

ROMANIA

Law on Firearms and Ammunition Regime

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Law on Firearms and Ammunition Regime

Chapter 1

General Provisions

Article 1

The regime regulated by this Law governs holding, carrying and use of firearms and ammunition, use of weapons and operations with the weapons.

Article 2

Manufacturing, importation, exportation, and trade in military arms and ammunition shall be the monopoly of the state as regulated by the laws adopted to this effect.

For the purpose of this Law, the monopoly of the state as regards exportation, importation, and trade in military arms and ammunition shall imply that the right to conduct such activities shall be held only by business entities accordingly authorized by the Ministry of Finance, subject to the approval (advice) of the Ministry of National Defence or, as appropriate, the Ministry of the Interior.

Article 3

The firearms shall for the purpose of this Law be understood to be arms whose function is defined as propelling of one or more projectiles, fire or light substances, or dispersion of harmful, irritant, or neutralising gases. The principle of their functioning is based on the expansive force of gases originating from the detonation of one cap or explosion of one charge.

For the purposes of paragraph 1, the firearms shall include:

- a) military arms manufactured to equip the army to neutralise or destroy combatants and technique of the enemy, and all other instruments, parts, or devices intended for immobilising, wounding, killing and destroying, if having the elements of military arms;
- b) shooting weapons, with a cartridge or string, specially produced or manufactured for practicing range shooting, homologated or recognized as such by the Romanian Shooting Federation;

- c) hunting weapons with a cartridge, string, or combined, intended for hunting;
- d) the arms specially manufactured for dispersing harmful, irritant, or neutralising gases;
- e) concealed arms, produced or manufactured so that their presence is neither visible nor suspected;
- f) trophy weapons, made to be inoffensive, if of historical or scientific value; or the arms representing a gift, compensation, or souvenir, intended to be kept in cultural and art centres, sport associations; or the arms representing a personal trophy. This category also includes the firearms that are fit for use but represent a rarity or a historical, documentary, scientific or artistic value, recognized as such by the specialist institutions;
- g) antique arms, rendered inoffensive, intended to be used in artistic activities or in cinematographic production – in theatre, circus, film studio or other similar cultural and art centres. Old arms also include assemblies and sub-assemblies and devices that may function as firearms.

Article 4

The ammunition shall for the purpose of this Law include: cartridges, projectiles, all kinds of charges that may be used for the arms referred to in Article 3.

Article 5

The Ministry of the Interior shall supervise, in accordance with the Rules on Firearms and Ammunition, the holding, carrying and use of arms and ammunition, and the manner of conducting the operations with such arms and ammunition.

Article 6

In order to ensure the safety of the arms and ammunition they own, holders of licences or permits shall be obligated to comply with the requirements prescribed in the Rules on Firearms and Ammunition as adopted by the Decision of the Government.

Article 7

Holders of weapon licenses or permits shall be obligated to notify the nearest police authority without delay and not later than 24 hours from the moment they become aware that their weapons or weapons they received to repair are missing or have been stolen.

Article 8

Any person finding the arms or ammunition shall be obligated to notify the nearest police authority without delay.

Article 9

Exempted from the provisions of this Law, not including those related to the use of arms, shall be the military authorities, units, formations and institutions, and the units and sections of business entities manufacturing, upon order, the firearms and appropriate ammunition.

The ministries and other central public administration authorities with subordinated military units, authorities, formations, and institutions, and the units and sections of business entities referred to in paragraph 1, shall issue their own standards for regulating this field, subject to approval of the ministers or heads of such units.

Chapter 2

Holding, carrying, and use of firearms and ammunition

Section 1

Article 10

Physical persons shall be allowed to hold and, as appropriate, carry and use the arms and ammunition only based on the permit issued by the authorities of the Ministry of the Interior with the jurisdiction over the area in which such persons have place of residence.

Competent authorities of the Ministry of the Interior may issue to physical persons the licences to hold, carry or use arms and ammunition, pursuant to the provisions herein and provided they keep due records of it.

Competent authorities of the Ministry of the Interior shall define the number of weapons that may be held, where one and the same person may not be approved to hold more than two weapons of the same calibre, and the quantity of ammunition appropriate for such weapons.

Article 11

Romanian citizens may be licensed to hold and, as appropriate, to carry and use shooting weapons, hunting weapons, weapons for the dispersion of harmful, irritant or neutralising gases or trophy weapons; and of military arms, only the pistol and revolver along with the appropriate ammunition.

Foreign citizens with permanent or temporary residence in Romania may be licensed to hold and, as appropriate, to carry and use shooting weapons, hunting weapons, weapons for the dispersion of harmful, irritant or neutralising gases or trophy weapons, and appropriate ammunition.

Foreign citizens coming to Romania in order to participate in official shooting competitions or to practice hunting pursuant to the provisions of this Law, may hold, carry, and use shooting weapons or hunting weapons, as appropriate, and appropriate ammunition, only provided the control authorities at the Romanian border crossing have entered such arms into their passports or valid documents based on which they have entered Romania, or they have legally acquired such arms and ammunition from the clubs, associations, other legal persons who have been approved to engage in such business activity.

Article 12

In the territory of Romania, foreign physical persons shall be prohibited to hold, carry and use military arms and appropriate ammunition.

The persons escorting foreign delegations at the level of heads of states or governments, and members of the military forces paying official visits to Romania, may hold, carry and use military arms and appropriate ammunition while staying in the country, subject to the approval of competent authorities.

Article 13

Members of staff of diplomatic missions, consular offices, and representatives of international intergovernmental organisations accredited in Romania, shall be released, subject to reciprocity, from the obligation to acquire licence to hold firearms and ammunition.

Such categories of persons shall be allowed to bring in the country and take out of the country the firearms, subject to the approval of the Ministry of Foreign Affairs.

Article 14

The licence referred to in Article 11 shall be issued for:

- a) Military arms, pistol or revolver, to the persons who perform a duty that implies exercising of public authority, provided holding and carrying of such arms is necessary for their personal security and self-defence;
- b) Shooting weapons, to I category sport coaches and competitors who are members of sport associations or clubs with the shooting sections associated in the Romanian Shooting Federation and within which they are active, in order to use such weapons in preparatory activities and at competitions, pursuant to the provisions of the law; and to authorised hunters, in accordance with own regulations in force.
- c) Hunting weapons, to members of the lawfully established sport hunters associations;
- d) Weapons for the dispersion of harmful, irritant or neutralising gases, to the persons for whom it is necessary to hold such weapons for the purposes of personal security and defence.
- e) Trophy weapons, to persons wishing to own such arms in the capacity of collectors.

The persons referred to in item a), after ceasing to perform the duty that implies exercising of public authority, may apply with the competent authorities of the Ministry of the Interior to be extended their permits.

Article 15

Holding, carrying or use of arms and ammunition may not be approved to:

- a) Underage persons;
- b) Mentally ill persons, and persons who, due to the condition from which they are suffering, as established by the Ministry of Health, may endanger their own or other people's life if in possession of or using the arms and ammunition;
- c) Persons, who, due to being previously convicted, or according to the evidence held by the competent authorities, may threaten public order, state security or the life and physical integrity of people.

Article 16

Physical persons wishing to hold and, as appropriate, carry and use arms and ammunition, who do not comply with the requirements stipulated by the law, should apply with the District

Police Inspectorate or the General Police Directorate of the City of Bucharest with the jurisdiction over their place of residence, to obtain the licence.

The application shall be considered not later than 45 days from the day of its recording, and within the same term the applicant shall be notified in writing about the method in which his application will be considered.

The method of considering the application to obtain the licence shall be subject to judicial control pursuant to the Law on Administrative Procedure and may be contested not later than 15 days from the day of notification.

Article 17

The person licensed to hold and, as appropriate, carry arms and ammunition shall be issued a "Weapon License".

In the weapon license, the competent authority shall enter the description of the arms and ammunition that the license holder is authorized to own, and the purpose for which such arms and ammunition may be used.

Article 18

The weapon licence shall entitle its holder to hold and, as appropriate, carry and use the arms and appropriate ammunition as entered in such licence, as well as borrowed arms and ammunition, pursuant to the provisions provided by the law.

Article 19

Physical persons may use the arms and ammunition they own solely for the purposes for which they have been granted the licence.

Shooting weapons may be used only in target ranges specially equipped for such kind of arms.

Trophy weapons may not be carried, and no ammunition that is usable may be held for such arms.

Old arms may be used solely by organizations referred to in Article 3, paragraph 2, item g) and only in places in which cultural and artistic events take place.

Article 20

Within the facilities of state authorities or institutions, the arms and ammunition may be carried only by the persons responsible for keeping public order, the persons equipped by weapons in order to ensure security in such facilities, the persons escorting and securing the officials or ensuring safety of certain Romanian or foreign personalities, and other military staff who are at the place in which they are supposed to carry out the mission they have been ordered to, upon the consent of the competent forums.

In public facilities in which the goods are displayed, in waiting-rooms, the means of public transportation, at the stations, airports, fairs, markets, public roads, and in other places in which people gather, the shooting and hunting weapons may be carried only if placed in suitable holster and without ammunition.

Article 21

At public gatherings, the arms and ammunition may be carried only by the members of the police, gendarmerie, Safety and Security Service, and military police, in charge of maintaining public order.

Article 22

Weapon licences shall be verified by the competent authority every three years, in the period designated by the General Police Inspectorate.

Holders of weapon licences shall be obligated to present themselves for verification in the designated time and place, with the arms entered in the licence and with other required documents.

Article 23

Holder of weapon license or holder of the authorisation on notification based on which he is to acquire the arms for himself, shall be required to notify the competent authority of the Ministry of the Interior with the jurisdiction over his place of residence within 5 days from the day of changing the place of residence.

