

# ROAD GOODS CARRIERS' HANDBOOK

Administrative and/or penal sanctions against foreign carriers in case of missing or non complying documents accompanying an international road transport operation

## ROMANIA

**Information provided by:** Asociata Romana Pentru Transporturi Rutiere Internationale (ARTRI)

### 1. ENFORCING AUTHORITIES

In Romania, foreign road vehicles may be checked by:

- a) inspectors from the Transport Ministry and Home Affairs Ministry
- b) Home Affairs Ministry officials in charge of road traffic and border controls
- c) for radioactive substances, inspectors from the National Committee for Nuclear Activities
- d) inspectors from the Ministry for Water, Forestry and Environmental Protection (art. 13 of Government Ruling N° 1374/2000)
- e) traffic policemen, police officials (art. 133 of the Regulation implementing Decree N° 328/1966 on traffic on the public highway)
- f) inspectors from the Home Affairs Ministry (Police, Border Police) and from the Foreign Affairs Ministry (G.O. N° 65/1997, art. 20)

### 2. SANCTIONS IN CASE OF MISSING OR NON-COMPLYING DOCUMENTS

#### 2.1 Foreign carrier's documents

##### 2.1.1 EU Licence, ECMT Authorisation, Bilateral or Transit Transport Authorisation

- person(s) sanctioned: No information
- sanctions: vehicle immobilisation  
Tax of US\$ 620.30 (to possibly obtain a new authorisation)
- compromise settlement: no information
- other measures: no information

##### 2.1.2 ADR permit

- person(s) sanctioned: driver  
(art. 20.1 of Government Ruling N° 1374/2000)
- sanctions: Fine from 500.000 – 1.200.000 lei<sup>1</sup> [art. 12 (1) of Government Ruling N° 1374/2000 and art. 41 of Government Ruling N° 44/1997, amended by Law N° 105/2000]
- compromise settlement: no information
- other measures: vehicle immobilisation at Customs or en route [art. 17 (2) of Government Ruling N° 1374/2000].  
Offences are communicated via the Transport Ministry to the competent authority of the vehicle's country of registration. (Art. 20.2 of Government Ruling N° 1374/2000)

#### 2.2 Driver's Documents (foreign vehicle)

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<sup>1</sup> 1 € = 32462 lei (reference exchange rate published by the European Central Bank on 9 October 2002)

### 2.2.1 Proof of ID

- person(s) sanctioned: driver
- sanctions: Fine from 200.000 to 500.000 lei (G.O. N° 65/1997, art. 18, § d, amended by Law N°216/1998)
- compromise settlement: the amount of a fine paid on the spot or within 48 hours is halved (Law N° 32/1968, amended by G.O. N° 2 of 12.07.2001)
- other measures: entry into the county prohibited, vehicle immobilisation

### 2.2.2 Driving permit

- person(s) sanctioned: driver
- sanctions: Fine from 200.000 to 500.000 lei (Government Ruling 1051/2001, item 2)  
Prison sentence from 6 months – 3 years based on seriousness of the offence (Council of State Decree N° 328/1966, art. 36.1 and 36.2, including subsequent amendments)
- compromise settlement: the amount of a fine paid on the spot or within 48 hours is halved (Law N° 32/1968, amended by G.O. N°2 of 12.07.2001)
- other measures: vehicle immobilisation at Customs or en route

### 2.2.3 AETR record sheet, tachograph discs, digital tachograph?

- person(s) sanctioned: transport operator, driver
- sanctions: Fine from 500.000 to 10.000.000 lei according to the offence (art. 16 of Government Order N° 17/2002 and Law N° 105 of 27.07.2000, art. 40 § n and art. 41.2)
- compromise settlement: the amount of a fine paid on the spot or within 48 hours is halved (Law N°32/1968, amended by G.O. N° 2 of 12.07.2001)
- other measures: retention of disc

### 2.2.4 ADR training certificate

- person(s) sanctioned: driver
- sanctions: fine from 500.000 to 1.200.000 lei (art. 11 and 12.1 of Government Ruling N° 1374/2000 and art. 41 of Government Ruling N° 44/1997, amended by Law 105/2000)
- compromise settlement: no information
- other measures: vehicle immobilisation at Customs or en route. Offences are communicated via the Transport Ministry to the competent authority of the vehicle's country of registration.

