LAW No 339

of 29 November 2005

concerning the legal regime of plants, narcotic drugs and psychotropic substances, and narcotic and psychotropic preparations

ISSUED BY: THE PARLIAMENT

PUBLISHED IN: THE OFFICIAL GAZETTE OF ROMANIA No 1095 of 5 December 2005

The Parliament of Romania hereby adopts this Law.

CHAPTER I

GENERAL PROVISIONS

Article 1

(1) This Law lays down the legal regime concerning the cultivation, production, manufacture, storage, trade, distribution, transport, possession, supply, delivery, commercial intermediation, purchase, use and transit on the national territory of the spontaneous or cultivated plants, of the substances and preparations provided for in Schedules I, II and III in the Annex which is part of this Law.

(2) The substances included in Schedules II and III in the Annex and their preparations are also subject, when used for medical purposes, to other provisions applicable to the substances and preparations for human or veterinary use, provided that these provisions are not contrary to this Law.

Article 2

Pursuant to this Law, the subsequent terms and expressions shall have the following meaning:

a) concluded international conventions concerning the narcotic drugs and psychotropic substances – the United Nations Single Convention on Narcotic Drugs of 1961, adopted by Romania through Decree No 626/1973, and the United Nations Single Convention on Psychotropic Substances of 1971, adopted by Romania through Law No 118/1992 for the accession of Romania to the United Nations Single Convention on Psychotropic Substances of 1971 and to the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

b) medical prescription – a written document, signed and sealed by a physician who recommends a medical treatment to a clearly identified patient and who authorizes the dispensation by the pharmacist of a certain quantity of medicines that are subject to the control of the national law in the field;

c) psychotropic substance – a term designating the substances listed in the Annexes of the United Nations Single Convention on Psychotropic Substances of 1971;

d) narcotic drug – a term designating the substances listed in the Annexes of the United Nations Single Convention on Narcotic Drugs of 1961, as amended by the Protocol of 1972;

e) transport – the operation of moving goods from one place to another or, where appropriate, the quantity of plants, substances and preparations containing narcotic drugs and psychotropic

substances provided for in Schedules I, II and III in the Annex, authorized for a single transport operation;

f) transport operator– the natural or legal person authorized to carry out the transport;

g) medical use – the use, based on a licit medical prescription, of medicines that are subject to the control of the national law;

h) plants – the plants containing narcotic drugs or psychotropic substances, originating in Romania or imported;

i) preparation – a solution or a mixture, irrespective of its physical state, containing one or several narcotic drugs or psychotropic substances; this term also designates one or several narcotic drugs or psychotropic substances divided into administration units;

j) abuse – the use of plants, substances and preparations containing narcotic drugs and psychotropic substances, without a medical prescription;

k) manufacture – all the operations, other than production, allowing to obtain narcotic drugs or psychotropic substances, including purification and transformation of narcotic drugs or psychotropic substances into other narcotic drugs or psychotropic substances; this term also refers to the manufacture of preparations, other than the pharmaceutically obtained preparations based on medical prescription;

l) production – the operation consisting in collecting opium, coca leaf, cannabis and cannabis resin out of the plants producing them;

m) producer – the natural or legal person carrying out production or manufacturing operations;

n) cannabis – the flowering or fruit top of the species *Cannabis indica*, except for the seeds or leaves without the tops of the stems, whose resin has not been extracted, irrespective of its use;

o) plant of cannabis – all species of the genus *Cannabis*;

p) raw opium – the latex thickened by partial dehydration, harvested following the incision of the raw pods;

q) opium poppy – the species *Papaver somniferum L.*;

r) poppy-straw or stem – all the aerial parts of the plant, except for opium poppy seeds, after mowing;

s) concentrate of poppy-straw or stem– material obtained when the poppy stem has undergone a treatment for concentrating the alkaloids in its composition.

Article 3

All plants and substances provided for in the international conventions to which Romania is a party, as narcotic drugs or psychotropic substances, as well as their preparations, which can be dangerous for the population health due to the effects that may be produced by the abuse, are listed in Schedules I, II and III in the Annex.

Article 4

The cultivation, production, manufacture, storage, trade, distribution, transport, possession, supply, delivery, commercial intermediation, purchase, use, import, export and transit on the

national territory of plants, substances and preparations listed in Schedule I in the Annex are prohibited, except for the cases provided for in this Law.

Article 5

The cultivation, production, manufacture, storage, trade, distribution, transport, possession, supply, delivery, commercial intermediation, purchase, use, import, export and transit on the national territory of plants, substances and preparations listed in Schedules II and III in the Annex are allowed only under the conditions provided for in this Law.

