

Romania

The information provided below refers to legal provisions adopted or modified pursuant to the implementation of the Services Directive as well as to legal provisions which Member States have indicated as being applicable to service providers in the areas covered by the directive. The information has been provided by Romania in the context of the implementation of the Services Directive and of the mutual evaluation process. It does not represent a legal analysis or a position of the European Commission in respect of compliance with EU law in general or with the Services Directive in particular. National legal provisions might have suffered amendments during the mutual evaluation process so interested parties are invited to check national legislation in force.

Main changes to Romanian legislation

Romania has adopted a horizontal law for the implementation of the Services Directive ('Ordonanța de Urgență a Guvernului nr. 49/2009 privind libertatea de stabilire a prestatorilor de servicii și libertatea de a furniza servicii în România', approved by Law nr. 68/2010¹) as well as amendments to several sectoral laws, such as those concerning construction,² services for installations and equipments,³ tourism,⁴ wholesale and retail of food,⁵ etc. Romania has informed the Commission that other legislative acts are in the process of being adopted.

Examples of authorisation schemes imposed on service providers established in Romania

There are several authorisation schemes for construction services, such as authorisations for installation, repair and maintenance, technical checks, approval of technical documentation, surveillance for pressure installations, hoisting equipment and fuel burning devices⁶; authorisations for construction site supervisors⁷, energy assessors⁸, experts responsible for checking the design and the technical execution in the construction field and laboratories performing tests for construction activities.⁹

Authorisation schemes are applicable for touristic accommodation facilities¹⁰ and authorisations are required for tourist guides¹¹ and travel agencies¹².

¹ http://www.cdep.ro/pls/legis/legis_pck.htm?act?id=95905

² Orders of the General State Inspector in Construction no. 153/2010 published in Monitorul Oficial no. 187/24.03.2010, and no. 154/2010 published in Monitorul Oficial no. 184/23.03.2010

³ Order of the Minister of Economy no.2154/2009 published in Monitorul Oficial no. 11/08.01.2010

⁴ Order of the Minister of Tourism no.990/2009 published in Monitorul Oficial no. 910/24.12.2009

⁵ Order of the President of the National Sanitary Veterinary and Food Safety Authority no. 21/2010, published in Monitorul Oficial no. 194/26.03.2010

⁶ Order 465/28 September 2009, published in Monitorul Oficial no. 750/04.11.2009

⁷ Order of the General State Inspector in Construction no. 595/2007, published in Monitorul Oficial no. 621/10.09.2007 and Order 154/2010, published in Monitorul Oficial no. 184/23.03.2010

⁸ Order of the Minister of Economy no. 1767/2010, published in Monitorul Oficial no. 729/28.10.2009

⁹ Order of the General state inspector 705/2006, published in Monitorul Oficial no. 20 bis/12.01.2007 online link: <http://www.isc-web.ro/autorizari.php>

¹⁰ Government Decision 709/2009 <http://www.turism.gov.ro/ro/download/285/>

¹¹ Government Decision 305/ 8 March 2001 <http://www.turism.gov.ro/ro/download/278/>; Government Decision 631/ 2003 <http://www.turism.gov.ro/ro/download/284/>; Order 637/2004

¹² Government Decision 238/8 February 2001 <http://www.turism.gov.ro/ro/download/276/>; Order 170/2001 <http://www.turism.gov.ro/ro/download/305/>; Order 910/2002 <http://www.turism.gov.ro/ro/download/313/>-Order 691/2002 <http://www.turism.gov.ro/ro/download/312/>

There are various authorisation schemes for services in the sanitary-veterinary field regarding wholesale or retail services in respect of various products, for example phytosanitary products and animal products¹³, as well as for wholesale or retail of precious metals and explosives.¹⁴ Education services at different levels are also subject to authorisation schemes.¹⁵

Examples of other types of requirements imposed on service providers established in Romania

In Romania a number of services can only be provided by legal persons, for example certain education services,¹⁶ retail services with products for plant protection,¹⁷ certain activities in the field of waste management,¹⁸ or for ensuring the functioning of pressure installations, hoisting equipment and fuel burning devices.¹⁹

Requirements related to the shareholding of a company apply to regulated professions (e.g. lawyers,²⁰ insolvency practitioners²¹).

