

# **Decision no. 30/2007 on the organization and functioning of the Minister of Interior and Administrative Reform**

## **Issuer: The Government**

Bearing in mind the provisions of art. 2 from GEO no. 24/2007 regarding the establishment of some measures of reorganization the central public administration, by which Minister of Interior and Administrative Reform was set up through the reorganization of the Minister of Administration and Interior, the National Authority of State's Reserves, the Central Office of State for Special Issues and National Authority Regulating for Public Utility Community Services,

Taking into account the necessity of regulating a new organizational and functional frame of the Minister of Interior and Administrative Reform, in order to avoid some difficulties regarding the optimum functionality of the institution in the absence of a legal frame to establish the organization, the functioning and the attributions of the new institution, elements which aim at public interest and represent extraordinary situations whose regulation cannot be postponed,

Pursuant to art 115, par (4) from the Romanian Constitution, republished,

The Government of Romania adopts the present Emergency Ordinance.

## **Art. 1**

(1) The Minister of Interior and Administrative Reform is a special body of the central public administration, with legal status, having the headquarters in Bucharest.

(2) The Minister of Interior and Administrative Reform has, according to the Constitution and state's laws, attributions regarding:

a) protecting the rights and fundamental freedoms of persons, the public and private property;

- b) fulfilling the Programme of governing and of the strategies in the field of public administration and public order, and monitoring, in the name of the Government, the elaboration and implementing the programmes of institutional reform by the Ministers and other authorities of the central public administration;
- c) fulfilling the obligations that incumb to Romania as a member state of the European Union and taking part at the elaboration process of the community's policies and legislative acts in its fields of competence;
- d) public function and public servants;
- e) representation of the Government on local level;
- f) observing the local authonomy's general regime and the constitutional principles of descentalization and deconcentration of public services;
- g) partnership with local authorities and with affiliated structures of local public authorities;
- h) the activity regarding the industrial parks and underprivileged areas;
- i) the activity of land registering, geodesy, cartography and real estate publicity;
- j) public utility of community services;
- k) adminstration of state's reserves;
- l) civil protection and managing emergency situation;
- m) the regime of identity cards and of civil status, of simple passports, of diving licenses and of vehicle registering certificate;
- n) managing and protection of National Archiving Fund;
- o) the ensurance of implementing the strategy and policies of the Government in the field of preparing the national economy and the teritorry for defence;
- p) ensurance of the public order;
- r) the security of persons, objectives, goods and values;
- s) preventing and counterering antisocial deeds;
- t) observing the legal regime of state border;
- u) legal regime of aliens, asylum seekers and of persons who have been granted a form of protection in Romania;
- v) the defence against arson and civil protection of popoulation and goods;

## **Art. 2**

In order to fulfil the objectives within its competence, the Minister of Interior and Administrative Reform carries out the following functions:

- a) function of strategy, by which it draws up sectorial policies and strategies of implementing the Governing programme and community policies in its fields of competence;
- b) the regulation function by which it ensures the drawing up of legal and institutional framework in order to fulfil the strategic objectives and transposing the community acquis for its fields of competence;
- c) the state authority function, by which it ensures the implementing and observing the legal regulations for the fields within its competence, as well as monitoring the fulfilment of the policies and strategies within its competence;
- d) representation function, by which it ensures in the name of the state and of the Govern , the representation at internal level, at external level and within European Union's institutions and structures, for its fields of competence;
- e) the public management function, by which it ensures the administration of state's public and private property for which the state is responsible in its fields of competence, as well as the management of the services and financial and human resources;
- f) the function of management for the Sectorial operational programme authority - The increase of administrative capacity;
- g) the function of authority of management for the Schengen Facility;
- h) the function of coordination the usage of non-reimbursable financial assistance granted to Romania by the European Union for the fields within its competence;
- i) the function of managing the external credit, others than the community ones, for the fields within its competence;

## **Art. 3**

(1) The Minister of Interior and Administrative Reform fulfils the following main attributions:

- a) in the field of public administration;