Article 24

Holder of weapon licence or holder of the authorisation on notification based on which he is to

acquire the arms for himself, shall be required to request from the competent authority a new weapon document, within 10 days from the day of occurrence of any of the following events:

- a) the name of holder is changed;
- b) the document is damaged or destroyed;
- c) the document is lost or stolen;
- d) the space in the weapon licence intended for verification and remarks is completely used up.

Article 25

Authorisations shall be cancelled and weapon licence revoked in the event the holder:

- a) gives up holding the weapons or the weapons entered in the licence;
- b) is, after obtaining the licence, in any of the situations referred to in Article 15, items b) or c);
- c) was convicted by a final and enforceable court ruling of an intentionally perpetrated offence punishable by prison sentence of more than 3 years;
- d) was convicted by a final and enforceable court ruling of criminal offences in whose perpetration the weapons had been used or of criminal offences governed by the arms and ammunition regime;
- e) ceases to have the capacity referred to in Article 14, items a) – d), which was a requirement for issuing the license;
- f) is in the situation referred to in Article 45 paragraph 4;
- g) definitely leaves the country;
- h) fails to present himself, without a justifiable reason, to acquire the verification for the weapons in the period designated by the competent authorities of the Ministry of the Interior;
- i) dies or is declared missing by a final and enforceable court decision;
- j) perpetrates one or more offences for which the Law stipulates cancellation of authorization and revocation of weapon licence.

In the events referred to in paragraph 1, items e) and f), the weapon license shall not be revoked if the weapon other than the weapon which the holder may not hold any longer is also entered in the licence. In the like situations, and in the event when the holders sell or donate one of the weapons they own, only the remarks related to the such weapons shall be cancelled.

Article 26

Cancellation of the authorization and revocation of the weapon licence shall be conducted by

the Ministry of the Interior with the jurisdiction over the holder's place of residence.

Notification about the weapon licence revocation shall be delivered to the holder in the events referred to in Article 25, paragraph 1, items b) – h), and to his legal representative in the events referred to in Article 15, item b), and Article 25, item i).

Physical persons who have been cancelled the authorization and revoked the weapon licence may contest such decision in court by way of the administrative procedure.

Article 27

In the event when criminal proceedings or court proceedings have been initiated against the weapon licence holder, judicial authorities shall seize the weapon licence together with the arms and ammunition belonging to the suspect or defendant, and hand them over to competent police authorities who shall keep them until final settlement of the case, including the moment of executing the decision on arrest, in the period of which the licence to hold and, as appropriate, carry the weapon and ammunition, shall be suspended.

In the event of cessation of criminal prosecution, acquittal, termination of criminal proceedings, or sentencing for criminal offences to imprisonment of up to 3 years, the police authorities shall return such person the weapon license, the seized arms and ammunition, unless there are other reasons requiring revocation of the licence to hold and, as appropriate, carry and use the arms and ammunition.

Article 28

In the event of cancellation of permit and revocation of weapon license, the holder or his legal representative shall be required to surrender to the specialized organization, within 10 days from the day of receiving the notification, as a donation or for sale, the arms and ammunition, with exception of the arms and ammunition that are pursuant to the law subject to confiscation and seizure by police authorities.

In the event when the holder has died or is declared missing, his successors shall be required to, within 15 days from the day of death or, as the case may be, from the day of final and enforceable court decision, surrender to the police authorities the weapons of the deceased or missing person.

The arms and ammunition referred to in Article 2, with the exception of arms and ammunition that are to be cancelled and confiscated, in the event when the successors do not apply for the licence to carry such arms and ammunition, shall be deposited with the specialized police

units to be sold at the price designated by the successors of the deceased or missing person. The unit that has conducted the sale shall transfer the proceeds from such sale to the persons entitled to receive them.

If the deceased or missing person has underage successors who wish to retain the weapons which belonged to the person they have inherited, such weapons may be kept in custody until any of such successors come of age (until his 18th birthday), in sport hunters association in which the deceased or missing person was a member or in other sport hunters associations established pursuant to the law.

Within 10 days from cessation of his capacity due to which the licence to hold, carry and use the weapons for personal security or safety was issued, the person shall be required to deposit the arms and ammunition to be sold with specialised units or to donate them or, as appropriate, to return them to the authority from which such weapons were obtained as equipment.

Article 29

The arms and ammunition not sold, or donated, or deposited with police authorities, or surrendered to the specialised units to be sold, or, as appropriate, returned to the authority from which they were obtained as equipment, within the terms referred to in Article 28, shall be considered to be unlawfully held.

Section II

Conditions Under which Legal Persons May Hold and Use Arms and Ammunition

Article 30

Romanian legal persons, including those whose business activity is provision of services in the field of safety and security, may be licensed to hold firearms and appropriate ammunition for the purpose of arming their own guards and other employees who handle valuable items, if so is justified by the need to safeguard their principal place of business, real estate, or the facilities that belong to them or that require protection, and transportation of such valuables.

Foreign legal persons may be authorised to hold military arms and appropriate ammunition.

Article 31

Autonomous Region of “Romsilva” Forests and the individuals belonging to it, and legally established sport hunters associations, may acquire and hold, for any purpose whatsoever, military arms and ammunition with the intent to protect forest stock and hunting stocks, subject to approval of the Ministry of the Interior.

Control authorities of the Autonomous Region of “Romsilva” Forests and the individuals belonging to it may hold and use pistols in the execution of their authority.

Article 32

The Ministry of Waters, Forests and Environmental Protection, the units subordinated to it, the Autonomous Region of “Romsilva” Forests and its sub-units, and lawfully established sport hunters associations, shall be entitled to hold the hunting arms for the purpose of arming their own personnel responsible for safeguarding, planned collection, and suppression of animals harmful for hunting in the hunting ranges (hunting stocks) managed by them.

Article 33

Fisheries units under the sub-authority of the Ministry of Agriculture and Food, as designated by this Ministry and the Ministry of the Interior and the Ministry of Waters, Forests, and Environmental Protection, shall be entitled to hold the hunting shotguns for the purpose of arming their own personnel responsible for chasing away the harmful birds. In the event referred to in paragraph 1, the hunting weapons may not be used with the blanks – without small-shot charge or cartridges.

Article 34

The Romanian Shooting Federation, sport associations and clubs, may hold and use shooting weapons and appropriate ammunition. The number of weapons and the type and quantity of ammunition necessary for execution of training and participation in sport competitions shall be defined for each unit by the standards developed by the Romanian Shooting Federation.

Shooting arms held by the Romanian Shooting Federation, the sport associations and clubs with the affiliate sections, shall be kept in the space referred to in the licence to hold arms and may be used only in the places in which the trainings or shooting competitions approved by the Ministry of Youth and Sport are organized.

Trainers and shooting instructors shall be required to keep daily records about the arms and consumption of ammunition, for each shooter separately, in the registers of the Romanian Shooting Federation and along with the verification by the competent police authorities, and simultaneously with issuance of the licence to hold weapons.

Designation of the location, building and homologation of the shooting ranges and the ranges intended for training of lawful holders of weapons, shall be made based on the standards adopted by the Romanian Shooting Federation, subject to authorisation from the competent police authorities.

Article 36

Cultural and art centres and associations, theatres and other similar institutions of culture and arts, may hold and use old arms for artistic activities they conduct.

Article 37

In order to acquire a licence to hold and use arms and ammunition, and to build and equip the shooting ranges, legal persons referred to in Articles 30-36 shall apply with the District Police Inspectorate or the City of Bucharest General Police Directorate of the City of Bucharest with the jurisdiction over the seat thereof or over the place in which the weapons are to be held and used or, as appropriate, the shooting ranges built or equipped.

Police authorities shall issue, verify every two years, replace and revoke the licences to hold and carry arms and ammunition.

Article 38

The licence to hold and carry arms and ammunition shall be replaced in the following events:

- a) the name of legal person is changed;
- b) the licence is damaged and destroyed;
- c) the space in the licence intended for verification and remarks is used up;
- d) the licence is lost or stolen.

In order to be issued a new licence, the legal person shall be required to apply with a competent police authority within 10 days from the day of occurrence of any of the events referred to in paragraph 1.

Article 39

Issued licences shall be revoked in the following events:

- a) the holder ceases its business activity based on which the licence was issued;
- b) the holder infringes in a serious or repetitious manner the legal provisions related to the arms and ammunition regime, or fails to undertake without delay the measures to remove the observed infringements of legal provisions. In such events, such legal person shall be required to terminate without delay further holding or use of the arms and ammunition.

In the event referred to paragraph 1, the arms and ammunition, with the exception of military ones, will be alienated from physical and legal persons who are authorized to hold or, as appropriate, carry the arms and ammunition, and surrender them to police authorities to be destroyed. Military arms shall be returned to police authorities from which they were obtained, under the conditions provided by the law.

Article 40

Legal persons authorised to hold and use the arms and ammunition shall be required to:

- a) submit the licence to be verified, within the designated term and date, to the police authority referred to in Article 37;
- b) notify about the change of seat, at least 10 days before occurrence of the change, the police authority with jurisdiction over the area in which its new seat is located, so as to enable that the appropriate remark is entered in the licence;
- c) notify the police authority in writing, not later than 24 hours after becoming aware that the licence to hold arms and ammunition has been lost, stolen, or destroyed, requesting to be issued a new document;
- d) notify the competent police authority in writing, within 10 days, about cessation of the business activity based on which the licence to hold arms and ammunition was issued. The licence to be revoked shall be enclosed with the correspondence on notification;
- e) present, within 10 days, to a competent police authority, the documents that prove the acquisition or alienation of arms, so as to enable that appropriate remarks are entered in the permit.

Article 41

Legal persons who have acquired the licence to hold arms and ammunition may entrust such

arms and ammunition only to their own security personnel who have the approval issued for such purposes by the District Police Inspectorate or the Police Directorate of the City of Bucharest.

