.ro/vami_en/Main
2	Technical support of border control measures	X	National Customs owns the following equipment of control : 25 stationary scanning X-Ray equipments; 3 portable scanning X-Ray devices; 8 mobile equipment with gamma-Ray scanning; 45 gates for radioactivity detection; 97 radiation detection and measurement equipments; 56 drugs and explosives equipments; 4 border security systems to meet the Schengen requirements	X	National Customs owns the following equipment of control : 25 stationary scanning X-Ray equipments; 3 portable scanning X-Ray devices; 8 mobile equipment with gamma-Ray scanning; 45 gates for radioactivity detection; 97 radiation detection and measurement equipments; 56 drugs and explosives equipments; 4 border security systems to meet the Schengen requirements	

3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	<p>1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</p> <p>2. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls</p>	X	<p>1. Penal Code, art. 312</p> <p>2. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls</p> <p>3. Law no. 301/2004 (Penal Code)</p>	
4	Enforcement agencies/authorities	X	Government Decision no. 110/2009 concerning the organization and functioning of the National Customs Authority	X	<p>1. The Ministry of Foreign Affairs, through the General Directorate ANCEX; National Customs Authority; Division for Economic Investigation; Border Police</p> <p>2. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls</p> <p>3. Law no. 301/2004 (Penal Code)</p> <p>4. Law no. 56/1997, modified and republished 2004</p>	http://www.customs.ro/vami_en/Main
5	Export control legislation in place	X	<p>1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</p> <p>2. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls</p>	X	<p>1. Penal Code, art. 302</p> <p>2. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls</p> <p>3. Law no. 301/2004 (Penal Code)</p> <p>4. Law no. 56/1997, modified and republished in 2004</p> <p>5. Law no. 329/2009 on the reorganization of public authorities and institutions, rationalizing public expenditure, support business and compliance framework agreements with the European Commission and the International Monetary Fund</p> <p>6. Decision no. 1423/2009 on the reorganization of public institutions under the Ministry of Foreign Affairs</p>	

6	Licensing provisions	X		X	1. Ministry of Foreign Affairs through the General Directorate ANCEX is the Romanian authority responsible for the control of dual use exports, the control of military exports, imports, transits and transshipments	http://www.The Ministry of Foreign Affairs, through the General Directorate ANCEX.ro/?limba=en&pag=1
7	Individual licensing	X	1.Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	2. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	
8	General licensing	X	2. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	X	3. Law no. 329/2009 on the reorganization of public authorities and institutions, rationalizing public expenditure, support business and compliance framework agreements with the European Commission and the International Monetary Fund 5. Decision no. 1423/2009 on the reorganization of public institutions under the Ministry of Foreign Affairs	
9	Exceptions from licensing					
10	Licensing of deemed export/visa	X	Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls			http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000E0401:EN:HTML
11	National licensing authority	X	1. Law no. 329/2009 on the reorganization of public authorities and institutions, rationalizing public expenditure, support business and compliance framework agreements with the European Commission and the International Monetary Fund 2. Decision no. 1423/2009 on the reorganization of public institutions under the Ministry of Foreign Affairs 3. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	X	The Ministry of Foreign Affairs, through the General Directorate ANCEX	

12	Interagency review for licenses	X	Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	X	1. The Council for the assessment of the licence applications for operations with dual use items 2. Inter-departmental Group for Non-proliferation 3. Interministerial Council for Counter-terrorism	
13	Control lists	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items			<u>EU Regulation 428/2009</u>
14	Updating of lists	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items			<u>EU Regulation 428/2009</u>
15	Inclusion of technologies	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	EU Regulation 428/2009
16	Inclusion of means of delivery	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	
17	End-user controls	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14	X	1. International Import Certificate (End-user certificate), Delivery Control Certificate 2. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	<u>EU Regulation no. 648/2005</u>

18	Catch all clause	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	EU Regulation 428/2009
19	Intangible transfers	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	
20	Transit control	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14			<u>EU Regulation no. 648/2005</u>
21	Trans-shipment control	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14 3. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	X	Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	
22	Re-export control	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14	X	Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	
23	Control of providing funds	X	Council Regulation (EC) No. 2580 of 27 December 2001			<u>EU Regulation No. 2580/2001</u>
24	Control of providing transport services					

