

**INFORMATION
ON THE LEGISLATIVE AND ADMINISTRATIVE MEASURES
TAKEN TO IMPLEMENT CWC IN ROMANIA**

**I. NATIONAL LEGISLATION
(Legal environment)**

- Romania signed the CWC on 13th of January 1993.
- The text of the CWC was approved by Decree no. 96 of the President of Romania on 9th of June 1994 thereby being forwarded to the Parliament for ratification.
- The CWC was ratified by Law no. 125 on 9th of December 1994 and the instruments of ratification were deposited on 15th of February 1995.
- Romania became State Party to the CWC on 29th of April 1997.
- The Law on the national implementation of the CWC was adopted by the Parliament on 18th of April 1997 as the 56th Law and promulgated by the Decree no. 148/1997 of the President of Romania.
 - The Law prohibits natural and legal persons anywhere on the territory of Romania as well as natural persons possessing its nationality outside this territory, according to international law, from undertaking any activity prohibited to a State Party under the CWC.
 - The Law provides also the sanctions for criminal actions or minor defenses in case of illicit activities or for neglecting the obligations under the Law itself.
 - The Romanian Law is included among the only 38 States Parties to the CWC, which have implemented effective measures in their national legislation in order to comply with all CWC regulations.
- The procedural regulations providing the necessary measures to implement the Law no. 56/1997 are enacted by the National Authority, approved by secondary legislation on:
 - Filling in / transmitting initial / annual industrial declarations
 - Authorizing / declaring the facilities and/or laboratories producing Schedule 1 chemicals for purposes not prohibited under the CWC
 - Authorization of exports and imports of scheduled chemicals
 - Protection of OPCW confidential information
 - The inspection procedures

II. ADMINISTRATIVE MEASURES

- The National Agency for the Control of Strategic Exports and of Prohibition of Chemical Weapons was established in 1994 as the National Authority for CWC in Romania (The Government Decision no. 211 / 1994).
- Since January 2001, the Romanian National Authority, headed by a Secretary of State, became subordinated to the Ministry of Foreign Affairs of Romania.

III. IMPLEMENTATION MEASURES

Initial stage

- The procedural regulations reglementing the elaboration of the initial declarations and including the appropriate declaration forms have been enacted, approved and published.
- The declarable activities under the CWC provisions as well as the trade companies related to those activities have been identified.
- All the initial declarations requested by national law were elaborated by the chemical companies and were compiled by the National Authority and subsequently submitted to the Technical Secretariat within the timeframe established by the CWC.
- The National Authority submitted also all the notifications according to the provisions of the CWC, as follows:

- Information on the legislative and administrative measures to implement the CWC in Romania
- Information on the national program related to protective purposes.
- Notification of type of assistance under Article X
- Notifications related to:
 - the National Authority (Art. VII, para 4);
 - the POE (VA, Part II, para 6);
 - the standing diplomatic clearance number for non-scheduled aircraft (VA, Part II, para 22)
- In order to familiarize the industry representatives and the National Authority personnel with their obligations and rights under the CWC, trial activities and seminars have been conducted by the National Authority:
 - 16 national seminars on the inspection activities and other CWC provisions have been held for training the personnel involved in this activities.
 - A “Chemical Weapons Convention Bulletin” dealing with the provisions of the Convention and containing solutions for their implementation has been published.
 - The National Authority published its papers, in the “yellow pages” of the Romanian Chemical Review addressing mainly the procedures of the implementation of the CWC by the chemical industry (1996–1997).
 - A Trial Declaration Exercise on Communications, involving 12 chemical companies was organized at national level. During the exercise the declaration forms as well as the procedures for their completion and transmission were tested.
 - The National Authority personnel conducted trial on-site inspections at three chemicals companies producing Schedule 3 chemical and at one producer of DOC. The trial inspections were conducted in a similar manner to the OPCW inspections.

Development stage

- The National Authority introduced a new control concept, by developing its preventive dimension. This concept aims to acquire a new set of mechanisms and procedures to respond to non-conventional risks. In this regard, the National Authority elaborated awareness programs addressed to the Romanian companies involved in CWC implementation. In 2002, within the awareness campaign 11 chemical companies importing/exporting, producing or consuming chemicals under CWC control were inspected. The main objective of this campaign was to verify all the activities related to CWC framework and to familiarize the sites with the requirements of OPCW inspections.
- A transparency and cooperation program was also developed for the benefit of the Romanian chemical industry:
 - A large dissemination of CWC implementing legislation was achieved by organizing dedicated workshops and seminars;
 - The National Authority became more transparent to the Romanian companies and plant sites by running two Internet sites: www.ancesiac.ro (dedicated to specific legislation and recommendations for the Romanian chemical companies) and www.export-control.ro (providing relevant information regarding national/international events by the NA in the export control and nonproliferation area, including prohibition of CW related issues)
 - A National Conference is organized on an annual basis on the celebration of the establishment of the Romanian National Authority
- Bilateral consultations and co-operation with other similar OPCW National Authorities from Hungary, Poland, France and the Netherlands, were developed by the Romanian NA.
- A Guide for the control of the prohibition of CW was published for the use of Romanian companies, giving a broad overview of the national legislation implementing the CWC.
- Annual declarations and notifications were submitted to the TS within the time-frame requested by the CWC provisions.

- Romania received 6 OPCW inspections which were conducted according to OPCW procedure. The inspection reports stated that all the inspected sites had fulfilled their obligations according to CWC.

III. COOPERATION WITH THE TECHNICAL SECRETARIAT OF OPCW

- Officials of the Technical Secretariat participated in all major national seminars and conferences.
- The National Authority received significant support for participation in the training courses organized by the Technical Secretariat of the OPCW.
- The Romanian National Authority offered its support for the module D of the OPCW inspectors training courses (1997, 1998).
- The Technical Secretariat in co-operation with the National Authority organized in Romania two parallel nine-day courses for the personnel involved in the CWC implementation (one advanced course and one basic course) – November 1999.