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**PERMANENT MISSION OF ROMANIA  
TO THE INTERNATIONAL ORGANIZATIONS**

ENGLISH only

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The Permanent Mission of Romania to the International Organizations in Vienna presents its compliments to the Missions/Delegations of participating States to the Organization for Security and Co-operation in Europe and to the Conflict Prevention Centre and has the honour to convey Romania's response to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security for 2008.

The Permanent Mission of Romania to the International Organizations avails itself of this opportunity to renew to the Missions/Delegations of the participating States to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.



*[Signature]*  
Vienna, 22 April 2008

To The Missions/Delegations of the participating States to the OSCE  
To The Conflict Prevention Centre  
Vienna

# INFORMATION EXCHANGE ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY

## 1. Appropriate measures to prevent and combat terrorism, in particular participation in international agreements to that end:

### *(a) List of international agreements, including all United Nations conventions and protocols related to terrorism, to which the participating State is a party;*

As stipulated in art. 5 of the Law no. 535/2004 concerning the prevention and suppression of terrorism, in Romania: „The prevention and suppression of terrorism are conducted in accordance with the provisions of the international conventions on terrorism, that Romania is a party to, and with the international and national regulations and laws on human rights“.

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

- Multilateral Convention on offences and certain other acts committed on board aircraft, signed at Tokio on 14 September 1963;
- Multilateral Convention for the suppression of unlawful seizure of aircraft, signed at The Hague on 16 December 1970;
- Multilateral Convention for the suppression of unlawful acts against the safety of civil aviation (with Final Act on the International Conference on Air Law held under the auspices of the International Civil Aviation Organization at Montreal in September 1971), concluded at Montreal on 23 September 1971;
- Multilateral Convention on the prevention and punishment of crimes against internationally protected persons, including diplomatic agents (with Resolution no. 3166/XXVIII of the General Assembly of the United Nations), adopted by the General Assembly of the United Nations at New York on 14 December 1973;
- Multilateral International Convention against the taking of hostages, adopted by the General Assembly of the United Nations at New York on 17 December 1979;
- Multilateral Convention on the physical protection of nuclear material (with annexes), adopted at Vienna on 26 October 1979 and opened for signature at Vienna and New York on 3 March 1980;
- Protocol for 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 (with Final Act), concluded at Montreal on 24 February 1988;
- Multilateral Convention for the suppression of unlawful acts against the safety of maritime navigation, concluded at Rome on 10 March 1988;
- Protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf, concluded at Rome on 10 March 1988;
- Convention on the marking of plastic explosives for the purpose of detection, signed at Montreal on 1 March 1991;
- International Convention for the suppression of terrorist bombings, adopted by the General Assembly of the United Nations at New York on 15 December 1997;
- International Convention for the suppression of the financing of terrorism, adopted by the General Assembly of the United Nations at New York on 9 December 1999;

- International Convention for the suppression of acts of nuclear terrorism, adopted by the General Assembly of the United Nations at New York on 13 April 2005;
- Amendment to the Convention on the physical protection of nuclear material, signed at Vienna on 8 July 2005;
- Protocol to the Convention for the suppression of unlawful acts against the safety of maritime navigation, signed at London on 14 October 2005 (signed by Romania, but not yet ratified by organic law);
- Protocol of 2005 to the Protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf, signed at London on 14 October 2005 (signed by Romania, but not yet ratified by organic law);
- The United Nations global counter-terrorism strategy (with Plan of action), adopted by the General Assembly of the United Nations at New York on 20 September 2006 (signed by Romania, but not yet ratified by organic law);
- European Convention on the suppression of terrorism, done at Strasbourg on 27 January 1977;
- Protocol amending the European Convention on the suppression of terrorism, done at Strasbourg on 15 May 2003;
- Council of Europe's Convention on the prevention of terrorism, done at Warsaw on 16 May 2005;
- 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;
- Council of the European Union's Common Position no. 2004/309/CFSP updating Common Position no. 2001/931/CFSP and repealing Common Position no. 2003/906/CFSP, adopted at Brussels on 2 April 2004;
- Council of the European Union's Common Position no. 2004/358/CFSP updating Common Position no. 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position no. 2004/309/CFSP, adopted at Brussels on 13 May 2004.

**Treaty** between the Kingdom of Belgium, the Federal Republic of Deutschland, the Kingdom of Spain, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of Netherlands, the Austrian Republic referring to the intensification of the trans-border cooperation mainly in the purpose of combating terrorism, trans-border crime and illegal immigration, signed in Prum on the 27<sup>th</sup> of May 2005. **The treaty is in the legislative procedure, in the Parliament.**

***(b) Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities;***

- European Convention on Suppression of Terrorism (Strasbourg, 1977);
- Cooperation agreement between the Government of Romania and the Government of the Federal Republic of Germany on the cooperation for combating the organized crime as well as the terrorism and other severe criminal (Bucharest, 1996)
- Cooperation agreement between the Government Romania and the Government of the Republic of Hungary on combating the organized crime, the international terrorism, the illicit trafficking of drugs and psychotropic substances (Budapest, 1997)
- Cooperation agreement between the participants states to the Economic Cooperation at the Black Sea on combating the crime especially its organized forms (Kerkyra, 1998)

- Cooperation Agreement between Government of Romania, Republic of Turkey and Republic of Bulgaria against terrorism, organized crime, illicit traffic of drugs, traffic of persons and weapons and other severe offences (1998)
- 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 (Bucharest, 1999)
- 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 (Bucharest, 1999)
- 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 (Zagreb, 2000)
- 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 (Bucharest, 2000)
- Cooperation agreement between the Government of Romania and the Government of the Republic of Armenia on combating the crime especially in its organized forms (Erevan, 2001)
- 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 (Warsaw, 2001)
- 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 (Prague, 2001)
- 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 (Bucharest, 2002)
- 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 (Sofia, 2002)
- Memorandum of Understanding between the Ministry of National Defense from Romania and Ministry of National Defense from Bulgaria regarding the protection of locations of paramount importance in the vicinity of the common border against terrorist aerial attacks (Sofia, 2002)
- 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 (Bucharest, 2002)

- Agreement between the Government of Romania and the government of the Lebanese Republic on cooperation in organized criminality combating the illicit traffic of drugs psychotropic substances and precursors and other serious offences (2002)
- Protocol Amending the European Convention on the Suppression of Terrorism (Strasbourg, 2003);
- Cooperation agreement between the Government of Romania and the Government of Egypt on the combating of the organized crime (Bucharest, 2003);
- Cooperation agreement between the Government of Romania and the European Police Office (Bucharest, 2003)
- 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 (Bucharest, 2003)
- 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 (Astana, 2003)
- 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 (Bucharest, 2003)
- Cooperation agreement between the Government of Romania and the Government of Georgia on combating the terrorism, the crime, the illicit trafficking of drugs, psychotropic substances and precursors and other illegal activities (Bucharest, 2004);
- 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 and other illegal activities (Bucharest, 2004)
- 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 (Bucharest, 2004)
- 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 organized forms, signed at Kerkyra on 2 October 1998 (Athens, 2004).
- International convention on repressing the nuclear terrorist acts (2004).
- Agreement between the government of Romania and the government of Georgia on cooperation in combatting terrorism, organized crime, the illicit traffic of drugs psychotropic substances and precursors and other serious offences (2004).
- Cooperation agreement between Romania and Switzerland on combating the terrorism, the organized crime, the drug trafficking and other transnational crimes (Bucharest, 2005)
- **European Council Convention** on laundering, discovering, sequestering and confiscating the proceeds of crime and the financing of terrorism, adopted in Warsaw, on the 16<sup>th</sup> of May 2005, ratified by *Law no. 420/2006*;

