

L A W NO.360/2002
REGARDING THE STATUS OF THE POLICE SERVANTS *

The Parliament of Romania adopts the present law.

CHAPTER I
GENERAL PROVISIONS

Art. 1

- (1) The police staff consists of civil servants with special status, armed, who usually wear a uniform and exert responsibilities established by law for the Romanian Police, as a specialised state institution.
- (2) Exercising the police profession implies, by its nature, special duties and risks.
- (3) The special status is conferred by special duties and risks, by carrying firearms and other differences stipulated in the present status.

Art. 2

- (1) The police staff is attributed with public authority exercise, during and in relation to the fulfilment of professional attributions and duties, within the competences established by law.
- (2) The authority of the function cannot be exercised in personal interest.

Art. 3

The police staff carry out their professional activity in the interest and support of the person, the community and public institutions, exclusively on the basis of and for the enforcement of the law, observing the principles of impartiality, non-discrimination, proportionality and gradualism.

Art. 4

- (1) The police staff must respect the human fundamental rights and freedoms, the Constitution and the laws of the country, the oath of allegiance to Romania, the provisions of service regulations and carry out the legal dispositions of hierarchical chiefs regarding the professional activity.
- (2) The police staff is responsible, in terms of law, for the way in which they perform the professional responsibilities.

Art. 5

The hierarchical chiefs within the Romanian Police are responsible for the legality of dispositions given to subordinates. They must verify if these dispositions were correctly transmitted and understood and control the way in which they are carried out.

Art. 6

The police staff enjoy compensatory rights granted according to the law for the special conditions and risks their profession implies.

Art. 7

The police officer/agent position is gained and lost in the terms stipulated by the present law.

CHAPTER II
SELECTING, TRAINING, GRANTING PROFESSIONAL RANKS AND APPOINTMENT OF
THE POLICE STAFF IN PROFESSIONAL CATEGORIES AND RANKS

SECTION 1
Selection and Training of the Police Staff

* Hereinafter the term police staff shall have the meaning both police officer and police agent

Art. 8

Only the person who gains this position, in terms of the law, can exercise the police officer/agent profession.

Art. 9

(1) The police staff is mainly selected from the graduates of the training establishments of the Ministry of Interior.

(2) The police staff can be police agents or graduates, with diploma or university degree of long or short-term high educational institutions within the Ministry of Interior or from other higher education institutions with adequate profile for the necessary specialisations for the police, established by Decision of the Minister of Interior.

(3) For some positions, specialists with adequate qualifications for the requirements of the job who fulfil the legal conditions can be employed directly or transferred from defence public institutions.

(4) The admission to the educational institutions within the Ministry of Interior shall be made by means of an examination.

(5) The employment of experts within police forces shall be made by means of an examination.

Art. 10

(1) Any person has access to the entrance examination in the educational institutions of the Ministry of Interior and to direct employment of specialists, irrespective of race, nationality, sex, religion, wealth or social origin, provided that the following special conditions are met, in addition to the general legal conditions stipulated for civil servants:

- a) to be able, from a physical and mental point of view;
- b) not to have a previous criminal record or to be under criminal pursuit or trial for committing crimes;
- c) to have an adequate conduct according to the conduct requirements admitted and used in society.

(2) Within the first year of activity, the police staff directly employed must follow a training course in the training establishments of the Ministry of Interior.

(3) The candidates who passed the entrance examination in the educational institutions of the Ministry of Interior, as well as the persons who are to be directly employed in the police service must not be members of any party or political organisations.

(4) If during the activity in the police service or during training attended in the training establishments of the Ministry of Interior, any of the situations stipulated at art. 45, paragraph (1) occurs, the discharge or respectively expelling measures should be taken against that person. In situations when the pupil, student or police officer/agent are under penal investigation or trial, the expelling measure, respectively the discharge, is taken after the sentence decision of the Court is final

(5) The criteria regarding the police staff selection for the entrance examinations in the educational establishments of the Ministry of Interior, as well as the selection of specialists are established by order of the minister of Interior.

Art. 11

(1) The Ministry of Interior, through the General Inspectorate of Police, provides the continuous training of police staff in order to improve the professional skills.

(2) The police staff can be sent to study abroad, by means of examination, in the terms established by order of the minister of Interior.

(3) The categories, training forms and modalities of carrying on, as well as the duration of further training of the police staff are established by order of the minister of Interior.

Art. 12

In the training curricula of future police staff, pupils or students from the training establishments of the Ministry of Interior specific activities are stipulated for military training, for the first year of studies, fact that provides them, after the graduation from the first year, with the equivalent of mandatory military service.

SECTION 2

Obtaining Professional Ranks and the Appointment of Police Staff in Categories and Professional Ranks

Art. 13

- (1) The police staff can be beginner or irrevocable.
- (2) The beginner police staff are the ones who occupy, during the probation period, a position within the Romanian Police.

Art. 14

- (1) The police officers are divided into two specific categories in accordance with the necessary study levels, as follows:

- a) category A – Police Officers Corps – comprises police officers with higher education;
- b) category B – Police Agents Corps – comprises police agents who graduated secondary school or college.

