

ORDER No. 2059/ 2004

For approving the Instructions regarding the notice foreseen in art. 220¹ paragraph (3) of the Regulation for applying the Government Expeditious Ordinance no. 195/2002 regarding the traffic on public roads, approved by the Government Decision no. 85/2003, as amended and completed

In order to avoid the occurrence of unpleasant events in the field of the road transport of dangerous goods, with serious consequences upon human life, traffic safety and environment,

On the grounds of the provisions of article 2, point j) of the Government Ordinance no. 19/1997 regarding transport, republished, as amended and completed, of article 1, paragraph (4) of the Government Expeditious Ordinance no. 195/2002 regarding the traffic on public roads, in article 3, paragraph (2) of the Regulation for applying the Government Expeditious Ordinance no. 195/2002 regarding the traffic on public roads, approved by the Government Decision no. 85/2003, as amended and completed, of the article 5, paragraph (4) of the Government Decision no. 412/2004 regarding the structure and function of the Ministry of Transport, Construction and Tourism, as amended and completed, and of article 9, paragraph (4) of the Government Expeditious Ordinance no. 63/2003 regarding the structure and function of Ministry of Administration and Interior, approved with amendments and completions by Law no. 604/2003, as amended and completed.

The Minister of Transport, Construction and Tourism and the State Minister, Minister of Administration and Interior, issue the following order:

Art. 1 – The Instructions regarding the notice foreseen in art. 220¹ paragraph (3) of the Regulation for applying the Government Expeditious Ordinance no. 195/2002 regarding the traffic on public roads, approved by the Government Decision no. 85/2003, as amended and completed, included in the annex which is integral part of this order, is approved.

Art. 2 – The Romanian Road Transport Authority – ARR, the National Company of Motorways and National Roads of Romania Joint Stock and the General Inspectorate of Police of Romania shall put into practice the provisions of the following order.

Art. 3 – This order shall be published in the Official Journal of Romania, Part 1.

For the Minister of Transport,
Constructions and Tourism
Traian Panait
Secretary of State

For the State Minister, Minister of
Administration and Interior
Toma Zaharia
Secretary of State

INSTRUCTIONS

**Regarding the notice foressen in art. 220¹, paragraph (3) of
the Regulation for applying the Government Expeditious Ordinance no. 195/2002
regarding the traffic on public roads, approved by
the Government Decision no. 85/2003, as amended and completed**

Art. 1 – In accordance with the provisions of art. 220¹, paragraph (3) of the Regulation for applying the Government Expeditious Ordinance no. 195/2002 regarding the traffic on public roads, approved by the Government Decision nr. 85/2003, as amended and completed, the transport of dangerous goods is allowed in Romania between 10 p.m. and 5 a.m., as well as on Saturdays, Sundays and during the legal holidays only if the following requirements are cumulatively met:

- a) The goods have the registration plates UN 1202, UN 1203, UN 1223 or UN 1965, according to the European Agreement regarding the international road transport of dangerous goods (ADR), signed in Geneva on 30th of September 1957, to which Romania adhered under Law no. 31/1994.
- b) The transport operator has previously received a notice from the Territorial Agency of the Romanian Road Transport Authority, the Department of National Roads within the Regional Directorate of Roads and Bridges of the National Company of Motorways and National Roads of Romania Joint Stock and the County Police Inspectorate or the General Directorate of Police of Bucharest.

Art. 2 – The loading of a vehicle in order to carry out a road transport of dangerous goods within the periods of time shown in art. 1 is allowed only if the following requirements are cumulatively met:

- a) An employee of the road transport operator is a safety advisor, assigned by a valid certificate of professional training and has for that vehicle an execution license corresponding to that kind of the road transport;
- b) The driver is assigned by a valid certificate of professional training for road transport of dangerous goods;
- c) The goods are those mentioned in art. 1, point a);
- d) The transport operator has obtained the notice stipulated in art. 1, point b).

Art. 3 – (1) The notice will be received only by the transport operators to which execution licenses for vehicle for road transport of dangerous goods were issued.