- **European Council Convention** on preventing terrorism, adopted in Warsaw, on the 16<sup>th</sup> of May 2005, ratified by *Law no. 411/2006*;
- **Agreement** between the Romanian and the Indonesian Government on the cooperation in the area of preventing and combating trans-border organised crime, of terrorism and other types of crimes, signed in Bucharest on the 10<sup>th</sup> of July 2006, ratified by *Law no. 68/2007*;
- **Agreement** between the Romanian Government and the Government of the Serbian Republic on the cooperation in the area of combating organised crime, illicit trafficking in narcotics and international terrorism, signed in Bucharest on the 5<sup>th</sup> of July 2007, ratified by *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 the 15<sup>th</sup> of June 2006, approved by *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 the 15<sup>th</sup> of June 2006, approved by *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 the 15<sup>th</sup> of June 2006, approved by *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 the 21<sup>st</sup> of September 2007, approved by *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 the 30<sup>th</sup> of May 2007, approved by *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 the 30<sup>th</sup> of May 2007, approved by *Government's Decision no.819/2007*;
- **Memorandum** of understanding between the Romanian Bureau for Combating and Preventing Money Laundering and Serious Organised 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 the 30<sup>th</sup> of May 2007, approved by *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 the 30<sup>th</sup> of May 2007, approved by *Government's Decision no. 818/2007*;

*(c) National measures, to include pertinent legislation, taken to implement the international agreements, conventions and protocols cited above;*

- Socialist Republic of Romania Council of State's Decree no. 143/1972 concerning the ratification of the „Convention for the suppression of unlawful seizure of aircraft“, concluded at The Hague on 16 December 1970;
- Socialist Republic of Romania Council of State's Decree no. 627/1973 concerning the adhesion of the Socialist Republic of Romania to the „Convention on offences and certain other acts committed on board aircraft“, concluded at Tokio on 14 September 1963;
- Socialist Republic of Romania Council of State's Decree no. 66/1975 concerning the ratification of the „Convention for the suppression of unlawful acts against the safety of civil aviation“, concluded at Montreal on 23 September 1971;
- Socialist Republic of Romania Council of State's Decree no. 254/1978 concerning the ratification of certain international treaties („Convention on the prevention and punishment of crimes against internationally protected persons, including diplomatic agents“, adopted by the General Assembly of the United Nations at New York on 14 December 1973);
- Decree-Law no. 111/1990 for the adhesion of Romania to the „International Convention against the taking of hostages“, adopted by the General Assembly of the United Nations at New York on 17 December 1979;
- Law no. 123/1992 concerning the adhesion of Romania to the „Convention for the suppression of unlawful acts against the safety of maritime navigation“, as well as to the „Protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf“, both adopted at Rome on 10 March 1988;
- Law no. 78/1993 for the ratification of the „Convention on the physical protection of nuclear material“, signed at Vienna on 3 March 1980;
- Law no. 19/1997 concerning the ratification of the „European Convention on the suppression of terrorism“, adopted at Strasbourg on 27 January 1977
- Law no. 133/1998 for the adhesion of Romania to the „Protocol for the suppression of unlawful acts of violence at airports serving international civil aviation“, supplementary to the „Convention concluded at Montreal on 24 February 1988 for the suppression of unlawful acts against the safety of civil aviation“, adopted at Montreal on 24 February 1988;
- Law no. 139/1998 for the adhesion of Romania to the „Convention on the marking of plastic explosives for the purpose of detection“, adopted at Montreal on 1 March 1991;
- Law no. 623/2002 for the ratification of the „International Convention for the suppression of the financing of terrorism“, adopted at New York on 9 December 1999;
- **Law no. 656/2002 on preventing and punishing money laundering, as for establishing prevention and combating measures against financing terrorist acts, amended and completed by: Law no. 39/2003; 230/2005; Government's Emergency Ordinance no. 135/2005, approved with amendments by Law no. 36/2006; Law no. 36/2006; 405/2006; 306/2007.**
- Law no. 366/2004 concerning the ratification of the „Protocol amending the European Convention on the suppression of terrorism“, adopted at Strasbourg on 15 May 2003;
- Law no. 257/2004 concerning the ratification of the „International Convention for the suppression of terrorist bombings“, adopted at New York on 15 December 1997;
- Law no. 535 / 2004 on preventing and combating the terrorism

- Government Decisions no. 467 / 2002, 784 / 2004, 1272 / 2005 on the approval of the list containing persons suspect of committing or financing terrorist acts.

- Law no. 206 / 2005 on national application of international sanctions
- Law no. 206/2005 concerning the application of certain international punishments;

- Law no. 62/2005 for the recognition by Romania of certain documents representing Common Positions adopted within the European Union's Common Foreign and Security Policy.

- Law no. 369/2006 for the ratification of the „International Convention for the suppression of acts of nuclear terrorism“, signed at New York on 14 September 2005;

- Law no. 419/2006 for the ratification of the „Amendment to the Convention on the physical protection of nuclear material“, adopted at Vienna on 8 July 2005 by the Final Act of the Conference for analyzing and adoption of amendments proposed for the „Convention on the physical protection of nuclear material“, signed by Romania at Vienna on 8 July 2005;

- Law no. 411/2006 for the ratification of the „Council of Europe's Convention on the prevention of terrorism“, adopted at Warsaw on 16 May 2005;

- Law no. 420/2006 for the ratification of the „Council of Europe's Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism“, adopted at Warsaw on 16 May 2005;

- **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.**

***(d) Information on national efforts to prevent and combat terrorism, including appropriate information on legislation beyond United Nations conventions and protocols (e.g., pertaining to financing of terrorist groups);***

### **Information on legislation**

Law no. 535 / 2004 on preventing and combating the terrorism. In accordance with art.6's provisions of the Law no. 535/2004 concerning the prevention and suppression of terrorism, in Romania: „At national level, the prevention and suppression of terrorism is organized and conducted in a unitary manner, in conjunction with the present law“.

To provide the unitary trait, and maintain the national legislation consistent with the provisions of the international conventions on terrorism, and with the international regulations on human rights, that Romania is a party to, the national legal framework related to preventing and combating terrorism includes:

- Law no. 51/1991 concerning the Romania's national security;
- Law no. 60/1991 concerning the organization and conduct of public meetings;
- Law no. 45/1994 concerning the Romania's national defense;
- Law no. 126/1995 concerning the regime of explosive material (modified and completed by Law no. 464/2001 and Law no. 478/2003);

- Law no. 111/1996 concerning the safe conduct, regulation, authorisation and control of the nuclear activity (modified and completed by Law no. 63/2006);

- Law no. 333/2003 concerning the guard of objectives, goods, values and the protection of persons;

- Law no. 295/2004 concerning the regime of arms and ammunitions;

- Law no. 535/2004 concerning the prevention and suppression of terrorism;



- The Penal Code of Romania;
- Romanian Parliament's Decision no. 21/2001 concerning the Romania's participation, along with NATO member states, in operations on combating of international terrorism;
  - Romanian Parliament's Decision no. 36/2001 concerning the endorsement of the Romania's national security strategy;
  - Governmental Ordinance no. 29/1997 concerning the Aerial Code, republished;
  - Supreme Council of Country's Defense's Decision no. 36/2002 concerning the national strategy for preventing and combating terrorism;
  - Supreme Council of Country's Defense's Decision no. 0067/2002 concerning the endorsement of the General protocol on the organization and functioning of the National System for Preventing and Combating Terrorism;
  - Supreme Council of Country's Defense's Decision no. S/66/2004 concerning the National Terrorist Alert System;
  - Supreme Council of Country's Defense's Decision for the endorsement of the „National doctrine of security intelligence“, adopted in session held on 23 June 2006;
  - Supreme Council of Country's Defense's Decision no. 00173/2006 for the endorsement of the „Metodology on the organization and execution of counte-terrorist intervention“.
- Law no. 508 / 2004 on the founding, organizing and functioning within the Public Ministry of the Direction for Investigation of the Organized Crime and Terrorism Offences
- Order no. 9 / 2005 of the Romanian National Transferable Securities Commission on the approval of the Instructions no 4 / 2005 on preventing financing terrorist acts
- Order no 52. / 2005 of the President of the Romanian National Transferable Securities Commission on the approval of the Regulation no 11 / 2005 on preventing and combating the money laundering and financing the terrorist acts through the capital market
- Law no 656 / 2002 on preventing and sanctioning the money laundering and on measures to prevent and combat financing of the terrorist acts
- Romanian Parliament Decision no. 21 / 2001 on the participation of Romania along with NATO member states, to the missions for combating the international terrorism

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

The Supreme Council of National Defense approved on 05.04.2002 the National Strategy on Preventing and Combating the Terrorism. The Strategy identifies the main aspects of the terrorist phenomenon that menace Romania, defines the objectives for the prevention and combating of terrorism and establishes the main directions of the National System for the Prevention and Combating of the Terrorism implementation. According to the provisions of the Strategy and of the Law no. 535 / 2004 on preventing and combating the terrorism, an Antiterrorist Operative Coordination Centre under the Romanian Intelligence Service was founded to facilitate the inter-departmental cooperation. Plans containing measures to combat the terrorism were elaborated at the ministerial level. Also, on 15.04.2004, the Supreme Council of National Defense approved the foundation of the National System for Antiterrorist Alert as an adequate mean to prevent discourage and combat the actions for the preparation and development of potential terrorist acts on the territory of Romania.

