

**The Official Journal of Romania, Part I, No. 226/31.III.2020**  
**Ordinances of the Government of Romania**  
**The Government of Romania**

**Emergency Ordinance**  
**amending and supplementing**  
**the Government' Emergency Ordinance no.1/1999 on the regime of the state of siege and of**  
**the state of emergency**

Considering the evolution of the international epidemiological situation caused by the spread of the SARS-CoV-2 coronavirus, as well as the declaration of a "Pandemic" by the World Health Organization, on 11 March 2020,

noting the Decision of the Supreme Council for the Defence of the Country no. 30/2020 on the necessity to establish the state of emergency and the plan of action on the establishment of the state of emergency,

considering the establishment of the state of urgency on the entire territory of Romania by the Decree no. 195/2020 on the establishment of the state of emergency on the territory of Romania,

taking note of the evolution of the epidemiological situation on the territory of Romania and of the assessment of the risks for the public health in the immediate future, which indicates an increase of the number of persons infected with the SARS-CoV-2 coronavirus,

taking into account that noncompliance with or lack of implementation of the measures stipulated in the Emergency Ordinance no.1/1999 on the regime of the state of siege and of the state of emergency, approved with amendments and additions by Law no. 453/2004, with subsequent amendments and additions, in the related normative acts, in the military ordinances or in orders, relevant for the established state, would have an extremely serious impact, primarily on the right to life, and, in subsidiary, on the right to health of persons, contributing to an obstruction of the efforts of the competent authorities to fight against the spread of the SARS-CoV-2 coronavirus,

taking into account the stringent and immediate necessity to ensure an adequate preventive and coercive character in respect of the liability for contraventions in the case of noncompliance or lack of immediate application of the stipulated measures,

observing the experience of the countries seriously affected by the evolution of the virus in respect of the rapidity of decision-making and noting that it is necessary to continue to adopt in Romania, gradually and in real time, measures in order to limit the spread of the virus, which should concern actions both in the field of public health and in other fields of social and economic life,

understating the fact that in order to manage the consequences in the social and economic field of the situation determined by the danger of the spreading of the virus the adoption of normative acts is also necessary,

underlining that certain procedures that are part of the decision-making chain, namely the procedures related to the transparency of decision-making in the public administration and the

procedures related to the social dialogue, as provided by the legislation in force, are of such nature as to affect the rapidity with which the normative measures applicable during the established state, or which are a consequence of the establishment of this state, can be taken,

given the character of the state established by the Decree no. 195/2020, a failure to regulate the features referred to above has the effect of limiting the capacity of the public authorities to establish and implement, in the shortest delay, the necessary measures, an aspect which affects the general public interest, and in the given context, constitutes a threat in respect of the public health and of the economy,

considering that the elements mentioned above define an exceptional context that could not have been predicted, which concerns the general public interest and amounts to an extraordinary, emergency situation the regulation of which cannot be postponed,

on the basis of article 115 paragraph (4) of Romania's Constitution.

**The Government of Romania** adopts the following Emergency Ordinance:

### **Article I**

Government' Emergency Ordinance no.1/1999 on the regime of the state of siege and of the state of emergency, published in the Official Gazette of Romania, Part I, no. 22, no 21 January 1999, approved with amendments and additions by Law no. 453/2004, with subsequent amendments and additions, is modified and supplemented as follows:

**1. Article 28 is modified and shall have the following content:**

**“Article 28**

(1) Noncompliance with the provisions of article 9 constitutes a contravention and is punishable with a fine of 2.000 lei to 20.000 for natural persons, and of 10.000 lei to 70.000 lei, for legal persons.

(2) Besides the main contravention sanction stipulated in paragraph (1), depending of the nature and seriousness of the act, one or more additional sanctions, provided in the military ordinances, may be imposed:

- a) confiscation of the goods intended for, used in or resulting from the contravention;
- b) interdiction of the access by affixing a the seal by the empowered bodies;
- c) temporary suspension of the activity;
- d) clearance of certain works;
- e) remaking of certain arrangements.”

**2. After article 29 four new articles are introduced, articles 28<sup>1</sup>-28<sup>4</sup> , having the following content:**

**“Article 28<sup>1</sup>**

Goods confiscated following the imposition of the sanctions for contraventions provided in article 28, which are included in the established categories, in accordance with article 28<sup>2</sup> paragraph (1), in the List of Necessary Goods in the State of Emergency or in the List of Necessary Goods in the State of Siege, shall be distributed directly, without payment, and are not governed

by the provision of Government' Ordinance no. 14/2007 on the regulation of the manner and conditions for the use of goods that have become, in accordance with the law, private property of the State, republished, with subsequent amendments and additions;

### **Article 28<sup>2</sup>**

(1) During the established state, the Ministry of Internal Affairs and respectively the Ministry of National Defense shall constitute the List of Necessary Goods in the State of Emergency and respectively the List of Necessary Goods in the State of Siege, which comprises the list of the categories of goods in quantities insufficient to permit the implementation of measures enacted in the established state. The documents shall be communicated to the bodies empowered to ensure the application and enforcement of the provisions or the orders and/or military ordinances.

(2) The ascertaining body that has ordered the confiscation of the goods provided in Article 28<sup>1</sup> shall transmit to the Ministry of Internal Affairs, respectively the Ministry of National Defense, within at most 24 hours since the date of ascertaining the act, a copy of the protocol of ascertainment of the contravention and imposition of the sanction, together with the documents accompanying the confiscated goods.