The police shall issue licences only if the concerned persons are in neither of the incompatibility situations referred to in Article 17, paragraph 1, and Article 15, and if they have served the military term or attended a training course for handling arms approved by the police.

The requirement referred to in paragraph 1 applies to legal persons also when their personnel who should manage, operate, or transport the arms and ammunition is concerned.

Article 42

Arms held by legal persons, at the time when they are not with the personnel which is conducting the mission, shall be kept only in the places designated in the licence to hold weapons.

Article 43

Employees in legal persons who have acquired approval from police authorities may hold, carry, and use the arms and ammunition with which they are equipped only at the time and for the purpose of executing their authority and based on the official order.

Legal persons shall be required to issue the official order to their employees who have acquired approval from police authorities and whom they equip with arms and ammunition.

Section III

Holding, carrying and using firearms by members of the military forces

Article 44

Members of the military forces may hold, carry and use arms and ammunition with which they were equipped by their respective units, under the conditions stipulated herein, as well as the conditions stipulated by military regulations, instructions and orders issued pursuant to the above.

Active members of the military forces shall have the right to carry pistols that are part of the equipment for the purposes of personal protection and safety, without the need for the police authority to issue a new weapon licence

Article 45

Apart from the arms which are a part of their equipment, active members of the military forces may hold, carry and use the military arms received as compensation or gift, under the conditions stipulated herein.

On the basis of an order, the police authorities shall issue weapon licences to the members of the military forces referred to in paragraph 1. Upon transferring into the reserve or retiring, the persons referred to in paragraph 1, if they still want to own the said arms, either as usable or trophy arms, they shall apply to the competent police authority for the extension of the licence.

In the event of not applying for the extension of the licence to hold, carry and use the arms referred to in paragraph 1, they are obligated to surrender it, without delay to the military units from which they have received them or to the District Police Inspectorate or the General Police Directorate of the City of Bucharest, which have the jurisdiction over their place of residence.

Chapter 3

Use of arms

Article 46

The use of arms, for the purposes of this law, means firing from a firearm on persons or property.

Article 47

The persons equipped with firearms may use such arms in discharging their official duties or military missions, in the following situations:

- a) against those who attack the members of the military forces engaged in activities of sentry duty, guarding, escorting, protection, maintenance and reinstatement of the legal system, as well as against those, who, by committing an act, suddenly threaten the guarded facility;
- b) against those who attack persons in charge of exercising public authority or those who are, under the law, provided personal protection;
- c) against persons attempting to penetrate military units or to illegally abandon the same units (organisations), sub-units or the premises or zones under protection – visibly delimited – demarcated;

- d) for the purposes of immobilising perpetrators of criminal acts who, after they have perpetrated the criminal act, are attempting to escape;
- e) against any means of transport used by the persons under b) and c), as well as against their leaders who refuse to stop at regulation signs of legally authorized bodies, when there are firm indications that they have perpetrated a crime or that there is imminent danger of crime perpetration;
- f) with the purpose of immobilising and detaining the persons for whom there is evidence or firm indication that they have perpetrated a criminal act and who rapidly respond with arms or are attempting to rapidly respond with arms or other objects which may threaten the lives and physical integrity of people;
- g) to prevent the escape from the escort or the escape of those who have been detained;
- h) against the groups of persons or individual persons who are attempting to gain unlawful entrance into the seats or onto the premises of public authorities and institutions;
- i) against those who attack the members of the military forces or prevent them from conducting combat mission;
- j) during anti-terrorist interventions in the cases when facilities are under attack or those which are under siege by the terrorists, with the purpose of apprehending them or preventing them from acting, or freeing hostages and restoring public order;

Article 48

The persons licensed to hold, carry and use arms for personal protection and defence may use the arms in legitimate self-defence or if necessary in a certain situation, in accordance with the Law.

Article 49

In the cases provided for in Article 47, items c), d), g), h) and i), the arms will be used only after the legally prescribed warning.

The warning shall be given by the word "Stop!" In the cases of non-compliance, the repeated warning follows with the words "Stop or I'll shoot!" If the person does not comply again, the warning is given by shooting from the firearm up in the vertical direction.

In the event when, even after the warning was given in accordance with paragraph 2, the said person does not comply, the arms may be used against him/her.

In the cases referred to in Article 47 items b) and i), the arms are used only after having

repeated the warning three times in time intervals sufficient for the dispersion of the participants with: "Abandon, we will use firearms!"

In the situations referred to in Article 47 items a), b) and j) as well as Article 48, the arms may be used without warning if there is no time to give one.

In the event of using arms against the motor vehicles, one shall fire once vertically and then fire at the tyres of the vehicle aiming to immobilise it.

Article 50

Military commanders or heads may use arms against their subordinates for the purposes of restoration of order, if other prevention and coercion measures are not possible, in the situations when their actions are clearly aimed at treason or when they obstruct the realisation of a combat mission or when they seriously jeopardize the combat capabilities of the unit. In such cases arms shall be used in compliance with the provisions referring to legal warning.

Article 51

The arms used under the conditions and in the situations provided for under this chapter shall be used in such a manner so as to lead to the immobilisation of those against whom the arms are used, by firing, if possible, into their legs so as to avoid the death of the same.

If the use of arms has led to the purpose referred to in paragraph 1, such means shall cease to be used.

The wounded persons shall be given first aid and medical care.

Article 52

The use of arms shall be avoided, if possible, against minors, women and the elderly.

The use of arms shall be prohibited against:

- a) children, visibly pregnant women, except in the cases when they are carrying out an armed assault which endangers the lives or physical integrity of people;
- b) in the situations when the lives or people would be endangered or when the territory, air space or national waters of a neighbouring state may be violated.

Chapter 4.

Operations with Firearms and Ammunition

Article 58

The operations with firearms and ammunition, for the purposes of this Law shall mean: Production, manufacturing, modification, experimenting, sale, purchase, trade, renting, importation, exportation, transport, storage and repair of shooting weapons, hunting weapons, arms for the dispersion of harmful, irritant or neutralising gases or antique arms and appropriate ammunition or trophy arms.

Article 54

The legal persons who conduct operations with arms and ammunition, except military, shall be obligated to obtain a permit from the competent authority of the Ministry of the Interior.

The permit shall be issued to legal persons which have adequate premises for conducting the operations with arms and ammunition, which are equipped with technical protection devices and alarm systems. The premises intended for the storage of ammunition, caps and powder for ammunition should comply with the occupational safety norms.

The licence shall list the operations with arms and ammunition to be conducted by the legal person. The legal persons licensed to repair arms may also manufacture small- shot cartridges for hunting weapons.

Article 55

Courts may licence trading companies, which have registered operations with arms and ammunition, if they have obtained approval from the competent Ministry of the Interior authorities with the jurisdiction over their seat.

Article 56

The provisions of Articles 38, 39 and 40 items a) – d) shall be applied accordingly to the legal persons which conduct operations with arms and ammunition.

Article 57

The physical persons licensed to hold, carry and use hunting small-shot weapons may make the necessary ammunition themselves, in the limited quantities they are permitted to own. It is prohibited to hold ammunition in the quantities exceeding those entered into the permit or licence.

Article 58

Arms and ammunition may be disposed of or lent only to the persons licensed to hold arms in compliance with the purposes for which the licence has been issued.

Article 59

The legal persons licensed to perform operations with arms and ammunition may sell them to physical and legal persons, only if such persons present the police certificate to the effect that they are licensed to hold or use such weapons.

Hunting weapons, shooting weapons, arms for the dispersion of harmful, irritant or neutralising gases as well as powder and caps for hunting cartridges may only be sold on the basis of the licence presented by the owner, or licence presented by legal persons, within the quantity limits designated in the licence.

Article 60

The sale of arms and ammunition by authorised units to the persons referred to in article 13, paragraph 1, shall be conducted with prior approval of the Ministry of Foreign Affairs to the effect that they may hold arms and ammunition being exempt from the obligation to obtain a licence on the basis of reciprocity.

In the situation when there exists reciprocal benefit, such persons may be sold arms and ammunition on the basis of the certificate issued by the competent Ministry of the Interior authority, with the submitted notification from the Ministry of Foreign Affairs from which they derive their status.

Article 61

The units conducting trade in arms and ammunition, organised or licensed by the Ministry of the Interior, shall be obligated to :

- a) to receive for consignment sale the arms and ammunition from the persons or units which, in accordance with the regulations, have the right to sell the same. The receipt of arms and ammunition for consignment sale shall be performed, as appropriate, on the basis of the weapon licence, certificate issued by the competent police authority, original donation act or inheritance certificate;
- b) issue the depositor the proof of the receipt of the arms and ammunition, and after the sale, one copy of the invoice;
- c) enter into the certificate issued by the police authorities presented by the buyer, the number of invoice and the item from the register of arms deposited for sale;
- d) keep records of performed operations with arms and ammunition in the registers defined and verified by police authorities and to present them, for control purposes, to police officers assigned these duties.

Article 62

The sale of arms and ammunition by physical persons shall be conducted only through licensed units for the conduction of similar operations.

The arms and ammunition shall be deposited for sale in the licensed units on the basis of the weapon licence or the certificate issued by the police authorities if the weapon is not registered, or the buyer's weapon licence, original donation act or inheritance certificate, as appropriate. Within 10 days from the sale or donation of the weapon, the holder of the weapon licence shall present to the police authority the weapon licence and the document evidencing the operation, applying in writing for the cancellation of licence. If another weapon is entered into the licence, such person shall request only the removal of the note referring to the weapon he/she no longer possesses.

Article 63

Physical and legal persons shall purchase the arms and ammunition from the units licensed for such operations, on the basis of the certificate issued by the competent police authority upon

the request of the applicant. On the basis of the certificate issued by the police authority, legal persons may also purchase arms and ammunition from the local companies manufacturing the same materials.

The holder shall present the weapons purchased or acquired through donation or inheritance, together with the sales receipt or other acquisition documents to the police authority within 10 days.