### 2.2.5 Document from employer certifying driver's employment

Document not required in Romania.

## 2.3 **Foreign vehicle's documents**

### 2.3.1 Registration certificate (grey card)

- person(s) sanctioned: carrier, driver
- sanctions: Fine from 200.000 to 700.000 lei (Government Ruling N° 1051/2001, Council of State Decree N° 328/1996, art. 44.2b) or 44.10)
- compromise settlement: the amount of a fine paid on the spot or within 48 hours is halved (Law N° 32/1968 amended by G.O. N° 2 of 12.07.2001)
- other measures: vehicle immobilisation

### 2.3.2 Regular technical inspection

- person(s) sanctioned: carrier, driver
- sanctions: Fine from 200.000 to 700.000 lei (Government Ruling N° 1051/2001, Council of State Decree N° 328/1996, art. 44.2b) or 44.10)
- compromise settlement: the amount of a fine paid on the spot or within 48 hours is halved (Law N° 32/1968 amended by G.O. N° 2 of 12.07.2001)
- other measures: vehicle immobilisation

### 2.3.3 ECMT technical certificate

- person(s) sanctioned: no information
- sanctions: no information
- compromise settlement: no information
- other measures: no information

### 2.3.4 Compulsory nationality plate

Romanian legislation does not foresee any sanctions in this case.

### 2.3.5 ADR certificate of approval

- person(s) sanctioned: driver  
[art. 20 (1) of Government Ruling N° 1374/2000]
- sanctions: Fine from 750.000 to 1.200.000 lei [art. 12 (2) of Government Ruling N° 1374/2000, art. 41 of Government Ruling N° 44/1997, amended by Law 105/2000]
- compromise settlement: no information
- other measures: vehicle immobilisation  
Offences are communicated via the Transport Ministry to the competent authority of the vehicle's country of registration.

### 2.3.6 ATP certificate of compliance

- person(s) sanctioned: driver
- sanctions: Fine from 800.000 to 1.200.000 lei (Government Ruling N° 44/1997, amended by Law N° 105/2000, art. 41.2)
- compromise settlement: The amount of a fine paid on the spot or within 48 hours is halved (Law N°32/1968 amended by G.O. N°2 of 12.07.2001)
- other measures: no information

### 2.3.7 Hired vehicles

- person(s) sanctioned: driver
- sanctions: Fine from 800.000 to 1.200.000 lei (Government Ruling N° 44/1997, amended by Law N° 105/2000, art. 41, § a)
- compromise settlement: the amount of a fine paid on the spot or within 48 hours is halved (Law N° 32/1968 amended by G.O. N° 2 of 12.07.2001)
- other measures: vehicle immobilisation

## 2.4 **Transport documents on board foreign vehicles**

### 2.4.1 Consignment note / CMR international consignment note

- person(s) sanctioned: driver
- sanctions: Fine from 1.000.000 to 10.000.000 lei (Customs Regulation art. 384, § a)
- compromise settlement: no information
- other measures: vehicle immobilisation pending submission of the document

#### 2.4.2 Loading list (groupage)

- person(s) sanctioned: driver
- sanctions: Fine from 1.000.000 to 10.000.000 lei (Customs Regulation art. 384, § a)
- compromise settlement: no information
- other measures: no information

#### 2.4.3 ADR transport document, consignor's declaration, ADR security instructions

- person(s) sanctioned: driver
- sanctions: Fine from 500.000 to 1.000.000 lei [art. 11e and 12(1) of Government Ruling N° 1374 of 20.12.2000]
- compromise settlement: the amount of a fine paid on the spot or within 48 hours is halved (Law 32/1968 amended by G.O. N° 2 of 12.07.2001)
- other measures: vehicle immobilisation at Customs or en route [art. 17 (2) of Government Ruling N° 1374/2000] Offences are communicated via the Transport Ministry to the competent authority of the vehicle's country of registration.

