

GOVERNMENT EMERGENCY ORDINANCE
No 104 of 25th of June 2001
Regarding the organization and functioning of the
Romanian Border Police

Amended and completed by the by the Law no 81 of 26th of February 2002;
Law no. 196 of the 25th of May 2004;
Based on article 114 paragraph 4 from the Romanian Constitution, the Romanian
Government adopts this Emergency Ordinance

CHAPTER I

General dispositions

Art. 1 – the Romanian Border Police is part from the Ministry of Administration and Interior and represents the state’s specialised institution which fulfils the tasks regarding the border surveillance and control, the prevention and countering illegal migration and cross-border crime specific deeds committed in the competence area, the observance of the state border legal regime, regime of passports and aliens, ensuring the Romanian state interests on the internal Danube and Sulina channel placed outside the border area, in the contiguous area and in the exclusive economical area of Romania, assuring the respect of the laws in the competence area.

Art. 2. – in this ordinance, the expressions below have the follow meanings:

a) **Competence area** represents the part of the national territory representing in the border area, the surface of the airports and seaports within the national territory and opened for international traffic, the internal part of the Danube and the Sulina Channel placed outside the border area, the internal maritime waters and the territorial sea, as well as the contiguous zone and exclusive economical area of Romania, where the Romanian Border Police fulfils the tasks provided by law;

b) **border policeman** is the civil servant, with special status, armed and usually wearing uniform, who fulfil the tasks established by law for the Romanian Border Police;

Art. 3. – (1) The Romanian Border Police activity represents the public service and is carried out in the interest of the individuals and community, for the support of state institutions, exclusively on the basis and for the application of the law.

(2) In all the actions carried out in the border area, the Romanian Border Police personnel has to prevent and to combat dangerous states for Romania, determined by illegal migration and cross border crime.

Art. 4. – In order to fulfil the required tasks, the Romanian Border Police co-operates with other state institutions with attributions regarding maintaining the order and collaborates with the citizens, according with the law.

Art. 5. – The Romanian Border Police is organised at the counties level which, according o administrative organisation of the Romanian territory, have as limits the state borders and Black Sea Coast. Within the inland counties where there are airports or seaports opened to the international traffic for persons and goods, the Romanian Border Police shall be organised at the level of the state border crossing points. For internal Danube, opened to the international sailing, the Romanian Border Police shall also be organised at the Braila and Ialomita counties level.

CHAPTER II
Organisation of the Romanian Border Police

Section 1
Structure of the Romanian Border Police

Art. 6. – the Romanian Border Police has the following organisational structure:

- a. General Inspectorate of Border Police
- b. border police territorial directorates
- c. border police counties inspectorates
- d. border police sectors
- e. border police navy groups
- f. border police points
- g. educational institutions for the training and specialization of the personnel
- h. other units.

SECTION 2
General Inspectorate of Border Police

Art. 7. – the General Inspectorate of Border Police is the central unit of the Romanian Border Police, with legal status and territorial competence for the whole responsibility area of the Border Police, which manages and is responsible for the entire activity of the Border Police, carries out the research and investigation of serious crimes related to organised crime, illegal migration and cross border criminality, committed in the competence area of Border Police, as well as other tasks in its competence according to the law.

Art. 8. – (1) the General Inspectorate of Border Police is headed by a general inspector, appointed through an order of the minister.

(2) – the general inspector is seconded by deputies appointed by minister at his proposal.

Art. 9. – the organisational structure of the General Inspectorate of Border Police includes directorates, services and offices, established through order of the minister.

Art. 10. – (1) the High Consultative Council functions within the General Inspectorate of Border Police (GIBP) and is made up of the general inspector, his deputies, chiefs of the directorates and chiefs from internal structure of GIBP and chiefs of the educational institutions. of the Border Police

(2) The High Consultative Council meets once a trimester or whenever is necessary, under the presidency of the general inspector, analyses the main issues of the RBP activities and adopts recommendations, with majority votes.

(3) Composition, tasks and function of the High Consultative Council has been established by general inspector order.

Art. 11. – In the law enforcement process, the general inspector issues compulsory dispositions for the entire personnel, in whose elaboration process he can consult the HCC of the General Inspectorate of Border Police.

Section 3
Territorial structures of the Border Police

Art. 12.- (1) At the territorial level, the RBP is organised based on directorates, counties inspectorates, navy groups and border police sectors; within the state border crossing points shall be organised border police points.

(2) For each border with the neighbouring country and Black Sea Coast, shall be organised one territorial directorate of the border police.

(3) In every territorial directorate of border police there is one Consultative Council, formed of the head of directorate, deputies and chiefs of counties inspectorates. Composition, tasks and functioning of the Consultative Council has been established by general inspector disposition.

(4) Within the counties which have as limit the state border or internal Danube, Counties Inspectorate of Border Police shall be organised, which have legal status.