On the basis of the above documents, the police authority shall issue to the physical person a weapon licence, and if such person is a holder of such a document, enters the weapon into such document, keeping the certificate. In the case of legal persons, the acquired weapons shall be entered into the licence to hold weapons, and one copy of the acquisition document shall be retained.

Article 64

The physical persons who acquired hunting weapons, shooting weapons, arms for the dispersion of harmful, irritant or neutralising gases, as well as trophy arms and ammunition abroad without having obtained the permit from the competent police authority, are obligated to present themselves before the police authorities within 10 days of the arrival into the country, for the purposes of applying for the licence to hold weapons.

Until the licence is obtained, the arms and ammunition shall be retained at the checkpoint upon the crossing of the state border.

In the case of licensing the physical persons who acquired the arms and ammunition abroad, the competent authority shall issue a proof to be used for taking over the arms retained by the customs authorities at the checkpoint on the border crossing where they left the country. If the police authorities do not issue the proof (certificate), the arms and ammunition retained by the customs authorities at the checkpoint upon the border crossing, may be returned to the persons from whom they have been purchased, within 90 days from the day the arms and ammunition were retained.

In the cases in which the arms and ammunition retained at the checkpoint upon the crossing of the state border have not been taken over by the persons they were retained from, within the time period referred to in paragraph 4, the police authorities shall seize the same and deposit them with specialised units to be sold at the price determined by the owner, and the proceeds from the sale shall be handed over by the seller to the owner from whom the said arms ammunition were seized.

Article 66

For each importation or exportation of hunting weapons, shooting weapons, arms for the dispersion of harmful, irritant or neutralising gases, appropriate ammunition or trophy or antique arms, the companies licensed to conduct such operations shall be obligated to give a 5 day notice to the district Police Inspectorate or the General Police Directorate of the City of Bucharest, with the jurisdiction over their seat.

Article 67

The transportation of arms and ammunition property of legal persons shall be conducted only by the persons having the approval of the police authorities, in the capacity of the authorised representatives and with armed escort, on the basis of a transport order comprising: name and surname of the authorised representative and guard, number and type of arms and ammunition, destination, route, order number and the name of the police authority issuing the approval.

The legal persons transporting the weapons and ammunition shall be obligated to submit a prior written notification to the police authority with the jurisdiction over their seat, presenting the documents issued by the competent units to the effect that the technical condition of the means of transport is appropriate.

The guarding of arms and ammunition on the territory of Romania shall be provided under the supervision and with the liability of the legal persons providing the transportation or international freight forwarding.

Article 68

The legal persons engaged in arms repair shall be obligated to keep records in the registers defined and verified by the police authorities and to present the same for inspection.

Article 69

Only the arms with the proof of having been obtained legally may be accepted for repair. In the event that the holder of the arms does not produce the proof of holding the arms legally, the persons presented the weapon for repair shall report to the nearest police authority.

Article 70

Licensed workshops for arms repair purchasing the reusable parts from the arms to be destroyed should receive an invoice or, conclude a sale and purchase contract, as appropriate. The invoice or contract shall contain the identification characteristics for the purchased parts, one copy of which shall remain with the buyer, who shall have the obligation to submit those to the police authority together with other parts of weapons to be destroyed.

Holders of licences to hold weapons are obligated to hand over the discarded arms or the arms that cannot be sold or the parts of the same not valued by the arms repair workshops to the district Police Inspectorate or, as appropriate, the General Police Directorate of the City of Bucharest to be destroyed.

It is prohibited to hand over discarded arms or the arms not for sale or the arms intended to be destroyed to the scrap metal collecting units, as well as to receive such arms by these units.

Article 77

Legal persons licensed to engage in arms repair are obligated to return the arms entrusted them for repair to those persons from whom they received them within 10 days from the date when they, in a lawful manner, discontinued such operations.

The arms not taken over by the owners within the time period referred to in paragraph 1, despite being notified by those to whom they entrusted the arms for repair, shall be surrendered to the police authority with the jurisdiction over their seat, which will, as appropriate, initiate the return of the same to their owners or undertake other measures in accordance with the law.

Chapter V

Sanctions

Article 72

The non-compliance with the provisions herein shall result in civil, material, misdemeanour or criminal liability, as appropriate.

Article 73

In the case of legal persons the criminal liability for the non-compliance with the provisions herein shall be placed upon the physical persons with the authority set forth in the Law, Rules, instructions or orders issued by the competent authorities regarding the firearms and ammunition. In the situation when the physical persons with the authority referred to in paragraph 1 have not been appointed, the criminal liability shall be placed on the manager of the legal person.

Article 74

The following acts shall present an offence, and in accordance with the Criminal law, shall be qualified as criminal acts and be sanctioned, as follows:

- a) non-compliance with the provisions from Art. 22 para. 2 Art.23, 24, 57 para. 2, Art. 62 para. 3, Art. 63 para. 3, Art. 64 para. 1 and Art. 67 and para. 4, with a fine of 200,000 lea to 1,000,000 lea;
- b) non-compliance with the provisions from Art. 7, 19 para. 2, Art. 20 para. 2, Art. 34 para. 2 and 3, Art. 43, 61 and 70 para. 1, 2 and 3, with a fine of 300,000 lea to 1,200,000 lea;
- c) non-compliance with the provisions from Art. 6, 19 para. 1 Art. 35, 38, 40, 41 para. 1 and 3, Art. 42, 59, 60, 66, 67 para. 1, 2 and 3, Art. 68, 69, 70 para. 4, Art. 71 and 85 para. 2, with a fine of 400,000 to 2,400,000 lea.

Article 75

In the case of the offence from Art. 74, the sanction may also be imposed on legal persons.

Article 76

The non-compliance with the provisions from Art. 19 para. 1 and 2, the non-compliance twice in succession within one year with the provisions from Art. 6, as well as multiple offences committed concurrently, apart from the misdemeanour fine imposed for such offences, shall result in both the cancellation of permit and revocation of weapon licence.

Article 77

The offence shall be established by the police officers imposing the sanction.

Article 78

The report on the establishment of the offence and on the imposing of sanction may be appealed within 15 days from the date of notification of the same.

The appeal against the report on the establishment of the offence and imposition of sanctions shall be decided in the court with the jurisdiction over the area where the offence was committed.

Article 79

The provisions referring to the offences shall be supplemented by the provisions referring to the establishment and sanctioning of offences.

Chapter 6

Transitional and Final Provisions

Article 80

Supplying with military arms of the public institutions licensed for holding such arms shall be provided, free of charge, by the Ministry of the interior through the General Police Inspectorate.

Other legal persons and physical persons licensed to hold military arms shall receive the arms, in the form of a lease, from the Ministry of the Interior, through the General Police Inspectorate. The price of the lease shall be determined by the Ministry of the Interior, depending on the character of the arms its condition and the degree of wear.

The costs of used ammunition shall be entirely borne by the holders.

During the period of 3 years from the date his law comes into force, the autonomous regions licensed to hold military arms shall be provided the opportunity to be supplied the same by the Ministry of the Interior, through the General Police Inspectorate, free of charge. The repair of the arms referred to in para. 1 and 2 shall be provided, free of charge, by the Ministry of the Interior, except in the cases when there is evidence that the holder is responsible for the damage to the weapon, in which case he will bear the costs of repair.

Article 81

Upon the request of the law enforcement or court authorities, the competent police units shall

provide technical and scientific expertise and statements with regards to whether a weapon fits or not the description provided for in Article 3 and to which category it belongs.

Article 82

Within 90 days from the adoption of this Law, the Government shall adopt the rules on firearms and ammunition.

Article 83

The Government may order the reduction, suspension or revocation of the licence issued to physical or legal persons regarding the holding or use of arms and ammunition, if the situation commands so, when these measures are necessary for the protection of the lives of the people, public and private property, for the maintenance of public order or for the defence of national security.

Article 84

The security and supervision authorities of the Ministry of Waters, Forests and Environmental Protection of the Autonomous Region of “Romsilva” Forests and the sub-units belonging to the same, lawfully established sporting and hunting associations as well as their subordinate units, shall have the obligation to take over and surrender to the police authorities, within 3 days, for the purposes of undertaking legal measures, the arms and ammunition unlawfully held by the persons discovered on the hunting grounds or the persons with whom these, as accomplices, committed criminal acts in connection with hunting economy.

Article 85

The weapon licences and permits issued to physical and legal persons until this law comes into force shall be replaced by police authorities upon the periodical verification of these documents. Until the new forms of licences and permits have been printed, the police authorities may use the current forms held in stock.

Legal persons which were registered with police authorities for holding arms and ammunition for the purposes of arming their own guards and personnel in charge of handling the goods and other valuables pursuant to the legal provisions preceding this law, are obligated to submit

the application to the District Police Inspectorate or, as appropriate, the General Police Directorate, for the purposes of obtaining the licence to hold weapons and ammunition.

Article 86

This law shall come into force on the date it is published in the Monitorul Oficial (Official Gazette) of Romania. On the same date the Decree no. 299/1979 on military security provided for the fishery reserve from the Danube Delta, H.C.M. no. 1,369 /1971 on certain measures regarding the arms and ammunition regime and for the establishment and sanctioning of the violations of such regimes, with subsequent amendments and provisions regarding the arms and ammunition regime.

As well as all other provisions in contravention hereof shall be cancelled.

This Law was adopted in the Senate in its session held on 4 March 1996, in compliance with the provisions from Art. 74 para. (1) of the Romanian Constitution.

Vice Chairman of the Senate Ion Solcanu

This Law was adopted by the House of Representatives in its session held on 12 March 1996, in compliance with the provisions from Art. 74 para. (1) of the Romanian Constitution.