(2) The period of validity of the notice will be of at most 30 days and will be specified on it.

(3) The model of the notice is provided in annex 1 to these instructions.

Art. 4 – (1) The notice consists in an application form which will be signed and stamped by the Territorial Agency of the Romanian Road Transport Authority which issued the execution license for the vehicle that transports dangerous goods, by the Department of National Roads within the Regional Directorate of Roads and Bridges of the National

Company of Motorways and National Roads of Romania Joint Stock and the County Police Inspectorate or the General Directorate of Police of Bucharest.

(2) The notice will be filled up in 4 copies in order to be issued, one for each party mentioned in the application form, namely the road transport operator, the Territorial Agency of the Romanian Road Transport Authority, the Department of National Roads within the Regional Directorate of Roads and Bridges of the National Company of Motorways and National Roads of Romania Joint Stock and the County Police Inspectorate or the General Directorate of Police of Bucharest.

Art. 5 – When applying for the issuance of the notice, the road transport operator declares the following:

- a) data of identification of the transport license or of the transport permit, as the case may be, as well as of the execution license of the vehicle;
- b) the category, total permissible laden weight, number of axles, number of registration of the vehicle which transports the dangerous goods, as well as the number of registration of the accompanying vehicle;
- c) the name of the safety advisor of the transport operator and the date of validity of his certificate of professional training;
- d) the name of the driver who will perform the road transport and the date of validity of his certificate of professional training;
- e) the proposed route when carrying out the road transport, indicating the places of departure and destination, as well as the possible places provided for the unloading;
- f) the name of the consigner;
- g) the name of the consignee;
- h) the name of the transported goods, as well as class to which they belong, according to the European Agreement regarding the road transport of dangerous goods (ADR);
- i) the period for which the notice is requested (date/hour – date/hour);
- j) the vehicle transporting dangerous goods and the accompanying vehicle must be provided with special warning signals, with yellow lights.

Art. 6 – (1) The request for issuing the notice will be addressed by the road transport operator to the Romanian Road Transport Authority with at least 3 workdays and at most 30 days before the date the journey starts. The Romanian Road Transport Authority will approve the application form provided in annex no. 1 to these instructions in case the data provided by the transport operator at points 1 – 11, after controls, prove to be correct and complete.

(2) The application form provided in annex no. 1 to these instructions, approved by the Territorial Agency of the Romanian Road Transport Authority, will be forwarded by the transport operator to the Department of National Roads within the Regional Directorate of Roads and Bridges of the National Company of Motorways and National Roads of Romania Joint Stock. The application form will be notified after setting up and filling up in the application the route of the transport for which the approval is requested.

(3) The application form provided in annex no. 1 to these instructions, approved at the Department of National Roads within the Regional Directorate of Roads and Bridges of the National Company of Motorways and National Roads of Romania Joint Stock will be forwarded by the transport operator to the County Police Inspectorate or the General

Directorate of Police of Bucharest. The County Police Inspectorate or the General Directorate of Police of Bucharest will approve the application form provided in the annex no. 1 to these instructions after being informed about the carrying out of the road transport for which the approval is requested.

Art. 7 – During the entire period of carrying out the road transport of dangerous goods, the road transport operator must have a copy of the notice obtained, according to these instructions. The original form of the notice will be left at the premises of the transport operator.

Art. 8 – Once the transport operator obtained the notice, it has to carry out the road transport only according to the provisions in force regarding the road transport of dangerous goods.

Art. 9 – (1) A recording register for the issued notices will be opened at the premises of the Romanian Road Transport Authority Agencies, at the Department of National Roads within the Regional Directorate of Roads and Bridges of the National Company of Motorways and National Roads of Romania Joint Stock and the County Police Inspectorate or the General Directorate of Police of Bucharest.

(2) The lists with the premises of the Romanian Road Transport Authority Agencies, of the Departments of National Roads within the Regional Directorate of Roads and Bridges of the National Company of Motorways and National Roads of Romania Joint Stock and the County Police Inspectorate or the General Directorate of Police of Bucharest are presented in the annexes 2, 3 and 4 to these instructions.