Article 6

(1) The preparations containing a substance listed in Schedules II and III in the Annex not showing any abuse risk and whose substance cannot be recovered in a quantity allowing for illicit use, can be exempted from certain control measures, according to the national law.

(2) The list of the preparations provided for in paragraph (1) and the control measures from which they are exempted are set out in the methodological rules for implementing this Law.

Article 7

(1) Any natural or legal person carrying out an operation with plants, substances and preparations listed in Schedules I, II and III in the Annex shall be subject to the control and surveillance of the Ministry of Health, through inspections performed by pharmaceutical inspectors.

(2) First-aid kits containing narcotic drugs and psychotropic substances, situated in means of air transport, shipments and ambulances, shall also be subject to the control and surveillance provided for in paragraph (1).

(3) Within the medical-pharmaceutical production units or in other authorized places where operations with narcotic drugs or psychotropic substances are carried out, when there are signs of violation of the licit activity with these substances, the experts in the specialized unit for preventing and fighting against illicit drug trafficking and use within the General Inspectorate of the Romanian Police shall refer to the experts in the Ministry of Health exercising such powers, according to the Law, in order to check the respective situations.

(4) The inspections shall be carried out jointly by the representatives of both institutions.

CHAPTER II

CLASSIFICATION OF PLANTS, NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES, AND NARCOTIC AND PSYCHOTROPIC PREPARATIONS

Article 8

(1) By a Government Decision, the Schedules in the Annex to this Law can be amended by a new registration, deregistration or transfer from one schedule to another, based upon the amendments communicated by the Commission on Narcotic Drugs of United Nations, of competent European bodies, according to the methodological rules for implementing this Law.

(2) In the Government Decision mentioned in paragraph (1), a substance subject to national and international control cannot be registered under a less severe regime, unless it observes the conditions of this Law and of the international conventions.

Article 9

The plants and substances are listed in Schedules I, II or III in the Annex under their international common denomination, or in case there is no such common denomination, under their scientific denomination or their usual name.

Article 10

(1) The preparations shall be subject to the same regime as the substances they contain and, if they contain two or several substances, they shall be subject to the regime of the most strictly controlled substance.

(2) The list of preparations containing narcotic drugs and psychotropic substances shall be approved by order of the Minister of Health and it shall be published in the Official Gazette of Romania, Part I, together with the methodological rules for implementing this Law.

CHAPTER III

CULTIVATION OF PLANTS CONTAINING NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

Article 11

The unauthorized cultivation of plants containing substances subject to national control, listed in Schedules I, II and III in the Annex, is hereby prohibited.

Article 12

(1) The cultivation of plants containing substances subject to national control shall be allowed provided that they are processed for technical purposes, for producing stems, fibres, seeds and oil, for medical and scientific purposes and only with the authorization of the Ministry of Agriculture, Forests and Rural Development, through the county directorates for agriculture and rural development or those of Bucharest, based on the annual estimates established pursuant to the provisions of Article 42(1)(e) of this Law and its methodological implementing rules.

(2) The cultivation for industrial and/or food purposes or for seed production of plants containing substances subject to national control within the limits set out by the methodological rules for implementing this Law shall be authorized by the Ministry of Agriculture, Forests and Rural Development through the county directorates for agriculture and rural development and those of Bucharest.

(3) The cannabis and opium poppy seed suppliers must deliver such seed only to the holders of the cultivation authorization.

(4) The authorized farmers of cannabis and opium poppy must sow their fields only with seeds of the varieties registered in the Official Catalogue of Varieties and Hybrid Cultivated Plants of Romania or in the Catalogues of the European Communities, produced by the units authorized by the Ministry of Agriculture, Forests and Rural Development, through the territorial seed control and certification authorities.

Article 13

(1) The owner, possessor or holder under any title of a field destined to agriculture or to any other activity must destroy the plants mentioned in Article 11, which might spontaneously grow on the respective field.

(2) The costs for destroying the spontaneous plants and unauthorized crops shall be borne by the owner, user or holder of the field, where appropriate.

Article 14

The arrangements for implementing the provisions of this Chapter, the model and the authorization application for the licit cultivation of plants containing narcotic drugs and psychotropic substances shall be established through the methodological rules for implementing this Law and in accordance with the legal provisions into force.

CHAPTER IV

PRODUCTION, MANUFACTURE AND DISTRIBUTION OF PLANTS, NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES, AND NARCOTIC AND PSYCHOTROPIC PREPARATIONS

Article 15

(1) Carrying out activities of production, manufacture, storage, trade, possession and distribution of plants, narcotic drugs and psychotropic substances, and narcotic and psychotropic preparations is prohibited without the authorization issued by the Ministry of Health.

