

DOCUMENTS OF CENTRAL PUBLIC ADMINISTRATION BODIES

NATIONAL AGENCY FOR SMALL, MEDIUM
AND COOPERATIVE ENTERPRISES
No. 260/24 Nov. 2003

MINISTRY OF AGRICULTURE, FOREST,
WATER AND ENVIRONMENT
No. 981/3 Dec 2003

MINISTRY OF HEALTH

DISPOSITION

**Regarding the establishment of the Inter-institutional Committee
for Wholesale Markets of National Interest**

Pursuant to G.D. no. 753/2003 regarding ANIMMC organization and operation and on the grounds of Art.88, G.O. 99/2000 regarding the trade of market products and services, approved, amended and completed by Law 650/2002;

Pursuant to G.D. no. 739/2003 regarding MAFWE organization and operation and on the grounds of Art 30, paragraph (2) in E.G.O. 97/2001 regarding rules and regulations for food production, circulation and trade, approved and amended by Law 57/2002;

Pursuant to G.D. 743/2003 regarding MH organization and operation, and further amendments;

After having seen the report drawn up by the Department for strategies, policies and programs for domestic trade within ANIMMC,

The President of ANIMMC, the Minister of AFWE and the Minister of Health issue the following disposition:

Art. 1.

- (1) Wholesale markets of national interest (WMNI) are defined as wholesale markets established with total or partial participation of public capital.
- (2) From legal point of view WMNI are set up and operate as commercial companies, with public or mixed capital, or as public-private partnership to which related legal provisions are applicable.

Art. 2

- (1) The Inter-institutional Committee is formed to coordinate projects, solve problems related to WMNI organization and efficient operation. This body has no legal personality (it is not duly registered) and functions under ANIMMC.
- (2) The composition of the Inter-institutional Committee (herein after "The Committee") is foreseen in the annex integrant part of the present disposition.
- (3) The Committee monitors projects, co-ordinates actions needed to set up w.m.n.i. and drafts measures related to the implementation and organization of these markets, for their good performance.

Art. 3. Main prerogatives of the Committee are to:

- a. Elaborate the strategy and the operation plan to develop the National System of Wholesale Markets for Agriculture and Agri-food products (NSWM);
- b. Support the development of an information system and relations between Romanian WMNI and other wholesale markets abroad;
- c. Coordinate technical and financial assistance programs and projects for WMNI;
- d. Monitor activities and elaborate proposals to make WMNI operation more efficient
- e. Report periodically on the NSWM implementation status to the Government and other interested government bodies.

Art. 4.

- (1) The Committee is chaired by the Vice-president of ANIMMC and in his absence by the Director of the Department for Strategies, policies and programs for domestic trade;
- (2) The Secretariat will be ensured by ANIMMC;
- (3) The Committee meets quarterly or whenever required, following the Chairman convocation.
- (4) Directors or administrators (or their representatives) of markets in stage of operation or project implementation as well as Prefects and Mayors (or their representatives) of those judets/localities having operational WMNI will attend the Committee meetings as guests.
- (5) Representatives of other authorities - central and local public administration, relevant non-governmental organizations of traders, farmers, consumers and of interested trade agents may also attend the Committee meetings as guests.

Art. 5

Whenever required, The Committee reports to the Government on the issues arising in projects implementation or WMNI operation, on the proposals made and the related measures taken to solve them.

Art. 6.

Institutions foreseen in the annex are going to appoint their representatives in the Committee in 30 days from the day the present decision becomes effective.

Art. 7.

The present disposition becomes effective on the date it is published in the Oficial Monitor of Romania Part I.