- (2) The police staff categories are divided in corps and professional ranks, as follows:

1. Police Officers Corps:

- a) Police Chief Quaestor – *Cheștor Șef de Poliție*;
- b) Police Deputy Chief Quaestor – *Cheștor Șef Adjunct de Poliție*;
- c) Police Principal Quaestor – *Cheștor Principal de Poliție*;
- d) Police Quaestor – *Cheștor de Poliție*;
- e) Police Chief Superintendent – *Comisar Șef de Poliție*;
- f) Police Superintendent – *Comisar de Poliție*;
- g) Police Assistant Superintendent – *Subcomisar de Poliție*;
- h) Police Chief Inspector – *Inspector Principal de Poliție*;
- i) Police Inspector – *Inspector de Poliție*;
- j) Police Assistant Inspector – *Subinspector de Poliție*.

2. Police Agents Corps:

- a) Police Principal Chief Agent – *Agent Șef Principal de Poliție*;
- b) Police Chief Agent – *Agent Șef de Poliție*;
- c) Police Deputy Chief Agent – *Agent Șef Adjunct de Poliție*;
- d) Police Principal Agent – *Agent Principal de Poliție*;
- e) Police Agent – *Agent de Poliție*.

- (3) Only the officers with long-term higher education who graduated with a university degree or the equivalent can obtain the professional ranks of Quaestor, Chief Superintendent and Superintendent.

Art. 15

- (1) Appointment in professional ranks is made by promotion by:
 - a) The President of Romania, for Quaestors, at the proposal of the Minister of Interior;
 - b) The Ministry of Interior, for the other police officers, at the proposal of General Inspector of the Police;
 - c) The General Inspector of the Police, for police agents, at the proposal of chiefs of police units.
- (2) Abolished.

Art. 16

- (1) For gaining the next professional rank, the police officer/agents must fulfil cumulatively the following conditions:
 - a) to have completed the minimum stage in the current professional rank or to complete it during that respective year, except for the chief –superintendent with at least 2 years of service, who have had a quaestor or general function for at least 5 years
 - b) to have been assessed in the last two years of the minimum stage for the current rank as “exceptional” or “very good”, and in the other years of the stage, at least as “good”. The years in which the police officer/agents were assessed with lower assessment levels do not count for calculating the minimum rank stage.

(2) For obtaining the professional ranks of Chief Superintendent, Assistant Superintendent and Chief Agent, the police officer/agent must graduate a professional capacity course of a length and subject established by order of the Minister of Interior, and for obtaining the professional rank of Quaestor, passing of the examination organised for this purpose is required.

(3) Abolished

Art. 17

The minimum stage in professional ranks is:

1. Police Officers Corps:

- a) Police Deputy Chief Quaestor – 2 years;
- b) Police Principal Quaestor – 2 years;
- c) Police Quaestor - 2 years;
- d) Police Chief Superintendent – 3 years;
- e) Police Superintendent– 3 years;
- f) Police Assistant Superintendent – 4 years;
- g) Police Principal Inspector – 3 years;
- h) Police Inspector – 3 years;
- i) Police Assistant Inspector – 4 years;

2. Police Agents Corps:

- a) Police Chief Agent – 5 years;
- b) Police Deputy Chief Agent – 5 years;
- c) Police Principal Agent – 5 years;
- d) Police Agent – 5 years;

Art. 18

In the situations and under the conditions established by order of the Minister of Interior, the management positions are filled by examination or competition, by case.

Art. 19

(1) Granting the next professional ranks within the same category is made in hierarchical rank order, in respect of the existing needs and possibilities, within the limit of positions' number provided for the respective ranks, approved by the Ministry of Interior.

(2) The police officer/agent who obtained the scientific title of doctor is excepted for the terms stipulated in art. 16, paragraph (2).

(3) The police officer who graduated post university courses shall be excepted from the terms provided in art. 16, paragraph (2), except for those referring to granting the professional rank of Quaestor.

(4) The specialties of higher education, post university courses and scientific titles stipulated at paragraph (2) shall be established by order of the minister of Interior.

Art. 20

The police officer who died in the line of duty shall be granted posthumously the rank of Police Assistant Inspector, for the police agents, and the next rank for police officers.

Art. 21

(1) The graduates of the educational establishments of the Ministry of Interior shall be granted professional ranks and shall be appointed in police units for probation periods.

(2) On graduation of the training school for police agents, the police employee shall be granted the professional rank of Police Agent and is appointed as beginner during a 6-month probation period.

(3) On graduation of the Law College within the Police Academy "Alexandru Ioan Cuza" of the Ministry of Interior, the police employee is granted the professional rank of Police Assistant Inspector and is appointed as debutant for a 1-year probation period.

(4) The police staff mentioned at art. 9 paragraph (2) and (3) is granted professional ranks according to its training and length of service in the graduated specialty, according to the requirements of the position. Their appointment is made for a 6-month or 1-year period, subject to the category they belong to and the professional rank granted.

(5) On conclusion of the stage or probation period, the police officer/agent takes a professional confirmation examination. In case of failure, the examination can be repeated only once. The police officer/agent failing to take the examination is discharged from the police service.

(6) The police officer/agent who promoted the confirmation examination shall be appointed in the professional rank he/she holds.

(7) The stage and trial period shall be considered length of service in the police.

(8) The conditions for fulfilment of stage and probation period, as well as the methodology of organising and carrying out the professional confirmation examination are established by Decision of the Minister of Interior.

Art. 22

(1) The positions of the police staff differentiate by category, professional rank and hierarchy coefficient.

(2) The positions of the police staff are, by their nature, of execution or decision, and according to the level of the graduated studies, these are positions from category A and from category B.

(3) Each of these two position categories is divided into professional ranks, according to the hierarchical structure mentioned in art. 14.

(4) The police staff is appointed in positions in accordance with the professional ranks they hold, except for the situations mentioned in art. 18.