ROMANIA

**Methodological Standards for the Authorisation of
Legal Persons Aiming to Carry Out Foreign Trade Operations
with Strategic Items, on the Foundation of the Government
Emergency Ordinance Regarding the Strategic Items
Exports and Imports Regime**

**Methodological Standards for the Authorisation of Legal Persons
Aiming to Carry Out Foreign Trade Operations with Strategic Items,
on the Foundation of the Government Emergency Ordinance
Regarding the Strategic Items Exports and Imports Regime**

Chapter 1

General Provisions

Article 1

The National Agency for Control of Strategic Exports and of Prohibition of Chemical Weapons, hereinafter called Agency, delivers authorizations at interested legal persons' request for the performance of foreign trade operations with strategic goods, in accordance with the provisions of the Government Emergency Ordinance no. 158/1999 on the regime of exports and imports of strategic goods.

Article 2

The authorization for the performance of foreign trade operations with strategic goods, hereinafter called authorization, is the document to certify that the bearer legal person complies with the necessary conditions to carry out the following operations in accordance with norms, standards and recommendations of the regime for control of exports and imports of strategic goods:

- a) the import, export, including the re-export and any other commercial operations of foreign transfers, irreversibly or temporarily;
- b) operations carried out with foreign partners which refer to sales and purchases without physically touching the Romanian territory.

Article 3

Legal persons are obliged to require the Agency the issue of a license for each operation mentioned at article 2, according to the provisions of article 12 of the Government Emergency Ordinance no. 158/1999.

Article 4

The solution of license applications for the export and import of nuclear products depends on the license applicant's presentation of the export and import authorization issued by the National Commission for the Control of Nuclear Activities.

Article 5

The solution of license applications of economic agents in the structure or subordinated to bodies of the national system of defence, public order and national security, for the export or import of munitions, ammunition and other military goods, depends on the license applicant's presentation of the export and import authorization issued by the Ministry of National Defence - Munitions Department.

Article 6

The solution of license applications for the export or import of strategic goods other than those mentioned in articles 4 and 5, depends on the license applicant's presentation of the export and import authorization for foreign trade operations with strategic goods, issued by the Agency.

Article 7

The solution of license applications of other legal persons than those mentioned in article 5, for the export or import of munitions, ammunition and other military goods, depends on the license applicant's presentation of the export and import authorization issued by the Agency, with the Ministry of National Defence notification.

Article 8

Producing economic agents set up by Government decision make an exception to the provisions of article 7 regarding the obligation of obtaining the Ministry of National Defence notification, by which they may commercialize military goods and services object of their work.

Chapter II

Authorization Requirement

Article 9

In view of obtaining the authorization for the operations and goods mentioned in article 2 and 6 legal persons shall hand in a record to the Agency containing:

- a) The authorization and engagement applications, in the format settled by Order of the president of the National Agency for Control of Strategic Exports and of Prohibition of Chemical Weapons no. 148/2001, published in the Official Gazette of Romania, Part I, no. 681/October 29th 2001, signed by the qualified person to engage the legal responsibility for the applicant society/institution (according to statutory provisions);
- b) The curriculum vitae of the person who signs the application and the engagement;
- c) The legal person setting up documents, including all further modifications, in a copy;
- d) The observation certificate issued by the Chamber of Commerce and Industry
- e) The latest bookkeeping balance sheet and the financial management report, in a copy;
- f) The Ministry of National Defence notification - OCIEPS, if an authorization is required for the carrying out of foreign trade operations with goods listed in the munitions, ammunition and other military products list, subject to export and import control regime, approved by the Government Decision no. 844/2001, in a copy;
- g) The list comprising persons responsible with carrying out commercial operations with strategic goods;
- h) The legal person's manager mandate for a representative assigned to set down or to take the documents to or from the Agency;
- i) The tax anticipation bills to attest the payment of financial obligations of the legal persons to the state budget and to the social state insurances budget;
- j) The activity report regarding foreign trade operations carried out on the basis of the documents issued by the Agency and regarding other actions related to the control regime of strategic goods imports and exports. The activity report shall be drawn up when the applicant legal person has priory been authorized, being also completed with other punctual information required by the Agency;
- k) Other documents relevant for the firm's reliability, including the business plan for the year under way, concluded contracts for carrying out strategic goods transfer operations, etc.

Article 10

The record for re-authorization shall be handed in 60 days before the expiring term of the under way authorization.

Chapter III

Authorization Procedure

Article 11

1. The term for solving an authorization application is 60 days maximum since the date of the setting down of the complete documentation to the Agency.
2. The authorization applications for the carrying out of import operations with strategic goods, other than those sensitive and very sensitive ones, are to be solved within 30 days since the date of the setting down of the complete documentation to the Agency.

Article 12

Within the 60 days term the Agency verifies the documents in the authorization record and undertakes the following actions:

1. Synthesizes and assesses the way of using the authorizations and licenses issued by the Agency;
2. Assesses the way of representation and participation of the applicant legal person to the demonstrations (activities) and seminars organized by the Agency, the capacity of information and conformation with the legal standards of the control regime, as well as the participation of persons responsible with the export control to the activities of preparation organized by the Agency;
3. Requires, according to the case, the necessary information from the institutions belonging to the national system for control of exports and imports of strategic goods in view of establishing the opportunity to issue the authorization;
4. Invites the representatives of the applicant legal person to an interview in order to analyze all relevant aspects regarding the authorization;
5. Performs verifications to the applicant legal person location, directly or with the assistance

of other qualified institutions for the purpose of establishing the way of ensuring the conditions to observe the legal provisions regarding the control regime of strategic goods imports and exports;

6. Informs the Inter-ministerial Council for the control of exports and imports of strategic goods and asks for a point of view from its component institutions, according to the case, in connection with the authorization application;

7. Assesses the level of knowledge regarding the embargoes and the restrictive regimes applied to the commerce with military goods and technology and to dual use goods;

8. Assesses the level of knowledge regarding the international obligations assumed by Romania in the field of non-proliferation and exports control (the Code of Conduct of the European Union regarding the arms trade, the European Union Council Regulation no. 1334 etc.);

9. Analyses, if the case, the way of performing/conforming the administrative and infringement sanctions applied by the Agency for the non-observance of the national control regime.

Chapter IV

The Authorization Application Solution

Article 13

In view of solving the authorization application, the Agency takes into account the following:

1. The results of the authorization record content analysis;
2. The way of using the licenses by their bearers and the number of the applicant license applications repulsed by the Agency;
3. The result of actions stipulated at article 12;
4. The legal person experience in the field of foreign trade with strategic goods;
5. The way the legal person informs its customers and suppliers of the strategic character of goods, when the case of internal transfers especially;
6. The size of the share capital (as far as the legal persons which require authorization for operations with military goods the minimum recommended share capital represents the equivalent of 25.000 EURO);
7. The turnover and other relevant financial indexes;
8. The applicant legal person debts to the state budget and to the state social insurances budget;
9. The existence of an adequate location;

10. The committing of offences/infringements sanctioned in conformity with the legal provisions in force;

11. The creation, within the applicant legal person organization, of a team assigned with the observance of the national regime for control of strategic exports, made of personnel notified to the Agency as responsible with this domain;

12. The assessment of the management for the control of strategic exports existent in the company, especially the professional diligence, correctness, promptitude and transparency manifested by the applicant;

13. Interesting aspects regarding the participation to fairs, exhibitions or internal or international auctions and other data or information meant to outline the applicant legal person market image;

Article 14

The authorization application is repulsed or approved by order of the president of the Agency.

Article 15

The authorization application is repulsed in any of the following cases:

a) The applicant legal person had an authorization issued by the Agency, did not carry out operations on its basis and does not prove that there are justified premises for the carrying out of such operations (for example, commercial contracts already signed);

b) Criminal proceedings and criminal trial for the committing of some infringements regarding the non-observance of the control regime of exports and imports of strategic goods have been initiated against some persons who assume the legal responsibility or represent the applicant legal persons, according to documents put on the authorization record;

c) The legal person's object of work does not include activities that correspond to operations of foreign trade required by the authorization application;

d) The working period of the legal person, according to the setting up documents, has expired;

e) The conclusive documents regarding the social location are no longer valid;

f) The modifications of the setting up documents have not been declared and registered in the commercial account book;

g) Other cases expressly stipulated by law.

Article 16

1. When the authorization application has been repulsed, the applicant legal person is informed of the main reasons that have conducted to the repulse of the authorization application, within 15 days since the Agency president order issue.
2. The legal person, informed of the repulse of the authorization application, may require the registration in the waiting register;
3. The legal person registered in the waiting register may require the resumption of the authorization procedure after the reason which conducted to the repulse of the application has been removed, but not sooner than 6 months sine the date of the repulse.

Article 17

In case that the authorization application has been approved, on the basis of the Agency president's order, the authorization is delivered, in which the foreign trade operations that the bearer may carry out are mentioned and the strategic goods categories that make the object of these operations.

Chapter V

The Authorization Regime

Article 18

1. In special cases, at the legal person's request, in order to solve some emergent situations, the Agency may issue authorizations for the carrying out punctual operations, by specifying the goods.
2. In the situations mentioned at paragraph 1 the validity term for the authorization is 30 days maximum.
3. These situations will be notified to the Inter-ministerial Council for the control of exports and imports of strategic goods, that will analyze and approve, case by case, the license applications for these operations.
4. After the accomplishment of the operation, the legal person in question will hand in a new authorization application in conformity with the provisions of the present methodological standards.

Article 19

In the case of a legal person who sets down an authorization application for the first time and who accomplishes the conditions stipulated in the present methodological standards, the authorization is delivered for a 6 months long period.

Article 20

1. In case of legal persons who have been priory authorized by the Agency and who set down authorization applications, the new authorization will be issued for the operations and goods categories which have been objects of licenses issued on the base of the prior authorization or which will be object of some transfers based on firm contracts already concluded.

2. As long as the authorization issued by the Agency is valid the owner may require the extension of the authorization for other operations or categories of strategic goods.