(2) The authorization for carrying out the activities provided for in paragraph (1) shall be issued after verifying the location, the staff and the technical means intended to perform the requested operations, under the conditions set out by the methodological rules for implementing this Law.

(3) The authorizations for the operations provided for in paragraph (1) shall be issued if the use of plants, substances and preparations listed in Schedules II and III in the Annex is limited in view of the use in industry or for seed production, as well as for medical, scientific or technical use.

(4) The termination of the activity, as well as any modification of the situation that justified the issuance of authorization shall be notified to the issuing authority before its application, within the delay and under the conditions set out by the methodological rules for implementing this Law.

(5) The validity of the authorization for carrying out the activities provided for in paragraph (1) cannot exceed the expiry date of the operational authorization.

Article 16

(1) The Ministry of Health shall approve for each year the estimated amounts of different substances and preparations that any authorized farmer, producer, distributor, importer or exporter is entitled to cultivate, produce, manufacture, import or export. These limits can be modified, if necessary, during the year.

(2) Any authorized producer or importer is entitled to produce, manufacture or import only the amounts of substances and preparations necessary for the approved operation.

Article 17

In order to obtain the approval provided for in Article 16, the producers and importers shall communicate every year to the Ministry of Health the estimates of the amounts of different substances and preparations they produce, manufacture or import.

Article 18

The arrangements for implementing this chapter, the drawing up of the file accompanying the application and the model of authorization are set out by the methodological rules for implementing this Law.

CHAPTER V

IMPORT/EXPORT AND PLANT TRANSIT, NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES, AND NARCOTIC AND PSYCHOTROPIC PREPARATIONS

Article 19

Imports and exports in and from Romania performed by breaching the provisions of this Law are hereby prohibited.

Article 20

Export or import operations involving plants, substances and preparations listed in Schedules I, II and III in the Annex shall be carried out on the basis of an export or import authorization, issued for every operation by the Ministry of Health through the specialized service, according to the model provided for in the methodological rules for implementing this Law.

Article 21

Import/export operations involving plants, substances and preparations listed in Schedules I, II, III in the Annex may be carried out only by the holders of the authorization provided for in Articles 12, 15 and 49, within the limits of the annual estimates.

Article 22

(1) The model of the application for obtaining the import or export authorization is set out in the methodological rules for implementing this Law.

(2) In order to obtain the export authorization, an original copy of the import authorization, issued by the competent authority in the importer's country, shall also be necessary.

Article 23

(1) The import or export authorization shall indicate the issuing authority and it shall contain the same information as the application regarding the operation mentioned in Article 22(1).

(2) The export authorization must include the number and date of the import authorization certifying that import of the substance or preparation is authorized.

Article 24

(1) The Ministry of Health shall issue to the importer two original copies of the import authorization, out of which one shall be attached to the transport documents.

(2) The Ministry of Health shall issue to the exporter two original copies of the export authorization, out of which one shall be attached to the transport documents.

Article 25

If the amount of plants, substances or preparations actually exported is smaller than the amount indicated on the export authorization, the Ministry of Health shall mention this on the authorization and on all its official copies.

Article 26

When the transport reaches the Romanian territory, the Ministry of Health shall return to the competent authority in the exporting country the export authorization issued by the latter, mentioning the amount of each plant, substance and preparation actually imported.

Article 27

The commercial documents, the customs or transport documents, as well as other dispatch documents, must indicate the name of the plants and substances as listed in the international conventions schedules, and, where appropriate, the trade name of the preparations, quantities exported from the national territory or quantities that are to be imported, the name and addresses of the exporter, importer and consignee.

Article 28

(1) Storage in warehousing procedure and in free zone of plants, substances and preparations containing indigenous or imported narcotic drugs or psychotropic substances is prohibited.

(2) Imports on Romanian territory as transports for a customs warehouse are prohibited.

(3) Exports from Romanian territory as transports for a customs warehouse are prohibited, unless the competent authority in the importing country specifies on the import authorization the approval of such operation.

Article 29

Transports in or from the Romanian territory, not accompanied by an import or export authorization, as well as transports that do not comply with the authorization, shall be retained by the competent authorities, until the transport legitimacy is justified or until the judicial decision imposing the confiscation of the respective transport becomes final and irrevocable.

Article 30

(1) The border and in-land customs offices for the import or export of plants, substances or preparations listed in Schedules I, II and III in the Annex shall be established by the competent customs authority and shall be published in the Official Gazette of Romania, Part I, within 30 days from the publication of the methodological rules for implementing this Law.

(2) The methodological rules for implementing this Law shall contain the method to communicate the information from the customs posts to the Ministry of Health.