(5) The positions and payment methodology are established by law, within a 6-month period from the date of the coming into force of the present law.

(6) For justified reasons, the police staff may be appointed, at their request, on positions lower to their professional ranks.

(7) Police staff shall be appointed and discharged in/from a position according to the competency provisions approved by order of minister of administration and interior.

(8) In case of justified reasons, other than those mentioned at art. 65., established by order of minister of administration and interior, the police staff may be employed by the by the police units for a period of up to 3 months, during which they will benefit from rights of payment, except for the command compensation, by case.

Art. 23

(1) On appointment in the first professional rank, the graduate or the directly appointed police officer/agent swears in front of the Head of the training establishment or of the police unit and in the presence of two police officers/agents.

(2) The oath of allegiance has the following content: *“I swear to observe the Constitution, the people’s fundamental rights and freedom, to enforce correctly and without prejudice the laws of the country, to fulfil responsibly and in good faith the duties incumbent on my position and to keep the professional secrecy. So help me God”*.

(3) The oath of allegiance can be sworn without the religious closure formula.

(4) The graduate or the directly appointed police officer/agent and, by case, the Head of educational establishment or the police unit, as well as the two police officers/agents attending, sign the oath of allegiance.

(5) The oath of allegiance is countersigned by the minister of Interior and kept in the police officer/agent’s personal file and one copy is given to him/her.

(6) Signing the oath of allegiance assumes also the police officer/agent’s implicit agreement for testing his professional fidelity and integrity by performing specialist checks, in accordance with the terms of the law.

Art. 24

On appointment in the first professional rank, on appointment in and discharge from a management position, as well as on termination of work relations, the police staff must declare their wealth, according to the law.

Art. 25

(1) Each police officer/agent has a personal file that contains:

- a) the appointment document, the document acknowledging the qualifications and the document regarding the swearing of the oath of allegiance;
- b) the document regarding the annual assessment, the promotions in positions, classes, ranks or categories, the rewards received, as well as, the applied penalties in chronological order, with no discontinuities;

- c) the wealth statement and other documents set by order of the Minister of Interior.
- (2) The insertion in the police officer/agent's personal file of any document regarding his political, trade-union, religious or other kind of opinions shall not be allowed.
- (3) The police officer/agent has free access to his personal file and can get, by request, copies of the documents from the file which do not contain classified data, according to the law

Art. 26

The activity and the behaviour of the police officer shall be assessed annually and the conclusions are recorded in the job assessment by means of the following qualifications: "excellent", "very good", "good", "satisfactory", "unsatisfactory".

Art. 27

Selection, training, obtaining professional ranks and the professional development of the police staff are set, under the terms of the present law, by means of the Career Guide, approved by the order of the Minister of Interior.

CHAPTER III
THE RIGHTS, OBLIGATIONS AND THE RESTRICTION OF THE EXERCISE OF SOME
RIGHTS OR FREEDOMS OF THE POLICE STAFF

Section 1
The Rights of the Police Staff

Art. 28

- (1) The police staff shall have the right to:
- a) a monthly salary, consisting of the basic payment, indemnities, supplements, prizes and bonuses in the values set by law. The basic payment consists of the payment corresponding to the position held, the professional rank held, the gradations, the supplements for permanent mission, and, by case, the management indemnity and the merit pay.
 - b) pecuniary assistance and other pecuniary rights, in the values set by law;
 - c) uniform, specific equipment, food allowance, medical and psychological assistance, prosthetics, as well as free medicines under the terms set by Government decision;
 - d) an intervention, job, social or protocol apartment, by case, under the terms of the law;
 - e) holidays, study leaves, paid or unpaid leaves, under the terms set by Government decision;
 - f) medical holiday for: sickness, sickness prevention, health strengthening and recovering, accidents occurred during or because of the work; maternity holidays, holidays for looking after ill children up to 3 years old, for looking after the child up to 2 years old, as well as for other situations, under the terms of the law;
 - g) holiday, treatment and health recovery vouchers, under the terms set by Government decision;
 - h) pensions, under the terms set by law;
 - i) installation, moving, delegation or deployment indemnities, as well as the accommodation expenses reimbursement, under the terms of the law;
 - j) travelling expenses reimbursement in case of moving to another location and, once a year, for the holiday, under the terms set by Government decision;
 - k) placing the activity under special conditions or special work conditions, according to the law;
 - l) the permanent carriage of the firearms – police or personal property - under the terms of the law;
 - m) life, health and property insurance, under the terms set by Government decision;
 - n) medical treatment abroad, for illnesses inflicted during the professional exercise, under the terms set by Government decision;
 - o) judicial assistance provided on request, by the unit.
- (2) The firearms purchased personally by the police officer/agent will be kept after retirement on the basis of the licence already obtained, under the terms of the law.

Art. 29

- (1) For the service delivered, orders and medals shall be awarded to the police staff, in accordance with the law.

(2) In case of interruption of the activity within the police, the time while the police officer/agent carried out another activity shall not be considered for the calculation of the length of police service, for which the order or medal is awarded.

(3) The police staff awarded with the Order of Military Merit shall preserve all the rights obtained before the enactment of the present law.

Art. 30

The terms regarding the retirement and the pension rights of the police staff are set by law, within 6 months from the enactment of the present law.

Art. 31

(1) The police staff appointed for the first time in a position or transferred in the interest of the service to another location than the one where they reside, in the situation where they do not own an apartment, nor himself nor his spouse and no living space may be provided to him, has the right to a compensation for the house rent, up to 50% of the basic pay.