(5) At the Black Sea coast shall be organised Navy Groups within the maritime component of the RBP, which belongs to the Constanta County Inspectorate of Border Police.

(6) Within counties inspectorates shall be organised border police sectors.

(7) Territorial structures of the border police foreseen at paragraphs (2), (4), (5) and (6) are headed by a chief, assisted by deputies.

(8) The chiefs of the border police territorial directorates shall be appointed or dismissed by the minister at general inspector's proposal. The deputies of the directorate chiefs are appointed or dismissed by general inspector at directorate chief's proposal.

(9) The chiefs of the county inspectorates, navy groups, sectors and their deputies are appointed or dismissed by general inspector at the proposal of the chief of the directorate.

(10) County inspectorates' chiefs shall be appointed with consultative approval of the prefect.

(11) The chiefs of the Border Police points shall be appointed or dismissed by general inspector at proposal of directorates' chiefs or chief of airports crossing points co-ordinate structure.

Art. 13. – Border Police directorates and counties inspectorates shall organise on services, offices and compartments, through minister order.

Art. 14 – (1) The Counties Inspectorates at the territorial level have as executive structures sectors and/or navy groups, which have limited territorial competence.

(2) The emplacements and territorial competence area of the sector or navy group, shall be established through a general inspector's order.

(3) The sector or navy group shall be organised based on general inspector's disposition in compartments, shifts and crews, according with specific of their activities.

Art. 15. – (1) In the localities within the country, where there are airport or seaport crossing border points shall be organised border police points.

(2) Territorial competence area for border police within border police points is represented by airport or seaport surface, with all buildings , annexes and installations related to it.

Art. 16. – (1) In order to prevent and to combat illegal migration and cross border criminality, within RBP structures could be set up other units.

(2) The number, competence and organisational structure of these units shall be established by order of the minister.

(3) The chiefs of the units set up according to paragraph (1) and (2) are appointed or dismissed through minister order.

Section 4

Organisation and functioning regulations

Art. 17. – (1) The tasks of GIBP and of territorial units shall be established through organisation and functioning regulations.

(2) The Regulation for organisation and functioning of GIBP shall be approved by minister and for territorial units by general inspector.

CHAPTER III

Relations between Romanian Border Police and Public Administration Authorities

Art. 18. – (1) General Inspectorate of Border Police co-operates with Central Public Administration Authorities, judicial institutions, other state central institutions as well as Civil Society representatives.

(2) At territorial level, the units subordinated to GIBP co-operate with local public administration authorities, judicial institutions, other state institutions, decentralised services ministries, as well as civil society representatives.

(3) In order to open new crossing border points, according with the law, the county councils and local councils from towns or communes will consult the GIBP, will put at his disposal and will assure the spaces and technical conditions required to function.

Art. 19. – (1) Every year the chiefs of territorial units of the border police shall present a report to counties, towns or communes councils, regarding operational situation at the state border and the actions which have been taken in this respect.

(2) The chiefs of the units mentioned at paragraph (1) could inform, half-yearly or whenever is necessary, the prefects, the chairmen of the county councils, the mayors from localities within border area or those in whose recinct have airports or harbours opened to the international traffic, about the cross border criminality evolution and other crimes committed in their competence area.

Art. 20 – Annual co-operation protocols could be concluded between local public administration authorities and border police units in order to prevent and counter anti-social deeds.

CHAPTER IV

Attributions

Section 1

Attributions of the Romanian Border Police

Art. 21. – In the competence area, the Romanian Border Police has as main tasks the following:

- a) carries out the surveillance and controls at the Romanian state border crossing, prevents and counters illegal migration and crossing border criminality in the competence area as well as any offence regarding state border legal regime;
- b) protects the life, corporal integrity and freedom of persons, the public and private property, other rights and legal interests of the citizens and communities;
- c) performs the control of the documents for the crossing of the state border in the border points opened to the international traffic, at entering in /leaving from free areas, low traffic points and simplified crossing or in other places, according to the law;