Article 31

(1) Transport of plants, substances or preparations containing substances listed in Schedules I, II and III in the Annex shall be allowed to transit the Romanian territory only if the import-export authorization for the respective transport is presented at the border inspection posts.

(2) The destination of a transport transiting the Romanian territory can be changed only after a new export authorization is issued by the competent authority in the exporting country.

(3) None of the transports of plants, substances and preparations provided for in paragraph (1), transiting the Romanian territory, can undergo treatments likely to change its nature or packaging.

Article 32

The provisions of Article 31 are not applicable if the transport is carried out by air. If the aircraft makes a stopover or a forced landing on the Romanian territory, the transport shall be

treated as an export from the Romanian territory to the country of destination only in case of unloading or if circumstances require it.

CHAPTER VI

TRANSPORT OF PLANTS, NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES, AND NARCOTIC AND PSYCHOTROPIC PREPARATIONS

Article 33

(1) The units and transporters authorized by the Ministry of Transports, Constructions and Tourism are bound to take appropriate measures to prevent the diversion from the legal circuit of plants, substances and preparations listed in the Schedules in the Annex.

(2) The transport shall be carried out in accordance with the following obligations:

a) it shall be accompanied by the documents set out by Law;

b) the preparations shall be transported in containers with seals that allow for controls and that cannot be counterfeited;

c) any circumstances that would enable illegal trafficking must be communicated to the competent authorities as soon as possible.

CHAPTER VII

MEDICAL USE AND DISTRIBUTION OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES, AND NARCOTIC AND PSYCHOTROPIC PREPARATIONS

Article 34

Open-circuit pharmacies, closed-circuit pharmacies, medical offices specialized in family medicine, as well as treatment centres for drug addicts shall carry out their activity involving plants, narcotic drugs and psychotropic substances, and narcotic and psychotropic preparations, based on the operational authorization, according to the methodological rules for implementing this Law.

Article 35

Purchasing plants, substances and preparations listed in Schedules II and III in the Annex can be carried out only from an authorized legal person, pursuant to the provisions of Article 15.

Article 36

(1) Legal persons can purchase, distribute and use, as needed, plants, substances and preparations listed in Schedules II and III in the Annex provided that they are holders of an authorization issued by the Ministry of Health.

(2) The content and the method of control of first-aid kits shall be specified in the methodological rules for implementing this Law.

Article 37

(1) Narcotic drugs and psychotropic substances, and narcotic and psychotropic preparations can be used for medical purposes based exclusively on medical prescriptions, according to the methodological rules for implementing this Law.

(2) The substances and preparations listed in Schedule II in the Annex shall be prescribed on special secure forms or in registers of medical prescriptions, or device registers, intended exclusively for their prescription, within human or veterinary sanitary units, under the conditions set out by the methodological rules for implementing this Law.

(3) The substances and preparations listed in Schedule III in the Annex shall be prescribed on forms that are retained upon dispensation, under the conditions set out by the methodological rules for implementing this Law.

(4) Dispensation of substances and preparations listed in Schedules II and III in the Annex, without a medical prescription, is prohibited, except for preparations included in the methodological rules for implementing this Law, pursuant to Article 6(2).

Article 38

(1) Plants and substances listed in Schedules II and III in the Annex can be prescribed to patients according to the provisions of Article 37, only as industry-based or pharmacy-based pharmaceutical preparations, by:

a) medically licensed physicians, according to the methodological rules for implementing this Law;

b) medically licensed veterinarians, according to the methodological rules for implementing this Law.

(2) Patients under treatment with medicines containing narcotic drugs or psychotropic substances listed in Schedule II in the Annex can possess the prescribed quantity based exclusively on medical prescription.

(3) The unused medicines containing narcotic drugs or psychotropic substances, dispensed pursuant to medical prescription, shall be destroyed according to the procedures set out by the methodological rules for implementing this Law.

Article 39

The arrangements concerning the prescription and dispensation of pharmaceutical preparations listed in Schedules II and III in the Annex, as well as the model of the forms, shall be provided for in the methodological rules for implementing this Law.

Article 40

The possession of plants, substances and preparations listed in Schedules I, II and III in the Annex, irrespective of the purpose, is prohibited, except for the case when possession is authorized, according to the provisions of this Law and of the methodological rules for its implementing.

Article 41

The conditions under which travellers can possess medicines containing narcotic drugs and psychotropic substances shall be set out in the methodological rules for implementing this Law.

