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The Permanent Mission of Romania to the International Organizations in Vienna presents its compliments to the Permanent Missions of the Participating States of the Organization for Security and Cooperation in Europe and to the Conflict Prevention Centre and has the honour to forward attached herewith Romania's annual response to the Questionnaire of the Code of Conduct on Politico-Military Aspects of Security.

The Permanent Mission of Romania to the International Organizations in Vienna avails itself of this opportunity to renew to the Permanent Missions of the Participating States of the Organization for Security and Cooperation in Europe and to the Conflict Prevention Centre the assurances of its highest consideration.



Vienna, 19 April 2013

To the Permanent Missions of the Participating States of the OSCE  
Conflict Prevention Centre  
Vienna

**ANSWER TO THE QUESTIONNAIRE**

**ON**

**THE CODE OF CONDUCT**

**ON POLITICO-MILITARY ASPECTS OF SECURITY**

**(FSC DEC/2/09)**

**- 2013 -**

**R O M A N I A**

## SECTION I: INTER-STATE ELEMENTS

### 1. ACCOUNT OF MEASURES TO PREVENT AND COMBAT TERRORISM

#### 1.1 To which agreements and arrangements (universal, regional, sub-regional and bilateral) related to preventing terrorism is your State a party?

Romania is part of the following international agreements related to prevention and suppression of terrorism:

#### UN Conventions and Protocols

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 1973)

Signed: 27.12.1974                      Ratified: Decree no. 254/1978

International Convention against the Taking of Hostages (New York, 1979)

Ratified: Decree No. 111/1990

International Convention for the Suppression of Terrorist Bombings (New York 1997)

Signed: 30.04.1998                      Ratified: Law no. 257 / 2004

International Convention for the Suppression of the Financing of Terrorism (New York, 1999)

Signed: 26.09.2000                      Ratified: Law no. 623 / 2002

Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo 1963)

Signed: 15.02.1974                      Ratified: 16.05.1974 by the Decree no. 627 / 1973

Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 1970)

Signed: 13.10.1971                      Ratified: Decree no. 143/1972

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal 1971)

Signed: 10.07.1972                      Ratified: Decree no. 66/1975

Convention on Physical Protection of Nuclear Material (Vienna 1980)

Ratified: Law no. 78/1993

Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal 1988)

Signed: 24.02.1988                      Ratified: Law no. 133 / 1998

Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 1988)

Ratified: Law no. 123 / 1992

Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, 1988)

Ratified: Law no. 123 / 1992

Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1991)

Ratified: Law no. 139/1998

International Convention for the Suppression of Acts of Nuclear Terrorism (New York 2005)

Ratified: Law no. 369/2006

Convention on the Physical Protection of Nuclear Material (1980)

**Ratified:** Law no. 78/2003

International Convention against the Taking of Hostages

**Ratified:** Law no. 111/1990

**Other universal, regional, subregional and bilateral agreements and arrangements**

European Convention on Suppression of Terrorism (Strasbourg, 1977)

**Ratified:** Law no 19 / 1997

Council of Europe's Convention on the prevention of terrorism, done at Warsaw on 16 May 2005;

**Ratified:** Law no. 411/2006

Council of Europe's Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism, done at Warsaw on 16 May 2005;

**Ratified:** Law no 420 /2006

Council of the European Union's Common Position no. 2005/220/CFSP of 14 March 2005 updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position no. 2004/500/CFSP

Protocol Amending the European Convention on the Suppression of Terrorism

**Ratified:** Law no. 366 / 2004

Cooperation agreement between the Government of Romania and the Government of Georgia on combating the terrorism, the organised crime, the illicit trafficking of drugs, psychotropic substances and precursors and other illegal activities

**Signed:** 14.05.2004

**Ratified:** Law no. 586 / 2004

Cooperation agreement between the Government of Romania and the Government of Egypt on the combating of the organized crime

**Signed:** 03.12.2003

**Ratified:** Law no. 262 / 2004

Council Decision 2007/543/EC concerning the accession of Bulgaria and Romania to the Convention of the establishment of a European Police Office (Europol Convention)

Cooperation agreement between the Government of Romania and the Government of the Republic of Armenia on combating the crime especially in its organized forms

**Signed:** 31.10.2001

**Ratified:** Law no. 320 / 2002

Cooperation agreement between the Government of Romania and the Government of the Republic of Macedonia on combating the terrorism, the organized crime, the illicit trafficking of drugs, psychotropic substances and precursors and other illegal activities

**Signed:** 12.11.2003

**Ratified:** Law no. 258 / 2004

Cooperation agreement between the Government of Romania and the Government of the Republic of Slovakia on combating the organized crime, the illicit trafficking of drugs, psychotropic substances and precursors, the terrorism and other illegal activities

**Signed:** 16.10.2003

**Ratified:** Law no. 202 / 2004

Cooperation Agreement between Government of Romania, Republic of Turkey and Republic of Bulgaria (Antalya – 1998) against terrorism, organized crime, illicit traffic of drugs, traffic of persons and weapons and other severe offences

**Signed:** 16.04.1998

**Ratified:** Law no. 154 / 1999

Cooperation agreement between the Government of Romania and the Government of the Republic of Kazakhstan on combating the organized crime, the illicit trafficking of drugs, psychotropic substances and precursors, the terrorism and other serious offences

**Signed:** 09.09.2003

**Ratified:** Law no. 61 / 2004

Cooperation agreement between the Government of Romania and the Government of the Republic Lebanon on combating the organized crime, the illicit trafficking of drugs, psychotropic substances and precursors, the terrorism and other illegal activities

**Signed:** 18.03.2002

**Ratified:** Law no. 367 / 2003

Cooperation agreement between the Government of Romania and the Government of the Republic of Bulgaria on combating the organized crime, the illicit trafficking of drugs, psychotropic substances and precursors, the terrorism and other illegal activities

**Signed:** 10.06.2002

**Ratified:** Law no. 70 / 2003

Memorandum of Understanding between the Ministry of National Defence from Romania and Ministry of National Defence from Bulgaria regarding the protection of locations of paramount importance in the vicinity of the common border against terrorist aerial attacks

**Signed:** 12.11.2002

**Approved:** Government Decision no. 13 / 2003

Cooperation agreement between the Government of Romania and the Government of the Republic of Albania on combating the organized crime, the illicit trafficking of drugs, psychotropic substances and precursors, the terrorism and other illegal activities

**Signed:** 07.01.2002

**Ratified:** Law no. 610 / 2002

Cooperation agreement between the Government of Romania and the Government of the Czech Republic on combating the organized crime, the illicit trafficking of drugs, psychotropic substances and precursors, the terrorism and other illegal activities

**Signed:** 13.11.2002

**Ratified:** Law no. 465 / 2002

Cooperation agreement between the Government of Romania and the Government of the Republic of Poland on combating the organized crime, the terrorism and other illegal activities

**Signed:** 11.07.2001

**Ratified:** Law no. 188 / 2002

Cooperation agreement between the Government of Romania and the Government of the Republic of Croatia on combating the terrorism, the organized crime, the illicit trafficking of drugs, psychotropic substances and precursors and other illegal activities

**Signed:** 30.09.2000

**Approved:** Government Decision no. 703 / 2001

Cooperation agreement between the Government of Romania and the Government of the Republic of Slovenia on combating the terrorism, the organized crime, the illicit trafficking of drugs, psychotropic substances and precursors and other illegal activities

**Signed:** 04.10.2000

**Approved:** Government Decision no. 597 / 2001

Cooperation agreement between the Government Romania and the Government of the Kingdom of Jordan on combating the organized crime, the illicit trafficking of drugs, psychotropic substances and precursors, the terrorism and other illegal activities

**Signed:** 17.09.1999

**Ratified:** Law no. 67 / 2001

Cooperation agreement between the Government Romania and the Federal Government of the Austria on combating the organized crime, the illicit trafficking of drugs, psychotropic substances and precursors, the terrorism and other illegal activities

**Signed:** 18.03.1999

**Approved:** Government Decision 917 / 1999

Cooperation agreement between the Government Romania and the Government of the Hungarian Republic on preventing and combating of trans-frontier criminality areas

**Signed:** 21.08.2008

**Approved:** Law 311 / 2009

Cooperation agreement between the Government of Romania and the Government of the Federal Republic of Germany on combating the terrorism, the organized crime, the illicit trafficking of drugs, psychotropic substances and precursors and other illegal activities

**Signed:** 15.10.1996

**Approved:** Government Decision no. 80 / 1997

Cooperation agreement between the Government of Romania and the Government of the Republic of India on combating the organized crime, the international terrorism, the illicit trafficking of drugs and psychotropic substances

**Approved:** Government Decision 550 / 1994

Cooperation agreement between the participants states to the Economic Cooperation at the Black Sea on combating the crime especially its organized forms

**Signed:** 02.10.1998

**Ratified:** Law no. 6 / 2000

Agreement between the Government of Romania and the Kingdom of Sweden on the cooperation in combating the organized crime, the illicit trafficking of drugs psychotropic substances and precursors, the human been trafficking, the terrorism and other serious offences

**Signed:** 10 May 2004

**Ratified:** Law no 168 / 2005

Protocol on the combating of terrorism, additional to the Cooperation Agreement between the governments of the participating states in the Economical Cooperation at the Black Sea in the field of combating criminality, especially it's organized forms, signed at Kerkyra on 2 October 1998.