25	Control of importation	X	Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	X	International Import Certificate (End-user certificate), Delivery Control Certificate Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	
26	Extraterritorial applicability					
27	Other			X	Black Sea Border Security Initiative	

**OP 3 (c) and (d) and related matters from OP 6 and OP 10 -
Controls of CW including Related Materials**

State:
Date of Report:
Date of Addendum 1:

Romania

27 October 2004
11 November 2005

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Border control	X	1. Council Regulation no. 2913/1992 (Community Customs Code) 2. Commission Regulation no. 2454/1993 (Implementing Provisions to the Community Customs Code) 3. EU Regulation no. 648 of 13 April 2005 (Security Amendment) 4. Law no. 86/2006 on the Customs Code 5. Government Decision no. 707/2006 on the Regulation of Application of the Customs Code	X	1. Law no. 86/2006 on the Customs Code, Title XI - " Prohibitions and restrictions" and Title XII - "Sanctions" 2. Emergency Government Resolution 104/2001 concerning the establishment and function of the Romanian Border Police 3. Law no. 81/2002 to approve the resolution	http://www.customs.ro/vami_en/Main
2 Technical support of border control measures	X	National Customs owns the following equipment of control : 25 stationary scanning X-Ray equipments; 3 portable scanning X-Ray devices; 8 mobile equipment with gamma-Ray scanning; 45 gates for radioactivity detection; 97 radiation detection and measurement equipments; 56 drugs and explosives equipments; 4 border security systems to meet the Schengen requirements.	X	National Customs owns the following equipment of control : 25 stationary scanning X-Ray equipments; 3 portable scanning X-Ray devices; 8 mobile equipment with gamma-Ray scanning; 45 gates for radioactivity detection; 97 radiation detection and measurement equipments; 56 drugs and explosives equipments; 4 border security systems to meet the Schengen requirements.	

3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	<p>1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</p> <p>2. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls</p>	X	<p>1. Penal Code, art. 312</p> <p>2. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls</p> <p>3. Law no. 301/2004 (Penal Code)</p>	
4	Enforcement agencies/authorities	X	<p>Government Decision no. 110/2009 concerning the organization and functioning of the National Customs Authority</p>	X	<p>1. The Ministry of Foreign Affairs, through the General Directorate ANCEX; National Customs Authority; Division for Economic Investigation; Border Police</p> <p>2. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls</p> <p>3. Law no. 301/2004 (Penal Code)</p> <p>4. Law no. 56/1997, modified and republished 2004</p>	<p>http://www.customs.ro/vami_en/Main</p>
5	Export control legislation in place	X	<p>1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</p> <p>2. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls</p>	X	<p>1. Penal Code, art. 302</p> <p>2. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls</p> <p>3. Law no. 301/2004 (Penal Code)</p> <p>4. Law no. 56/1997, modified and republished in 2004</p> <p>5. Law no. 329/2009 on the reorganization of public authorities and institutions, rationalizing public expenditure, support business and compliance framework agreements with the European Commission and the International Monetary Fund</p> <p>6. Decision no. 1423/2009 on the reorganization of public institutions under the Ministry of Foreign Affairs</p>	

6	Licensing provisions	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls 3. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 on the control of exports of dual-use items and technology	X	1. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls 2. Law no. 329/2009 on the reorganization of public authorities and institutions, rationalizing public expenditure, support business and compliance framework agreements with the European Commission and the International Monetary Fund 3. Decision no. 1423/2009 on the reorganization of public institutions under the Ministry of Foreign Affairs	
7	Individual licensing	X		X		
8	General licensing	X		X		
9	Exceptions from licensing					
10	Licensing of deemed export/visa	X	Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls			http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000E0401:EN:HTML
11	National licensing authority	X	1. Law no. 329/2009 on the reorganization of public authorities and institutions, rationalizing public expenditure, support business and compliance framework agreements with the European Commission and the International Monetary Fund 2. Decision no. 1423/2009 on the reorganization of public institutions under the Ministry of Foreign Affairs 3. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	X	The Ministry of Foreign Affairs, through the General Directorate ANCEX	
12	Interagency review for licenses	X	Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	X	1. The Council for the assessment of the licence applications for operations with dual use items 2. Inter-departmental Group for Non-proliferation 3. Interministerial Council for Counter-terrorism	