CHAPTER VIII

OBLIGATIONS OF THE PERSONS AUTHORIZED TO CARRY OUT OPERATIONS WITH PLANTS, SUBSTANCES AND PREPARATIONS CONTAINING NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

Article 42

(1) Legal persons authorized to carry out activities for the cultivation, production, manufacture, storage, import and export involving plants, substances and preparations containing narcotic drugs and psychotropic substances must submit to the Ministry of Health the following documents:

a) a monthly report of the imported or exported amounts of each plant, substance and preparation, mentioning the country of consignment and the country of destination, within maximum 5 working days of each end of the month;

b) a review report of the data submitted according to (a) regarding the past calendar year, including the stock situation on December 31 of the respective year, by February 15 of each year at the latest;

c) the report concerning the amounts of each substance and each preparation, produced or manufactured, within the delays provided for in (a) and (b);

d) the report concerning the amount of each substance used in fabrication, within the delays provided for in (a) and (b);

e) a report concerning the estimate of plants, substances and preparations necessary for the following calendar year, according to the forms specified in the methodological rules for implementing this Law, by May 31 of each year at the latest;

f) a quarterly report of the producers and distributors, specifying the movements carried out, at national level, during this period, of the amounts of plants, substances and preparations containing narcotic drugs and psychotropic substances.

(2) The data specified in (a)-(c) shall be transmitted for each cultivated, imported, exported plant, within the same delays.

(3) Upon the request of the Ministry of Health, the authorized legal persons must submit, during the year, review reports following the pattern of the forms specified in the methodological rules for implementing this Law.

(4) The Ministry of Health and the Ministry of Agriculture, Forests and Rural Development shall collect, analyze and communicate to the National Anti-Drug Agency, with a view to the centralization and transmission to the international bodies, all the statistical data in their possession regarding the activities specified in Article 1, requested by the international conventions to which Romania is a party.

Article 43

(1) Any purchase, transmission, trade, export or import operation of plants, substances and preparations listed in Schedules I and II in the Annex must be registered according to the conditions set out by the methodological rules for implementing this Law, at the moment when the operation is carried out. These documents shall be kept for 5 years.

(2) Orders and invoices for plants, substances and preparations listed in Schedule II in the Annex shall be filled in on separate forms.

Article 44

(1) Any authorized legal person, possessing plants, substances and preparations listed in Schedules I, II and III in the Annex must ensure keeping and storage conditions according to the methodological rules for implementing this Law.

(2) Any authorized legal person possessing plants, substances and preparations listed in Schedules I, II and III in the Annex must take security measures to prevent theft.

Article 45

(1) The substances and preparations listed in Schedules II and III in the Annex shall be placed on the market only in appropriate packaging, closed and labelled according to the methodological rules for implementing this Law.

(2) Outer packaging of the shipping parcels must not contain any other indication except for the name and addresses of the consignor and consignee, as well as the consignor's trade name.

Article 46

(1) The label under which a preparation is marketed must necessarily consist of the denomination, amount, concentration of the active substance, serial number, name of the production unit and best-before date.

(2) The labels and other information mediums, such as the leaflets accompanying packaging for retail distribution, shall specify indications for use, as well as precautions to be taken and warnings necessary for the user's safety, under the conditions set out in the methodological rules for implementing this Law.

Article 47

(1) Any advertising concerning the substances and preparations listed in Schedules I, II and III in the Annex is prohibited, except for nationally recognized scientific or professional publications, intended for researchers or professionals.

(2) The distribution of samples of the substances and preparations listed in Schedules I, II and III in the Annex is prohibited.

Article 48

The destruction of substances and preparations identified as qualitatively inadequate by the authorized legal person or by the National Medicines Agency, or, where appropriate, expired or returned, shall be carried out by an authorized company, based on the approval of destruction issued by the Ministry of Health and in the presence of a committee composed under the conditions set out in the methodological rules for implementing this Law.

CHAPTER IX

MEDICAL AND SCIENTIFIC RESEARCH, EDUCATION

Article 49

(1) The Ministry of Health shall issue authorizations, for medical or scientific research, for education and for carrying out findings or technical-scientific, physical-chemical expertise, as requested by legal authorities, pursuant to the Law, to a natural or legal person, where appropriate, regarding the cultivation, production, manufacture, purchase, transport, import, export, use or possession of plants, substances and preparations listed in Schedules I, II and III in the Annex in amounts not exceeding those strictly necessary for the intended purpose, under the conditions set out in the methodological rules for implementing this Law.

(2) The authorization specified in paragraph (1) may also be granted for other operations among those mentioned in Article 4, provided that these operations are necessary for the intended purpose.