**Signed:** 3 December 2004 **Ratified:** Law no. 253 /2005

Common positions on the common foreign and security policy of the European Union

**Adopted:** Law no 62 / 2005

Cooperation agreement between Romania and Switzerland on combating the terrorism, the organized crime, the drug trafficking and other transnational crimes (Bucharest, 2005)

**Ratified:** Law no. 60 / 2006

Agreement between the Romanian and the Indonesian Government on the cooperation in the area of preventing and combating trans-border organized crime, of terrorism and other types of crimes, signed in Bucharest on 10 July 2006

**Ratified:** Law no. 68/2007

Agreement between the Romanian Government and the Government of the Serbian Republic on the cooperation in the area of combating organized crime, illicit trafficking in narcotics and international terrorism, signed in Bucharest on 5 July 2007

**Ratified:** Law no. 17/2008

Memorandum of understanding between the Unit for Combating Money Laundering (MOKAS) from the Republic of Cyprus and the Romanian Bureau for Combating and Preventing Money Laundering on the cooperation in exchanging financial intelligence connected to money laundering and to financing terrorism, signed in Limassol – Republic of Cyprus, on 15 June 2006

**Approved:** Government's Decision no. 1180/2006

Memorandum of understanding between the competent authorities from Romania and the Principality of Liechtenstein on the cooperation in exchanging financial intelligence connected to money laundering and to financing terrorism, signed in Limassol – Republic of Cyprus, on 15 June 2006

**Approved:** Government's Decision no. 1180/2006

Agreement between the Romanian Bureau for Combating and Preventing Money Laundering and the

state prosecutor within the District Court of Luxembourg from the Grand Duchy of Luxembourg on the cooperation and in exchanging financial intelligence connected to money laundering and to financing terrorism, signed in Limassol – Republic of Cyprus, on 15 June 2006

**Approved:** Government's Decision no. 1180/2006

Memorandum of understanding between the competent authorities from Romania and Hungary on the cooperation to exchange financial information linked to money laundering and to financial terrorism, signed in Budapest, on 21 September 2007

**Approved:** Government's Decision no.1585/2007

Memorandum of understanding between the Romanian Bureau for Combating and Preventing Money Laundering and Financial Crimes Enforcement Network on the cooperation to exchange financial information linked to money laundering and to financial terrorism, signed in Hamilton, Bermuda on 30 of May 2007

**Approved:** Government's Decision no. 820/2007

Agreement between the Romanian Bureau for Combating and Preventing Money Laundering and Financial Monitoring Federal Service from the Russian Federation on the exchange of information in the area of preventing and combating money laundering and financing terrorist acts, signed in Hamilton, Bermuda on 30 May 2007

**Approved:** Government's Decision no.819/2007

Memorandum of understanding between the Romanian Bureau for Combating and Preventing Money Laundering and Serious Organized Crime Agency/Financial Intelligence Unit (UKFIU-SOCA) from the United Kingdom of Great Britain and Northern Ireland, on the cooperation to exchange financial information linked to money laundering and to financial terrorism, signed in Hamilton, Bermuda on 30 May 2007

**Approved:** Government's Decision no.821/2007;

Memorandum of understanding between the competent authorities from Romania and Israel on the cooperation to exchange financial information linked to money laundering and to financial terrorism, signed in Bermuda, on 30 May 2007

**Approved:** Government's Decision no. 818/2007

Memorandum of understanding between the competent authorities from Romania and Finland on the cooperation to exchange financial information linked to money laundering and to financial terrorism

**Approved:** Government Decision 905 / 2008

Memorandum of understanding between the competent authorities from Romania and Republic of Lebanon on the cooperation to exchange financial information linked to money laundering and to financial terrorism, signed in Beirut on the 1<sup>st</sup> of September 2008 and in Bucharest on 17 December 2008.

**Approved:** Government Decision 362 / 2009

Memorandum of understanding between the Government of Romania and the Government of Turkey on cooperation within Black Sea Harmony Operation, signed at Istanbul on 31 March 2009.

**Approved:** Law 114 / 2010

Agreement between the Government of Romania and the Government of the Republic of Azerbaijan on cooperation on combating the trans-border organized crime and the international terrorism, signed in Bucharest on 28 September 2009

**Approved:** Law 251 / 2010

Agreement between the Government of Romania and the Council of Ministers of Bosnia and Herzegovina on the cooperation in the fight against terrorism and organized, signed in Bucharest on 4 June 2007

Approved: Law 138 / 2008

Law 146 / 2008 on the adhesion of Romania to the Prum Convention, signed on 27 May 2005

Other cooperation agreements were signed at institutional level especially in the field of preventing and combating money laundering and exchange of information.

## **1.2 What national legislation has been adopted in your state to implement the above-mentioned agreements and arrangements**

The main law contributing to the coordination of the implementation of the agreements and arrangements related to preventing and combating terrorism is Law no. 535 / 2004 on preventing and combating terrorism. According to this Law (Art. 6) "the prevention and suppression of terrorism is organized and conducted in a unitary manner". The cooperation between national competent authorities is conducted within the National System for Preventing and Countering Terrorism. The Romanian Intelligence Service is the national authority in the field of countering terrorism that technically coordinates the cooperation between 20 public authorities and institutions within the System.

The approval of the lists containing persons suspected of committing or financing terrorist acts is made by Government Decision .

Government Emergency Ordinance 202 / 2008 regarding the application, at national level, of international sanctions, regulates the modalities in which the following provisions are observed in Romania:

- specific international sanctions, established by UN Security Council Resolutions or other acts adopted on the basis of Art 41 of the UN Charter;
- regulations, decisions, common positions, common actions or other measures adopted by the European Union;
- international sanctions adopted by other international organizations.

Other legal instruments part of the domestic framework for the implementation of the above-mentioned agreements and arrangements are:

- Law no. 62/2005 for the recognition by Romania of certain documents representing Common Positions adopted within European Union's Common Foreign and Security Policy;
- Law no 508 / 2004 on funding, organizing and functioning of the Direction for Investigation of the Organized Crime and Terrorism Offences within the framework of the Public Ministry;
- Decision of the Romanian Parliament no. 21 / 2001 on Romania's participation along with NATO member states to missions for countering international terrorism;
- Law 656 / 2002 on the prevention and sanctioning of money laundering as well as for setting up certain measures to prevent and combat the financing of terrorism.

### **Information on other measures of national and department level**

The Supreme Council of National Defence approved on 05.04.2002 the National Strategy on Preventing and Countering Terrorism. The Strategy identifies main aspects of the terrorist phenomenon that represents a threat to Romania, defines the objectives for preventing and



countering terrorism and establishes the main directions for the implementation of the National System for Preventing and Countering Terrorism.

According to the provisions of the Strategy and of the Law no. 535 / 2004, an Antiterrorist Operative Coordination Centre was set up under the authority of the Romanian Intelligence Service, in order to facilitate the inter-institutional cooperation. Plans containing measures to combat terrorism were elaborated at ministerial level. Also, on 15.04.2004, the Supreme Council of National Defence approved the foundation of the National System for Antiterrorist Alert as an adequate mean to prevent, discourage and combat actions for the preparation and unfolding of potential terrorist acts on the territory of Romania.