3. In this scope the legal person in question will hand in an application for the extension of the authorization, together with the application for issuing the corresponding individual export or import license and with other relevant documents which are to justify the necessity and opportunity to extend the domain of the authorization.

4. The term necessary to solve the application for the extension of an authorization is correlated with the term necessary to solve the license application, but may not overrun 30 days.

5. The application for the extension of the authorization is approved by order of the president of the Agency.

6. On the basis of the order mentioned at paragraph 5 the old authorization is annulled and another one is issued, keeping the term limit of validity of the prior one.

Chapter VI

Final Dispositions

Article 21

1. The conditions taken into account for the issue of the authorization should be maintained all along the validity period of the prior one.

2. The authorization bearer is obliged to declare to the Agency any modifications appeared against

the data stipulated in the authorization after its issue within 10 days maximum since its issue.

3. In the case when such modifications change the conditions on the basis of what the authorization has been issued, this is annulled and the declaration regarding the modifications may be considered as a new authorization application.

4. Only its owner may use the authorization for the aims they have been issued by respecting the limits and conditions stipulated in them and may not be ceded directly or indirectly.

5. The authorization does not guarantee the license delivery for the operations required and may not be used as a document of reliability in commercial relations.

Article 22

1. If the owner of the authorization violates the provisions of the Government Emergency Ordinance 158/1999 generating serious consequences for the strategic goods exports and imports regime and for the accomplishment of international obligations and engagements assumed by Romania in this domain, the Agency may suspend or retire the authorization according to the case.

2. The authorization suspension, annulment and retire are settled by order of the president of the Agency.

Article 23

1. The entire responsibility regarding the carrying out of authorized foreign trade operations, their economic efficiency (including the conditions of price performance and correctness) the observance of national regulations and of those of the partner and transit countries belongs to the authorization bearer.

2. The bearer is responsible for the way of using the authorization in accordance with the conditions established at its issue.

Article 24

1. In case of authorization loss, damage or theft the bearer is obliged to notify the Agency and to require the issue of a new authorization.

2. The bearer in question will present to the Agency the proof of the publishing in the Official Gazette of Romania, Part III, the loss announcement, the damaged authorization or the confirmation from the police body that investigates the theft, according to the case.

3. By order of the president of the Agency a new authorization will be delivered containing the same conditions as the lost, damaged or thieved one, which is annulled.

ROMANIA

Law Concerning the Organization and Operation of the Romanian Gendarmerie

Law Concerning the Organization and Operation of the Romanian Gendarmerie

Chapter I

General Provisions

Article 1

The Romanian Gendarmerie is the state specialized military institution, component part of the Ministry of Interior, that exercises, according to the Law, its prerogatives concerning the securing of the guard and protection of some objectives, assets and particular importance valuables, the maintenance and reinstatement of the public order, the carrying out of the missions regarding the prevention and fight against the infringement of the legal regulations in force, the prevention and neutralizing of the terrorist and diversion acts all over the Romanian territory.

Article 2

The Romanian Gendarmerie performs its activity exclusively on basis of the Law and carrying it into effect.

Article 3

In order to fulfill its prerogatives on basis of the Law, the Romanian Gendarmerie cooperates with the Romanian Police, with other units belonging to the Ministry of Interior and other frameworks of organization belonging to the National Defence System, having prerogatives in the field and cooperate with the local and central public administration organizations, institutes and authorities.

Chapter II

The Romanian Gendarmerie Organization and Command

Article 4

The Romanian Gendarmerie is organized on basis of the military principles, all over the terri-

tory of the country, and comprises in its structure:

- a) the National Gendarmerie Headquarters;
- b) territorial Gendarmerie Headquarters;
 - district Gendarmerie Headquarters and the Gendarmerie Headquarters of Bucharest municipality;
 - gendarme battalions;
 - gendarme detachments, companies, sections, platoons, guards, posts and squads;
- c) the gendarme mobile brigade;
- d) training centers;
- e) special units;
- f) educational institutes;
- g) logistics base;
- h) repairs base.

The organization of the Romanian Gendarmerie, stipulated at paragraph (1) is achieved on the present structures of the Gendarmerie forces.

On basis of the Minister of Interior order, if required by the operative situation, gendarme sub-units can be organized in the rural environment, within the limits of approved funds and personnel.

Article 5

The National Gendarmerie Headquarters is the Romanian Gendarmerie central command unit which directs the activity of all subordinated structures.

Article 6

The National Gendarmerie Headquarters is commanded by a gendarme officer, in his capacity of Commander of the Romanian Gendarmerie, appointed in this position by the Minister of Interior, with the approval of the Romanian Supreme Defence Council.

The Commander of the Romanian Gendarmerie is assisted in fulfilling his competencies by his deputies, appointed, at his proposal, by the State Secretary in the Ministry of Interior who is in charge with the coordination of the activity of the Romanian Gendarmerie.

The Romanian Gendarmerie is represented by the Commander of the Gendarmerie or by his

representatives as concerns the relationships with the central and local public administration authorities, with similar foreign institutions.

Article 7

The National Gendarmerie Headquarters is composed of its Staff, departments, sections, special units, services and offices.

The organization and functioning regulations of the National Gendarmerie Headquarters are approved by the Minister of Interior.

Article 8

The territorial gendarmerie headquarters is a large unit meant to organize, direct and coordinate the specific missions for fulfilling the prerogatives of the Gendarmerie in a responsibility zone corresponding to the territory of several districts and of Bucharest municipality, having in its structure district gendarmerie headquarters, battalions, detachments, companies, sections, platoons, guards, posts, gendarme squads, specialist and logistics sub-units.

The territorial gendarmerie headquarters are based, as a rule, on the structures of the gendarmerie brigades.

The commander of the territorial gendarmerie headquarters is a gendarme officer.

Article 9

The district gendarmerie headquarters as well as the Gendarmerie headquarters of Bucharest municipality are units meant to organize, direct and perform the specific missions for fulfilling the Gendarmerie prerogatives in a responsibility zone corresponding to the territory of a district and, respectively, of Bucharest municipality. It is composed of gendarme battalions, detachments, companies, sections, platoons, posts, mobile and guarding sub-units.

The district gendarmerie headquarters as well as the Gendarmerie headquarters of Bucharest municipality are based, as a rule, on the structures of the present gendarme battalions or detachments.

The Commander of the district gendarmerie headquarters and the commander of the gendarmerie headquarters of Bucharest municipality are gendarme officers.

Article 10

The mobile gendarme brigade is a large unit directly subordinated to the National Gendarmerie Headquarters, meant to perform, independently or in cooperation with other units belonging to the Ministry of Interior, the National Defence Ministry and other components of the National Defence System, missions in order to fulfill the specific prerogatives all over the national territory. It is composed of battalions, gendarme detachments and specialist sub-units.

The commander of the gendarme mobile brigade is a gendarme officer.

Article 11

The setting up of new territorial headquarters and gendarme brigades is approved by the Supreme Defence Council of the country.

On basis of the order issued by the Minister of Interior, at Romanian Gendarmerie Commander's proposal, gendarme units and sub-units can be organized, according to the operative needs and within the limits of the approved funds and personnel.

Article 12

The gendarme battalion is a unit meant to perform missions, as a rule, within the responsibility zone of a gendarme headquarters. It is composed of detachments, companies, sections, platoons, guards, posts, squad and logistics sub-units.

The battalion is commanded by a commander who is a gendarme officer.

Article 13

The detachment, company, section, platoon, guard, post and gendarme squad are sub-units organized as military structures for training and performing the specific missions, independently or under the direct suborder of the gendarme headquarters, training centers, special units and gendarme battalions.

Article 14

The training center is a unit meant to train and improve the training of the personnel necessary

to bring up to the full number the personnel of the gendarme units and develops its activity according to the organization statutes approved by the Minister of Interior.

The center for training and improving the training of the gendarmerie specialized signal personnel is based on the structure of the present Signal Regiment.

The training center is commanded by a commander, gendarme officer.

Article 15

The gendarme special unit is meant to perform the guard and protection of some great importance objectives, the guard and transport of some special assets and valuables.

(2) The special unit is commanded by a commander, gendarme officer.

Article 16

The educational institutes are military units meant to educate, to improve the training and specialize the Gendarmerie personnel and works according to the tables of organization approved by the Minister of Interior.

The improvement of the training of the Gendarmerie personnel is done by the respective centers and schools.

Article 17

The logistics base is meant to assure the supply, stocking, preserve and distribution of the material resources necessary for the Romanian Gendarmerie.

At the level of each base structure of the Romanian Gendarmerie logistics units and sub-units will be set-up.

Article 18

The repairs base is meant to assure the repair of the motor vehicles, equipment, specific weapons and technique in the endowment of the Gendarmerie.

Article 19

At the level of the National Gendarmerie Headquarters, of the territorial headquarters, district headquarters and Bucharest Municipality gendarme headquarters, mobile brigade and educational institutes, according to necessities, administrative, technique, financial and medical compartments are organized being in charge with the whole specific activity necessary to perform their missions and to train the personnel.

Article 20

At order of the Minister of Interior, the large gendarme units, gendarme units and sub-units can cooperate in any other zone of the country, other than that of permanent responsibility.