(3) The beneficiary of the authorization specified in paragraph (1) shall register in a record that he/she keeps for 5 years, the amounts of plants, substances and preparations that he/she imports, purchases, manufactures, uses and destroys, as well as the date of the operations and the suppliers' names. He/she must communicate to the Ministry of Health on a quarterly and yearly basis the amounts imported, used or possessed in stock until the end of the stock, under the conditions mentioned in Article 42.

(4) Police and customs bodies can submit samples of the substances, plants or preparations listed in Schedules I, II and III in the Annex, for laboratory analysis to the International Narcotics Control Board within the United Nations Organisation or to the competent authorities in other states.

CHAPTER X

PENALTIES

Article 50

If there is the certainty or the justified assumption of an imminent and serious risk to health, the sanitary authorities shall adopt precautionary measures, consisting of:

a) blocking of the merchandise, withdrawal from the market and prohibition of the use of proprietary medicinal products, magistral formula and officinal preparations, as well as suspension of the activities, of advertising, and temporal closing of the premises, centres or services;

b) suspension of the production, prescription, issuance and supply of preparations undergoing clinical research or animal testing.

Article 51

In case of repeated violations of the provisions of Article 42(1)-(3), the Ministry of Health can suspend the licence for carrying out the activities specified in Article 15(1), for a period of 1 to 3 months.

Article 52

(1) The following are considered to be offences and are punishable as follows:

a) for violating the provisions of Article 13(1), Article 37(2)-(4) and Articles 44-46, a fine ranging from 200 lei (RON) to 1000 lei (RON);

b) for violating the provisions of Article 43, a fine ranging from 500 lei (RON) to 2000 lei (RON);

c) for violating the provisions of Article 15(4), Articles 47 and 48, a fine ranging from 1000 lei (RON) to 5000 lei (RON);

d) for violating the provisions of Article 42(1)-(3) and Article 43, a fine ranging from 5000 lei (RON) to 20000 lei (RON).

(2) The ascertaining of offences and the application of penalties shall be carried out by the staff duly authorized for these purposes within the Ministry of Health and the Ministry of Agriculture, Forests and Rural Development, the Directorate-General for Countering Organized Crime and Anti-Drug Directorate and the National Anti-Drug Agency.

(3) The provisions relating to the offences referred to in paragraphs (1) and (2) shall be supplemented by the provisions of Government Ordinance No 2/2001 concerning the legal

regime of offences, as approved with its subsequent amendments and completions by Law No 180/2002, as subsequently amended and supplemented.

CHAPTER XI

TRANSITIONAL AND FINAL PROVISIONS

Article 53

Upon the entry into force of this Law, Law No 73/1969 on the regime of narcotic products and drugs, published in the Official Gazette of the Socialist Republic of Romania, Part I, No 154 of 29 December 1969, with its subsequent amendments, and Government Decision No 75/1991 on the establishment and penalties for offences against the rules concerning the regime of narcotic products and drugs, published in the Official Gazette of Romania, Part I, No 20 of 28 January 1991, with its subsequent amendments, shall be repealed.

Article 54

The licences issued pursuant to Law No 73/1969 shall be valid for a period of maximum three years from the entry into force of this Law, and they shall be changed, during this period of time, pursuant to the provisions of this Law.

Article 55

In order to fulfil the obligations assumed by Romania through international conventions, and to submit the data required by the competent bodies and organisations, the reporting deadlines referred to in Article 42 can be amended by order of the Minister of Health.

Article 56

This Law shall enter into force within 7 months of its publication in the Official Gazette of Romania, Part I, except for Article 57 which shall enter into force at the date of its publication.

Article 57

Within 6 months of the date on which this Law is published in the Official Gazette of Romania, Part I, the Ministry of Health shall draw up the methodological rules for implementing this Law, which shall be approved by a Government Decision.

This Law has been adopted by the Parliament of Romania, in compliance with the provisions of Articles 75 and 76(2) of the Constitution of Romania, as republished.

THE PRESIDENT OF THE CHAMBER OF DEPUTIES

ADRIAN NĂSTASE

THE PRESIDENT OF THE SENATE

NICOLAE VĂCĂROIU

Bucharest , 29 November 2005.

No 339.