Romania observes the UN Security Council resolutions on arms export to the states considered supporters of the international terrorism. The export of armaments is being done in strictly observance of the national and international legislation in the field

and under the endorsement of the Inter-ministerial Council for export control, the National Agency for the Control of Strategic Exports (ANCEX) and the MoD Office for the Control of Imports and Exports of Special Items (OCIEPS).

***(e) Roles and missions of armed and security forces in preventing and combating terrorism;***

According to the National Strategy on Preventing and Combating the Terrorism, to the Law no. 535 / 2004 on preventing and combating the terrorism and to the General Protocol on the Organization and Functioning of the National System for the Prevention and Combating the terrorism, the roles and missions of the Ministry of Defense in preventing and combating terrorism are as follows:

- Plans, organizes and conducts activities for gathering data and information to prevent, discover the actions for the preparation of terrorist acts against the objectives, the activities or the military personnel
- Initiates and conducts specific actions to prevent, discover and annihilate the actions and acts that envisage the theft of weapons, ammunitions and explosives, chemical and their precursors, biological, toxic industrial materials and radioactive substances from objectives under its responsibility
- Provides, through its specialized structures, the antiterrorist protection to the military and civilian VIPs of the Ministry of Defense and to the military VIPs visiting Romania
- Provides the protection and conducts the antiterrorist response and the antiterrorist control against hijacking at the military airfields and harbors
- Provides specialized antiterrorist pyrotechnical protection for the military units and other locations upon request
- In cooperation with other specialized forces, assures transportation security of military dangerous materials against terrorism actions.

Following the Romanian Intelligence Service request, according to the size and the nature of the terrorist action, according to the law, forces with specific missions from the Ministry of Defense and also from other structures part of the national security system could participate in response actions. The troops of the Ministry of Defense take part at counterterrorism operations on home-ground only at request of and together with the Romanian Intelligence Service.

According to its legal competences, the troops of the Ministry of Defense participate in missions to combat the terrorism abroad, based on Parliament Decisions.

In accordance with art.6's provisions of the Law no. 535/2004 concerning the prevention and suppression of terrorism, „the cooperation in the field of prevention and suppression of terrorism is accomplished within the National System for Preventing and Combating Terrorism, with the participation of the following authorities and national institutions:

- Romanian Intelligence Service, with technical coordination role;
- Ministry of Interior and Administrative Reform;
- Ministry of Defense;
- Ministry of Foreign Affairs;
- Ministry of Economy and Finance;
- Ministry of Agriculture, Forests and Rural Development;
- Ministry of Environment;
- Ministry of Transportation, Buildings and Tourism
- Ministry of Public Health;
- Ministry of Communications and Information Technology;

- Ministry of Justice;
- Foreign Intelligence Service;
- Guard and Protection Service;
- Special Telecommunication Service;
- General Attorney's Office by the Supreme Court of Cassation and Justice Court;

- National Bank of Romania
- National Agency for Exports' Control;
- National Office for the Prevention of Money Laundering;
- National Commission for the Nuclear Activities' Control.“

In accordance with art.7's provisions of the Law no. 535/2004 concerning the prevention and suppression of terrorism, in Romania: „For preventing and suppressing the terrorist acts and the offences assimilated to them, the authorities and public institutions that form the National System for Preventing and Combating Terrorism carry out specific activities – individually or in cooperation – in accordance with their legal assignments and competencies and the provisions of the General Protocol on the organization and functioning of the National System for Preventing and Combating Terrorism, approved by the Supreme Council of Country's Defense“.

As stipulated in art. 10 of the same Law: „The specific assignments in the field of prevention of terrorism, as referred to at the art. 7, consist of:

- Intelligence and operational activities;
- Activities against the flows that fuel the terrorist entities with human resources carried out both inside and outside Romania;
- Activities against the flows that provide the terrorist entities with specific action means as well as with financial, logistical or informational resources, carried out both inside and outside Romania;
- Guard and protection activities and other dissuasive activities carried out by the forces belonging to some of the authorities and public institutions that form the National System for Preventing and Combating Terrorism for ensuring the security of the main categories of human factors and domestic or foreign facilities on the national soil, as well as of the main Romanian facilities abroad, potentially targeted by terrorist entities;
- Activities for preparing the interventions in the civil emergency situation generated by terrorist actions, for lessening and annihilating their effects;
- Information and public relation activities;
- International cooperation activities;
- Professional training and specialization activities;
- Activities for continuously improving the legal framework that apply to the categories of missions assigned to the National System for Preventing and Combating Terrorism, including from the penal and penal procedure perspectives.“

As stipulated in art. 10 of the same Law: „The specific assignments in the field of suppression of terrorism, as referred to at the art. 7, consist in the following activities:

- Identification and other types of activities, in accordance with the tasks assigned to the competent authorities and public institutions for instituting criminal proceedings in court against the persons that plan, conduct or favor terrorist acts, pursuant to the law;
- Antiterrorist intervention, when the perpetration of a terrorist attack is imminent and counterterrorist intervention, when terrorist attacks have been perpetrated or are actually in process;
- Participation in counterterrorist operations, through international cooperation.”

## **2. Description of the national planning- and decision-making process - including the role of the Parliament and Ministries - for the determination/approval of**

### ***(a) the military posture;***

MoD delivers the **National Military Strategy** (NMS), a strategic document in the military field which assesses the defense consequences of the risks and threats to national security and establishes strategic and operational plans for the Armed Forces' missions and objectives. It is endorsed by the Supreme Council of National Defense and approved by the Government. Estimated term of validity: 4 years.

The planning system is a cyclic, top-bottom process which connects the strategies, courses of actions and programs with resources to lead to the desired results, namely the capabilities. This system ensures the appropriate budgeting for national security objectives and also establishes clear-cut responsibilities in developing policies and resource planning.

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

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

#### **The National Defense Strategy**

**Issued by:** The President of Romania

**Approved by:** The Parliament of Romania in common session

**Based on:** Basic document for the Defense Planning process

**Issuing term:** Less than 6 months since the President was invested

**Coverage:** 5 years

**Comprises:** National interests and security objectives, international security environment analyses, potential risks, threats and vulnerabilities related to the national security domain, courses of action and the main modalities of ensuring the national security within NATO context.

#### **The Defense White Paper**

**Issued by:** The Ministry of Defense

**Assumed by:** The Government of Romania

**Accepted by:** The Supreme Council of National Defense

**Approved by:** The Parliament of Romania

**Based on:** The National Defense Strategy, the guidelines of the defense policy enshrined in the Government Program and the NATO and EU strategic defense documents

**Issuing term:** Less than 6 months since the Government was validated

**Coverage:** 4 years + long term provisions for the fulfillment of the national and collective defense and security objectives

**Establishes:** the guidelines for developing the defense policy objectives, measures and courses of action for the fulfillment of these objectives, missions and specific requirements for the Armed Forces thus reflecting changes and progresses achieved by defense system, the human, material and financial resources to build up military capabilities required for the defense policy objectives' accomplishment.