(1)

(2) The spouse of the police officer/agent transferred in the interest of the service to another location, who was employed and interrupted his/her activity because of moving with the spouse, has the right to a monthly indemnity of 50% of the police officer/agent's basic pay, until he/she gets a new employment or carries out another lucrative activity, but for no more than 9 months.

(3) The provisions of paragraph (1) and (2) are applied both to the police staff who graduated from training establishments of the Ministry of Interior, who was distributed to units in other locations than the residence and to their spouses.

(4) The spouse who was recorded, under the terms of the law, as unemployed on the day of the police officer/agent's moving, benefits too of the monthly indemnity provided in paragraph (2), but only after the time limit for the payment of the unemployment benefit set by law has expired.

(5) The value of the compensation provided in paragraph (1) and the terms for granting it are set by Government decision, at the proposal of the Minister of Interior.

Art. 32

(1) The police staff will be supported in building or buying an own apartment in the locality where the employing police unit is based, but only once during the career, under the terms of the law.

(2) The police staff who has at least 10 years of service is allowed to buy the service accommodation.

(3) The criteria and conditions for support provided in paragraph (1) are set by order of the Minister of Interior.

Art. 33

When exerting the job responsibilities, the police staff benefit, under the terms of the law, of special protection.

Art. 34

Special protection equipment, adequate for specific missions carried out by the police staff will be provided to them, and if clothing or other personal goods fall ruined or have been destroyed, as a result of performing job responsibilities, the police staff have the right to adequate compensation.

Art. 35

The members of the police officer/agent's family benefit, under the terms set by Government decision, of:

- a) free medical attendance and medicines, within the health insurance system specific to the field of defence, public order, national security and judicial authorities;
- b) reimbursement of travel expenses in case of the moving of the police officer/agent to another location, in the interest of the service.

Art. 36

In the sense of the provisions of the present law, the police officer/agent's family includes the spouse, children and parents who are legally supported by the officer /agent.

Art. 37

The children of the police officer/agent deceased during and because of the service, can be transferred by request, to the training establishments of the Ministry of Interior, in terms set by order of the Minister of Interior.

Art. 38

The retired police staff and their spouses have the right to free medical assistance and medicines, within the health insurance system specific to the field of defence, public order, national security and judicial authorities and have access to the rest homes, sanatoriums, sports bases and other rest and entertainment places belonging or being managed by the Ministry of Interior.

Art. 39

(1) the working hours of the police staff consist in 8 hours daily and 5 days a week, established so that the continuity of the police service and the recovery of the work capacity is ensured under the terms of the law.

(2) the working hours, the way in which they are organised and the granting of the weekly rest time are set by order of the Minister of Interior, after consulting the National Police Staff Corps.

(3) the granting of the weekly rest to which the police officer/agent is entitled can exceptionally be delayed, if necessary, for the interest of the service, but not more than twice a month.

Art. 40

The police staff and the members of their families have the right to be protected by the state's specialised structures against the threat or violence they might be subject to, as a result of carrying out the job responsibilities or in connection with these.

SECTION 2**The Obligations of the Police Staff****Art. 41**

The police staff is compelled:

- a) to be loyal to the institution they are members of, to respect the principles of the rule of the law and to protect the values of democracy;
- b) to display solicitude and respect for any person, especially for the vulnerable groups, to dedicate their professional activity to the competent, just, correct and conscientious carrying out of the specific job obligations provided by law;
- c) to continuously improve their professional and general training level;
- d) to be disciplined and prove professional and moral uprightness within the entire activity;
- e) to be respectful, courteous and correct in relation to the superiors, colleagues and subordinates;
- f) to support colleagues in performing their job responsibilities;
- g) to inform the hierarchic chief and the other relevant authorities in relation to corruption acts other police staff have committed and they have knowledge of;
- h) prove themselves, by means of the entire behaviour, worthy of the consideration and confidence assumed by the police profession.

Art. 42

The police staff are obliged:

- a) to keep the professional secrecy and the confidentiality in relation to the information obtained during the performance of the activity, under the terms of the law, except for the situations in which the performance of the job responsibilities, the necessities of justice or the law impose the disclosure of these;
- b) to display fairness in solving personal problems, without benefiting or leaving the impression of benefiting from the confidential data obtained as a result of the official position;
- c) to correctly inform the public on public matters and issues of their personal interest, according to legally established competences;
- d) to have a fair behaviour, not to abuse the official position and not to compromise by public or private activity the reputation of the position or institution they are members of.

Art. 43

Irrespective of circumstances, it is forbidden to the police officer/agent:

- a) to receive, request, accept directly or indirectly or get promised, for himself/herself or for others, considering his/her official position, gifts or other favours;
- b) to solve requests he/she has not competence in or that have not been allocated to him/her by the hierarchical chiefs, or to intervene for solving such requests, for the purposes foreseen in paragraph a);
- c) to use violence in other ways than in the terms of the law;
- d) to induce to a person physical or psychic suffering in order to get from that person or a third person, information or confessions, to punish that person for an act that that person or a third person committed or is supposed to have committed, to intimidate or put pressure on that person or a third person;
- e) to collect sums of money from natural or legal persons;
- f) to draft, print or distribute materials or publications with politic, immoral character or which instigate to indiscipline;
- g) to have, directly or by intermediaries, in an unit that is subject to the control of the police unit the officer/agent is member of, interests meant to compromise his/her impartiality and independence.

Art. 44

(1) The police service has a permanent and compulsory character.