A requirement of having a minimum number of employees is imposed for the provision of some service activities (e.g. installations for natural gas,²² electricity,²³ irrigation systems²⁴).

Examples of requirements on multidisciplinary activities of the regulated professions or in the area of certification, accreditation, technical monitoring and testing services

Some regulated professions are subject to restrictions on multidisciplinary activities, such as: lawyers,²⁵ mediators,²⁶ land surveyors, private investigators²⁷.

Examples of requirements which apply to service providers established in other Member States and providing services in Romania

Education services seem to be subject to an establishment requirement in Romania, in respect of the organisation of training for personnel operating pressure installations, hoisting equipment and fuel burning devices.

¹³ Order 93/29 October 2008; Order 111/2008

¹⁴ Law 126/1995, published in Monitorul Oficial no. 298/28.12.1995

¹⁵ Education Law 84/1995, Government Emergency Ordinance 75/2005, approved by Law 87/2006 on ensuring the quality of education, Government Ordinance 129/2000 on professional vocational training

¹⁶ Government Decision 22/2007 published in Monitorul Oficial no. 59/25.01.2007; Government Ordinance 129/2000 and Government Decision 522/2003

¹⁷ Government Ordinance 4/95, published in Monitorul Oficial no. 18/20.01.1995
<http://www.madr.ro/pages/legislatie/ordonanta-4-1995.pdf>

¹⁸ Minister's Order 1225/2005, published in Monitorul Oficial no. 161/21.12.2005

¹⁹ Technical prescriptions published by the State Inspectorate for the Inspection of boilers, pressure boilers and hoisting equipment [www.iscir.ro/Prescriptii tehnice]

²⁰ Statute of the profession of lawyer of 25th of September 2004, published in Monitorul Oficial no. 45/13.01.2005

²¹ Emergency Ordinance 86/2006, published in Monitorul Oficial no. 944/22.11.2006

²² Regulation approved by Order no. 89/2009 <http://www.anoe.ro/documente.php?id=578>

²³ Regulation approved by Order of the President of ANOE no. 24/2007, <http://www.anoe.ro/documente.php?id=127>

²⁴ Order 182/2009, published in Monitorul Oficial no. 223/07.04.2009

²⁵ Law 51/1995, published in Monitorul Oficial no. 113/06.03.2001

²⁶ Law 192/2006, published in Monitorul Oficial no. 441/22.05.2006

²⁷ Law 329/2003, republished in Monitorul Oficial no. 306/08.05.2007

Certain authorization schemes apply to incoming service providers, containing specific requirements related to the infrastructure (building/equipments) and/or human resources, especially in the field of services related to pressure installations, hoisting equipment and fuel burning devices.²⁸ Authorisations are also required for trade activities with protected species of flora and fauna.²⁹

Specific obligations, such as communicating to Romanian authorities annual internal evaluation reports, are imposed on educational institutions from other Member States providing their services in Romania.³⁰

Prior declarations are required before providing services of design, installation and maintenance of anti-burglary alarm systems and for services of private investigators.³¹

²⁸ Order 465/28 September 2009, published in Monitorul Oficial no. 750/04.11.2009

²⁹ Order 255/2007, published in Monitorul Oficial no. 299/03.04.2007

³⁰ Government Decision 22/2007, published in Monitorul Oficial no. 59/25.01.2007

³¹ Law 329/2003, republished in Monitorul Oficial no. 306/08.05.2007 and Government Decision 1666/2004 published in Monitorul Oficial no. 987/27.10.2004