#### **The Military Strategy**

**Issued by:** The Ministry of Defense

**Accepted by:** The Supreme Council of National Defense

**Approved by:** The Government of Romania

**Based on:** The National Defense Strategy, Defense White Paper and NATO Ministerial Guidance

**Issuing term:** Less than 3 months since the approval of the Defense White Paper

**Coverage:** 4 years + long term provisions for the fulfillment of the national and collective defense and security objectives

**Comprises:** The politico-military strategic evaluation of the international security environment, the identification of the potential military risks and threats, the definition of the national military objectives, the establishment of the strategic and operational concepts for Armed Forces in order 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 the partial or complete mobilization. Only in exceptional situations, the President decision could be ulterior 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 Curfew**

The State of curfew is declared by the president of Romania with the assent of the Parliament less than five days after the settlement of curfew state.

### **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

### **Ministry of Defense**

- Issues the **Defense White Paper**

*Law no 473 / 2004*

- Elaborates the **Military Strategy** based on the Defense White paper and on the NATO Ministerial Guidance and submits it to the approval of the Government

*Law no 473 / 2004*

- Issues the **Defense Planning Guidance**, based on the Defense White Paper and on the relevant NATO defense planning documents, by which establishes the Major Programs and allot the defense 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 Armed Forces and the specific requirements for the components of the categories of forces, the likely scenarios, the forces used, the allotted human, material and financial resources and measures of execution.

**(b) defence expenditures;**

THE PLANNING PROCESS (Law no 473 / 2004)

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

The **Defense Planning Guidance** issued by the Ministry of Defense serves as base to allot resources for defense. The resources are allotted to fulfill the actions and measures established by the **Major Programs** which are elaborated for a six years period and which are revised annually for the use of forces according to the **Operational Plans for the Use of Forces**.

THE DECISION MAKING PROCESS, APPROVALS

The budgetary and rectification laws do the allotment of the resources for the national defense annually. The Government issues the laws.

- The Parliament approves the annual budgetary and rectification laws, elaborated by the government in the context of the macro-economical strategy assumed.
- 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*

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

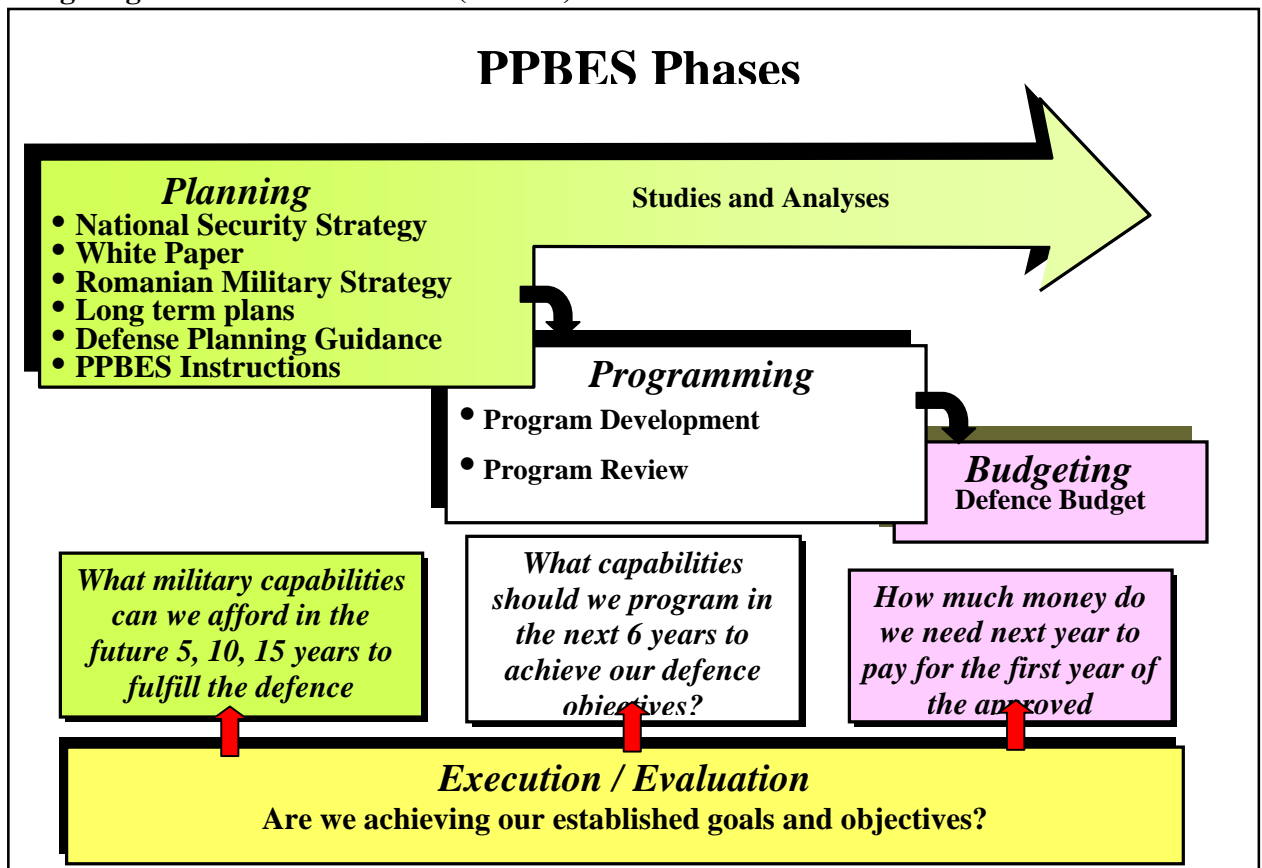
In this respect, Romania has implemented an *Integrated Defence Acquisition Management System (IDAMS)* aimed at gradually enhancing interoperability with NATO in the field of procurement. It is an integrated system, adaptable to any changes in policy, doctrine and management which might occur within the MoD which has been implemented within the MoD since 1999.

The system is based on joint management through *Integrated Project Teams*, includes regulations, procedures and standards and applies acquisition management through programmes and projects by using acquisition categories. It comprises the *I.1000 Instructions* series, dealing with requirements generation management, acquisition management, integrated defence acquisition systems interaction and R&D management. This system was implemented, designed and elaborated on the basis of similar systems used by NATO (*Phased Armaments Programming System - PAPS*) and NATO member states. Its core is the human resources, materials and financial planning, programming, budgeting and evaluation based on an integrated outlook and on the acquisition programmes.

The three main systems participating in the defence acquisition are the *Planning, Programming, Budgeting and Evaluation System*, the *Requirements Generation System* and the *Defence Acquisition Management System*, which interact and interface with one another in order to make the acquisition process work effectively.

**I. The Planning, Programming, Budgeting and Evaluation System (PPBES)** provides a formal, systematic structure for making decisions on policy, strategy, forces development and capabilities to accomplish anticipated missions. It is a cyclic process with distinct but interrelated phases whose main purpose is to produce a plan, a programme and, finally, a budget for the MoD. The budget is forwarded in summary to the minister of defence for approval.

The main phases and the products of each phase of the Planning Programming Budgeting and Evaluation System (PPBES) are:



Each phase establishes the basis for the next phase of the system (DPG represents the bases for programming, the program is the starting point for budgeting, the evaluation is made based on DPG provisions and program implementation stage)

In the **planning phase**, national as well as military strategies and MoD interests are described; the main goals, objectives and priorities are established and the resource are settled up. This phase has as an output the issuing of long-term strategies and plans.

Within the **programming phase**, programmes and necessary resources to carry out the goals and objectives are specified. This phase has as an output the issuing of defence programmes. **According to our PPBES instructions, a program is structured as shown below:**

Each program has a program manager responsible for managing this area of work.