(2) The police staff is obliged to report on duty during the established work hours, as well as in seriously justified situations, out of the work hours, in order to carry out work responsibilities, with compensation for work time, according to the law.

(3) In situations of disasters, calamities, large-scale disturbance of the public order or other incidents like these, the police officer/agent is obliged to report immediately to the police unit he/she is a member of.

(4) In case of declaration of the state of emergency, state of siege or in case of mobilisation or war, the police officer/agent shall act according to law.

(5) In case of one of the situations provided in paragraph (3) and (4) the police officer/agent who is at that time in another locality shall report to the closest unit of the Ministry of Interior, and inform superiors about this.

SECTION 3**The Restriction of the Exercise of Some Rights and Liberties**

(1) The police staff is forbidden to:

- a) be member of political parties, structures or organisations, or to carry out propaganda in favour of these;
- b) express ideas or political preferences at work or in public;
- c) run for local public administration authorities, the Parliament of Romania and the position of President of Romania;
- d) express in public, opinions opposite to Romania's interests;
- e) declare or participate at strikes, as well as meetings, demonstrations, processions or any other meetings with politic character;
- f) adhere to sects, religious organisations or other organisations forbidden by law;
- g) perform, directly or through interposed persons, trade activities or to participate in the administration or management of a commercial society, except for having the capacity of shareholder;
- h) perform lucrative activities likely to harm the honour and dignity of the police staff or of the institution they belong to;
- i) hold any other paid public or private position, except for teaching positions within the education establishments.

(2) The police staff can present in public, only in the conditions established by Minister of Interior's Decision, information and data obtained during the performance of work responsibilities or can comment referring to such data and information, if by doing so, the principle of the presumption of innocence is not infringed or the right to own image, dignity, the intimate, private or social life is not endangered or the conclusion of the criminal investigation is not damaged in a case under official prosecution or trial.

(3) Data and classified information, according to the law, obtained by the police staff during the performance of work responsibilities, cannot be made public for a 5-year period after the termination of contractual employment relations, unless otherwise provided by the law.

Art. 46

(1) The police officer/agent can be transferred to another locality, other than that of residence, in the following cases:

- a) in the interest of the service;
- b) at personal request;
- c) when the initial unit is being reorganised and the position held is being cancelled and there is no possibility of appointment to a similar position;
- d) in order to remove a danger that affects his/her life or integrity, or the life and integrity of his/her family members, due to the performance of work responsibilities;
- e) when the image of the police officer/agent in that locality is damaged.

(2) For the situations provided at paragraph (1) letter a) and c) – e) the agreement of the transferred person is required.

Art. 47

The police staff can be delegated, seconded or transferred, according to the competence norms approved by Decision of the Minister of Interior, under the terms of the law.

Art. 48

The police staff can associate and can form associations with professional, humanitarian, technical and scientific, cultural, religious, and sports and leisure character, with no damage to the performance of work tasks and responsibilities.

SECTION 4
Police National Corps

Art. 49

(1) The National Police Corps shall be established as a legal person of public law, hereinafter referred to as “The Corps” with headquarters in Bucharest, representing the form of organisation on professional, autonomous, non-political, and non-profit criteria of the Police Staff(2) The Corps promotes the interests of the police staff and defends their rights.

(3) The organisation and functioning of the Corps is established on the principles of territoriality, eligibility, mutuality and hierarchy of the leading structures.

(4) The management and control authorities of the Corps are:

- a) the National Congress;
- b) the National Council;
- c) the Council of the General Directorate of Bucharest Municipal Police, the Councils of the County Police Inspectorates, the Councils of the Ministry of Interior and territorial training establishments;
- d) the censors;

(5) Representatives of all categories of police staff will be elected in the management authorities of the Corps, observing the ratio and the equal rights of vote.

Art. 50

By means of the management authorities, the Corps carries out the following responsibilities:

- a) it takes measures for ensuring the moral and professional integrity of the police staff, as well as the efficiency of their activity;
- b) it offers consultancy in elaborating the proposals for normative acts that refer to policing or the status of the police staff;
- c) abolished;
- d) at request, it represents the interests of the police officer/agent against whom disciplinary measures have been taken;
- e) it takes part in the elaboration of the Ethic and Deontological Code of the Police Staff, whose provisions are compulsory in the performance of the police profession;
- f) abolished;

- g) it represents the police profession, together with the General Inspectorate of the Police, in relation to the governmental bodies, professional and scientific authorities, public institutions, as well as other legal or natural persons;
- h) it promotes international relations with similar organisations and professional institutions;
- i) it keeps and permanently updates the records of its members.

Art. 51

(1) The Corps revenues are made of:

- a) the registration tax, monthly members' subscriptions, other revenues from scientific, cultural and sports events, as well as from editorial rights;
- b) resources allocated from the state budget and/or local budgets;
- c) donations and sponsorship from natural or legal persons, domestic or foreign, under the terms of the law and of the norms established by the Minister of Interior.
- d) rents, interests and any other legal sources;

(2) The councils provided under art. 49 paragraph (4) letter c) sends periodically to the Corps a share of the collected revenues as established by regulations.

(3) The money funds obtained in the conditions of paragraph (1) can be used for the improvement of professional training, granting of scholarships and assistance, for the establishment of scientific institutions, investments related to the endowment with adequate means of the Corps activities, administrative expenses, purchase and administration of hotels and leisure houses and clubs of police staff and for the salary fund of its own technical and administrative apparatus.

Art. 52

The form of organisation and functioning of the Corps is established, in the terms of the present law, by the Regulation of organisation and functioning, approved by Government Decision.