Art. 10 – (1) For the vehicles registered abroad, which will transport dangerous goods in the territory of Romania within the periods of time provided in art. 1, the National Company of Motorways and National Roads of Romania Joint Stock, by its agencies of control and pay toll will issue the application form provided in the annex 1 to these instructions.

(2) The Border Police will approve the application form issued according to paragraph (1) after having verified the conformity of the transport with the provisions of the European Agreement regarding the road transport of dangerous goods (ADR) and with the provisions in force of the national legislation.

(3) The National Company of Motorways and National Roads of Romania Joint Stock, by its agencies of control and pay toll will set up the route on which the transport will be carried out and will notify the application form issued according to paragraph (1).

(4) The application form mentioned in paragraph (1) will be drawn up in 3 copies, out of which one copy is for the driver of the vehicle, one for the Border Police and one for the agency of control and pay toll.

(5) The Romanian Road Transport Authority and the Road Traffic Police have responsibilities regarding the traffic control of the vehicles which are in the situation provided in paragraph (1).

Art. 11 – The annexes 1 – 4 *) are integral part of these instructions.

Government Decision no. 890/ 2004

of 03/06/2004

Published in the Official Journal, Part I, no. 544 of 17/06/2004

For the amendment and the completion of the Regulation for applying the Government Expeditious Ordinance no. 195/2002 regarding the traffic on public roads, approved by the Government Decision no. 85/2003

On the grounds of article 108 of the Constitution of Romania, republished, of article 12, points j) and k) of the Government Ordinance no. 19/1997 regarding transport, republished, as amended and completed, as well as of article 1, paragraphs (1) and (4), article 40, paragraph (1) and of article 93, paragraph (6) of the Government Expeditious Ordinance no. 195/2002 regarding the traffic on public roads, as amended and completed,

The Government of Romania decides:

Single article: – The Regulation for applying the Government Expeditious Ordinance no. 195/2002 regarding the traffic on public roads, approved by the Government Decision no. 85/2003, published in the Official Journal of Romania, Part I, no. 58 of 31st of January 2003, with its subsequent modifications, is modified and completed as follows:

1. After article 220, a new article is inserted, art. 220¹, with the following content:

“Art. 220¹. – (1) In order to prevent the occurrence of road events, the traffic on public roads of the vehicles carrying out the road transport of dangerous goods between 10 p.m. and 5 a.m., as well as on Saturdays and Sundays and during the legal holidays, is strictly forbidden.

(2) According to the provisions of paragraph (1), by vehicle carrying out a road transport of dangerous goods is meant any vehicle to which the provision of the Government Decision no. 1374/2000 can be applied, for approving the Norms regarding the gradual coming into force in internal traffic of the provisions of the European Agreement regarding the international road transport of dangerous goods (ADR), signed in Geneva on 30 September 1957, to which Romania adhered under Law 31/1994, as amended.

(3) Excepting the provisions of the paragraph (1), the road transport of dangerous goods can be carried out during the night, as well as on Saturdays and Sundays and during the legal holidays, with the notice of the Territorial Agency of the Romanian Road Transport Authority, of the Department of National Roads within the Regional Directorate of Roads and Bridges of the National Company of Motorways and National Roads of Romania Joint Stock, as well as having the notice of the County Police Inspectorates.

(4) The vehicles which have received the notice in conformity with paragraph (3) must be preceded by an accompanying vehicle provided by the transport operator. These accompanying vehicles have to be endowed with special warning signals with yellow lights, provided in art. 32 paragraph (1) point c) of the Government Expeditious Ordinance, and their drivers must keep them working during the transport on public road”.

2. Point f) of the art. 226 shall have the following content:

f) If the provisions of article 7, article of 50 paragraph (2) point d), of article 55 paragraph (2), of article 120 paragraph (3), of article 121, of article 149 – 152, of articles 170 paragraph (1), of article 172 paragraph (2) and of article 220¹ are not met; the fine to be paid is from 2,000,000 lei to 8,000,000 lei”.

Prime Minister
Adrian Nastase