**President of National Agency for Small, Medium and Cooperatives Enterprises
Eugen Ovidiu Chirovici**

**Minister of Agriculture, Forest, water and environment
Ilie Sarbu**

**Minister of Health
Ovidiu Branzan**

Annex

Inter-Institutional Committee for wholesale markets of national interest

Composition

Institution	Representative's Position in the Institution	Representative's Position in the Committee
National Agency for Small, Medium and Cooperative Enterprises	Vice president	Chairman
National Agency for Small, Medium and Cooperative Enterprises	General Director	Vice-president
National Agency for Small, Medium and Cooperative Enterprises	Councillor	Secretary
Ministry of Agriculture, Forests, Water and Environment	General Director/ Director	Member
Ministry of Agriculture, Forests, Water and Environment	Councillor	Member
Ministry of Health	General Director/ Director	Member

DISPOSITION
stipulating minimum terms and conditions for trade in agricultural produce
in wholesale markets

Pursuant to G.D. no. 753/2003 regarding ANIMMC organization and operation and on the grounds of Art.88, G.O. 99/2000 regarding the trade of market products and services approved and amended by Law 650/2002;

Pursuant to G.D. no. 739/2003 regarding MAFWE organization and operation and on the grounds of Art 30, paragraph (2) in E.G.O. 97/2001 regarding the rules and regulations for food production, circulation and trade, approved and amended by Law 57/2002;

Pursuant to G.D. 743/2003 regarding MH organization and operation;

After having seen the report drawn up by the Department for strategies, policies and programs for domestic trade within ANIMMC,

The President of ANIMMC, the Minister of AFWE and the Minister of Health issue the following disposition:

Art. 1

- (1) Wholesale markets for agriculture and agri-food products (herein after “markets”) represent a different category of selling structures than retail, which fulfils the conditions required by the trade in fresh fruit and vegetables, some agri-food products as well as specific industrial items like agriculture tools and equipment, according to the legal provisions in force.
- (2) The scope of stipulating minimum compulsory conditions for the trade in agricultural and agri-food products in markets is to:
 - a. support farmers organized in professional and inter-professional associations, large farms commissioned/agriculture holdings;
 - b. harness the local agriculture potential;
 - c. increase the consumption of fresh fruit and vegetables;
 - d. increase product quality and competitiveness;
 - e. create conditions for market transparency and loyal competition between traders;
 - f. assure a better protection of consumers and meet their requirements at a high level.

Art. 2.

- (1) In order to enable market users to carry out their transactions and maintain products quality the market provides minimum technical facilities consisting in space, general use services, compulsory security services, some equipment and installations as follows:
 - a. Areas for receiving, displaying, selling and storing products;
 - b. Areas required for long-term storing;
 - c. Areas for washing and grading products;
 - d. Areas for vehicle manoeuvres and parking;
 - e. Areas for the wholesale market company management and administration;
 - f. Areas for quality, phyto-sanitary and sanitary-veterinary control;
 - g. Stores for recycled and out of use packaging;

- h. Areas for deteriorated products and garbage collection;
- i. Toilets and drinking water supply;
- j. Services of general use for power, heating, water supply and connections, sewage, salubrity;
- k. Services for security of goods and fire prevention;
- l. Equipment and transport facilities for internal handling of goods and packaging;
- m. Electronic equipment to record incoming and outgoing goods and people, and the fees charged;

(2) Areas are rented, leased or contracted out, under different legal forms, to farmers, associations of producers, importers and wholesalers in the terms decided by market administration. General use and compulsory services are included in the fees charged for the contracted areas.

Art. 3.

(1) As the case stands, the market company may offer additional services and utilities to market users like:

- a) Services specific to a range of products, required by controlled atmosphere, ripening, refrigeration process;
- b) Cooling or controlled atmosphere stores;
- c) Services for portioning and packing products;
- d) Facilities for transport of products inside the market premises
- e) Units for packaging repair or recover;
- f) Weighing and measuring machines;
- g) Bookkeeping, bank, custom services;
- h) Cash machines and automatic vending machines;
- i) Fast food areas;
- j) Equipment to record, process and disseminate data related to prices and transactions.

(2) Fees for above services and facilities are to be covered, as the case stands, by interested beneficiaries, at the level decided by market administration.

Art. 4.

The wholesale market and the areas rented to traders dealing with food of animal origin must be authorised, in terms of compliance with sanitary and veterinary conditions, by competent bodies, according to the legal provisions in force.

Art. 5.

(1) The trade inside market premises follows the legislation in force and the Internal Market Rules.

(2) Internal Market Rules are elaborated based on the Overhead Internal Regulations for The Trade in Agricultural and Agri-food Products in Wholesale Markets, shown in the Annex - integrant part of the present legal document.