(3) The minister of internal affairs and respectively the minister of national defense or the persons empowered by them shall decide by distribution order:

- a) the distribution without payment of confiscated goods, to the public institutions and authorities, within at most 3 days from the date of receipt of the documents provided in paragraph (2);
- b) the distribution of confiscated goods for the purpose of voluntary processing by specialized operators, if they are raw materials or commodities that could be used for obtaining certain products necessary for the public authorities and institutions in order to implement the measures taken during the state established.

(4) The transportation of goods from the ascertaining body to the beneficiary public authorities and institutions or/and the specialized operators shall be ensured by specialized public entities, designated by the distribution order stipulated in paragraph (3).

### **Article 28<sup>3</sup>**

(1) The products manufactured by the operators provided in Article 28<sup>2</sup> paragraph (3) letter b) shall be distributed without payment to the beneficiary public authorities and institutions stipulated in a distribution order issued by the minister of internal affairs or respectively the minister of national defense, or by persons empowered by them.

(2) The conditions and terms for the delivery-reception of raw materials, commodities, as well as of the manufactured products shall be established by the Ministry of Internal Affairs, and respectively the Ministry of National Defense, and by the specialized operators provided in Article 28<sup>2</sup> paragraph (3) letter b) by means of a delivery-reception protocol.

(3) The expenses of the economic operators incurred in order to obtain the products provided in paragraph (1) as well as the expenses necessary for the transportation of the products to the beneficiary authorities and institutions shall be fiscally deductible.

(4) The value added tax due in accordance with Law no. 227/2015 on the Fiscal Code, with subsequent amendments and additions, by the economic operators provided in Article 28<sup>2</sup>

paragraph (3) letter b) for the products stipulated in paragraph (1) shall be paid by the beneficiary public authorities and institutions.

#### **Article 28<sup>4</sup>**

(1) Any complaint against the protocol of ascertainment of the contravention and of imposition of the sanction provided in article 28 does not suspend the execution of the additional sanctions applied for the contravention.

(2) In case of annulment or ascertainment of the nullity of the protocol the court shall order that compensation shall be paid to the person entitled that shall be established in relation to the market value of the goods at the time of confiscation and shall be paid from the budget of the beneficiary public authorities and institutions.”

### **3. After article 29 a new article is introduced, article 29<sup>1</sup>, with the following content:**

#### **“Article 29<sup>1</sup>**

(1) The offender may pay, within at most 15 days from the date of the personal delivery or communication of the protocol, half of the amount of the fine issued by the ascertaining agent for the contravention provided in article 28.

(2) The sums resulting from fines issued for the contraventions provided in article 28 shall be wholly transferred to the State budget.

### **4. Article 30 is modified and shall have the following content:**

#### **“Article 30**

Unless the current emergency ordinance provides otherwise, the provisions of Government’ Ordinance no 2/2001 on the legal regime of contraventions, approved with amendments and additions by Law no. 180/2002, with subsequent amendments, are applicable in respect of the contraventions provided in article 28.”

### **5. After article 33 two new articles are introduced, article 33<sup>1</sup> and 33<sup>2</sup>, with the following content:**

#### **“Article 33<sup>1</sup>**

During the state of siege or the state of emergency, the legal norms referring to the transparency of decision-making and the social dialogue shall not apply in case of the draft normative acts by which measures applicable during state of siege or the state of emergency, or which are a consequence of the establishment of these states, are established.

#### **Article 33<sup>2</sup>**

(1) The validity of documents issued by the public institutions and authorities shall be maintained during the entire duration of the state of siege or the state of emergency, as well as during a period of 90 days from the end of these states.

(2) By way of exception from paragraph (1), in the case of documents replacing the driving licenses, which confer the right to drive, the validity shall be maintained only for those issued pursuant to article 111 paragraph (1) letter b) or paragraph (4) of the Government' Ordinance no. 195/2002 on circulation on public roads, with subsequent amendments and additions, for the whole duration of the state of siege or of the state of emergency, as well as for a period of 10 days from the end of these states. For the same periods shall be maintained the validity of the prolongation of the right to drive granted by a prosecutor or a court pursuant to article 111 paragraph (6) of the Government' Ordinance no. 195/2002, with subsequent amendments and additions.

#### **Article II.**

In the case of sanctions for contraventions imposed in accordance with article 28 of the Government' Emergency Ordinance no 1/1999, approved with amendments and additions by Law no. 453/2004, with subsequent modifications and additions, the provisions of article VII of the Government' Emergency Ordinance no. 29/2020 on certain economic and fiscal-budgetary measures shall not apply.

#### **Article III.**

By way of derogation from the provisions of article 4 paragraph (2) of Government' Emergency Ordinance no 2/2001 on the legal regime of contraventions, approved with amendments and additions by Law no. 180/2002, and with subsequent modifications and additions, the provisions of art. I section 1 shall enter into force after 3 days from the date of the publication in the Official Gazette of Romania of the current emergency ordinance.

Prime-Minister  
**Ludovic Orban**

Countersigned by:  
Minister of internal affairs  
**Marcel Ion Vela**  
Minister of public finances  
**Vasile-Florin Cîțu**  
Minister of national defense  
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Minister of labor and social protection  
**Victoria Violeta Alexandru**

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