#### 2.4.4 Container packing certificate

- person(s) sanctioned: driver
- sanctions: Fine from 750.000 to 1.000.000 lei (Government Ruling N° 1374 of 20.12.2000, art.11, §§e and h)
- compromise settlement: no information
- other measures: vehicle immobilisation at Customs or en route [art. 17 (2) of Government Ruling N° 1374/2000] Offences are communicated via the Transport Ministry to the competent authority of the vehicle's country of registration.

#### 2.4.5 Transfrontier movement of waste document (Basel Convention)

- person(s) sanctioned: carrier
- sanctions: entry into Romania prohibited in case one of the above documents is missing
- compromise settlement: no information
- other measures: entry prohibited and vehicle immobilisation

### 2.5 **Excess load of foreign vehicle**

- person(s) sanctioned: driver
- sanctions: Fine from 20.000.000 to 40.000.000 lei [Law 413/2002, art. 60 (1) b]  
3 months – 2 years prison sentence in case of forged document (art. 291 Penal Code)  
In addition to the fine relating to the offence, the offender shall pay the equivalent value of the special transport authorisation issued by the road administrator for the length of the trip from origin to destination, in accordance with the provisions of the transport document [Law 413/2002, art 60 (2)]
- compromise settlement: no information
- other measures:
  - weighing or re-measuring of vehicle at a cost of US\$ 24.80
  - issuing of a special transport authorisation: US\$ 104.40
  - parking fee: US\$ 8.3 – 12.4
  - bridge tolls: Giurgiu – Russe : US\$ 15 – 55 / Fetesti – Cernavoda: 115.000 – 360.000 lei / Giurgeni – Vadu Oii: 40.000 – 140.000 lei
  - extra fee for work outside office hours: working days: US\$ 12.40 per vehicle / Saturday, Sunday and public

holidays: US\$ 62 per vehicle  
 - disinfection fee: per truck: 130.000 lei / per minibus:  
 70.000 lei / per coach: 120.000 lei

## 2.6 Third-party insurance

- person(s) sanctioned: carrier, driver
- sanctions: Fine from 1.000.000 to 2.000.000 lei<sup>2</sup> (art. 12 of Government Ruling N° 1.194/2000)
- compromise settlement: the amount of a fine paid on the spot or within 48 hours is halved (Law N° 32/1968 amended by G.O. N° 2 of 12.07.2001)
- other measures: vehicle immobilisation, seizure of the vehicle registration certificate pending submission of the green card (art. 64 Law N° 136/1995)

## 2.7 Obligation to produce required documents

- person(s) sanctioned: driver
- sanctions: Fine from 3.000.000 to 15.000.000 lei and/or prison sentence from 3 months – 2 years (Emergency Order N° 105 of 27.06.2001, art. 75, § d and art. 70)
- compromise settlement: the amount of a fine paid on the spot or within 48 hours is halved (Law N° 32/1968 amended by G.O. N° 2 of 12.07.2001)
- other measures: vehicle immobilisation

## 2.8 Obligation to submit to a decision to immobilise the vehicle

- person(s) sanctioned: driver
- sanctions: Fine from 3.200.000 to 4.000.000 lei (Government Ruling N° 44/1997, amended by Law N° 105/2000, art. 40, §§ a and 41) and/or prison sentence 1 month – 1 year (Penal Code, art. 244)
- compromise settlement: no information
- other measures: prohibition from continuing transport, vehicle immobilisation, seizure of the goods carried

## 3. APPEALS AGAINST SANCTIONS

### 3.1 Appeals against sanctions pronounced by enforcing agents (police, customs, other)

- authority with which the appeal should be lodged: no information
- time-limit to lodge an appeal: no information

### 3.2 Appeals against sanctions pronounced by an authority reviewing fines (minor offences)

- authority with which the appeal should be lodged: no information
- time-limit to lodge an appeal: no information

### 3.3 Appeals against sanctions pronounced by a court reviewing misdemeanours (serious offences subject to penal sanctions)

- authority with which the appeal should be lodged: no information
- time-limit to lodge an appeal: no information

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<sup>2</sup> As per art. 6 of Order 8/2001 by the Insurance Surveillance Commission

**4. SANCTIONS IN CASE OF INCORRECT LOADING OR STOWAGE**

- person(s) sanctioned: no information
- sanctions: no information
- compromise settlement: no information
- other measures: no information

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