ANNEX

SCHEDULE I

PLANTS, SUBSTANCES AND PREPARATIONS CONTAINING PROHIBITED PSYCHOTROPIC SUBSTANCES AND NARCOTIC DRUGS, WHICH ARE NOT OF RELEVANT INTEREST IN MEDICINE*)

NARCOTIC DRUGS

1. Acetorphine
2. Acetyl-alpha-methylfentanyl
3. Alpha-methylfentanyl
4. Alpha-methylthiofentanyl
5. Beta-hydroxyfentanyl
6. Beta-hydroxy-methyl-3-fentanyl
7. Ketobemidone
8. Desomorphine
9. Etorphine
10. Heroin
11. 3-methylfentanyl
12. 3-methylthiofentanyl
13. MPPP
14. Para-fluorofentanyl
15. PEPAP
16. Thiofentanyl

PSYCHOTROPIC SUBSTANCES

1. Brolamfetamine
2. Cathinone
3. 2C-B
4. 2C-I
5. 2C-T-7
6. DET
7. DMA
8. DMHP
9. DMT

10. DOET

11. Eticyclidine

12. Etryptamine

13. N-hydroxy-MDA

14. (+)-LYSERGIDE

15. N-ethyl MDA, MDE

16. MDMA

17. Mescaline

18. Metcathinone

19. Methyl-4 aminorex

20. MMDA

21. 4-MTA

22. Parahexyl

23. PMA

24. PMMA

25. Psilocine, psilotsine

26. Psilocybine

27. Rolicyclidine

28. STP, DOM

29. Tenamfetamine

30. Tenocyclidine

31. Tetrahydrocannabinol, the following isomers and their stereo-chemical variants:

● tetrahydro-7,8,9,10 trimethyl-6,6,9 pentyl-3 6H-dibenzo[b,d] pyran-1-ol

● (9R, 10aR)-tetrahydro-8,9, 10, 10a trimethyl-6,6,9 pentyl-3 6H-dibenzo[b,d] pyran-1-ol

● (6aR, 9R, 10aR)-tetrahydro-6a,9,10,10a trimethyl-6,6,9 pentyl-3 6H-dibenzo[b,d] pyran-1-ol

● (6aR, 10aR)-tetrahydro-6a,7,10,10a trimethyl-6,6,9 pentyl-3 dH-dibenzo[b,d] pyran-1-ol

● tetrahydro-6a,7,8,9-trimethyl-6,6,9 pentyl-3 6H-dibenzo[6,d] pyran-1-ol(6aR, 10aR)-hexahydro-6a,7,8,9,10,10a dimethyl-6,6 methylene-9 pentyl-3 6H-dibenzo[b,d] pyran-ol

32. TMA

The following are also subject to the same rules:

a) the isomers of these substances, except for the case when only certain isomers are specifically mentioned, in all the situations when such isomers may exist according to the corresponding chemical formula of the respective substance;

b) the ethers and esters of these substances, in the situations when they may exist;

c) the salts of these substances, including the salts of ethers, esters and isomers, in all the situations when they may exist.

SCHEDULE II

PLANTS, SUBSTANCES AND PREPARATIONS CONTAINING NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES, WHICH ARE OF RELEVANT INTEREST IN MEDICINE, SUBJECT TO A STRICT CONTROL

NARCOTIC DRUGS

1. Acetyldihydrocodeine*

2. Acetylmethadol

3. Alfentanil

4. Allylprodine

5. Alphacetylmethadol

6. Alphameprodine

7. Alphamethadol

8. Alphaprodine

9. Anileridine

10. Benzethidine

11. Benzylmorphine

12. Betacetylmethadol

13. Betameprodine

14. Betamethadol

15. Betaprodine

16. Bezitramide

17. Dioxaphetyl butyrate

18. Cannabis, cannabis resin, extracts and cannabis oil

19. Clonitazene

20. Coca, coca leaves

21. Cocaine

22. Codeine*

23. Codoxime

24. Concentrate of poppy-straw
25. Dextromoramide
26. Dextropropoxyphene*
27. Diampromide
28. Diethylthiambutene
29. Difenoxine
30. Dihydromorphine
31. Dimenoxadol
32. Dimepheptanol
33. Dimethylthiambutene
34. Dioxaphetyl butyrate
35. Diphenoxylate
36. Dihydrocodeine*
37. Dipipanone
38. Drotebanol
39. Ecgonine, esters and derivatives that can change into ecgonine and cocaine
40. Ethylmethylthiambutene
41. Ethylmorphine*
42. Etonitazene
43. Etoxeridine
44. Phenadoxone
45. Phenampromide
46. Phenazocine
47. Phenomorphane
48. Phenoperidine
49. Fentanyl
50. Pholcodine*
51. Furethidine
52. Hydrocodone
53. Hydromorphinol
54. Hydromorphone
55. Hydroxypethidine