1. monitors the implementing of the provisions comprised within strategies and reform programmes and restructuring of local and central public administration, drawn up on the basis of Governing Programme, according to European Union's policies and internal legislation, and ensures the fulfilment of the strategies and programmes in its field of activity;
2. guides and controls the activity of the prefects and prefects' institutions regarding the carrying out of the attributions foreseen by the law;
3. monitors the cooperation of the deconcentrated structures of the central public administration, on local plan, with the local public administration authorities;
4. guides and supports the local public administration and their special apparatus in the just and unitary appliance of legal provisions and in the fulfilling of the attributions conferred by the law;
5. ensures the unitary implementing of the principles of local autonomy and decentralization;
6. ensures the unitary implementing on the territory of Romania of the legislation in force regarding the attributions of representing the state by the local elected;
7. ensures the unitary implementing on the territory of Romania of the attributions delegated by the legislative acts for its field of competence;
8. draws up, together with other ministers, motions regarding the improvement of the territorial- administrative organization of Romania, taking the necessary measures in order to consult, by referendum, the interested local communities;
9. ensures the data base of the administrative- territorial areas, of villages and of their localities;
10. manages the record of the names of the administrative- territorial areas and of the villages and of their localities;
11. ensures the record of the local elected from the administrative- territorial areas;
12. ensures the achievement of the partnership with the local authorities of administrative- territorial areas, by consulting them in order to perfect the legislative and institutional frame and by granting technical assistance with the purpose of receiving European Union's funds.

13. approves and monitors agreements and cooperation conventions which the local public administration authorities concludes with the authorities of the local public administration from other states;
14. elaborates and monitors strategies and programmes of developing the infrastructure of the administrative- territorial areas with internal and external financing, as well as the public services of general interest;
15. supports the developing of the financial capacity by elaborating fiscal and budgetary policies at the level of the local public administration;
16. develops a national data base which shall ensure a unitary informational system at the level of the local public administration;
17. supports the fulfilment of local investments in infrastructure and in public services at local level;
18. implements measures regarding the setting up, supporting and developing industrial parks;
19. implements programmes for developing industrial parks financed from the amounts which are annually allotted from the state's budget or from other sources;
20. carries out the obligations that incumb to it according to the legislation in the matter of state's benefit, as a initiator/supplier, for the fields of competence;
21. brings about, in its field of activity, the dialogue and social partnership with trade - union and patronage confederations at national level;
22. ensures, by its specialized structures, the appliance of the strategy and the governing programme in the field of public position management and of public servants, the formation and perfecting of specialized professional training, the activity of geodesy, topography, photogrammetry, teledetection, cadastre, cartography and real-estate publicity, the activity of registering the persons, as well as the activity preventing and managing of civil urgent situations;
23. represents and uses The Informatic National System of Person's Records;
24. ensures the setting up, registering, selectioning, stocking, conserving and the usage for public interest of the documents from the National Archiving Fund;
25. administers, according to the law, the state's reserves;

26. fulfils, under the conditions of the law, the function of national authority of regulation for the following community services of public utility:

- Water suppliance;
- Sewerage system and purifying the water;
- Collecting, seweraging and evacuating the water resulted from rains;
- Generation, transportation, distribution, and suppliance of thermic energy in a centralized system, excepting the activities of generating thermic energy in cogeneration ;
- The salubrization of localities;
- Public light;
- The admnistration of the public and private property of administrative-territorial areas;

27. organizes and coordinates the activity of personalising, issuing and general registering of identity cards and simple passports;

28. organizes and coordinates the activity of issuing and general recording the driving licenses and vehicle registration certificates;

b) In the field of public order, public safety and national security it:

1. Establishes, according to the law, measures for defending the fundamental rights and freedoms of the people and also of the public and private properties.

2. Organizes and carries out, through specialized structures, according to the competences, activities for prevention and counter terrorism, organized crime, illegal traffic and consumption of drugs, trafficking in persons, illegal mmigration, intelligence criminality and also other criminal phenomena and antisocial deeds.

3. Coordinates, evaluates and monitors, through the specialized bodies at the national level, the application of the policies in the fields of the trafficking in persons and also for those in the field of protection and assistance given to the victims;

4. Organizes, guides and coordinates the activity of protection of persons, goods, objectives and valuables and organizes the guard of special importance objectives given in the competence by the law.