**PROGRAM STRUCTURE:**

- Program name
- Code
- Program manager
- Aim (target)
- Objectives
- Indicators
- Costs
- Subprogram
- Subprogram elements
- Expenditure categories

Here are presented the 8 program areas as they were programmed for the defence planning cycle 2009-2014:

#### THE MAIN PROGRAMS

1. Land Forces
2. Air Forces
3. Naval Forces
4. Logistic Support
5. General Staff/Strategic Command
6. Central Administration and Pensions
7. Defence Intelligence
8. International Representation

Within the context of the PPBES, a programme represents the integration of tasks and events to be performed if a specific element of a plan is to be achieved, and the employment – according to a detailed schedule – of financial, human and material resources to their execution.

Based on DPG provisions and according to PPBES Instructions, program managers elaborate the defence programme drafts, which are the subjects of analysis, integration and optimisation. After their

approval by DPC, these programmes will constitute the inputs for the defence budget bid.

Within the **budgeting phase**, the first programmed year is specified into financial details. Each year, in this process certain steps are followed, starting with May 1, when MoD forwards to the Ministry of Economy and Finance the draft proposed budget detailing expenditure and income for the next financial year, comparing it to expenditure incurred during the current year with accompanying explanatory notes covering any variations, and ending on October 10, when the Government submits to the Parliament approval the bids of the aforementioned budgets, accompanied by the Budgetary Law bids.

The principles, general framework, and procedures regarding the establishment and approval of the MoD budget are set up by the methodologies underpinning the application of the Minister of Defense's order.

The MoD budgets established on a yearly basis include:

- expenses budget founded by the state budget;
- budget of activities entirely founded by its own income;
- budget of institutions founded by its own income as well as subsidies / transfers.

Every year, the Financial-Accounting Directorate draws up the budgetary drafts of the MoD based on:

- a) the MoD major programs approved by the Defense Planning Council/these major programs are developed in accordance with the Defense Planning Guidance;
- b) documents related to the macro-economic context which determines the budgetary drafts, its methodology as well as the expense constraints approved/revised and submitted by the Ministry of Economy and Finances;
- c) the budgetary drafts and their sustaining documents drawn up by the program managers, in compliance with the approved major programs;
- d) the budgetary drafts developed by the credit accountants, submitted by the major program managers. The **credit accountants** - credit holder are legally empowered or delegated to order and approve operations related to the utilization of the approved funds, according to the legal provisions.

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.

In order to draw up the MoD budgetary draft, the Financial-Accounting Directorate sets the budget drafts stages, forms, as well as the drawing up and submission deadlines by the credit accountants via the major programs managers.

In compliance with the provisions of the Defense Planning Guidance (up-dated yearly/approved by defence minister, after endorsement of the Defence Planning Council)



and the major programs drafts, the MoD submits, every year by March 31, to the Ministry of Economy and Finances the objectives of the specific sector policy for the fiscal year to which the budgetary draft refers as well as for the following 3 years, together with the expense limits estimated for the major programs transposed in the national budgetary classification.

In order to meet the aforementioned deadline, the major programs managers submit to the Financial-Accounting Directorate, every year by March 15, the cost proposals for the major programs, and their sustaining indicators endorsed by the Department of Defense Policy and Planning.

These proposals are further detailed according to the structure of the budgetary classification.

By June 1 every year, the Ministry of Economy and Finance submits to the MoD the framework letter that specifies the macro-economic context determining the budget drafts, their drawing up methodologies, and the expense limits approved by the Government.

The expense limits stipulated in the framework letter are submitted by the Financial-Accounting Directorate to the Department of Defense Policy and Planning in order to establish the expense limits on programs and to coordinate the revision of the major programs.

The major programs managers submit, for the purpose of data centralization by July 1 every year, the budgetary drafts drawn up according to the major programs costs and observing of the expense limits set by the Department of Defense Policy and Planning, together with the underpinning documents.

After collecting and analyzing these drafts, the Financial-Accounting Directorate draws up the MoD budgetary draft for the plan year and the estimations for the following 3 years, which is subsequently submitted for approval to the chief credit accountant (main-principal credit holder), with the endorsement of the state secretary and head of the Department of Defense Policy and Planning.

The budgetary draft approved by the chief credit accountant (minister of defense) accompanied by detailed documents, estimations for the following 3 years, major programs records, files of programs and public investment programs are submitted to the Ministry of Economy and Finances every year by July 15.

The MoD budget is approved by the annual budgetary law on funding sources, programs, parts, chapters, sub-chapters, paragraphs, titles, articles and sections, according to each particular situation.

The Financial-Accounting Directorate examines the MoD budget and, on the grounds of the major programs managers' proposals, within 15 days, draws up the credit accountants' budget drafts along with all the necessary annexes, which are then submitted for approval to the chief credit accountant, with the endorsement of the state secretary and head of the Department of Defense Policy and Planning.

In order to apply the provisions of the annual budgetary law within the MoD, the Financial-Accounting Directorate develops the necessary clarifications regarding the budgetary execution, which are then transmitted to the MoD credit accountants together with the approved budgets and their annexes.

**The entire defense budget approved for the year 2008:** 8.342.796 thousand lei equivalent of 2.528.120 thousand euro (rate exchange: 3,30 lei/1 euro)

II. **The Requirements Oversight System** is based on a continuing process of assessing the capabilities of the current force structure (people and materiel) to meet the projected threat while taking into account opportunities for technological advancement, cost-savings and changing in national policy or doctrine.

***III. The Defence Acquisition Management System*** is a single system whereby all equipment, facilities and services are planned, developed, acquired, maintained and disposed of by the MoD specialized structures. It includes policies and practices governing the acquisition process, identifying and prioritizing resources requirements, directing and controlling the process, contracting and reporting to the decision makers.

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

- *The Defence Planning Council* - 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* - is responsible for the validation and approval of the Mission Needs Statement and the Operational Requirements Document;
- *The Acquisition Council* - makes decision on the acquisition programmes launching and development.

Acquisition programmes are grouped into *Acquisition categories* (ACATs) based on their size and complexity. They are structured into *phases* separated by *major milestone decision points*. Milestone decision points initiate the acquisition programme and authorize entry into major acquisition phases.

Generally, the acquisition process consists of *6 phases* with major decision points preceding each phase: *Concept study, Program definition, Technology development, Production and deployment, Operation & support, Disposal*.

Acquisition programmes are based on authoritative and validated threat information. Mission deficiencies are documented in a *Mission Needs Statement*. Needed capabilities are documented in an *Operational Requirements Document* with *objectives* and *thresholds*, which are documented in the *Acquisition Programme Baseline*.

*Acquisition strategies* are developed addressing essential elements like *Sources of supply, Risk management, Life-cycle costs, Contracting approach, Environmental considerations* and *Source of logistics support*. Life-cycle cost and manpower estimates are key considerations.

*A system engineering process* is used to translate operational needs into system solutions. Key considerations include productibility, quality, supportability, reliability, availability, maintainability, environmental compliance, human systems integration.

*Periodical reports* (including baseline performance & deviations, defence acquisition executive summary, acquisition reports to the Supreme Council for Country's Defence and to Parliament, test and evaluation reports, risk management reports, contract management information) are prepared to provide the decision-making authorities with the adequate information to support the decision-making process. The *decision-making authorities* within the Romanian MoD are the *Acquisition Board*, the *Acquisition Board Bureau* and the *Acquisition Executives* (heads of MoD structures responsible for defence acquisition).

Each Acquisition Executive must formulate its own *Annual Public Acquisition Programme* (APAP), comprising all contracts dealing with products, services, capital work which are to be placed by the MoD in an budgetary year. The Annual Public Acquisition Programme includes three sub-programmes dealing with defence and commercial products as well as with infrastructure.

The **contracting process** includes *contracts award* (invitation for bid, source selection, contract preparation) and *contracts administration* (contract progress monitoring, i.e. acceptance, delivery, payment, quality assurance, periodical payments authorisation, accuracy control reports, subcontractors monitoring).

Contracts *awarding principles* are based on non-discrimination, equal treatment, mutual recognition, transparency, proportionality, finance use efficiency and assuming responsibility.