56. Isomethadone
57. Levomethorphane
58. Levomoramide
59. Levophenacylmorphane
60. Levorphanol
61. Metazocine
62. Methadone
63. Methadone intermediate
64. Methyldesorphine
65. Methyldihydromorphine
66. Metopon
67. Moramide intermediate
68. Morpheridine
69. Morphine
70. Morphine methobromide and other pentavalent nitrogen morphine derivatives
71. Morphine N-oxide
72. Myrophinr
73. Nicocodine*
74. Nicodicodine*
75. Nicomorphinr
76. Noracymethadol
77. Norcodeine*
78. Norlevorphanol
79. Normethadone
80. Normorphine
81. Norpipanone
82. Opium
83. Oxycodone
84. N-oxymorphine
85. Oxymorphone
86. Pethidine
87.Pethidine intermediate A

88. Pethidine intermediate B

89.Pethidine intermediate C

90. Piminodine

91. Piritramide

92. Proheptazine

93. Properidine

94. Propiram*

95. Racemethorphan

96. Racemoramide

97. Racemorphan

98. Remifentanil

99. Sufentanil

100. Thebacone

101. Thebaine

102. Tilidine

103. Trimeperidine

* except for the preparations.

PSYCHOTROPIC SUBSTANCES

1. Amphetamine

2. Dexamphetamine

3. Dronabinol (This DCI designates only one of the stereo-chemical variants of delta-9-tetrahydrocannabinol, i.e. (-)trans-delta-9-tetra-hydrocannabinol). Delta-9-tetrahydrocannabinol and its stereo-chemical variants

4. Fenetylline

5. Levamphetamine

6. Levomethamphetamine

7. Mecloqualone

8. Methamphetamine

9. Methaqualone

10. Methylphenidate

11. Phencyclidine

12. Phenmetrazine

13. Methamphetamine racemate

14. Secobarbital

15. Zipeprol

The following are also subject to the same rules:

a) the isomers of these substances, except for the case when only certain isomers are specifically mentioned, in all the situations when such isomers may exist according to the corresponding chemical formula of the respective substance;

b) the ethers and esters of these substances, in the situations when they may exist;

c) the salts of these substances, including the salts of ethers, esters and isomers, in all the situations when they may exist.

SCHEDULE III

PLANTS, SUBSTANCES AND PREPARATIONS CONTAINING NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES, WHICH ARE OF RELEVANT INTEREST IN MEDICINE, SUBJECT TO CONTROL*

PREPARATIONS CONTAINING NARCOTIC DRUGS

1. Acetyldihydrocodeine

2. Codeine

3. Dihydrocodeine

4. Ethylmorphine

5. Nicocodine

6. Nicodicodine

7. Norcodeine

8. Pholcodine

PSYCHOTROPIC SUBSTANCES

1. Allobarbital

2. Alprazolam

3. Amfepramone

4. Aminorex

5. Amobarbital

6. Barbital

7. Benzphetamine

8. Bromazepam
9. Brotizolam
10. Buprenorphine
11. Butalbital
12. Butobarbital
13. Cathine*
14. Camazepam
15. Cyclobarbital
16. Chlordiazepoxide
17. Clobazam
18. Clonazepam
19. Clorazepate
20. Clotiazepam
21. Cloxazolam
22. Delorazepam
23. Diazepam
24. Estazolam
25. Ethchlorvynol
26. Ethinamate
27. Ethylamphetamine
28. Fencamfamine
29. Phendimetrazine
30. Phenobarbital
31. Fenproporex
32. Fentermine
33. Fludiazepam
34. Flunitrazepam
35. Flurazepam
36. GHB
37. Glutethimide
38. Halazepam
39. Haloxazolam

40. Ketazolam
41. Lefetamine
42. Ethyl loflazepate
43. Loprazolam
44. Lorazepam
45. Lormetazepam
46. Mazindol
47. Medazepam
48. Mefenorex
49. Meprobamate
50. Mesocarb
51. Methylphenobarbital
52. Methyprylone
53. Midazolam
54. Nimetazepam
55. Nitrazepam
56. Nordazepam
57. Oxazepam
58. Oxazolam
59. Pemoline
60. Pentazocine
61. Pentobarbital
62. Pinazepam
63. Pipradol
64. Prazepam
65. Pyrovalerone
66. Secbutabarbital
67. Temazepam
68. Tetrazepam
69. Triazolam
70. Vinylbital
71. Zolpidem

* The psychotropic substance from Catha edulis Forsk shrub (*Celastraceae*), generally known as khat, not the species *Hippophae rhamnoides L.* (*Eleaegnaceae*) known as sea-buckthorn.

The following are also subject to the same rules:

a) the isomers of these substances, except for the case when only certain isomers are specifically mentioned, in all the situations when such isomers may exist according to the corresponding chemical formula of the respective substance;

b) the ethers and esters of these substances, in the situations when they may exist;

c) the salts of these substances, including the salts of ethers, esters and isomers, in all the situations when they may exist.