**CHAPTER IV
REWARDS, LEGAL LIABILITY AND SANCTIONS**

**SECTION 1
Rewards**

Art. 53

For special contributions in defending public order, citizens' fundamental rights and freedoms and prevention of antisocial deeds, the police staff may be awarded decorations, according to the law.

Art. 54

(1) For exemplary fulfilment of service duties, police staff may be granted moral or material rewards, under the terms established by Decision of the Minister of Interior.

(2) For exceptional merits in achieving particular objectives of policing, the police officer/agent may be promoted to the next professional rank, before the completion of the minimum stage, under the terms established by Decision of the Minister of Interior.

(3) For particular actions that bring about income for the state budget, the police officer/agent may be rewarded with up to 1% from the amount recovered, but not more than his/her annual gross income, under the terms established by Decision of the Minister of Interior.

**SECTION 2
Legal Liability and Sanctions**

Art. 55

The guilty infringement of service duties induces the disciplinary, material, civil, or criminal liability, as the case may be.

Art. 56

The police staff who, in the line of duty, within the terms of law, caused suffering or injury to people or damage to their property, is exempted of any liability.

Art. 57

The following acts committed with the guilt of the police staff shall be considered disciplinary offences, unless they were not committed in such conditions that make them criminal offences:

- a) misconduct of a police officer/agent in the line of duty, within family or society that damages the honour of police officer/agent, the professional integrity or the prestige of the service;
- b) negligence manifested in the performance of work responsibilities or of orders received from hierarchical superiors or from the authorities established by law;
- c) repeated or unjustified delay of the accomplishment of tasks;
- d) exceeding work responsibilities or lack of solicitude in relations with the public;
- e) unmotivated absence or repeated reporting late for duty;
- f) causing material losses to the employing unit or to the property of the Ministry of Interior;
- g) infringement of the rules regarding confidentiality of the activity;
- h) illegal interference with the activity of other police staff;
- i) disregard of the provisions of the oath of allegiance;
- j) intervention in order to influence requests regarding the satisfaction of a person's interests.
- k) infringement of the provisions relating to duties, incompatibilities, interest conflicts and interdictions established by the law

Art. 58

The disciplinary sanctions that may be applied to police staff are:

- a) written reprimand;
- b) 5–20% salary cut for the position held for 1 up to 3-month period;
- c) postponement of promotion in professional ranks or to superior positions, for 1 up to 2-year period;
- c^1) demotion from the held position down to the minimum level for the professional rank held;
- d) dismissal from police service

Art. 59

- (1) The disciplinary sanctions shall be established and applied only after previous official examination and consultation of the discipline councils, except for the sanctions foreseen under art. 58 par a) and b) which may apply without consulting the discipline councils.
- (2) The procedure for preliminary enquiry shall be established by Decision of the Minister of Interior.
- (3) The preliminary enquiry shall be carried out by the head of the unit or by specially appointed police staff.
- (4) The enquiries referring to infringements, that produce data and indications that suggest the perpetration of criminal offences shall be carried out with the participation of a representative of the Corps, the judiciary authorities being subsequently notified, in accordance with the findings.
- (5) The hearing of the person under reference and recording of the statements are compulsory.
- (6) The police officer/agent under investigation has the right of full access to the procedures of the enquiry and to ask for evidence in his/her defence.
- (7) Before the discipline councils, the police officer/agent shall have the right to be assisted by another police officer/agent, chosen by him/her or appointed by the Corps.
- (8) When establishing the sanction, the previous activity, the circumstances in which the disciplinary offence was committed, the causes, gravity and consequences, the extent of the guilt of the police officer/agent, as well as the preoccupation for the removal of the consequences of the acts are taken into consideration.
- (9) The disciplinary sanction shall be enforced in a maximum of 30 days from the notification on the offence, but no later than one year from the date of the offence.
- (10) Only one disciplinary sanction may be applied for the same offence.

Art. 60

- (1) The application of disciplinary sanctions shall be carried out in accordance with the competencies established by Decision of the Minister of Interior.
- (2) The dismissal from the police service is properly decided by the persons who, according to art. 15, have the competence to grant professional ranks to the police staff.

Art. 61

- (1) The police officer/agent may appeal against the disciplinary sanction applied, within 15 days from notification, with the hierarchical superior of the police officer/agent who applied the sanction. The addressed police officer/agent makes a substantiated decision, within a 30-day period.
- (2) The dissatisfied police officer/agent can address the Corps against the applied penalties and non-favourable decisions, according to art. 50, letter d).

Art. 62

- (1) The Superior Discipline Council is established at the level of the General Inspectorate of the Police and Discipline Councils are established at the level of the General Directorate of Bucharest Municipal Police, County Police Inspectorates, territory units and police training establishments.
- (2) Discipline Councils are established and work with the heads of the police units and have a consultative nature.
- (3) Discipline Councils carry out their activity on the basis of the regulations approved by Decision of the Minister of Interior.

Art. 62¹

(1) In case of serious disciplinary offences which discredits the image and credibility of the institution, as well as the police servant's, preliminary enquiry and consulting the disciplinary councils shall be disposed and carried out immediately after the deed has been ascertained.

Art.63

- (1) The police officer/agent is responsible for any damages caused to the property of the unit, in line with the legislation applicable to the civilian staff of the Ministry of Interior.
- (2) The police officer/agent is not responsible for the damages caused to property of the unit if these are a direct consequence of an action carried out within the limits of the law.