The Romanian legal framework on public procurement was designed based on the EU guiding principles in this specific area and condenses all regulations covering the procurement of works, services and supplies contracts in the public sector into one set of regulations designed to open up its public procurement market to competition, prevent “buy national” policies and promote the free movement of goods and services, as follows:

- *Government Emergency Ordinance no. 34/2006*, covering the award of public procurement contracts, licensed works contracts and licensed services contracts;
- *Government Ordinance no. 925/2006*, dealing with the approval of the application norms related to the contract award provisions stipulated in GEO no. 34/2006;
- *Government Ordinance no. 30/2006*, covering the control of the procedural aspects of the contracts award process;
- *Government Regulation no. 782/2006*, dealing with the approval of the Organisation & Functioning Regulations for the National Appeals and Arbitration Body;
- *Defence minister's Order no. M 197/ 2001* covering products and services acquisition competencies within the MoD;
- *the I.1000 series*:
  - I-1000.1 - Regulation on requirements generation;
  - I-1000.2 - Regulation on defence acquisition management;
  - I-1000.3 - Regulation on the integrated defence acquisition systems interaction;
  - I-1000.4 - Regulation on products' testing, evaluation and acceptance processes;
  - I-1000.5 - Regulation on R&D management;
  - STP-M 40533-99 - Standard for audits and technical analysis;
  - STP-M 40532-99 - Standard for system specification;
- *the Ethic Code* for the MoD personnel involved in public acquisition;
- *the Contracts Bulletin*, introduced in 2004;
- *the Offset Law no. 354/2003* (strengthening the ability of the domestic defence industry to manage co-operation with well-known foreign defence companies in order to meet its strategic priorities and to produce real economic growth and social value).

### **3. Description of**

***(a) constitutionally established procedures ensuring effective democratic control of the military, paramilitary, and internal security forces, as well as intelligence services, and the police;***

*The Military and the other constitutionally established components of the national defense system are subordinated exclusively to the people 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 Defense 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 framework of the parliamentary control of their activity, are obliged to present the information and the documents required by the Chamber of Deputies or the Senate.*

***The Constitution of Romania, art. 111***

The legal framework for defense planning was established in 1999 and further refined, in 2000 and 2004. It describes the strategic documents and responsible institutions to assess and define the current international environment, national interests and certain ways of promoting national security objectives.

At national level, the President issues the **National Defense Strategy (NDS)**. This document encompasses the national interests and security objectives, assesses the international security environment (risks, threats and vulnerabilities) and establishes the courses of action and means for providing the national security. It is approved by the Parliament in joint session. Estimated term of validity: 5 years. **The NDS is a public document.**

Based on the NDS and the Government's Program, the **White Paper on Defense (WP)**, that includes the defense policy's objectives, courses of action, the broad missions and requirements for the Armed Forces and annual resources allocation, is drafted by the MoD. It is assumed by the Government and approved by the Parliament. Estimated term of validity: 4 years. **The White Paper on Defence is a public document too.**

In accordance with art.1's provisions of the Law no. 51/1991 concerning the Romania's national security, the state institutions with attributions in the field of national security are:

- Romanian Intelligence Service;
- Foreign Intelligence Service;
- Guard and Protection Service;
- Special Telecommunication Service;
- Ministry of Interior and Administrative Reform (through internal specialized structures);
- Ministry of Defense (through internal specialized structures);
- Ministry of Justice (through internal specialized structures).

Romanian institutions with attributions in the field of national security act in accordance with the Law no. 51/1991 concerning the Romania's national security and their own Laws concerning the organization and functioning of each of them.

According to art.6's provisions of the Law no.51/1991 concerning the Romania's national security, the activity aiming to guarantee the national security is organized and directed by the Supreme Council of Country's Defense, and, according to art.8's provisions, is controlled by Romanian Parliament, through special permanent commissions.

The control activity on Romanian institutions with attributions in the field of national security is exercised through multiple ways:

- General control (hearings in Parliament, budget allocation, etc.);
- Special parliamentary control (realized by special permanent commissions);
- Judiciary control (the prosecution of institutions' personnel brought at Court for offences against law);
- Governmental control (budget execution control);
- Supreme Council of Country's Defense's control (lines of action, assessments of national security condition, reports, etc.);

- Public control (information requests and petitions emerging from Romanian citizens and media).

*(b) constitutionally established authorities/institutions responsible for the democratic control of military, paramilitary and security forces;*

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

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

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

The Ministry of Defense is the governmental body, part of the central administration (the Government), responsible for the national defense, with a view to safeguarding national sovereignty, state independence and unity, territorial integrity and constitutional democracy.

Through the Ministry of Defense, the Government is the key responsible, within the Executive, for delivering defense, in line with the resources approved by the Parliament. Thus, the Government submits to the President and Parliament's approval the defense policy, the engagement with troops and forces in multinational operations (the minister of defense proposes, with the endorsement of the prime minister, the number and level of forces - Law 42/ 2004), the force structure and endowment, the defense budget as well as its planning, allotting and spending (by the Ministry of Defense through its specialized structures).

The Ministry of Defense is accountable to the Parliament, the Government and the Supreme Council of National Defense for implementing the provisions related to defense from the Constitution, laws in force, decisions of the Government and the Supreme Council of National Defense and international treaties ratified by Romania.

With this aim, the MoD puts forward to the Government and the Supreme Council of National Defense the main guidelines and actions related to defense policy, manages the defense planning, ensures the civil and democratic control for: military strategies, budgetary planning, planning the force structure and endowment.

The General Staff is working within the MoD, being the main structure responsible for managing the joint issues of the armed forces. The chiefs of the military services are under the command of the Chief of the General Staff, which reports to the Minister of Defense.

**The Parliament** is the unique public authority that approves the laws referring to the fields of national defense and security, and also to the budgets for defense. 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 defense, public order and safety and those for the control of the Romanian Intelligence Service and the Foreign Intelligence Service activity examines the projects of law in the field of defense and national security and they have the right 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 Defense.

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

**Romania has not 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*

***(c) roles and missions of the military, paramilitary and security forces as well as controls to ensure that they act solely within the constitutional framework;***

The missions of the Armed Forces are stipulated in the White Paper on Defense and are the following:

1. Contribute to peacetime security of Romania;
2. Defend Romania and its Allies;
3. Promote regional and global stability, including through the use of defence diplomacy;
4. Provide appropriate support to state and local authorities in case of civil emergencies.

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

The Military is exclusively subordinated to the people 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 defense within the military alliance systems and participates in actions to maintain or resettle the peace.

*The Constitution of Romania, art. 118*

*According to the The White Paper on Defense*

**The specific missions and requirements of the Romanian Armed Forces** 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 defense 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 defense 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 defense 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 combating the proliferation of the weapons of mass destruction and their precursors and controlling the spread of technologies required to produce them.
- 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 natural disasters effects
  - Provide support in case of chemical, biological, nuclear or radiological accident (if requested by the central or local authorities)
  - Support the search and rescue operations

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

Romania has not paramilitary forces

#### **Control**

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

#### ***(d) public access to information related to the armed forces;***

*The citizen 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 applying this law*
- *Law no. 52 / 2003 on the decisional transparency in the public administration*

Based on the provisions of these laws at the level of the Ministry of Defense are settled public relation structures that have the obligation to communicate voluntary or to follow a request of information of public interest regarding their institutions and were elaborated internal instructions or regulations regarding the functioning of these public relations structures.

According to the provisions of the law on the decisional transparency in the public administration, the Ministry of Defense has the obligation to publish the normative acts regulating their organization and functioning, the financial sources, the budget and the account, the own programs and strategies, the list of the documents of public interest, the contact coordinates, the legislative initiatives etc.

Each institution having in its suborder elements comprised in the armed forces have INTERNET sites by which publish information of public interest.

The previous mentioned laws comprise a clear mechanism to punish the situations of not observing their provisions.