Romania observes the UN Security Council resolutions on arms export to states considered supporters of international terrorism.

### **1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?**

According to the National Strategy on Preventing and Countering Terrorism, to Law 535 / 2004 on preventing and countering terrorism and to the General Protocol on the organization and functioning of the National System for Preventing and Countering Terrorism (SNPCT), the Ministry of Defence, the Ministry of Internal Affairs and the intelligence services have the roles and missions in preventing and combating terrorism, as presented below.

#### **Romanian Intelligence Service (SRI)**

The Romanian Intelligence Service has the following competencies in the field of preventing and countering terrorism:

- conducts the operative-informative and technical activities in order to efficiently protect the Romanian territory against the threats posed by international terrorism and also to prevent committing terrorist acts or setting up logistical structures and / or branches of extremist – terrorist groups on the national territory;
- conducts antiterrorist interventions on objectives attacked or occupied by terrorists, in order to capture or annihilate them, set hostages free and restore the rule of law;
- conduct antiterrorist protection of diplomatic / foreign objectives potentially threatened by terrorist acts; antiterrorist protection and guard of dignitaries; antiterrorist protection – anti-hijack control on the Romanian civil airports; pyrotechnical control and intervention; antiterrorist – counterterrorist intervention in order to prevent, neutralize and annihilate terrorist acts on Romanian territory;
- ensure, according to its legal competence, the technical coordination of the National System for Preventing and Countering Terrorism;
- public relations and international cooperation activities.

*Law no 14 / 1992 on the organization and functioning of the Romanian Intelligence Service, Law no. 535 / 2004 on preventing and countering terrorism, Law 146 / 2008*

Upon the request of SRI, according to the size and nature of the terrorist acts, forces with specific missions from other institutions can be also involved in this type of activities, in compliance with the law, such as the forces of the Ministry of Internal Affairs, of the Ministry

of National Defence and the Guard and Protection Service, as well as from other structures of the security and national defence system.

Antiterrorist Operative Coordination Centre has been set up within SRI – the only responsible national authority – in order to provide technical coordination of the National System for Preventing and Countering Terrorism. The Centre is the organizational and functional structure that ensures the continuity and the coherent functioning of the system that regulates the SNPCT.

The Antiterrorist Operative Coordination Centre has the following duties:

- Maintain the permanent link between the institutions participating to the National System for Preventing and Countering Terrorism.
- Manage and use the relevant data and information to identify, prevent, and/or counter the terrorist manifestations and all activities providing logistic or operational resources support.
- Coordinate the activities conducted in the framework of the SNPCT, through the liaison persons designated by the authorities and institutions of the SNPCT.
- Supports the operative data and information exchange between the public authorities and institutions which are part of the SNPCT.
- Process data and receive information to draw and take the necessary response measures.
- Monitor terrorist activities and operatively informs public authorities and institutions within the SNPCT.
- During crisis situations, provides the logistic and operational support for the efficient operation of the SNPCT, which is integrated in the general mechanism for crisis management and is organized according to the law.
- Transmit to the competent public authorities and institutions within the SNPCT the necessary data and information in order to take the appropriate measures, according to their legal attributions.
- Receive, on permanent basis, notifications of interest in the field of countering terrorism from citizens, through a free activation of the Centre;
- Support the activities of international cooperation in this field;
- Participates in security training activities for the population in the field of antiterrorism,
- Represents the National authority in the field of air marshals and the in the exchange of information supporting their activities.

#### **Ministry of Internal Affairs**

- Conducts operative intelligence activities to collect data and information with the purpose of preventing, discovering and documenting the terrorist actions against its own personnel, infrastructure or missions.
- Conducts operative intelligence activities to collect data and information to prevent aggressions against the diplomatic objectives and the locations of the international organizations which conduct activities in Romania and which are guarded by the forces of the Ministry of Internal Affairs.
- Conducts specific actions to counter the financing, planning, facilitating or perpetration of terrorist acts which envisage entering the national territory or using the national territory for financing, planning or facilitating terrorist acts against other states or against the citizens of other states.
- Conducts specific actions to prevent the movement of terrorists and of terrorist groups by exercising an effective control of the borders and of the ID papers and transportation

tickets issuing process, as well as by exercising preventive actions against faking or fraud of the ID papers and documents.

- Participate to the information exchange according to the national and international legal provisions and supports the cooperation in the field of justice and administration, to counter terrorist acts.
- Supports the mutual information exchange, by its specialized structures, in case of investigations and penal actions associated to the financing or the support of terrorist acts, including the assistance to obtain evidences necessary for the penal actions.
- Draws the necessary measures, according to the relevant provisions of the International Humanitarian Law, including the international standards in the field of human rights protection, in the process of providing the refugee status, to ensure that the requesting people did not plan, facilitate or participate in the perpetration of terrorist acts.
- Verifies and acts to prevent, according to international law, the abusive use of the refugee status by the authors, organizers or facilitators of terrorist acts and to avoid the political based requests to be considered as reasons to reject the request for extrusion of alleged terrorists.
- Conducts other specific activities, along with the other competent authorities, according to the law and to the cooperation protocols agreed to that end.
- Through the specialized structures of the Romanian Gendarmerie, conducts antiterrorist intervention missions at the locations under its responsibility, provides protection for the arms, ammunition, explosives, radioactive substances or toxic substances transportations and participates to the national antiterrorist interventions along with the other responsible structures.

*Law 550 / 2004*

#### **Ministry of Defence**

- Plans, organizes and conducts activities for gathering data and information to prevent, discover actions for the preparation of terrorist acts against the objectives, the activities or the military personnel.
- Initiate and conduct specific actions to prevent, discover and annihilate the actions and acts that envisage the theft of weapons, ammunitions and explosives, chemicals and their precursors, biological, toxic industrial materials, radioactive substances from objectives under its responsibility.
- Provides, through its specialized structures, antiterrorist protection of the military and civilian VIPs of the Ministry of National Defence and of the military VIPs visiting Romania.
- Provides protection and conducts antiterrorist response and antiterrorist control against hijacking on military airfields.
- Provides specialized antiterrorist pyrotechnical protection for military units and other locations, upon request .
- According to its legal competences, the troops of the Ministry of National Defence participate in missions to combat terrorism abroad, based on Parliament Decisions.
- Prevents and fights terrorism and asymmetrical threats, through its specialized structures, in cooperation with other national structures responsible for national security.

- Protects information and communication systems, through its specialized structures, against terrorist threats.
- Exchanges intelligence according to the national and international legal cooperation instruments in the field of military intelligence to counter terrorist acts.

**1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:**

*Financing of terrorism*

The following instruments / provisions are part of the domestic legal framework in this matter:

- Art. 36 of the Law 535 / 2004 on preventing and combating terrorism, which incriminates the “financing of terrorism”;
- Order no 9 /2005 of the President of the Romanian National Security Commission on the approval of the Instructions no 4 / 2005 on preventing financing terrorist acts;
- Order no 83 /2008 on the approval of the Regulation no 5 / 2008 on preventing and combating money laundering and financing terrorist acts through capital market;
- Law no 306 / 2007 on the amendment of the Law no 656 / 2002 on preventing and sanctioning money laundering and on measures to prevent and combat financing of terrorism, which draws measures on preventing and combating financing of the terrorism and establishes specific punishments;
- Government Emergency Ordinance no 135 / 2005 on the amendment of the Law no 656 / 2002 on preventing and sanctioning money laundering and on measures to prevent and combat financing terrorist acts;
- Decision no. 91, June 2007, issued by the Chamber of Financial Auditors from Romania on implementing specific legislation referring to combating and preventing money laundering operations and/or financing terrorist acts by financial auditors.

Also, the National Office for Combating Money Laundering was set up at national level, as the institution responsible with the implementation of all legal provisions in this field.

Specific regulations and norms have been adopted in different sectors of the financial system to prevent money laundering and financing terrorism.

*Legal co-operation including extradition*

As it is presented in the first part of the answer to the questionnaire, Romania signed an important number of bilateral and multilateral agreements and arrangements, mainly oriented to prevent and combat the organized crime and terrorism. This framework supports the communication, cooperation and exchange of information between the countries. Also, the provisions of the documents enhance the possibility for horizontal effective cooperation between the competent authorities of the states. Extradition provisions are also included in these agreements and arrangements.