(3) Internal Rules of each and every market should include relevant guidelines of the Overhead Regulations by adapting them to the particular conditions and requirements of the respective market. The internal rules have to be approved by the Administration Board of the wholesale market company.

Art. 6.

Penalties:

- a) Failure of the market company to provide the minimum technical conditions listed under Art 2, to monitor if the Internal Rules are observed, and failure of the market users and clients to observe the regulations represent rule violations and are subject of fines established and charged by authorised control bodies in the localities where wholesale markets operate.
- b) Violation of the sanitary-veterinary rules regarding the transport, storing and trade in food of animal origin is established and charged by representatives of national authority for sanitary-veterinary control in the territory, according to the legislation in force.
- c) Violation of the sanitary rules regarding the transport, storing and trade of food is established and charged by representatives of local authorities for public health, according to the legislation in force.

Art. 7

The present disposition becomes effective on the date it is published in the Official Monitor of Romania, Part I.

NATIONAL AGENCY FOR SMALL, MEDIUM
AND COOPERATIVE ENTERPRISES
No. 259/24 Nov. 2003

MINISTRY OF AGRICULTURE, FOREST,
HEALTH
WATER AND ENVIRONMENT
No. 980/3 Dec 2003

MINISTRY OF
65/ 28 Jan 2004

Overhead Internal Regulations for trade in agricultural and agri-industrial products through wholesale markets

1. Field enforced

- 1.1. The overhead regulations apply to all activities carried out inside the wholesale market premises (herein after “the market”) in order to protect the interest of all participants in the deed of sale.
- 1.2. If the market administrates or leases on long term certain services of general or common use then it may amend or complete the present regulations by adding particular related regulations.

2. Categories of activities carried out in the market

2.1. Specific market activities

- 2.1.1. Renting or long-term leasing of trade areas;
- 2.1.2. Renting cold stores;
- 2.1.3. Access to technical installations available in the market;
- 2.1.4. Access to general services and utilities available in the market

2.2. Market complementary activities

- 2.2.1. Maintenance/service for technical equipment and installations;
- 2.2.2. Activities performed by cleaning and security agencies;
- 2.2.3. Specific activities like: bank, custom, fast food, internal transport, loading – unloading

2.3. Market services and equipment

- 2.3.1. Services of general use, the cost of which is included in the entrance fee and the contracts concluded with the users: water; sewage; power; heating; temporary storing and waste transport, cleaning and security;
- 2.3.2. Particular services charged separately for : internal transport, recovered packaging and bookkeeping;
- 2.3.3. Equipment, installations and services provided by the market based on the renting/ leasing contracts or charged separately: cold or controlled atmosphere stores, ripening, grinding, grading, packing.

3. Market users

- 3.1. Market users: farmers and farmer associations, wholesalers and retailers, large consumers, food processors;
- 3.2. Clients for: service users, equipment and installations available or owned by the market enter the market based on authorisations or approvals foreseen by legislation in force.
- 3.3. Commissioning and authorised agents are obliged to provide documents related to the transactions made for their clients.

4. Access to stands

- 4.1. Modalities to access stands: following the written application, concluding renting or long-term leasing contracts, filling in standard form-sheets if rental time is limited or occasional.
- 4.2. Access to a certain location depends on the type of product and frequency of stand use. Priorities may be given to market users selling big quantities of products;
- 4.3. Any area owner in the market has to display the company panel in front of the site (e.g. area, space, stand, cold stores etc) indicating, clearly and intelligibly, identification data of the owner (company or person).
- 4.4. In order to provide specific conditions for their products stand users may do some internal arrangements, on their own expenses, based on plans approved by the market administrator and the local authority for public health. Arrangements should be removed when the site/stand holder changes.
- 4.5. Stand users storing or trading food of animal origin may start their activities only after having obtained the sanitary-veterinary permit issued by sanitary-veterinary department of the Judet or Bucharest, according to the legislation in force.

5. Range of products traded in the market

- 5.1. Mainly fresh fruit and vegetables
- 5.2. Food, in particular agri-food products;
- 5.3. Non-food products from farmers, selected out of groups of products for which there is a demand.