13	Control lists	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items			page 14 of the EU report
14	Updating of lists	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items			<u>EU Regulation 428/2009</u>
15	Inclusion of technologies	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	EU Regulation 428/2009
16	Inclusion of means of delivery	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	
17	End-user controls	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14	X	1. International Import Certificate (End-user certificate), Delivery Control Certificate 2. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	<u>EU Regulation no. 648/2005</u>
18	Catch all clause	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	<u>EU Regulation 428/2009</u>
19	Intangible transfers	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	

20	Transit control	X	<p>1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</p> <p>2. EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14</p> <p>3. Law no. 56/1997, modified and republished in 2004</p> <p>4. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls</p>	X	The Ministry of Foreign Affairs, through the General Directorate ANCEX	<u>EU Regulation no. 648/2005</u>
21	Trans-shipment control	X	<p>1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</p> <p>2. EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14</p> <p>3. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls</p>		Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	
22	Re-export control	X	<p>Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items</p> <p>EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14</p>	X		
23	Control of providing funds	X	Council Regulation (EC) No. 2580 of 27 December 2001	X		<u>EU Regulation No. 2580/2001</u>
24	Control of providing transport services			X	Transport only by specially authorized transporters	<u>http://www.cnacan.ro/bd/legi/legea%20111.pdf</u>

25	Control of importation	X	Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls Law no. 56/1997, modified and republished in 2004	X	International Import Certificate (End-user certificate), Delivery Control Certificate Persons engaged (in manufacturing, import, export, transfer intra) with chemicals on the lists of the Convention are required to submit annual industrial declarations to The Ministry of Foreign Affairs - the General Directorate ANCEX	
26	Extraterritorial applicability					
27	Other			X	Black Sea Border Security Initiative	

**OP 3 (c) and (d) and related matters from OP 6, and OP 10 -
Controls of NW including Related Materials**

State:
Date of Report:
Date of Addendum 1:

Romania

27 October 2004
11 November 2005

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Border control	X	1. Council Regulation no. 2913/1992 (Community Customs Code) 2. Commission Regulation no. 2454/1993 (Implementing Provisions to the Community Customs Code) 3. EU Regulation no. 648 of 13 April 2005 (Security Amendment) 4. Law no. 86/2006 on the Customs Code 5. Government Decision no. 707/2006 on the Regulation of Application of the Customs Code	X	1. Law no. 86/2006 on the Customs Code, Title XI - " Prohibitions and restrictions" and Title XII - "Sanctions" 2. Emergency Government Resolution 104/2001 concerning the establishment and function of the Romanian Border Police 3. Law no. 81/2002 to approve the resolution	http://www.customs.ro/vami_en/Main
2 Technical support of border control measures	X	National Customs Authority owns the following equipment of control : 25 stationary scanning X-Ray equipments; 3 portable scanning X-Ray devices; 8 mobile equipment with gamma-Ray scanning; 45 gates for radioactivity detection; 97 radiation detection and measurement equipments; 56 drugs and explosives equipments; 4 border security systems to meet the Schengen requirements.	X	National Customs owns the following equipment of control : 25 stationary scanning X-Ray equipments; 3 portable scanning X-Ray devices; 8 mobile equipment with gamma-Ray scanning; 45 gates for radioactivity detection; 97 radiation detection and measurement equipments; 56 drugs and explosives equipments; 4 border security systems to meet the Schengen requirements.	

3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	X	1. Penal Code, art. 312 2. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls 3. Law no. 301/2004 (Penal Code)	
4	Enforcement agencies/authorities	X	Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls Government Decision no. 110/2009 concerning the organization and functioning of the National Customs Authority	X	1. The Ministry of Foreign Affairs, through the General Directorate ANCEX; National Customs Authority; Division for Economic Investigation; Border Police 2. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls 3. Law no. 301/2004 (Penal Code)	http://www.customs.ro/vami_en/Main
5	Export control legislation in place	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 3. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	X	1. Penal Code, art. 302 2. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls 3. Law no. 301/2004 (Penal Code) 4. Law no. 329/2009 on the reorganization of public authorities and institutions, rationalizing public expenditure, support business and compliance framework agreements with the European Commission and the International Monetary Fund 5. Decision no. 1423/2009 on the reorganization of public institutions under the Ministry of Foreign Affairs	
6	Licensing provisions	X		X	1. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use	