5. Elaborates and assures the application of the strategic and operational documents regarding the usage, planning and realization of the operational capacity of the public order and safety in time of peace, crisis situation and war.

6. Carries out, through specialized bodies according to competences, activities of prevention and counter fighting of the infringement of the legal regime of the military products and of the products and technologies with double use
7. Assures, according to the competences, the display of the activities for the performing of the research regarding the execution of some deeds provided by the penal law.
8. Organises the activity of witness protection
9. Requests information, data and documents that are necessary for the accomplishment of the attributions given by law and in its limits from the public authorities, from legal and natural persons; it may reward the natural persons which supports the ministry in the fulfilment of the specific attributions, from the established found, under the conditions established through minister's order.
10. Assures the observance of the border regime of Romania and realizes the inter-ministerial coordination in this field
11. Assures through the specialized bodies, the application of the Government's strategy and policy in the field of preparation of the national economy and of the territory for defense, according to the law.
12. Makes and uses the National Registry of Weapons and the Criminal Record
13. Makes and uses the National System of Alien Evidence; assures the respect of the legal regime of aliens on Romania's territory
14. Implements Romania's policy in the field of asylum
15. Organizes and executes the medical and psychological insurance of its own personnel which takes part at specific missions.
16. Runs the activity of information, counter intelligence and security in the fields of competence

c) other attributions:

1. Elaborates, approves and keeps records of the legal acts drafts which concerns the ministry's activity, the bodies of its structure and the authorities of the local public administration and supports them in the Government and the Parliament.
2. Assures the proper participation in the elaboration process of the policies and of the communitarian legal acts, the fulfilment of the obligation which are due to Romania as a member state of the European Union, the realization of the national strategies and

programs adopted in the context of the European Unions policy and the representation of Romania to the JHA Council and in the committees and the working groups within the UE Council and the European Commission, for the fields of competence.

3. Assures the notification process of the national legislation which transposes the communitarian acquis to the European Commission and informs the European Commission in regard with the steps taken for the application of the communitarian directives, in its fields of competence.

4. Assures the process of evaluation of the compatibility degree of the national legislation in force with the communitarian legal acts and makes proposals towards the acceleration of the transposing and implementation process for its fields of competence

5. Fundaments the Romania's positions in the pre-contentious and contentious procedures before courts and communitarian institutions, for its fields of competence

6. Elaborates the institutional and legal framework necessary for the accession of the communitarian founds in its field of competence

7. Elaborates the objectives and the orientation of the international activities in the field of public administration and internal affaires, according to the Programme of government and the obligation from the international strategies and international documents that Romania is part of; organizes, coordinates, monitors, assures and executes, in and outside the country, cooperation activities, representation and international relation in its field of competence

8. Elaborates the endowment, use, maintenance and repair for weapon, military technique and other goods and also the rate of consumption for ammunition and other materials; establishes the rates regarding the material and financial planning, disconnection, evidence and control of the material and payment means necessary to the subordinate structures.

9. Coordinates and controls the respect by the subordinated structures of the regulations comprised in the own legal acts of organizing and functioning

10. Realizes the management of the human resources in the ministry

11. Elaborates the draft of the ministry's budget, organizes and controls the entire economical and financial activity of the chief accountant of credits.

12. Realizes the logistic management

13. Performs its tasks, according to the law, regarding the activities carried on by trading companies and also by other subordinated units or bodies

14. Organizes, coordinates and controls its own activity of communication, it, military post and also the one related to states inscription, the secret and protection of the communications; manages the radio electric governmental and non governmental spectrum given for the accomplishment of the specific missions.

15. Implements and manages complex systems of communications and it technology both for the insurance of its own operational missions and for the insurance of the needs of cooperation of the ministry's structures with other institutions, as an integrator established through legal acts or in other cases by law.

16. Organizes and assures, through its own specialized units, psychological and medical prophylactic, curative and for recovery assistance for the active personnel, retired personnel, family members and other category.