*Border controls*

To improve the control over the national borders, Romania implemented an integrated management system. The Decision of the Government no. 220 / 2011 approved the National

Strategy for the integrated management of the national borders and offered the framework for strengthening the borders control system.”

### *Travel document security*

Romania introduced new models of documents, with a higher degree of security, by the Law no 249 / 2009 on the approval of the Government Emergency Ordinance no 24 / 2008 on the establishment of some measures on issuing electronic passports and other travel documents.

### *Security of radioactive sources*

The main rules for the control over radioactive materials are established by the Law no 111 / 1996 on safety, regulation and authorization of nuclear activities. The National Commission for the Authorization of Nuclear Activities is the institution responsible for implementing some of these control provisions.

In 2009, the National Commission for the Authorization of Nuclear Activities concluded an agreement with the US Energy Department on the cooperation to strengthen physical security of radioactive sources and of nuclear materials.

According to the provisions of the above mentioned agreement, the Border Police implements and manages the radiation detection system in the border crossing points, in order to prevent, discover and counter the illicit trafficking of special nuclear materials and radiologic products, with the support of the US authorities and in cooperation with the other Romanian responsible authorities.

According with the Law 333/2003, all transportations of nuclear materials or radiological sources are to be conducted only with Gendarmerie or military escort.

## **2 STATIONING OF ARMED FORCES ON FOREIGN TERRITORY**

### **2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law**

The missions the armed forces are allowed to participate to outside the territory of Romania are:

- missions of collective defence
- peacekeeping or peace settlement missions
- humanitarian missions
- coalition type missions
- common or individual exercises
- ceremonies

The armed forces are allowed to participate in the previously mentioned missions in the conditions of the law and according to the obligations assumed by Romania by international treaties, agreements or understandings to which Romania is a state party.

The President of Romania approves, after consulting the Supreme Council of National Defence, the sending of the armed forces abroad for collective defence, support of peace, humanitarian assistance or coalition type missions. In case of sending the armed forces in the previously mentioned missions outside the framework of the international treaties Romania is part of, the President of Romania requests the accept of the Parliament.

The Prime Minister approves the sending of the armed forces abroad to participate in common exercises, on the proposal of the Minister of Defence

*Law no. 121 / 2011 on the participation of the armed forces in missions abroad*

Romania has no military forces abroad, except for the participation to forces under international mandates.

### **3 IMPLEMENTATION OF OTHER INTERNATIONAL COMMITMENTS RELATED TO THE CODE OF CONDUCT**

#### **3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith**

Romania is fully committed to the implementation of the agreements in the field of arms control, disarmament and confidence- and security-building measures.

Complex measures have been taken both at national and institutional level to define a solid framework for an effective implementation. This framework bears on the ratification laws or on the agreements signed or accepted by Romania and it is completed by legal measures at governmental level as well as by protocols of cooperation between the involved ministries and by internal regulations.

Permanent structures within different ministries or special committees or commissions with precise responsibilities were created to implement and to facilitate the implementation of the commitments in the field of arms control, disarmament and confidence- and security-building measures.

The Government Decision no. 906 / 1999, amended and updated with the provisions of the Government Decisions 1544 and 1545 / 2003, establishes the main guidelines for the implementation of the conventional arms control and confidence- and security-building agreements.

The main national institutions mostly involved in the implementation of the agreements in the field of arms control, disarmament and confidence- and security-building measures are: the Ministry of Foreign Affairs, the Ministry of Defence, the National Administration of State Reserves and Special Issues within the Ministry of Internal Affairs.

The Ministry of Foreign Affairs provides the interface for international cooperation and also monitors and coordinates the implementation of the specific agreements and arrangements. The Ministry has a specialized structure for this purpose: the Directorate for OSCE, Asymmetrical Risks and Non-proliferation.

The Ministry of Defence has specific obligations in the field of arms control and security-building measures. Internal regulations were issued by the Minister of Defence in order to define the implementation framework regarding the obligations on limitations, transparency and verifications.

The National Administration for States Reserves and Special Issues within the Ministry of Internal Affairs is, by its specialized structure - the Directorate for Arms Control and Verification - the responsible authority for the preparation of data exchanges and national reports and for the organization and coordination of the verification activities (inspections or escort missions).

The exports of armaments are conducted in strict observance of the national and international legislation in this field and under the endorsement of the Inter-ministerial Council for export control, the Department for Export Controls (ANCEX) from the Ministry of Foreign Affairs and of the Office for the Control of Imports and Exports of Special Items operating within the Ministry of Defence (OCIEPS). The national legal framework in this field was constantly improved and enhanced. According to the Romanian legal provisions D-ANCEX is also the national responsible institution for the implementation of the Chemical Weapons Convention.

### **3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view of enhancing security and stability in the OSCE area**

Romania is deeply aware of the importance of pursuing the arms control, disarmament and confidence- and security-building measures as a significant constant added value to a secure and stable environment in the OSCE area.

The limitations and regulations imposed in the arms control and disarmament and confidence- and security-building measures are transposed in specific national laws, decisions or regulations and their observance is constantly monitored.

Romania is also constantly fulfilling its regular obligations drawn by the arms control and disarmament and confidence- and security-building measures and pays special attention to their benefit to the security and stability of the OSCE area.

As an individual responsible nation and also as a member of NATO, Romania pays important attention to the active verification of other countries. Constantly Romanian teams or Romanian guest inspectors are actively involved in verifications in the OSCE area either under the CFE or VD 99 framework.

The bilateral agreements are and have been of importance for Romania as they are considered a possibility of enlarging the framework of the CBMs.



## SECTION II: INTRA-STATE ELEMENTS

### 1 NATIONAL PLANNING AND DECISION-MAKING PROCESS

#### 1.1 What is the national planning and decision making process in determining / approving military posture and defence expenditures in your State?

##### THE DEFENCE PLANNING PROCESS (regulated by the Law no 473 / 2004)

The main documents regulating the Defence Planning process, the responsibilities regarding the issuing and approval, the contents and the coverage periods are presented briefly as follows:

##### **The National Defence Strategy**

<b>Issued by:</b>	The President of Romania
<b>Approved by:</b>	The Parliament of Romania in common session
<b>Based on:</b>	Basic document for the Defence Planning process
<b>Issuing term:</b>	Less than 6 months since the President was invested
<b>Coverage:</b>	5 years
<b>Comprises:</b>	National interests and national security objectives, international security environment evaluation, potential risks, menaces and vulnerabilities, courses of action and the main modalities of ensuring the national security in NATO context.

##### **The Defence White Paper**

<b>Issued by:</b>	The Ministry of Defence
<b>Assumed by:</b>	The Government of Romania
<b>Accepted by:</b>	The Supreme Council of National Defence
<b>Approved by:</b>	The Parliament of Romania
<b>Based on:</b>	The National Defence Strategy, the guidelines of the defence policy enshrined in the Government Program and the NATO and EU strategic defence documents
<b>Issuing term:</b>	Less than 6 months since the Government was invested
<b>Coverage:</b>	4 years + long term provisions for the fulfillment of the national and collective defence and security objectives
<b>Establishes:</b>	the defence policy objectives, measures and courses of action for the fulfillment of these objectives; missions and specific requirements for the Armed Forces; the resources required for the accomplishment of the defence policy objectives.

##### **The Military Strategy**

<b>Issued by:</b>	The Ministry of Defence
<b>Accepted by:</b>	The Supreme Council of National Defence
<b>Approved by:</b>	The Government of Romania
<b>Based on:</b>	The National Defence Strategy, the Defence White Paper and the NATO Ministerial Guidance
<b>Issuing term:</b>	Less than 3 months since the approval of the Defence White Paper
<b>Coverage:</b>	4 years + long term provisions for the fulfillment of the national and collective defence and security objectives
<b>Comprises:</b>	The politico-military assessment of the international security environment, the identification of the potential military risks and menaces, the definition of the national military objectives, the establishment of the strategic and operational concepts to fulfill the military objectives and missions

*The Constitution of Romania, Law no 473 / 2004*

##### THE DECISION PROCESS, APPROVALS (The Constitution of Romania)

##### **The partial or complete mobilization**

The President of Romania, with the previous approval of the Parliament, declares partial or complete mobilization. Only in exceptional situations, the President's decision might be subsequently subject to the approval of the Parliament in less than five days since it was issued.