7	Individual licensing	X	1.Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	export controls	
8	General licensing	X	2. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	X	2. Law no. 329/2009 on the reorganization of public authorities and institutions, rationalizing public expenditure, support business and compliance framework agreements with the European Commission and the International Monetary Fund 3. Decision no. 1423/2009 on the reorganization of public institutions under the Ministry of Foreign Affairs	<u>EU Regulation 428/2009</u>
9	Exceptions from licensing	X	1.Council regulation (EC) no. 423/2007 concerning restrictive measures against the Iran Council regulation (EC) no. 329/2007 concerning restrictive measures against the DPRK			
10	Licensing of deemed export/visa	X	Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls			
11	National licensing authority	X	1. Law no. 329/2009 on the reorganization of public authorities and institutions, rationalizing public expenditure, support business and compliance framework agreements with the European Commission and the International Monetary Fund 2. Decision no. 1423/2009 on the reorganization of public institutions 3. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	X	The Ministry of Foreign Affairs, through the General Directorate ANCEX	
12	Interagency review for licenses	X	Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	X	1. The Council for the assessment of the licence applications for operations with dual use items 2. Inter-departmental Group for Non-proliferation 3. Interministerial Council for Counter-terrorism	

13	Control lists	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items			
14	Updating of lists	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items			<u>EU Regulation 428/2009</u>
15	Inclusion of technologies	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	<u>EU Regulation no. 648/2005</u>
16	Inclusion of means of delivery	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X		<u>EU Regulation 428/2009</u>
17	End-user controls	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14	X	1. International Import Certificate (End-user certificate), Delivery Control Certificate 2. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	
18	Catch all clause	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	
19	Intangible transfers	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	

20	Transit control	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14	X	Law no. 111/1996 with further modifications and completions	http://www.cncan.ro/bd/legi/legea%20111.pdf
21	Trans-shipment control	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items 2. EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14 3. Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	X	Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	
22	Re-export control	X	Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items EU Regulation no. 648 of 13 April 2005 (Security Amendment), Article 1.14	X	Law no. 136/2007 to approve Government Emergency Ordinance no. 129/2006 regarding dual-use export controls	
23	Control of providing funds	X	Council Regulation (EC) No. 2580 of 27 December 2001			

24	Control of providing transport services	X	1. Law no. 111/1996 with further modifications and completions (Art. 21. Ñ The utilization of transport means specially arranged for the transport of nuclear fuel, of nuclear materials, of radioactive products or of radioactive waste shall be permitted only when the authorized carrier is in possession of an authorization for the respective transport means granted by the Commission) 2. Radiation Material Transport Regulation	X	1. Transport only by specially authorized transporters 2. Law no. 111/1996 with further modifications and completions Chapter III	http://www.cncan.ro/bd/legi/legea%20111.pdf
25	Control of importation	X	Law no. 111/1996 as amended	X	1. Law no. 111/1996 with further modifications and completions 2. International Import Certificate (End-user certificate), Delivery Control Certificate	http://www.cncan.ro/bd/legi/legea%20111.pdf
26	Extraterritorial applicability					
27	Other			X	Black Sea Border Security Initiative	

OP 6, 7 and 8 (d) - Control lists, Assistance, Information

State:
Date of Report:
Date of Addendum 1:

Romania
27 October 2004
11 November 2005

Can information be provided on the following issues ?		YES		Remarks
1	Control lists - items (goods/equipment/materials/technologies)	X	1. Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use 2. Law no. 56/1997, Annex 1	http://www.opcw.org/docs/la_nati_mpleg/romania%20_leg.pdf
2	Control lists - other			
3	Assistance offered	X	Romania is willing to contribute its share in providing assistance, as appropriate, in response to requests	
4	Assistance requested			
5	Assistance in place (bilateral/plurilateral/multilateral)			
6	Information for industry	X	1. National Nuclear Regulatory Authority works with institutions and industry performing authorized nuclear activities (Government Ordinance no. 7/2003 regarding the utilization of nuclear energy exclusively for peaceful purposes, republished) 2. National CWC Authority works with Romanian industry, for annual declarations and OPCW inspections (on-site visits, conferences, seminars, workshops, etc.) 3. Dual- use export controls authority organise training for companies, seminars, work-shops and edits an annual Nonproliferation brochure. Web site with all national and european legislations, forms for applications, events, contact information	
7	Information for the public	X	Information is disseminated through website, publications and leaflets	