17. Assures the legal protection of its own patrimony and of its legitimate interests before a court of law

18. Organizes, leads and controls the activity of the transparency in the decision act, public information and press releases, traditions and education, religious assistance and sports, of accomplishment of publications, movies, programmes and audio-video materials regarding the specific activity

19. Negotiates and signs contracts of specialized assistance for the realization of the reform programme in its field of activity

20. Runs its own specialized tuition institutions

21. Is in charge of the mission regarding national defense, in its field of activity according to the law

22. assures the that all activities are carried out accordingly to the safety environment provisions

(2) The Ministry of Interior and Administrative Reform carries out any other activity established by law.

**Art. 4**

(1) In accomplishing the given attributions, MIAR cooperates with the other ministries and with other specialized bodies of the central public administration and cooperates with the local public administration, its associate structures, employers and syndicates, non governmental associations and organizations, with other legal persons and also with the natural persons, according to the law.

(2) The Ministry of Interior and Administrative Reform organizes, assures and carries out relations of cooperation with the specialized authorities from other states in its field of competence, and through home affairs attachés and liaison officers assures the representation of the institution in relation with similar authorities of the states that Romania has diplomatic relations with or with international organism and organization.

**Art. 5**

At the request of the President of Romania and with the approval of the Parliament, the Ministry of Interior and Administrative Reform participates with staff and equipment at international or multinational humanitarian and for maintaining the peace missions outside the national territories.

**Art. 6**

The Ministry of Interior and Administrative Reform answers before the Government, Supreme Council of State Defense and Parliament for the way in which applies the Constitution's provisions, of the others legal acts and also of the international treaties that Romania is part of.

**Art. 7**

(1) The Ministry of Interior and Administrative Reform is run by a minister.

(2) The mister of interior and administrative reform is the main accountant of credits.

(3) The minister of interior and administrative reform represents and engages the Ministry of Interior and Administrative Reform in relation with the other public authorities and also with other Romanian and foreigner legal and natural persons. For this purpose, it can give power of representation to other subordinated persons.

(4) In order to accomplish the legal attributions, the minister of interior and administrative issues orders and instructions that can have normative or individual character.

#### **Art. 8**

In the absence of the minister of interior and administrative, the management of the Ministry of Interior and Administrative Reform is exercised by a designated person through a minister order.

#### **Art. 9**

(1) The secretaries of state and the general secretary are in charge of organizing and managing the activities of the coordinated structures according to the attributions and competences established by law, government decision or minister order.

(2) The state secretaries are designated and dismissed by the prime minister, at the minister of interior and administrative reform proposal.

(3) For the realization of its attributions, the general secretary is seconded by 3 deputy general secretaries.

#### **Art. 10**

(1) Together with the minister of interior and administrative reform functions the College of the minister, as a consultative body.

(2) The structure and the functioning regulation of the College is approved by order of the minister of interior and administrative reform.

(3) General Directorate for Intelligence and Internal Protection is the specialized structure of the ministry that runs activities if information, counter information and security in order to assure the public order, prevention and counter the minis brought to the national security regarding the missions, staff, patrimony and classified information of the Ministry of Interior and Administrative Reform.

The General Directorate for Anticorruption is the specialized structure of the minister for the prevention and countering corruption within own personnel.

**Art. 11**

(1) Before jurisdictional authorities, Ministry of Interior and Administrative Reform is represented by specialised personnel, based on the powers granted for each case, according to the competencies established by the order of Minister of Interior and Administrative Reform.

(2) The prefect, as Government's local representative, coordinates the inland activities of the Ministry of Interior and Administrative Reform, according to the law.

**Art. 12**

(1) Ministry of Interior and Administrative Reform has in its composite of, subordinated or, according to the case, coordinated by headquarters, subordinated units, bodies and specialised central units, territorial units, de-concentrated public services and other components set up according to the law, as civil and military institutions.

(2) Organisational structure and the staff of Ministry of Interior and Administrative Reform are approved by Government Decision.

(3) Placing units on categories, organisation, functioning and endowment of these are approved by order of Minister.

(4) Minister of Interior and Administrative Reform, based on consultation of Ministry's College, can set up, abolish, second and re-second units, up to brigade level, exclusive, services, sections, bureaux, compartments and sub-units, in the limit of the posts approved and of allocated funds.

(5) Minister of Interior and Administrative Reform settle, by order, the commanders of units and sub-units, which have the quality of chief accountants.