#### **The State of War**

The State of War is declared by the Parliament in common session.

#### **The State of Siege or Emergency**

The State of Siege or Emergency is declared by the President of Romania with the assent of the Parliament in less than five days after the settlement of the State of Siege or Emergency.

#### **Military aggression against Romania**

The President takes measures to counter the aggression and informs immediately the Parliament by a message.

### THE ROLE OF THE PARLIAMENT AND THE MINISTRIES

#### ***The Parliament***

- Approves in common session the National Defence Strategy

*The Constitution of Romania, Law no 473 / 2004*

- Approves the Defence White Paper, issued by the Ministry of Defence, after it has been assumed by the Government and accepted by the Supreme Council of National Defence (an autonomous administrative authority invested, according to the Constitution, with the management and coordination of the activities regarding the national defence and security).

*Law no 473 / 2004*

- Approves the declaration of the partial or total mobilization, the declaration of the State of War, the temporary or permanent cancellation of the military hostilities.

*The Constitution of Romania*

- Examines the reports of the Supreme Council of National Defence.

*The Constitution of Romania*

#### ***Supreme Council of National Defence***

- The Supreme Council of National Defence represents an autonomous administrative authority invested, according to the Constitution, with the role of organizing and coordinating the security and defence activities. The Council is responsible for the endorsement of the main defence planning documents, strategies, information and evaluations regarding the national security and defence sector. The Supreme Council of National Defence ensures a coordinated approach of the defence-related activities; endorses the Romanian participation in international operations, the collective defence, peacekeeping and peace support missions. The President of Romania is the chairman of the Supreme Council of National Defence. The Prime Minister fulfills the vice-president function. The membership of the Council is assigned to the ministers and officials from the national and governmental structures involved in the national defence.

*The Constitution of Romania, Law no 415 / 2002*

- The activity of the Supreme Council of National Defence is subject to the examination and verification of the Parliament.

*Law no 415 / 2002*

#### ***Ministry of Defence***

- Issues the **Defence White Paper**

*Law no 473 / 2004*

- Elaborates the **Military Strategy** based on the Defence White Paper and on the NATO Ministerial Guidance and submits it to the approval of the Government.

*Law no 473 / 2004*

- Issues the **Defence Planning Guidance**, based on the Defence White Paper and on the relevant NATO defence planning documents, by which establishes the Major Programs and allocates the defence resources. The guidance is issued for a six-year term and is reviewed annually.

*Law no 473 / 2004*

- Elaborates the **Operational Plans for the Use of Forces**, based on the Military Strategy. The plans comprise the missions of the Military and the specific requirements for the components of the categories of forces, the likely scenarios, the forces used, the allocated resources and the measures of execution.

*Law no 473 / 2004*

## **DEFENCE EXPENDITURES**

THE PLANNING PROCESS (*Law no 473 / 2004*)

The **Defence White Paper** provides general guidelines regarding the natural, human, material and financial resources that should be allocated annually for defence needs in order to develop capabilities required for the accomplishment of the Military missions.

The **Defence Planning Guidance** issued by the Ministry of Defence serves as a base to allocate resources for defence. The resources are allocated to fulfill the actions and measures established by the **Major Programs** which are elaborated for a six-year period and which are revised annually for the use of forces according to the **Operational Plans for the Use of Forces**.

In April 2006 the Defence Planning Guidance 07 was approved, which covers the 2007 – 2012 planning cycle.

THE DECISION MAKING PROCESS, APPROVALS

The resource allocation for the national defence is performed annually through the budgetary and rectification laws. The laws are issued by the government.

- The Parliament approves the annual budgetary and rectification laws, elaborated by the government in the context of the assumed macro-economical strategy.
- The budgetary year starts on the 1<sup>st</sup> of January and ends on 31<sup>st</sup> of December.

*Law no 500 / 2002 on the public finances*

The Romanian MoD has launched modernization programmes for the existing armament and equipment, simultaneously with new procurement programmes, meant to ensure technical interoperability with the NATO armed forces, in order to meet the NATO requirements regarding the provision of operational forces that are deployable and interoperable in terms of command, control, communications, personnel and equipment.. All these programmes are very complex, they are planned to last many years and require continuous allocation of important financing resources from the defence budget.

The development stages and submission deadlines of the budgetary drafts are regulated by the Law no. 500/2002 concerning public finances and the Methodological Norms issued by the Ministry of Economy and Finances.

Procurement decisions are made collectively by 3 entities within the MoD:

- *The Defence Planning Council, which provides the necessary funds for the acquisition programmes development and prioritises their allocation according to the Defence Planning Guidance and the budget law;*
- *The Requirements Oversight Council, which is responsible for the validation and approval of the Mission Needs Statement and the Operational Requirements Document;*
- *The Acquisition Council, which decides with regard to the launching and development of the acquisition programmes.*

**1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?**

The current dimensions of the Romanian armed forces along with the national defence policy do not represent any threat to our neighbors or to the regional or European security.

Art. 118 of the Romanian Constitution defines strictly the limits in which the components of the Romanian National Defence System can act: “to guarantee the state sovereignty, independence and unity, the territorial integrity of the country and the constitutional democracy”. To implement this principle in a firm manner, the decisions conducting to important actions of the institutions in the field of national defence can be taken only following a complex procedure and are permanently controlled by the Parliament.

As State Party to the CFE Treaty, Romania fully observes the limitations imposed by this important security providing instrument.

As member of NATO, Romania aligns its defence capabilities to the NATO defence policy. The security provided within the framework of the alliance allows Romania to decrease its extensive military capabilities and to transform its forces in order to respond strictly to the requirements of defending the national territory and of ensuring defensive capacities to NATO.

Romania is constantly making efforts to send troops in peacekeeping, stabilization or other types of multinational missions and thus pays important attention to the enhancement of the international security and stability.

## **2 EXISTING STRUCTURES AND PROCESSES**

**2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence service and the police?**

The Military and the other constitutionally established components of the national defence system are subordinated exclusively to the people’s will to guarantee the state sovereignty, independence and unity, the territorial integrity of the country and the constitutional democracy.

*The Constitution of Romania, art. 118*

The regime of the total or partial mobilization of the armed forces or of the state of war and the organization of the Supreme Council of National Defence is established by organic laws adopted by the Parliament, with the vote of the majority of each chamber.

*The Constitution of Romania, art. 73*

The Government and the other public administration organs, within the parliamentary control of their activity, are compelled to present the information and the documents required by the Chamber of Deputies or the Senate.

*The Constitution of Romania, art. 111*

**The Romanian Intelligence Service (SRI)** is the State autonomous authority specialized in Romania's national security intelligence on its territory. It is part of the national defence system, its activity being organized and coordinated by the Supreme Council of National Defence.

The activity of the Romanian Intelligence Service is controlled by the Parliament. Annually or when the Parliament decides, the director of the Romanian Intelligence Service presents reports on the Service's activity.

In order to exercise a permanent and direct control, a common commission of both chambers is constituted.

*Law no. 14 / 1992 on the organization and functioning of the Romanian Intelligence Service. Decision of the Parliament 30 / 1993 on the organization and functioning of the Joint Standing Committee of the Chamber of Deputies and Senate for exercising the parliamentary control over the activity of SRI*

**The Foreign Intelligence Service** is part of the national defence system. Its activity is organized and coordinated by the Supreme Council of National Defence.

*Law no. 1 / 1998 on the organization and functioning of the Foreign Intelligence Service*

The control of the activity of the Foreign Intelligence Service is exercised by the Romanian Parliament, maintaining the secret on the means and the sources of information. For this purpose a special commission is constituted, composed of three deputies and two senators elected within the commissions for defence, public order and national security of the two chambers.

The objective of the control is to verify the consistency of the activity of the Foreign Intelligence Service with the provisions of the Constitution and with the policy of Romania. The organization, operation and modalities to exercise the control are established by a common decision of the two chambers.