The free and unrestrained access of one person to any information of public interest constitutes one of the fundamental principles of the relations between persons and public authorities, in accordance with the Constitution of Romania and the international documents ratified by the Parliament of Romania.

Free access to public information will result in the transparency of the institution, transparency in managing the public money, in answering the requests of the individual persons and the media, who want to have access to public information. Practically, this will lead to stable democracy.

As a state institution, using public money, the Romanian MoD is accountable for what and how it operates, for the results of its activity.

In order to provide any person's access to information of public interest, MoD is bound to organise specialised information and public relations compartments or to appoint persons to deal with these issues.

The positions, organisation and functioning of the public relations compartments are established according to internal regulations in the Armed Forces.

By being granted free access to public information related to the Armed Forces activities, the public may contribute to the legitimacy of these activities and to an increased trust in the military organisation.

#### MoD Principles in the Field of Public Information

- The provisions of the Constitution of Romania on the right of every citizen to be informed shall be observed in their spirit and letter.
- The information requested by the media, various organisations or individual citizens will be provided in a timely and complete way, with the observance of the regulations on the protection of classified information.
- All the members of the Armed Forces, the reserve and retired and the members of their families will be liable to a continuous, undistorted flow of general and military public information.
- No information will be classified nor will it be prevented from release in order to protect the military institution against criticism or other unpleasant situation.
- Release of information can only be denied when this would have a negative impact on the national security and defence, the security and privacy of the Armed Forces military and civil personnel.
- The MoD public information policy excludes all kinds of propaganda.

The Information and Public Relations Directorate has initiated specialised and short-term courses and meetings with the Armed Forces PR personnel and commanders where the legal regulations on the free access to public information are also studied.

Any person has the right to request and to obtain information of public interest from the public authorities and institutions, according to the provisions of the law. The public authorities and institutions are bound to provide for the persons, on request, the information of public interest requested in writing or verbally.

The access to the information is attained through:

- a) the display on the premises of the public authority's or the public institution's headquarters, or publishing in the Official Gazette of Romania or in the mass media, the public authority's or the public institution's own publications as well as web page;
- b) consulting information on the premises of the public authority's or the public institution's headquarters, in spaces especially set up for this purpose.

In case that the request for the information involves providing copies of the documents belonging to the public authority or institution, the petitioner shall cover the expenses of the copying services.

The MoD is bound to report "ex officio" the following information of public interest:

- a) the legal regulations which settle the organisation and functioning of the public authority or institution;
- b) the organisation structure, the functions of the departments, the functioning schedule, the hearings schedule of the public authority or institution;



c) the surname and the first name of the persons within the leading structure of the public authority or institution and of the clerk responsible for the dissemination of the public information;

d) the contact coordinates of the public authority or institution, respectively: the title, address, phone numbers, fax numbers, e-mail address and the web page address;

e) the financial sources, the budget and the book-keeping balance sheet;

f) the public authority's or the public institution's own programmes and development strategies;

g) the list of the documents of public interest;

h) the list of the categories of documents produced and/or managed, according to the law;

i) the modalities of disputing the public authority's or the public institution's decision whenever a person considers that he/she was prejudiced relative to his/her right to access to the requested information of public interest.

The public authorities and institutions are bound to publish and update yearly an informative bulletin which will contain "ex officio" information.

The public authorities are bound to make public "ex officio" a periodical activity report, yearly at least, which shall be published in the Official Gazette of Romania.

The following information is excepted from the free access of the citizens:

a) the information regarding national defence, public order and security, if this type of information is classified according to the law;

b) the information regarding the authorities' debates, as well as the information regarding Romania's economic and political interests, if this type of information is classified according to the law;

c) the information regarding economic or financial activities, if their being made public jeopardises the principle of honest competition, according to the law;

d) the information regarding personal data, according to the law;

e) the information regarding the procedure in a penal or disciplinary investigation, if the result of the investigation is jeopardised, if confidential sources are disclosed, if the life, the physical integrity or health of a person are jeopardised in the course of or as a result of the investigation;

f) the information with respect to the judiciary procedures if their being made jeopardises the ensurance of a fair trial or the legitimate interest of any of the parts involved in the trial;

g) the information whose publishing affects the youth protection measures.

Information favouring or hiding the breaking of the law by a public authority or institution cannot be included in the category of classified information and constitute information of public interest.

Information regarding the personal data of the citizen may become information of public interest only in so far as it affects the citizen's capacity of officiating when holding a public position.

The Ministry of Defence is bound to answer in writing the request for the information of public interest in **10 days'** time, or, depending on the case, in maximum **30 days'** time since the filing of the request, according to the difficulty, complexity, volume of the documentary researches and urgency of the request.

The denial of requested information shall be justified and communicated in **5 days'** time since the receiving of the petitions.

In case that requested information is not available at once, the petitioner is guided to request the public information in writing.

The information of public interest requested verbally by the mass media shall be communicated, as a rule, immediately, or in maximum **24 hours'** time.

#### **4. Stationing of armed forces on the territory of another participating States in**

**accordance with their freely negotiated agreements as well as in accordance with international law;**

**Stationing of the foreign troops on the territory of Romania**

*On the territory of Romania the foreign troops are allowed to enter, station, conduct operations or cross only according to the conditions of the law or of the international treaties in which Romania is a state party*

***The Constitution of Romania, art. 118***

Romania adhered by the Law no. 362 / 2004 to the Agreement between the states parties to the North Atlantic Treaty on the status of their forces, signed in London on 19.06.1951.

To realize a more permissive frame for the stationing of the US forces in Romania, in 2001 in Washington it was signed the “Agreement between Romania and US on the status of the US forces in Romania” supplementary to the SOFA / PfP agreement ratified by the Law no. 260 / 2002.

In 2005 an agreement between Romania and the United States of America on the activities of the United States Forces stationed on the territory of Romania was signed. Law no. 268 / 2006 ratified this agreement.

*Conduct of the armed forces exercises and wide scale operations and of other activities that involve the entrance, stationing or crossing by foreign troops on the territory of Romania, is approved by the Parliament on the proposal of the President of Romania.*

*For the activities of the nature previously mentioned, that are less wide, the approval is granted by the President of Romania as follows:*

- *on the Government Proposal, for actions up to 90 days that involve forces of an equivalent less than an army brigade, aviation group or navy group, with their headquarters and support elements but no more than 5000 militaries*
- *on the proposal of the Prime Minister for actions up to 60 days that involve forces of an equivalent up to an army battalion, an aviation squadron or a navy squadron with their headquarters and supports elements but no more than 3000 militaries*
- *on the proposal of the Minister of Defense for actions up to 45 days, with army aviation and naval forces that involve no more than 2000 military.*

***Law no. 45 / 1994 on the national defense of Romania***

The Law no. 291/2007 on the entrance, stationing, carrying on operations or crossing by foreign troops on the territory of Romania makes up the general framework on the conditions in which foreign troops can enter, station, carry on operations or transit the Romanian territory. The provisions of this law are applicable if treaties ratified by the Parliament do not state otherwise.

In accordance with Agreement between Romania and the United States of America signed in Bucharest on December 6, 2005, the United States forces are authorized access and use of agreed facilities and areas with full respect for Romanian law. The agreed facilities are: Smardan Training Range, Babadag Training Area and Rail Head, Mihail Kogalniceanu Air Base, co-located with 34<sup>th</sup> mechanized Brigade Base, Cincu Training Range.

United States forces and United States contractors and vehicles, vessels, and aircraft operated by or for United States forces may use such agreed facilities and areas for training, transit, support and related activities, refueling of aircraft, temporary maintenance of vehicles, vessels, and aircraft, accommodation of personnel, communications, staging and deploying of forces and materiel, prepositioning of defense equipment, supplies, materiel, and for such purposes as the Parties or other Designated Authorities may agree. When requested, Romania shall assist in facilitating United States'

forces temporary access to public land, including that controlled by municipalities, and private land for use in support of United States forces' maneuver and training.

The Agreement shall have an initial term of ten years. Thereafter, the Agreement shall continue in force unless terminated by either Party on one year's written notice to the other Party through diplomatic channels.