(6) General Directorates/Directorates within the headquarter of Ministry of Interior and Administrative Reform coordinate, control and monitor, according to the competencies of the field activity, way of implementation of legal provisions by the structures provided by Para. (1).

(7) Within the Ministry of Interior and Administrative Reform functions the National Body of Policemen, a legal person of public law, which competencies are established by law.

### **Art. 13**

(1) In the field of public administration, public institutions and specialised bodies of public central administration, subordinated to Ministry of Interior and Administrative Reform, are: National Institute for Administration, National Agency for Cadastre and Real Estate Publicity, National Administration of State Reserves, National Agency of Public Servants, General Inspectorate for Emergency Situations, National Inspectorate for Persons Records, General Directorate of Passports, Directorate for Driving Licence and Vehicle Registration Certificate, National Archives.

(2) Structures of public order and safety within Ministry of Interior and Administrative Reform are: Romanian Police, Romanian Gendarmerie, Romanian Border Police, Romanian Immigration Office, International Police Cooperation Centre, „Acvila” Protection and Intervention Special Group, National Centre for Managing the Databases regarding Persons Records, State Central Office for Special Problems, Aviation Inspectorate of Ministry of Interior and Administrative Reform, National Anti-drug Agency and National Agency of Fighting against Trafficking in Human Beings. These structures are comprised of specialised central units, which, if the case, according to the level of organisation, may have subordinated, at territorial level, inspectorates, general directorates, directorates, services, big units, operative units and/or sub-units, also instruction, medical and educational units and ensuring to actions and logical support units.

(3) Integrated management in the field of public order and safety is made by the Public Order and Safety Department, operational structure without legal personality, comprised of General Directorate for Operational Management, as structure of headquarter of Ministry of Interior and Administrative Reform, and of: Romanian Police, Romanian Gendarmerie, Romanian Border Police, State Central Office for Special Problems, Romanian Immigration Office, International Police Cooperation Centre, Aviation Inspectorate of Ministry of Interior and Administrative Reform, „Acvila” Protection and Intervention Special Group, National Anti-drug Agency and National Agency of Fighting Trafficking in Human Beings and National Centre for Managing Databases regarding the Persons Records. The Public Order and Safety Department is commanded by a State Secretary, who is helped by a deputy.

(4) Within Ministry of Interior and Administrative Reform functions the National Centre for Leading Actions of Public Order, inter-institutional structure of decisional support, which ensures the management of crisis situations from the field of public order.

(5) Organising, functioning and comprising of National Centre for Leading Actions of Public Order are established by Government Decision.

#### **Art. 14**

Ministry of Interior and Administrative Reform can set up or take into administration or, if the case, into coordination public institutions, autonomous administrations, commercial companies, medical units, entertainment-sportive arrangements, associations, foundations, service and intervention houses, according to the provisions of the law.

#### **Art. 15**

(1) Ministry of Interior and Administrative Reform has in property or in administration, if the case, buildings, lands and specific endowments, common park of transport, means of transmissions, communications and informatics, specific technical means, also other means, established by norms of endowment and endowment tables.

(2) Normative of expenses on maintenance and functioning of spaces and means of endowment are set up by order of Minister of Interior and Administrative Reform, according to the law.

#### **Art. 16**

For carrying out the functional attribution, Ministry of Interior and Administrative Reform can make appeal, according to the law, to the counsellors or foreign consultants, the rapports with these being made by individual contract, for every each case.

#### **Art. 17**

(1) The staff of Ministry of Interior and Administrative Reform is comprised of: public servants, policemen – public servants with special status, military personnel in activity, contractual personnel, also soldiers and voluntary graduates.

(2) From the staff of Ministry of Interior and Administrative Reform are making part also enrolled pupils and students within own educational institutions, according to the law.

(3) The personnel of Ministry of Interior and Administrative Reform comply with the legal provisions which regulate its activity.

(4) The personnel of Ministry of Interior and Administrative Reform can benefit, as a measure of social protection, of facilitation in using entertainment and sportive arrangements from the endowment of ministry, similar to those granted to military personnel in activity, set up by order of Minister.