*Law no.1 / 1998 on the organization and functioning of the Foreign Intelligence Service*

**The Police** is part of the public order and safety structures of the Ministry of Internal Affairs.

The Ministry of Internal Affairs is responsible to the Parliament, to the Supreme Council of National Defence and to the Government for the way of applying the provisions of the Constitution, of the national law and of the international treaties to which Romania is state party.

*Law no 604 / 2003*

The **General Directorate for Intelligence and Internal Protection** is the specialized structure of the **Ministry of Internal Affairs** that heads intelligence, counterintelligence and protection activities to support the public order maintenance and also to prevent and combat the threats against the national security which concern the missions, personnel and the assets of the Ministry of Internal Affairs.

*Government Emergency Ordinance 30/2007*

## **2.2 How is the fulfillment of these procedures ensured, and which constitutionally established authorities / institutions are responsible for exercising these procedures?**

**The Parliament** exerts the main civilian control over the military. Pieces of information, documents and reports are put forward to the Parliament.

**The Supreme Council of National Defence** coordinates the activities on defence and national security issues. **The President** is the chief of the Armed Forces and the Supreme Council of National Defence Chairman.

**The Government** has also responsibilities in the area of national security and defence policy.

**The Constitutional Court** checks the legality and constitutionality of the defence and security laws.

**The Parliament** is the unique public authority that approves the laws referring to the fields of national defence and security, and also to the budgets for defence. The Parliament has the authority to declare the mobilization and the state of war, the participation in peacekeeping and humanitarian operations.

**The Parliamentary Commissions** for defence, public order and safety and those for the control of the activity of the Romanian Intelligence Service and of the Foreign Intelligence Service examine the projects of law in the field of defence and national security and have the right to control the activity of these institutions.

**The President** is the commander of the armed forces. He is the chairman of the Supreme Council of National Defence.

**The Government of Romania** is the main state institution with attributions in the defence and national security policy. These policies are comprised in the Government Program. The Government proposes the defence budget, within the framework of the state budget.

Romania has no paramilitary forces.

The organization of military or paramilitary activities out of the framework of a state authority is forbidden.

*The Constitution of Romania, art. 118*

## **2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?**

### **Roles and missions of the Military**

The Military is exclusively subordinated to the people's will in order to guarantee the sovereignty, the independence and the unity of the state, the territorial integrity of the country and the constitutional democracy in the conditions of the law and of the international treaties to which Romania is a state party. The Military contributes to the collective defence within the military alliance systems and participates in actions of maintaining or resettling the peace.

*The Constitution of Romania, art. 118*

The fundamental mission of the Romanian Military is to defend the national interests of Romania, in the conditions of the constitutional democracy and of the democratic and civilian control over the armed forces. The armed forces have to be prepared to prevent, to discourage and to counter any possible aggression against Romania or its allies.

*The White Paper on Security and National Defence 2004*

**The specific missions and requirements of the Romanian Military are as follows:**

- 1. Contribute to the peacetime national security of Romania**
  - defend the airspace of Romania

- contribute to ensure the integrity of the maritime territorial waters, contiguous zone and exclusive economic zone
  - collect, process, analyze and disseminate the military information
  - extract and evacuate the Romanian citizens from other countries
  - protect the military facilities, transportations and communications
  - ceremony, protection and protocol services
- 2. Defend Romania and its allies**
- Reject aggressions against Romania or its allies, within the framework of the collective defence of NATO
  - Provide support to ensure the functioning of the governmental institution and the protection of the population
- 3. Promoting regional and global stability, including the use of the defence diplomacy**
- Participate in crisis response operations
  - Participate in humanitarian assistance operations outside the territory of Romania
  - Participate in military operations under the framework of ad-hoc coalitions
  - Participate in regional cooperation initiatives in the field of national defence and to the implementation of the confidence and security building measures
  - Participate in cooperation initiatives in the field of national defence and to the implementation of the confidence and security building measures
  - Offer military assistance and support for other states
  - Contribute to the national and international efforts in the field of arms control and in combating the proliferation of the weapons of mass destruction
- 4. Provide appropriate support to the state and local authorities in case of civil emergencies**
- Participate with forces and logistic support to limit and remove the disasters' effects
  - Provide support in case of chemical, biological or nuclear or radiological accident
  - Support the search and rescue operations

*The White Paper on Security and National Defence 2004*

#### **Roles and missions of the paramilitary forces**

Romania has not any paramilitary forces.

#### **Roles and missions of the public order and safety forces**

The public order and safety forces are part of the Ministry of Internal Affairs structures.

The Ministry of Internal Affairs is responsible to ensure the observance of the public order, the fundamental human rights and freedoms, the observance of the public and private property; to prevent and fight against the crime; to consolidate the democratic society; to defend the independence, sovereignty and territorial integrity.

*The White Paper on National Defence and Security 2004*

The structures for public order and safety subordinated to the Ministry of Internal Affairs are: the Romanian Police, the Romanian Gendarmerie, the Border Police, the Authority for Foreigners, the National Office for Refugees, the Directorate for Persons Record and Databases Management, The National Administration for State Reserves and Special Issues and the Aviation General Inspectorate.

*Government Emergency Ordinance 30/2007*

The Romanian Police is the specialized state institution that exercises attributions on defending the fundamentals rights and freedoms of the person, the public and private

property, on the prevention and discovering of the offences, on the observance of the public order and safety under the law.

*Law no. 218 / 2002*

Romanian Gendarmerie is the specialized state institution, with military status, part of the Ministry of Internal Affairs, that exercises, in legal conditions, attributions on defending public order, fundamental rights and freedoms of the citizens, the public and private property and on the protection of the fundamental state institutions and combating the terrorist acts.

*Law no. 550 / 2004*

The Romanian Border Police is part of the Ministry of Internal Affairs and represents the specialized state institution that exercises attributions on crossing oversight and control of the state border, on preventing and combating the illegal migration and the border-crossing criminal specific acts in the responsibility area, on the observation of the legal regime of the state border, of passports and foreigners, on ensuring the interests of the Romanian state on the in country Danube and Sulina Channel situated out of the border area, in the contiguous and exclusive economical area, on the observation of the order and public safety in it's responsibility area under the law.

*Government Emergency Ordinance no. 104 / 2001*

During peacetime, the forces of the Ministry of Internal Affairs have responsibilities on:

- Defending human rights and freedoms, private property and public order
- Ensuring observance of the legal status of the state border.

In case of state of emergency or siege, the forces of the Ministry of Internal Affairs are responsible for the prevention of the social turbulences, the defence of the state institutions, of the constitutional democracy and thus for ensuring internal stability. The specific missions in this situation are:

- To take measures to prevent the theft of arms, radioactive materials, explosive and toxic substances
- To strengthen the measures for guarding the objectives of special importance, in particular those within the crisis area
- To participate in the prevention, neutralization and removal of the effects of subversive violence or of terrorist actions on the national territory
- To take measures to guard and monitor the national borders

In case of external aggression, the missions of the Ministry of Internal Affairs forces are:

- To participate to the measures for the implementation of the response and within the protection forces
- To defend the objectives of special importance and the special convoys or transportations
- To participate with the available forces in actions to stop or destroy the airmobile or airborne troops of the enemy
- To protect civilians, the people with diseases, the wounded and prisoners, contributing to their evacuation and to ensure the security of the evacuated staff
- To participate in actions to counter the extremist terrorist groups, the hostile elements and also in actions to counter the enemy
- To prevent and identify the sabotage, the diversionist elements and the terrorist acts, focusing on the protection of the economic agents involved in the defence production
- To strengthen the guard of the state borders in the areas where no military actions are being conducted

*The White Paper on National Security and Defence 2004*



## Control

The Parliament oversight on the Government and other public administration institutions activity is enshrined in the Constitution of Romania.

### 3 PROCEDURES RELATED TO DIFFERENT FORCES PERSONNEL

#### 3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your state have?

##### The military forces

During *peacetime* military forces are composed of professional military personnel (active officers, warrant officers, NCOs and contract employed militaries) and civil employees. During a *state of war or siege* military forces are composed of professional military personnel, military personnel fulfilling the mandatory military service and civil employees.

*Established by the Law no. 446 / 2006 on the preparation of the population for defence and by the Law no 395 / 2005 on suspension of the mandatory military service and transition to the military service on voluntary basis.*

##### The professional military personnel

The recruitment of the candidates to serve as professionals in the military is done by identifying, informing, attracting and orienting the graduates of the civil education institutions to military institutions that form the professional military personnel.