Chapter III

The Prerogatives of the Romanian Gendarmerie

Article 21

The Romanian Gendarmerie has the following prerogatives:

- a) It assures the guard of the objectives, assets and valuables of particular importance for the defence of the country, for the activity of the state, for economy, science, culture and art, the guard of the locations of the diplomatic missions or of some economic agencies and representations, as well as the guard of the residences of some international bodies that carry on activities on the territory of our country, under the Government decision;
- b) it assures the guard of the transport of some important valuables consisting of amounts of money, credit securities, cheques or other valuable papers, precious metals and stones, scientific, technical, cultural and art values, as well as the transport of weapons, ammunition, explosive materials, drugs, other toxic or radioactive materials or other dangerous materials or substances;
- c) it assures, together with other legal public authorities, the order on occasion if meetings and demonstrations;
- d) it assures, together with the Police and other structures of the Ministry of Interior, the reinstatement of the public order in cases of breaking it gravely;

- e) it performs, together with the Police, missions to maintain the public order, to prevent and fight against offences and other infringements of the legal regulations in force;
- f) it accompanies, together with the Police, the specialized trains, taking the necessary steps for guard and order in the marshalling yards and railway stations;
- g) it performs, together with the other legalized state institutions, missions of assuring the protection of the high Romanian and foreign officials during their stay in Romania, as well as of guard of the places where they carry on their activities and of their residences;
- h) it performs, together with the other specialized state institutions, missions of preventing, neutralizing and liquidating terrorist and red-herring policy acts over the territory of Romania;
- i) it takes part in the guard and protection of the secret mail all over the Romanian territory;
- j) it performs public order measures during the neutralization of the suspicious objects that can be of public danger;
- k) it performs, together with the Police, the Fire-fighting forces and in cooperation with units belonging to the National Defence Ministry, to the civilian protection and other legal structures, rescue and evacuation activities for the persons and assets menaced with fires, explosions, damages, accidents, epidemics, calamities and disasters as well as limitation and avert of the effects of such events;
- l) it performs, together with the Police and other legal public institutions, missions of pursuit and capture of the fugitives, deserters and of other persons about whom there are solid data and indications that they are going to commit offences or that they have already committed them or that they elude imprisonment before trial or execution of convictions;
- m) it takes part, at request of the Romanian President and with the approval of the Parliament, outside the national territory, with personnel and equipment, in setting up the international forces meant to perform certain training, assistance and cooperation missions in the field of public order and for humanitarian operations; while performing these missions the participating gendarme personnel are subject to the same regulations as those of the National Defence Ministry forces performing missions abroad;
- n) it performs any other tasks assigned by the Law.

Upon request by natural or juristic person, in situations with no adjournment, the Romanian Gendarmerie Commander can approve the provisional guard of some objectives, assets, valuables and special transports.

For performing the tasks under paragraph (1), the gendarmes may make use of the weapons and technical means they are equipped with, according to the legal provisions,

Article 22

During the emergency state or the state of siege, the Romanian Gendarmerie, while continuing to perform its permanent missions, takes part in missions of discovering, seizing or liquidating the reconnaissance-diversion groups, the terrorist elements, as well as in assisting the evacuation of some particular importance objectives and of the population.

Article 23

During mobilization and time of war, the Romanian Gendarmerie, concurrently with performing its duties mentioned under art. 21 and 22, in its capacity of component part of the armed forces, performs the following assignments:

- a) it assures, together with other forces, the guard and protection of some objectives which, in time of peace, have not military guard;
- b) it takes part in discovering, seizing or neutralizing the parachuted or landed enemy within the territory of the country, areas of the gendarme units or sub-units;
- c) it takes part in defending some localities;
- d) it ensures the guard of the assets belonging to the public or private sectors, in cases of evacuation imposed by the enemy actions;
- e) it takes part in actions of averting the effects of the enemy air force attacks, mass annihilation means, incendiary or classical means;
- f) it takes part in: evacuating the population; commanding and directing the traffic; escorting the war prisoners and ensuring their guard in the interior zone camps; directing and guiding of the refugees; guarding and protecting some special destination areas;
- g) it performs any other assignments and missions concerning the defense of the country, according to the Law.

Chapter IV

The Romanian Gendarmerie Personnel

Article 24

The personnel of the Romanian Gendarmerie is composed of the military and civilian employees.

Article 25

The number of post for officers, warrant officers, non-commissioned officers, gendarms employed on basis of contract, conscripted young men and civilian employees of the Romanian Gendarmerie in time of peace and mobilization, is established by the Minister of Interior within the limits of personnel approved by Government decision.

The appointment of the personnel is done according to the prerogative order of the Minister of Interior.

Article 26

The standing personnel of the Romanian Gendarmerie benefit of stability in the respective unit.

Movement, transfer or detaching of personnel ca be done in the cases and conditions as stipulated in the Law.

Article 27

The military in the gendarme units will swear the military oath for the military of the Romanian armed forces.

The civilian employees make the following oath on taking office: "I ..., swear to observe the Romanian Constitution and Laws, to keep the professional secret and to fulfill my duties bona fide. So help me God".

Article 28

The selection, training and promotion of the military staff for the Romanian Gendarmerie are achieved according to the Law and to the orders of the Minister of Interior.

The military staff of the Romanian Gendarmerie comes from the graduates of the Military Education Institutes. For some activities, specialists with corresponding training from other fields of activity that correspondent to the legal terms, can be appointed.

Article 29

The training of the Gendarmerie officers is achieved in the military high education institutes

belonging to the Ministry of Interior, the Ministry of National Defence, as well as by means of the network of the civilian high education institutes.

The training of the gendarme warrant officers and of the gendarme non-commissioned officers is achieved in their own schools, in schools belonging to the Ministry of Interior and to the Ministry of National Defence.

The improvement of the training of the personnel and other courses of specialized training for the conscripted young men are organized by the National Gendarmerie Headquarters.

Article 30

The Romanian Gendarmerie can make use of militaries employed on basis of contract within the limits of tables of organization approved according to competence.

The gendarmes employed under the terms of paragraph (1) are militaries and comply with the military Laws and regulations.

The period of time during which a person carries on an activity in the Romanian Gendarmerie in his capacity of a gendarme on basis of contract is considered length of service.

Article 31

The selection, appointment, rights and obligations of the gendarme employed on basis of contract are established by order of the Minister of Interior. Their pecuniary and material rights are established by Government decision. After a period of at least four years from the date of being employed on basis of contract, the gendarmes under art. 30 can go in for examinations to advance in rank as non-commissioned officers or as warrant officers, according to the provisions of the Military corps statute.

Chapter V

Rights and Obligations of the Romanian Gendarmerie Personnel

Section 1

Rights and Obligations of the Military

Article 32

In order to perform their duties stipulated by the Law, the military in the Romanian Gendarmerie are invested with the exercise of the public authority.

The officers, warrant officers, non-commissioned officers and the military on basis of contract from the Gendarmerie have the following rights and obligations:

- a) to support the persons with functions that entail the exercise of the public authority, in case they face physical opposition when discharging their obligations;
- b) to identify and to prove the identity of the persons that committed offences infringing some standards of social behaviour, of the public order and quietness or of the regulations of the guard of assets in objectives with the guard ensured by gendarme personnel;
- c) to establish and administer penalties, according to the Law, in cases of infringement mentioned at (b);
- d) to take part in control and specific operations for discovering and neutralizing the terrorist-diversion elements all over the territory of Romania;
- e) to make use of any public or private transport and telecommunication means, with the exception of those belonging to the diplomatic corps, in order to take some legal steps which admit no delay and which cannot be achieved otherwise. The occasional expenses under such circumstances will be paid off later, at the owner's request, and will be covered, as the case stands, out of the Ministry of Interior funds or by the persons that gave rise to such interventions;
- f) to ask for the citizen assistance in order to pursue, capture and take the legal steps against the persons that infringed or are going to infringe the Law or other violations of the legal regulations in force;
- g) to act for preventing the breaking of the Law, about which they have been already informed;
- h) to intervene, in case of flagrant offences, for the immobilization of the culprit, and to deliver him to the nearest police station, together with the material evidence and the finding report.

When performing their tasks, the gendarmes must inform the people about their capacity and to show their identification cards.

Article 33

The military of the Romanian Gendarmerie, when performing their tasks, have the obligation to observe the fundamental human rights and liberties, to ensure medical assistance for the persons that need it as a consequence of the intervention by force. The Romanian Gendarmerie military are forbidden to commit acts of torture, to make use of degrading or inhuman measures and to execute evident unlawful orders.

Article 34

In order to perform their tasks, the gendarmes make use of their weapons, protection shields, helmets with sight, rubber sticks, electrostatic-energy sticks, tear-exciting means, side arms, water or colouring substance jets, hand-cuffs, service dogs, sonorous and luminous devices, protective armour means as well as any protection and immobilization means that are in their endowment, under the following circumstances:

- a) to impede and neutralize the aggressive actions of the persons that seriously disturb the public order, action that had not been annihilated or eliminated by making use of other legal means;
- b) against those who penetrate, without any right, in the residences of the public authorities, parties or other public interest institutions and who, being warned and challenged, reject to leave these places immediately, as well as against organized groups that impede the normal development of the activity in the lines of communication, in public places and other important objectives;
- c) to immobilize and stop the persons or groups of persons that cause disorder and undertake actions that endanger the life, body integrity and health of the people, the public or private property, outrage the order forces or other persons with functions that imply the public order authority exercise or seriously disturb the public order by acts of violence.

Article 35

In case of absolute need and when the use of other immobilization or constraint means had no result, the gendarmes make use of weapons, under strict circumstances as stipulated by the Law.

Article 36

The use of the means mentioned at art. 34 is made only after warning and challenging the participants to disperse by the order disposition chief or by his hierarchical chiefs.

In order to execute the dispersion, a suitable period of time will be at the participants disposal, period of time established according to the number of the participants, to the dispersion means and possibilities.

The warning and challenge are not necessary in case when against the order forces acts of violence are performed which imminently endanger their life, body integrity or health.

Article 37

The warning and challenge consist of the use sonorous or luminous signals and of drawing the attention of the persons that are under the situation mentioned at art. 34 of the present Law, by means of sonorous amplification, upon their obligation to observe the legal provisions and to disperse.

If, after warning, the participants did not disperse, they are announced by means of sonorous amplification as follows: the first challenge "Attention, please quit... we shall use force!", followed by sonorous and luminous signals.