(5) Ministry of Interior and Administrative Reform can carry out programmes for constructions of houses, property of the personnel of the institution, from the fund of beneficiaries, on the available lands public property of state, administrated by Ministry.

(6) Lands provided by Para. (5) are passed, according to the law, from the public field to the private field of state, owners of houses obtaining, according to the conditions provided by Government decision, an onerous using right on lands during the existence of constructions.

(7) Personnel of Ministry of Interior and Administrative Reform sent to diplomatic missions and consular offices of Romania and to specialised international organisations, also liaison officers respect the legal provisions regarding the personnel sent in permanent mission abroad.

(8) During carrying out their attributions to the missions of forces provided by Art. 5, the staff of Ministry of Interior and Administrative Reform respect the legal provisions on personnel sent in temporary mission abroad.

(9) Attaches of internal affairs and liaison officers nominated by the Minister of Interior and Administrative Reform are sent to post according to the provisions of the nomination order, with the approval of Ministry of Foreign Affairs.

## **Art. 18**

(1) The positions within Ministry of Interior and Administrative Reform are comprised of the former Ministry of Interior and Administrative Reform, also of National Administration of State Reserves, State Central Office for Special Problems and of National Authority of Regulation for Communitarian Services of Public Utilities.

(2) Personnel of former Ministry of Interior and Administrative Reform, of National Administration of State Reserves, State Central Office for Special Problems and of National Authority of Regulation for Communitarian Services of Public Utilities are taken or, if the case, transferred in the interest of service to Ministry of Interior and Administrative Reform, according to the law, maintaining the positions hold.

(3) Personnel of Ministry of Interior and Administrative Reform benefit of the rights acquired before, according to legislation in force. The personnel taken according to the provisions of Government Emergency Ordinance no. 25/2007 on establishing some measures for re-organisation of working body of Government, modified and updated, benefit of indemnities and spores specific to institutions from national defence system, public order and national security, starting with January 1<sup>st</sup> 2008.

(4) National Administration of State Reserves, State Central Office for Special Problems and National Authority of Regulation for Communitarian Services of Public Utilities keep their headquarters, attributions, posts and organisational structures set up by law.

#### **Art. 19**

(1) The patrimony of Ministry of Interior and Administrative Reform is comprised of the one of the former Ministry of Interior and Administrative Reform, of National Administration of State Reserves, State Central Office for Special Problems and of National Authority of Regulation for Communitarian Services of Public Utilities.

(2) Within 30 days from entry in force of the present Government Emergency Ordinance, the patrimony of Ministry of Interior and Administrative Reform shall be inventoried and the bookkeeping shall be updated properly.

#### **Art. 20**

Ministry of Interior and Administrative Reform may employ and make services for natural and legal persons, according to the law.

#### **Art. 21**

Ministry of Interior and Administrative Reform assure own personnel and technique against specific risks and cases of civil liability. Conditions for assuring the personnel of

Ministry and the own technique, also the categories of personnel and own technique which are ensured are set up by Government Decision.

**Art. 22**

(1) Funds necessary for carrying out activities in Ministry of Interior and Administrative Reform are ensured from the state budget and from other sources legally set up.

(2) Ministry of Interior and Administrative Reform and units within it can benefit of donations, sponsors or goods provided by contract of commodity, according to the provisions of law.

**Art. 23**

(1) Aviation Inspectorate is set up, as a specialised structure, subordinated to the Ministry of Interior and Administrative Reform, with legal personality, by re-organisation of Special Unit of Aviation.

(2) The organization and functioning of Aviation Inspectorate are set up by order of Minister.

**Art. 24**

Setting up, organization and functioning of Romanian Immigration Office, as specialised body of central public administration with legal personality, subordinated by Ministry of Interior and Administrative Reform, are established by law.

**Art. 25**

Starting with the date of entering in force of the present Government Emergency Ordinance is annulled the Government Emergency Ordinance no. 63/2003 on organisation and functioning of Ministry of Interior and Administrative Reform, published in the Official Journal of Romania, Part I, no. 462 from June 28<sup>th</sup> 2003, approved with amendments and updates by Law no. 604/2003, with amendments and further updates, except Art. 24.

PRIME MINISTER

CĂLIN POPESCU-TĂRICEANU