In order to become part of the professional military personnel, there are two ways of access: the direct way (corresponding to the university or post – university studies) and the indirect way (corresponding to formation courses for active officers, warrant officers and NCOs) differentiated by length and curricula of the studies according to the military formation level and the civilian studies graduated by the candidate.

When entering the system, the professional military personnel must sign a contract with the military institution by which they assume the obligation to serve the Military for a period of five to nine years, according to the duration of the studies supported by the Ministry of Defence.

##### The volunteer enlisted soldiers

In order to choose a career as a volunteer enlisted soldier, the candidate must meet the following requirements:

- to have Romanian citizenship and residence in Romania
- to be more than 18 and less than 26 years old
- to be graduated from first cycle (10<sup>th</sup> grade) of high school or vocational schools
- to be medically fit for the branch they apply
- to pass a psychological and physical exam
- to have no penal convections or not to be in course of investigation or judged for committing offences
- not to be politically engaged
- not to be member of organizations banned under Romanian law
- not to be member in commercial organizations.

The employment is made by individual contract initially signed for a four year period and afterwards for a 2 to 3 years period to the age of 40. The candidates without military background sign the contract after the completion of 2 – 5 months of basic military training.

The selection procedure comprises:

- psychological testing consisting of IQ tests, personality tests, situational tests (evaluating the leadership capacities)
- physical tests

*Law no. 384 / 2006 on the status of volunteer enlisted soldiers*

### **The mandatory military service** (for the state of war or siege)

The citizens have the right and obligation to defend Romania.

The conditions on the fulfillment of military duties are established by organic law.

*The Constitution of Romania, art. 42*

The activities carried out to fulfill military duties and those which are alternatives to these, due to religious or conscience reasons, do not constitute forced labor.

*The Constitution of Romania, art. 42*

During a state of mobilization, war or siege, the military service is mandatory for men with ages between 20 and 35 years old.

*Law no. 446 / 2006*

Since 01 January 2007 the execution of mandatory military service is suspended. Romanian citizens, male or female, who meet the requirements provided by law, may voluntarily execute any form of military service, beyond any discrimination.

*Law no. 395 / 2005 on suspension of the mandatory military service during peacetime and transition to military service on voluntary basis – art. 1, 2*

Regarding the procedures for the recruitment and incorporation of the citizens that will serve in the military and the exemption situations of serving in the military service or alternative services, the legal framework is given by the *Law no. 446 / 2006 on the preparation of the population for defence*.

The local commissions, constituted on this purpose nearby the military territorial centers, proceed to the recruitment and the incorporation of the citizens.

The Government Decision no. 1204 / 2007 establishes the manner of providing the necessary labor force for mobilization and war from the citizens with military obligations.

### **The civil employees**

The selection of the civilians applying for employment in the military forces is made by contest. The candidates must fulfill certain criteria regarding the citizenship and must not be politically engaged. Their behavior in the society and the recommendations from the previous job are also taken into account.

### **The paramilitary forces**

Romania has not paramilitary forces.

### **The structures for public order and safety**

The forces for public order and safety are part of the Ministry of Internal Affairs.

The personnel of the Ministry of Internal Affairs is composed of: civil servants, policemen – civil servants with special status, active military personnel, contract employed personnel and volunteer enlisted soldiers.

*Government Emergency Ordinance no. 30 / 2007*

**The policeman** is a civil servant having a special status, armed, usually wearing uniform and exercising the attributions established by law for the Romanian Police, as specialized state institution. He is invested with the exercise of the public authority during and in relation with the fulfillment of his duties and attributions, within the limits of his competencies established by law.

The policemen are usually graduates of the Ministry of Internal Affairs education institutions. The police officers can also be appointed from policemen that graduated civilian universities in specializations required by the Ministry of Internal Affairs established by order of the minister. For some appointments, specialists that graduated studies according the requirements of the appointment and who correspond to legal conditions can be directly employed or transferred from other public institutions with attributions in the field of national security and defence.

The admittance in the Ministry of Internal Affairs education institutions is made by contest. The selection for the employment of police specialists is made, as applicable, on the basis of contest or exam.

*Law no. 360 / 2002 on the Status of the Policemen*

The candidates recruited for direct employment according to the Ministry of Internal Affairs units need have to fulfill cumulative conditions established for each appointment for which an employment contest is organized.

The moment a person receives the policeman status marks the beginning of the work relations with the Ministry of Internal Affairs, for an undetermined period. The candidates admitted in the institutions for the basic formation of the policemen sign an engagement with the Ministry of Internal Affairs on the fulfillment of 10 years of service in the units of the Ministry, starting from completion of the studies.

**The active professional militaries** from the Ministry of Internal Affairs observe the provisions of *the Law no. 80 / 1995 on the Status of the Professional Militaries*. The service relations of the active professional militaries of the Ministry of Internal Affairs last for an undetermined period, starting at the receiving of the status. For their recruitment, selection and employment, there are established procedures adapted to the attributions and the specific of the institution.

**The volunteer enlisted soldiers and NCOs** are a professionalized personnel category of the Ministry of Internal Affairs that have the status of an active military and are subject to military hierarchy.

- The selection of the volunteer enlisted soldiers is made according to the same conditions previously presented for the Military.

The regulations on the fulfillment of the **military service** and the employment of the **civilians** are the same as for the Ministry of Defence.

### **3.2 What kind of exemptions or alternatives to military service does your state have?**

The following categories of persons do not fulfill the military service and cannot be conscript:

- alienated and mental disabled persons
- those qualified as unable for the military service, by exclusion from the military databases, for invalidities or permanent illness, other than those mentioned above
- the personnel belonging to religious orders recognized by law
- the convicted persons during the conviction period and those arrested preventively or judged, up to the date the decision remains definitive
- those who suffered jail convictions of more than five years following offences committed with intention

*Law no. 446 / 2006*

The citizens who due to religious reasons refuse to serve in the Military fulfill the alternative military service. The manner to fulfill the alternative military service is established by decision of the Government.

*Law no. 446 / 2006*

### **3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?**

The protection of the rights of military personnel is ensured by a legal framework based on Constitutional provisions. Two systems are settled within the Ministry of National Defence, in order to defend the rights of the personnel:

- the first system regards the legal possibility of each military or civilian employee to address, by reports, memoirs, requests or claims submitted hierarchically to the highest leadership level of the Military or to other state bodies
- the second system, covering the field of social problems within the Military, was created for the identification of the dysfunctional states of social nature and the adoption of the manners to soften or remove these states

The main rights of the active military personnel and of the civil servants with special status are:

- The establishment and provision of their financial rights, of the vacations, the supplementary outs to study, medical, paternity, maternity or baby care
- The establishment and provision of the personnel equipment, food and medical care
- The establishment and provision of the service, invalidity or successor pension
- Providing indemnities for invalidity or death cases produced as a consequence of military actions, by accidents, disasters or other similar events produced during and due to the military service or during missions within the international forces designed for peacekeeping or for humanitarian purposes
- The reduction of the working time in the case of effective and permanent activity in working places with difficult conditions

The Law no. 384 / 2006 establishes the rights of the voluntary soldiers.

They have the right to:

- receive a monthly payment;
- equipment and food free of charge;
- medical healthcare and medicines free of charge;
- military free transportation documents for the annual vacation or if they are moved from a garrison to another;
- 32 days of vacation each year;
- receive outs for different special events;
- receive outs for baby care under the law;
- receive a monthly extra-payment for providing accommodation or a free of charge service accommodation if applicable;
- follow any form of education from the civil or military education system.

The Government Decision no. 1580 / 2002 for the completion of the Government Decision no. 442 / 1992 on the vacations of the active military personnel established a supplementary vacation for the military returning from the operation theatres.

The main rights of the civilian employees, distinct from the rights of the military personnel and of the civil servants with special status are:

- the financial rights, the vacations, the supplementary outs for paternity, maternity, baby care or outs unpaid
- the medical care
- the reduction of the working time for the effective and permanent activity in working places with difficult conditions
- the service, invalidity or successor pension
- the modalities of evaluation and promotion

To exercise the work duties, the policeman benefits from a special protection system according to the law. The policeman and his family members have the right of protection on behalf of the specialized state structures against the threats or violence that can be caused by exercising his work duties.