In case that, after the necessary period of time for dispersal, the first challenge has no result, the last one is announced: last challenge "Quit... force will be used!" followed by sonorous and luminous signals.

Having in view that all the participants perceive the challenges, before making use of the immobilization or constraint means, a luminous signal is emitted, with red signal bullet, fired vertically.

Article 38

The use of the means mentioned at art. 34 is made gradually and do not have to exceed the real needs of immobilization of the aggressive or turbulent persons or of neutralizing the unlawful actions and will end as soon as the purpose of the mission is achieved.

Article 39

The intervention by force and use of the technical means of endowment, including the use of weapons, are approved in written form, by the prefect or subprefect, or as the case may be, by the mayor or his deputy in the locality where any of the situations under art. 34 happened and are performed in the presence of a delegated public prosecutor.

The approval of the intervention by force is not necessary in case where violence is used against the order forces or when their life, body integrity or health are endangered.

The approval of the use of weapons is not necessary in the cases when the Law stipulates that it can be made without challenge.

Article 40

The causes regarding the body injures or the death of any person as a result of the intervention by force are investigated by the delegated prosecutor or, depending upon the case, by the competent prosecutor.

Article 41

Persons found guilty for breaking the Law will be immobilized, removed from there as soon as possible and brought, as the case is, to the nearest police or gendarme unit.

Article 42

In order to perform their prerogatives, the military in the Romanian Gendarmerie can possess, wear and make use of the weapons, ammunitions and the means in endowment according to the Law and to the military regulations, orders and instructions emitted on their basis.

The military personnel have the right to wear the regular sidearm and afferent ammunition in endowment for guard and self-defence too.

Article 43

The officers, warrant officers and non-commissioned officers in the Romanian Gendarmerie are obliged to intervene even after the working hours or service duties, when they are informed

about the imminence or the act of an offence being committed, thus acting in order to preserve the corpus delicti, other material evidences, to arrest the culprits and to hand them over to the competent authorities.

Article 44

The military of the Romanian Gendarmerie are personally responsible for performing their duties specific to their function or position and for executing the legal orders received from the competent authorities.

Section 2

Other Rights of the Military and Civil Employees

Article 45

The pays, salaries and the other pecuniary means for the Romanian Gendarmerie personnel are under the provision of Government Laws and decisions.

The Gendarme military staff who, because of illness, accidents or other similar events that occurred when in service, as a result or in connection with it, and can no longer perform their duties and were appointed in other functions, preserve the previous pays and other pecuniary means.

The insurance for damages in case of car accidents when the car was driven by conscripted young men - drivers, when performing their missions, are paid for by the Ministry of Interior.

Article 46

The right for pension of the officers, warrant officers, non-commissioned officers and civil employees belonging to the Romanian Gendarmerie is established under the provisions of the Law.

The military and civil personnel in the gendarme units, when active and after being pensioned off, as well as their family members - the husband, wife and under age children in support or those who study until being 26 years old - benefit by rights of social insurance, as stipulated by the Law.

The medical assistance and necessary medication for the active and pensioned off cadres, as well as for the members of their families, are delivered free of charge by the Ministry of Interior

sanitary units, and in localities where the Ministry of Interior has not such sanitary units, by those belonging to the National Defence Ministry, according to the protocol concluded with this ministry or by the Ministry of Health sanitary units, according to the Law.

Article 47

The Gendarmerie military personnel that do command, coordinate or execute operative activities, are integrated in group 1 of work.

The Gendarmerie military personnel, other than that under paragraph (1), are integrated in group 2 of work.

The affiliation to the groups of work of the Gendarmerie military personnel is achieved on basis of order of the Minister of Interior.

Article 48

The wife and children of the officer, warrant officer, non-commissioned officer, gendarme employed on basis of contract who died in the line of duty or because of it, are granted a pension equal to the integral pay received in the last month.

In case the deceased gendarme officer, warrant officer, non-commissioned officer and gendarme employed on basis of contract had no children and was the only help for his parents deprived of sufficient means of subsistence, they will benefit by half of the inheritor pension, established according to the provisions under paragraph (1), together with a support equivalent to six taxable monthly pays.

Article 49

The officer, warrant officer, non-commissioned officer, gendarme employed on basis of contract, who has lost his capacity for work, during or because of service, in addition to the rights got by being pensioned off, will receive, only once, a pecuniary support equal to twelve times his integral pay received in the last month of his activity.

The officer, warrant officer, non-commissioned officer, gendarme employed on basis of contract who has partially lost his capacity for work, during or because of service and can no longer perform his professional duties as a soldier, will receive a pension equal to the integral pay got in the last month of his activity, a pecuniary support equal to twelve times his pay received

in the last month of activity, and will benefit by the right of cumulating the pension with the salary for another activity he performs.

Article 50

When performing their service duties, the gendarmes benefit by a special protection, according to the criminal Law.

In case of offences against the gendarme's husband or wife or children, as a revenge or intimidation resulting from the legal steps taken by the gendarme when performing his service duties, the maximum limits of the punishment according to the criminal Law will increase with two years.

Murder of a gendarme when performing his service duties or in connection with the fulfillment of these duties is considered a particularly serious crime and is inflicted the punishment according to art. 176 in the Criminal Code.

Article 51

The military and the civil personnel in the Romanian Gendarmerie who perform, command or coordinate missions and service duties under extreme danger conditions or isolation, benefit by an up to 30% profit calculated on the basic pay, respectively the basic salary.

The personnel categories that benefit by this profit are established according to the Minister of Interior order.

Article 52

For the Romanian Gendarmerie military and civil personnel the protection equipment for the specific missions performed by them is free of charge, and in case, after performing their service duties, the clothes, footwear or other personal goods are degraded or destroyed, they have the right for the corresponding compensation covered by the Ministry of Interior.

The Gendarmerie personnel taking part in intervention missions that lasted more than four hours, are provided free of charge extra meals, equivalent to 2000 calories, for every day of intervention.

Article 53

The military cadres and the ones employed on basis of contract who were given service horses or dogs, are entitled to receive a 5% profit calculated on the basic pay for the respective period of time.

Article 54

The Ministry of Interior will advance the necessary amounts of money for covering the material damages suffered by the gendarmerie unit staff and their families, as stipulated at art. 50, having to retrieve them from the guilty persons, according to the Law.

Chapter VI

Logistics

Article 55

The Gendarmerie National Headquarters is equipped with weapon system, technique, ammunition, specific equipment and apparatus necessary to perform the legal missions for the self-defense and protection of the personnel and of the objectives in which they function. The Gendarmerie National Headquarters has in its composition proper structures which assure the supply with materials, the logistics transports, the technical, medical, sanitary-veterinary, financial endowment, the quartering of the personnel and sheltering of the animals.

According to proper needs, within the Gendarmerie National Headquarters, agricultural and animal farms or production commercial companies, rest homes and cultural-sports associations can function.

Article 56

The Romanian Gendarmerie equipping is performed through the good offices of the Ministry of Interior out of the internal production or it is imported.

The import engineering, equipment, substances and apparatus will be customs duty free, according to the legislation in force.

Article 57

The revenue for military guarding and other services, organized and performed by the gendarmes according to the Law, are entirely kept as extra-budgetary revenues which will be used to cover the running and capital expenses.

Article 58

The buildings for the gendarme large units, units and sub-units are built out of the funds allocated to the Ministry of Interior, on the ground assigned on basis of Government decision, as the case stands.

The beneficiaries of the services performed by the gendarme unit militaries have the obligation to ensure them free of charge buildings and spaces necessary to perform their activities as well as service residences for the personnel.

The buildings of the gendarme units represent public domain of national interest and are out of the civil circulation.

Article 59

The Gendarmerie National Headquarters approve the projects of the buildings, the necessary means and arrangements for the guard service at the objectives that are secured or are going to be secured with military guard, according to the Law.

Article 60

The feeding of the gendarmerie unit conscripted young men that are assigned to the Police in localities where there are no gendarme units or structures, is achieved in officers` mess, restaurant-canteens or private boarding houses and the payment will be made by the units where the personnel belongs to.

Article 61

The gendarme units make use of their stock of vehicles and are equipped with combat engineering, transport engineering, signal apparatus and means as well as other specific materials necessary for performing the missions.

The motor vehicles used by the gendarmes when performing their specific missions bear the inscription "GENDARMERIE" and are equipped with luminous and acoustic signal outfit.

Article 62

The Gendarmerie National Headquarters is authorized:

- a) to approve, within the framework of its prerogatives, the technical-economic documentation for its own investments and to pursue their fulfillment within the established terms;
- b) to establish the use, maintenance and repair instructions for the special engineering in its endowment;
- c) to check up the material and pecuniary resources allocated to the large units and subordinate units;
- d) to perform any other prerogatives according to the Law, in the material and financial ensuring departments.

Chapter VI

Final and Transitory Provisions

Article 63

In case of events that jeopardize the rightful order, the commanders of gendarme large units and units inform the Ministry of Interior, and by the agency of it, all the other ministries and institutions having legal prerogatives in this respect regarding the progress of the events, in order to take the necessary steps for making use of the plans of action, approved by the State Supreme Defence Council.

Article 64

The rules of engagement by which the gendarme units perform their tasks, are set by means of statutes approved by the Minister of Interior.

Article 65

The military and civil personnel belonging to the Romanian Gendarmerie are, according to the Law, responsible for the illicit deeds committed in connection with the fulfillment of their service prerogatives.

Article 66

Every year, on the 3rd of April, the Romanian Gendarmerie Day is celebrated.

According to the Law, the Romanian Gendarmerie personnel can be conferred honorific medals and symbols.

Article 67

In order to personalize the gendarme units, by order of Minister of Interior, on basis of proposal made by the Gendarmerie National Headquarters, they may receive denomination having historical significance for the area of responsibility of the respective unit.

Article 68

On the day of coming into force the present Law, any contrary provisions are rendered void.