Art.64

Abolished

Art.65

(1) In case the criminal prosecution against the police officer/agent has been initiated or he/she has been sent to trial, the continuation of his/her service is decided upon only after the case is peremptorily solved, except for the situations where other disciplinary offences have been committed, case in which the regular disciplinary procedure shall be applied.

(2) During criminal prosecution and trial, the police officer/agent is put on stand-by.

(3) During preventive arrest, the police officer/agent is suspended from the service.

(4) The police/officer on stand-by carries out only those tasks and responsibilities set in writing by the chief of police unit and benefits of basic pecuniary rights for the professional rank and of all the other rights provided in the present law.

(5) In case the decision to drop the criminal prosecution was taken or in case of acquittal, as well as in the case where the criminal prosecution or criminal lawsuit was terminated, the police officer/agent will be reinstated in all previous rights, including the reimbursement for the rights cancelled during the stand-by or respectively suspension period, according to the competencies established by means of an Order of the Minister of Interior.

CHAPTER V TERMINATION OF WORK RELATIONS OF THE POLICE STAFF

Art.66

(1) Under the present law, the continuity of employment of the police staff is guaranteed.

(2) The work relations commence when the police officer/agent is granted the first professional rank.

Art. 67

Abolished

Art.68

Abolished

Art.69

The police staff work relations shall cease in the following cases:

a) on reaching the age and length of service required for retirement;

b) on loss of work capacity, under the terms of the law;

c) on reaching the age for the actual rank;

d) on request;

e) on appointment to another position;

f) on resignation;

g) on dismissal from the police service;

h) on a two-year assessment as "unsatisfactory"

i) on conviction through a peremptory court decision, except for the cases where the suspension of the sentence-serving or of the criminal fine for unintentional offences, on the basis of the approvals of the persons who had granted the professional ranks provided in article 15;

j) when, after the reorganisation of the police unit and after the reduction in the number of positions similar to the one held by the police officer/agent in the case, there is no possibility for employment in a similar position in the same unit or in another unit;

k) on failure in the final exam mentioned in article 21, paragraph (5);

l) when it has been established that he was fraudulently appointed on his position, even though this situation has been subsequently discovered;

m) when the police agents haven't finalized their professional studies foreseen at art. 73 par(8)

(2) The employment of the agents shall not cease by dismissal when instating the emergency state, state of siege or war..

ART.69^1

(1) The age limits in the professional rank until which the police staff may be maintained employed are :

- a) For police officers and agents until the rank of chief superintendent – 55 years old;
- b) For police officers with having the quaestor rank or higher – 60 years old;
- (2) The police quaestors, the principal quaestors, the chief quaestors, and the general quaestors whose state of health permit them to carry out their duties in optimum conditions may be maintained in their service until the age of 62;
- (3) If their state of health permit them, the chiefs-superintendents may be kept in service until the age of 57;
- (4) The Minister of Interior shall approve biannually by order, the maintainance in service of the officers foreseen at par. (2) and (3),;

Art.70

The police staff who graduated from a training establishment of the Ministry of Interior and whose work relations are terminated during their first 10 years' service, due to their own fault, are compelled to pay back all expenditures incurred by their training. The amount must be directly proportional with the period of time left until reaching 10 years' service.

**CHAPTER VI
FINAL AND TRANSITORY PROVISIONS**

Art.71

- (1) The police staff who, at the time when work relations cease, do not meet the age and years of service requirements for retirement, benefit from programmes of professional re-conversion as follows:
 - a) during the last 6 months before the measures mentioned in article 69 letter j) are adopted
 - b) after the occurrence of the situation mentioned in article 69, letter b).
- (2) Professional re-conversion of the police staff that fit in one of the cases provided in paragraph (1) is being ensured by the Ministry of Interior, together with the Ministry of Labour and Social Solidarity, as well as the National Agency for Employment of Labour on the basis of the protocols signed in this regard.
- (3) The organisation and development of the programme is established by means of an Order of the Minister of Interior.
- (4) For the purpose of professional re-conversion, police staff may take qualification, re-qualification, and improvement courses or, by case, other forms of professional training authorised by the Ministry of Interior and with all expenditures covered by the Ministry, or any other courses provided by other Ministries as well as institutions or legal persons of private law which are authorised for this purpose, according to the law.
- (5) The value of the courses organised outside the Ministry of Interior, in line with the conditions from article (4), is covered from the budget of the Ministry within the limit of 3 monthly gross salaries earned by the officer/agent at the moment when work relations ceased.

Art.72

- (1) At the time of the enactment of this law, its provisions relating to qualifications requirements and minimum stages in rank do not apply to serving police staff, except for the police staff to be promoted.
- (2) At the same time, the police officers who graduated from the "Alexandru Ioan Cuza" Police Academy of the Ministry of Interior, as well as any authorised higher education establishment, are granted the professional ranks under the terms of the present law.
- (3) Police officers/agents will swear their oath of allegiance. The refusal to swear the oath of allegiance brings about the dismissal from the police service, this being recorded in an official report signed by the persons provided under article 23, paragraph (1).