In order to protect the rights of the policemen, the National Corps of the Policemen works within the Ministry of Internal Affairs, acting as a legal entity of public law.

The National Corps of Policemen represents the policemen autonomous, non-political, and non-profit organization on professional criteria. It exercises its attributions to promote the professional, social, cultural and sportive interests of its members, according to the legislation in the field and to defend the legitimate rights of those.

The policeman has the right to receive salary and extra-payments, uniform, specific equipment, medical treatment, vacations, outs, pension, vacation tickets and also the right to wear all time the service weapon.

*Law no. 360 / 2002, Government Decision no. 1305 / 2002*

## **4 IMPLEMENTATION OF OTHER POLITICAL NORMS, PRINCIPLES, DECISIONS AND INTERNATIONAL HUMANITARIAN LAW**

### **4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?**

In order to fulfill the obligations pertaining to Romania, according to the international treaties in the area of humanitarian law, the *Government's Decision no. 420/2006* instituted the National Commission of International Humanitarian Law, as a consultative body of the Government, without legal personality.

The Commission comprises a representative of each of the following Ministries: the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of Justice, the Ministry of Internal Affairs, the Ministry of National Education and the Ministry of Health.

By *Decision no. 298 of 17 December 2007*, the Prime minister approved the National Strategy of Romania for the enactment of international humanitarian law, with the purpose of ensuring that the obligations pertaining to Romania, as a result of ratifying international treaties in this field, are known, respected and disseminated amongst the civil society.

The principles and the norms of Humanitarian Law (The Law on War, The Law on Armed Conflicts) were comprised in the new defence laws and in the military regulations.

A Legal and International Humanitarian Law Office works within the General Staff and within the headquarters of the categories of forces, coordinating the integration of the International Humanitarian Law provisions in the military education programs and in the forces training programs.

In 1993 was founded the Centre for International Humanitarian Law in the town of Ploiesti.

The Centre issued a Methodology for the personnel of the Ministry of Defence.

A consistent program for education in the field of the Humanitarian Law was settled at the National Defence College, at the National Defence University and at the Military Academies of the categories of forces.

The Government Regulations no.420/2006 established the settlement and organization of the National Commission on International Humanitarian Law and the Prime Minister Decision no. 298/2007 approved the National Strategy of Romania on applying International Humanitarian Law.

Beside the dissemination activities (courses, seminars, workshops and manuals), the Centre administrates a website with specific themes and quarterly edits a newsletter entitled "Juridical Actualities – military law and international" ([www.mapn.ro/cdiua](http://www.mapn.ro/cdiua)).

#### **4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?**

The commanding officers, the military and civilian personnel participating in peace support operations or in international military exercises follow a special training on International Humanitarian Law aspects.

The Geneva Conventions and their Additional Protocols, the Hague Convention, the Status of the International Penal Court and other international treaties were translated, printed and distributed to the military units and educational institutions and constitute the basic sources in the educational and training process, in planning and conducting military operations.

In 2005, the Centre of International Humanitarian Law elaborated, for the instruction of military personnel from Ministry of Defence, the Methodology of the Training in the Field of International Humanitarian Law and the Regulation on the Status of Captured Persons in Case of Armed Conflict.

If the commanding officer of the Romanian detachment receives an order or a directive issued by the superior hierarchical authorities of the mission that is against the norms of the international law or the law of war, he will refuse to execute the order or the directive.

*Law no. 121 / 2011 on the participation of the armed forces in missions abroad*

The National Commission of International Humanitarian Law, which is a consultative body of the Government, monitors permanently the full and correct implementation of the provisions of the International Humanitarian Law in the national system.

#### **4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?**

As stipulated in the art. 118 of the Constitution of Romania, the components of the Romanian National Defence System can act only to "guarantee the state sovereignty, independence and unity, the territorial integrity of the country and the constitutional democracy".

The decisional process for the actions of the Military is complex, involving an important number of national authorities or decision makers, thus having the guarantee that the national legal provisions are fully respected.

Also, the obligations and duties of the militaries as stipulated in the Law no 80 /1995 or in the Law no 384 / 2006 on the Status of the Officers NCOs and enlisted militaries exclude any involvement in any action envisaging the limitation of the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups.

According to the provisions of the same laws: *“the militaries should not perform any actions which are against the legal provisions, the law of war or the international conventions to which Romania is a state party; the failure to comply with orders in this conditions will not be punished.”*

#### **4.4 What has been done to provide for the individual service member’s exercise of his or her civil rights and how your State ensure that the country’s armed forces are politically neutral?**

As citizens of Romania, militaries have the rights and obligations opposed to all citizens. Except for specific restrictions or restraints imposed to perform the military duty, military personnel is in the position to exercise its civil rights as all citizens of Romania.

Law no. 80 / 1995 on the Status of officers and NCOs and Law no. 384 / 2006 on the Status of volunteer enlisted soldiers establishes the rights and duties of the militaries. According to these laws, restrictions or restraints of some rights or freedoms are also established.

The active officers or NCOs are not allowed to:

- be members of political parties, formations or organizations or to advertise by any means or activities in favour of any party or independent candidate for a public position;
- candidate for positions in the local public administration nor in the Parliament or for the position of President of Romania;

....

Political opinions can be expressed only out of the duty period.

*Law no 80 /1995 on the Status of officers and NCOs, Art 28*

#### **4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?**

The defence policy and doctrine are issued with full compliance with the national and international legal framework. According to Law no 590 / 2003 on International Treaties, Section 1, Art 31:

- “the obligations in the Treaties ratified or otherwise agreed by Romania shall be observed exactly and in good faith;
- the application and observation of the provisions of the Treaties in force is an obligation for all authorities of Romania as well as for all Romanian persons or the persons on the territory of Romania;

.....

- The internal legal framework cannot be invoked to motivate the nonobservance of the provisions of an International Treaty in force.“

## **Section III: Public access and contact information**

### **1 PUBLIC ACCESS**

#### **1.1 How is the public informed about the provisions of the Code of Conduct?**

Romania has not taken any special measures up to present to inform the public on the provisions of the Code of Conduct. Information on the Code of Conduct is comprised in the specific formation of the military personnel and in the specific formation courses for the high level decision personnel from the military or political system.

#### **1.2 What additional information related to the Code of Contact, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?**

No information related to the Code of Conduct is disclosed to the public in Romania. This type of information is spread only to the decision makers from the defence system or to the interested institutions.

#### **1.3 How does your State ensure public access to information related to your State armed forces?**

The person right to have access to any information of public interest cannot be obstructed. The public authorities, according to their competences, are obliged to ensure the correct information of the citizens on the activities of public interest.

*The Constitution of Romania, art. 31*

The main national regulations on the public access to information regarding the armed forces are comprised in:

- *Law no. 544 / 2001 on the free access to the information of public interest and the Government Decision 123 / 2002 on the approval of the Methodological Norms for the application of this law*
- *Law no. 52 / 2003 on decisional transparency in the public administration*

Based on the provisions of these laws, public relation structures are settled at the level of the Ministry of Defence, of the Ministry of Internal Affairs and of the intelligence Services, that have the obligation to communicate voluntarily or to follow a request of information of public interest regarding their institutions. Internal instructions or regulations regarding the functioning of these public relations structures were also elaborated.

According to the provisions of the law on decisional transparency in the public administration, the Ministry of Defence, the Ministry of Internal Affairs and the Intelligence Services have the obligation to publish the normative acts regulating their organization and functioning, their financial sources, their budget and accounts, their specific programs and strategies, the list of the documents of public interest, the contact coordinates, the legislative initiatives etc.

Each institution being in charge of elements comprised in the armed forces have websites where they add information of public interest.

The previous mentioned laws also provide a clear sanctioning mechanism for the situations of noncompliance with their provisions.



## 2 CONTACT INFORMATION

### 2.1 Provide information on the national point of contact for the implementation of the Code of Conduct?

Ministry of Foreign Affairs of Romania

Directorate for OSCE, Asymmetrical Risks and Non-proliferation

Tel: + 40 21 431 12 62

Fax: + 40 21 319 23 67

E-mail: [don@mae.ro](mailto:don@mae.ro)