6. Opening time

- 6.1. The timetable should include: daily opening time and transactions time;
- 6.2. Opening time is approved and modified by the market board;
- 6.3. Opening time is displayed visibly at the market entrance.

7. Access to the market

- 7.1. People are allowed to enter and exit the market only based on access permit/badge;
- 7.2. Identification document/badge of market users should include the following data: photo, full name, position/ qualification (as market operator);
- 7.3. Market users can organize their supplies only during the operation time;
- 7.4. Any block of products entering the market premises should be accompanied by documents of origin;
- 7.5. Minimum blocks of products admitted at entrance are decided periodically by the market management

8. Sales of products

- 8.1. Sales operations are undertaken directly by the interested parties or their representatives;
- 8.2. Salesmen should have documents of origin for the products offered and issue delivery documents for the products sold;
- 8.3. All products traded in the market should be of proper quality as foreseen by valid standards and regulations;
- 8.4. It is forbidden to sell or store counterfeit, products deteriorated, dangerous for consumer's health or safety.

9. Outgoing products

- 9.1. Deliveries are allowed only during the opening time;

- 9.2. Goods may exit the market premises out of the opening time, based on the market administrator's agreement;
- 9.3. At market exit any block of products should be accompanied by documents of origin.

10. Loading, unloading and weighing products

- 10.1. Market management fixes the fees for loading/ unloading service.
- 10.2. Use of the weighing scale is on the trader's expense;
- 10.3. Weighing products is free of charge for buyers;
- 10.4. All weighing equipment should be clean and functional, perfectly adjusted and checked inside the market premises, displayed at sight for buyers.

11. Stand order, cleaning and maintenance

- 11.1. Every user is obliged to clean his stand and the common area in vicinity;
- 11.2. Waste packaging (pallets, crates, boxes, cartons etc) has to be collected and handed over to the collecting point arranged or set up inside the market premises.
- 11.3. Waste and garbage should be put in special containers;
- 11.4. Public areas should be maintained clean and used appropriately;

12. Traffic inside the market premises

- 12.1. Access roads, alleys and manoeuvre areas inside the market premises are considered public roads;
- 12.2. The traffic flow follows the indicators and/or marks placed inside the market premises
- 12.3. The space for traffic inside the market can only be used for market activities.

13. Market cleaning, public order, security and safety

- 13.1. The market assures the cleaning of common and traffic areas;
- 13.2. Market operators are responsible for cleaning and keeping the rented/leased areas clean.
- 13.3. Market users and visitors are forbidden to bring waste or any kind of residual materials inside the market premises.
- 13.4. Market users shall follow the Phyto-sanitary Regulations related to pest control;
- 13.5. Market participants should follow the public order rules;
- 13.6. The market provides non stop security service and safety for the market users and clients;

14. Control activities and competent bodies:

- 14.1. Following control activities are organized in the market by all institutions authorised in trade control: custom; tax; hygiene; veterinary; competition; environment; labour; fire prevention etc.

15. Market Reports

- 15.1. The market provides statistic data and price information by collecting data related to range, quantities and prices of products traded in the market.
- 15.2. For interested market participants and institutions the market draws up and publishes reports related to the quantities and prices of the products traded.
- 15.3. The market informs about special offers, quantities and prices displayed on panels placed in visible places.

16. Penalties applicable to market users

- 16.1. For serious or repeated violation of market rules the market administration applies penalties as foreseen in the leasing/renting contracts for stands or other areas contracted by market users in form of written warning, suspension or cancellation of the contract.
- 16.2. For violation of sanitary-veterinary regulations related to transport, storing, displaying and trade in food products of animal origin the authorised bodies for sanitary-veterinary control may apply penalties according to the respective legislation in force.
- 16.3. For violation of sanitary regulations related to transport, storing and trade in food local authorities in charge for public health may apply penalties according to the legislation in force.

17. Final dispositions

- 17.1 Approval and effectiveness of market rules and regulations;
- 17.2. Informing about the regulations;
- 17.3. Displaying the regulations;
- 17.4. Amendments to the regulations;
- 17.5. Other provisions specific to the markets.