Art. 73

- (1) At the moment of enactment of the present law, the military ranks of the police will be made equivalent to professional ranks, taking into account training and qualifications, but maintaining the rights previously obtained, as follows:

A. Police Officers

- a) Second Lieutenant - Police Assistant Inspector
- b) Lieutenant – Police Inspector
- c) Captain – Police Chief Inspector
- d) Major – Police Assistant Superintendent

- e)Lieutenant – colonel – Police Superintendent
- f)Colonel - Police Chief Superintendent
- g)Brigadier General – Police Quaestor
- h)General – Major - Police Principal Quaestor
- i)General - Lieutenant - Police Chief Quaestor
- j)General - Police General Quaestor

B. Police agents

- a)Military Foreman of IVth grade and Sergeant Major – Police Agent
 - b)Military Foreman of IIIth grade and First Sergeant - Police Principal Agent
 - c)Military Foreman of IInd grade and senior sergeant - Police Deputy Chief Agent
 - d)Military Foreman of Ist grade and Warrant Officer - Police Chief Agent
 - e)Principal Military Foreman and Chief Warrant Officer - Police Principal Chief Agent
- (2) The equivalence of ranks regarding police agents and police officers is valid both in the case that polices work relations cease as well as if the transfer of military staff or police officers between the police units and other units of the Ministry of Administration and Interior or other institutions within the national defence system, public order and, by case, national safety is.
- (3) The Superintendent police officers who have served at least 5 years in their professional rank or in the Chief Superintendent rank and have been employed during this period for at least 3 years on positions rightful to questor police ranks or brigade general or higher and have received the ... qualification, at the end of their employment they may be awarded the questor rank , according to the law.
- (4) The police officers that did not graduated a form of short or long-term higher education will be hired in positions in line with their equivalent professional ranks.
- (5) The police officers mentioned in paragraph 1, letter A will be granted the next professional rank only after they will graduate the university education corresponding to the category they are in.
- (6) The police agents that did not graduated secondary school will be hired accordingly to their equivalent professional ranks.
- (7) Police agents who graduated with license diploma or any equivalent a higher education will be hired, in line with the law, in categories and professional ranks according to their studies.
- (8) The approved period of time in which police officers are allowed to finish their studies in order to be equalized with the ranks deriving from the position they hold is, according to paragraph 1 of the law, of 5 years since the present law enters into force. If this period expires and the police officers have not finished their studies, they will be hired in categories and professional ranks provided by studies they had already graduated and for the police agents their service will cease.
- (9) The time of probation in the military rank hold at the date of equivalence will be taken into account when professional ranks mentioned in paragraph 1 as well as in article 16, paragraph 1, letter b) are granted.
- (10) Granting the professional ranks for police officers is regularly done once a year- at the " Romanian Police Day"
- (11) Granting the professional ranks for police officers when they are directly appointed is quarterly made, through an order of the Minister of Administration and Interior.
- (12) Granting the professional ranks for police officers mentioned in article 9 paragraph (2) and in article 54 paragraph (2) can be done during the whole year.

Art.74

- (1) The records on police officers and on mobilization operations during and after the work relation cease, as well as the ways of their keeping are established through a Minister of Administration and Interior's order.
- (2) When the work relation cease, the police officer is forced that, in a 15 days period to present himself at the military base on whose range his address is, in order to be recorded as a reservist specialized "in police" and holding the military rank equivalent to the professional rank hold at the moment of entering into the Ministry of Interior's record.
- (3) The police officers already taken into account as reservists can be concentrated or mobilized in order to complete the effectives of the Ministry of Interior's units, in line with the present law.

Art.75

The description of the police officer's uniforms as well as the distinctive marks is established by a Government decision.

Art.76

(1)The stipulations of the present law are also applied to the staff of the Romanian Border Police, to the General Directorate of Computerized Records on Persons, to the National Refugee Office, to the General Directorate of Information and Internal Protection, to the police learning structures and the similar structures within the "Alexandru Ioan Cuza" Police Academy as well as to the personnel from the central units of Ministry of Administration and Interior and to the units subordinated to it.

(2)The competences established for the general inspector of the Romanian Police by the present law is exercised in the name the personnel in the units provided in paragraph (1) by their heads.

Art.77

Payment of the police officer's pecuniary rights is made, according to the present law, out of the funds assigned from the states' budget.

Art.78

(1) The provisions of the present law will be supplemented, by case, with the stipulations of law no.188/1998 concerning the Statute of Public Servant with subsequent updates and completions, and with other already enforced normative acts.

(2) By the time the law regarding remuneration of police officers is applied, the legal provisions regarding remuneration and other rights of the military staff from public institutions of national defence, public order and national safety will have been applied.

(3) By the time the law regarding life annuity is adopted, the stipulations regarding the retirement of military personnel will have been applied.

(4) The way of applying the stipulations of articles (2) and (3) is established by an order of the Minister of Administration and Interior.

Art.79

In the administrative-territorial units in which persons belonging to a national minority represent more than 20 % of the total population, police officers that know the respective language will be hired.

Art.80

In line of the law, by a Government decision, the Credit House for police officers can be set up.

Art.81

(1) The Government decisions as well as the orders given by the Minister of Interior for the application of the present law will be issued in a period of 30 days since its entering into force.

(2) Until the Government decisions mentioned in paragraph (1) are adopted, the police staff benefit from their status and rights stipulated in the present normative acts regarding military personnel.

Art.82

(1) The present law will come into force in 60 days after its publication in the Official Journal, part I.

(2) At the same date, any other contrary disposals existing are being repealed.

This law was adopted by the Senate in the session of 13 May 2002, in line with the provisions of article 74, paragraph 1 from the Constitution of Romania.

for the President of the Senate
DORU IOAN TĂRĂCILĂ

This law was adopted by the Chamber of Deputies in the session of 14 May 2002, in line with the provisions of article 74, paragraph 1 of the Constitution of Romania.

for the President of the Chamber of Deputies
VALER DORNEANU

București, 6 July 2002
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