Romania shall retain ownership of, and title to, agreed facilities and areas made available to the United States force under this Agreement. United States forces shall return to Romania any agreed facility or area, or any portion thereof, once no longer needed by United States forces.

### **Stationing of the Romanian troops on the territory of other states**

According with the provisions of the *Law no. 42 / 2004 on the participation of the armed forces in missions abroad* the Romanian armed forces are allowed to participate outside the territory of Romania to missions of collective defense, peacekeeping or peace settlement missions, humanitarian missions, coalition type missions, common or individual exercises and ceremonial missions.

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.

Sending the armed forces abroad in collective defense, support of the peace, humanitarian assistance or coalition type missions is approved by the President of Romania after consulting the Supreme Council of National Defense. In case of sending the armed forces in the previously mentioned missions out of the framework of the international treaties Romania is part of, the President of Romania requests the accept of the Parliament.

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

## **5. Description of**

***(a) Procedures for the recruitment or call-up of personnel for service in the military, paramilitary, or security forces, if applicable;***

### **The military forces**

During *peacetime* military forces consist of professional military personnel (officers, warrant officers, NCOs) volunteer enlisted personnel, military academies' students and civil employees. As the military service becomes mandatory for men during the curfew or wartime states in such situations military forces consist of professional military personnel, conscripts and civil employees. - *Law no. 446 / 2006 on the population's preparation for defense*

- *Law no 395 / 2005 on conscript military service suspension during peacetime and passage to the voluntarily based military service.*

The candidates' recruitment to serve as professionals in the military is done by identifying, informing and attracting civil education institutions' graduates and orienting them to military educational institutions forming military professionals.

### **The military career personnel**

There are two ways to form military career personnel: the direct way (by graduating college, post-college, university or post – university level military education) and the indirect way (by attending officers and NCOs formation courses). Each of these two ways addresses to a different category of candidates (with or without military background). The key differences between them are related to studies length and

curricula which are established in respect of the candidates' previous education and/or military training.

Prior to their first assignment military professionals have to sign a pre-contract by which they agree to serve for a minimum period which may vary from four up to nine years, according to the duration of their military education.

### **The voluntarily enlisted personnel**

Candidates running for a career as voluntarily enlisted must meet the following requirements:

- to have Romanian citizenship and to be Romanian resident at the beginning of the first training module;
- to be medically fit – a good appearance is preferred
- to have a moral public behavior
- to have no prior penal condemnations or not to be subject of prosecution in progress for committing crimes
- to have no political engagement
- to have no membership status or alike within any type of unlawful religious cult, extremist organizations or association which purpose and behavior in conflict with public order, moral principles or military duties
- to have no commercial activities or management board membership status for any type of company which may conflict with military service.
- to graduate at least college level education (proved by a graduation Certificate);
- to be aged from 18 to 26 at the beginning of the first training module;
- to prove having potential for military duties fulfillment.

The voluntarily enlisted appointment is done on a contractual basis; first contract's length is 4 years and may be followed by an indefinite number of up to 3 years long additional contracts, until the incumbent's 40 anniversary.

The selection procedure consists of:

- candidates' potential evaluation: intellect evaluation (IQ tests), adaptation evaluation (personality tests), leadership evaluation (situational tests) and physical evaluation (Athletic tests)
- identification of motivational level and nature: personality questionnaire and orientation/evaluation interview;
- communication skills evaluation: orientation/evaluation interview.

### **The conscript military service**

The Romanian citizens have the right and the obligation to defend Romania.

The conditions under which the conscript military service is fulfilled are established by organic law.

*The Constitution of Romania, art. 55*

Conscript military service accomplishment as well as alternative duty (as described below) is not considered forced labor.

*The Constitution of Romania, art. 42*

Whilst during peacetime the military service fulfillment is volunteer based, during the curfew or wartime states it becomes mandatory for men aged at least 20, but not older than 35. They may be conscripted once the curfew state or mobilization has been declared and may be kept in this position until the return to the peacetime stability occurs.

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

The conscription procedure is performed at military centers level, which are military territorial structures empowered to call-up eligible citizens, select them and perform recruits' enlistment through the local recruiting commissions.

- Law no. 446/2006 on the population's preparation for defense;
- Law no.395/2005 on conscript military service suspension during peacetime and passage to the voluntarily based military service.

### **The civil employees**

Military forces may employ civilians to perform specific jobs both during peacetime and wartime situations. The employment is done through a selection procedure consisting of a pre-employment evaluation and accession contest. In order to be eligible for employment in military forces, civilians have to meet several criteria such as: Romanian citizenship, no political engagement, moral public behavior, good recommendations from the previous job etc.

### **The paramilitary forces**

Romania has no paramilitary forces.

### ***(b) Exemptions or alternatives to compulsory military service, if applicable;***

Albeit the military service's mandatory feature during curfew and wartime state, exemptions apply to:

- persons classified as unable medically misfit for military service fulfillment;
- personnel serving permanently within lawful recognized religious cults;
- persons having prior penal condemnations or being subject of prosecution in progress for committing crimes.

#### ***Law no. 446 / 2006 on the population's preparation for defense***

During the curfew and wartime states citizens who refuse to wear weapons due to their religious beliefs must fulfill the alternative duty, which consist of productive or public activity carried on as conscript military service counterbalance. The alternative duty accomplishment is established by government decision.

#### ***Law no. 446 / 2006 on the population's preparation for defense***

### ***(c) Legal and administrative procedures protecting the rights of all forces personnel;***

Legal provisions having the fundamentals in the Constitution realize the protection of the rights of the military personnel. To defend the personnel rights, within the Ministry of Defense are settled two systems:

- the first system refers to the legal possibility of each military or civilian employee to address, by reports or memoirs on requests or claims both hierarchical to the highest leadership level of the Military or to other state organs
- the second system that was settled in the field of managing social problems within the Military, looks to 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 providing of the financial rights, of the vacations, the supplementary leave for studies, medical, paternity, maternity or baby care
- The establishment and providing of the personnel equipment, food and medical care
- The establishment and providing 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 of some missions within the international forces designed for peacekeeping or humanitarian purposes
- The reduction of the working time in the case of effective and permanent work in working places with difficult conditions

By the Law no. 384 / 2006 are established 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;
- pass every year 32 days of vacation;
- receive leave for different special events;
- receive baby care leave in the conditions of the law;
- receive a monthly extra-payment for providing accommodation or a free of charge service accommodation if is the case;
- follow any form of education from the civil or military education system.

By the Law no. 164 / 2001 on the military state pensions are created some conditions on providing of a decent live condition for the retired military personnel, the coverage of the military activity jeopardy and the lose of incomings due to invalidity, oldness or death.

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

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

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

## **6. Instruction on international humanitarian law and other international rules, conventions and commitments governing armed conflict included in military training programs and regulations**

In order to fulfil 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: Ministry of Foreign Affairs, Ministry of Defence, Ministry of Justice, Ministry of Interior and Administrative Reform, Ministry of Education and Research and Ministry of Public Health.

By *Decision no. 298 of 17<sup>th</sup> of 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 such international treaties, are known, respected and disseminated amongst the civil society.

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

In case that 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. 42 / 2004 on the participation of the armed forces in missions abroad***

Within the General Staff and within the headquarters of the categories of forces functions a Legal and International Humanitarian Law Office that coordinates the integration of the International Humanitarian Law provisions in the military education programs and in the forces training programs.

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

At the National Defense College, at the National Defense University and at the Military Academies of the categories of forces is settled a consistent program for education in the field of the Humanitarian Law.

The General Staff in cooperation with the Regional Delegation of ICRC for Central and South Eastern Europe performs a program to integrate the International Humanitarian Law in the Military Doctrine, in the tactical and technical military regulations and in the educational activities.

The commanding officers, the military and civilian personnel that participate 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 the military operations.

In 2005 the Centre of International Humanitarian Law elaborated, for the instruction of military personnel from Ministry of Defense, 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.

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

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

## **7. Any other information**