- d) ensures the correct, civilised and fluent flows of traffic of the persons and goods at crossing border points, together with other authorities which have the responsibility of control when crossing the state border, according to the law;
- e) assures the control of the weapons, ammunitions, panoply and self defence weapons, explosive materials or toxic and radioactive substances at the state border crossing , according to the law,
- f) supervises the aerial space adjacent to the state border and territorial sea, through direct observation;
- g) ensures the applying of the treaties, agreements, conventions and protocols regarding the state border and control at state border, concluded by Romania with neighbouring countries, with other states or regional and international organisations;
- h) assures the surveillance and control of the border signs;
- i) organizes and fulfils co-operation with similar institutions of the neighbouring countries, of other states or of community of states, in the specific activity areas and according to bi/multi lateral agreements in which Romania is part ;
- j) organizes actions in order to discover and identify those persons who have infringed the law or they are known to have the intention to break the state border legal regime, as well as other legal provisions in its competence, carry on investigation on these criminal offences;
- k) gathers, stocks, processes, exploits and exchanges data and information, with interested public authorities in order to exercise legal tasks, based on protocols, or with similar institutions from other states based on Agreements, according to the police law
- l) ascertains the contraventions and apply the fines, according with the law;
- m) co-ordinates the activities of the personnel from other institutions or economic agents whio carry out their tasks at the state border crossing points, related to the crossing of the state border, and observes the respectance of the law by all personnel within the border crossing point;
- n) introduces and exploits the data from National Information System regarding the movement of the persons and goods, according to the law;
- o) ensures the public order in the state border crossing points and, at the requirement other authorities of the state, take part in operations within the localities from border area;
- p) takes part in activities of rescuing and evacuation of persons and goods endangered by accidents, calamities, catastrophes , together with other units within Ministry of Administration and Interior, Ministry of National Defence, civil protection or other authorities, as well as reducing and averting the consequences of these events;
- r) takes measures together with territorial authorities for environment protection and border authorities of the neighbouring countries in order to prevent ecological risks and to eliminate the effects, in case of environment accidents,;
- s) execute any other tasks established by law.

Art. 22.- In the water competence area, the RBP has the following tasks:

- a. supervises and assures the compliance with the rights of Romania in the territorial waters;
- b. to prevents and counters the piracy, terrorist actions and organised crime deeds in Romanian territorial waters;
- c. performs direct or together with customs authority controls of the boats and ships of which there is data and information that they carry out illegal activities in the area of responsibility or they are caught in the act when carrying out this kind of activities;

- d. performs the control of boats and ships together with environment territorial units in case of evacuation of polluted waters or incidental pollution;
- e. takes part at surveillance, control, assuring protection and preserving of natural hunting and fishing funds as well as illegal exploitation of other biological or non-biological resources within territorial competence waters;
- f. searches for the ships in danger in the territorial waters and international waters and takes part at rescue operations of the crew and, in case of necessity, carries out activities to rescue the ships and the freight, according to the international maritime law;
- g. performs the surveillance and takes part at the control together with local institutions from harbour master's office, in order to respect the standards regarding order and safety navigation in the competence area and within the seaports;
- h. forbids, directly, or together with Ministry of National Defence navy units, at their request, the access of the foreign ships in certain areas, sectors or territorial waters districts and navigable river channels of the Romania, by temporarily suspending the right of crossing, according to the law;
- i. assures the protection of valuable objectives from the competence area, in co-operation with Ministry of National Defence navy units, according with approved plans.

Section 2

Special provisions regarding criminal investigations to be undertaken by border policemen

Art. 23 - (1) The border policemen who perform the criminal investigation are appointed by the order of the general inspector, according to the law.

(2) In fulfilling his tasks, the border policeman has the territorial competence of the border police unit he belongs to.

(3) In case of continuing specific activity or measure, the border policeman could operate in an area where other unit is competent, making a communication about this to the competent unit.

(4) In case of detachment from or ordered operation in the competence area of other border police unit, the border policeman has the territorial competence established for that unit.

(5) Fulfilling the general tasks, the border policeman from GIBP has a general territorial competence.

Art. 24. - (1) Within the state border crossing points, on border waters, on the inland Danube, Sulina and Tulcea channels, internal maritime waters, contiguous and economical exclusive areas, the border police investigation services perform the criminal investigations for any crime, which is not given in the competence of other investigation service.

(2) The competence of the border policeman mentioned at paragraph (1) is ensured when the investigations are extended from water to land. In these situations, the border policeman co-operate with competence institutions, according to the law.

(3) As an exception to Paragraph (1), in order to ascertain the border offences and border crossing criminal deeds, the border policemen can exceed their area of competence, operating together with specialised units throughout the country.

Section 3

Co-operation

Art. 25. - (1) The co-operation between the Romanian Border Police and other Ministry of Administration and Interior structures, to secure the state border and to fight against cross border criminality, is carried out on the basis of an order of the minister of administration and interior.

(2) In the case of joint maritime and river operations of the Romanian Border Police ships and Military Navy ships within Ministry of National Defence, the latter shall have on board a Border Police officer and will raise the Romanian Border Police flag. In these situations the Military Navy ship will be granted the authority and the rights of the Romanian Border Police.

(3) The harbour master's office shall inform territorial structures of the Romanian Border Police only if the ships do not fulfil the legal requirements to enter in/leave from the harbours where these ships carry out their activity.

Art. 26. - The Romanian Border Police cooperates with similar institutions in other states and with international police bodies based on Agreements Romania is part of.

CHAPTER V

Rights and obligations

Section 1

The border policeman's rights

Art. 27. - In the exercise of his attributions in the competence area, the border policeman is empowered with public authority and has the follow rights:

- a. to identify and to establish the identity of persons who have broken the legal dispositions regarding state border or whose presence in the border area is doubtful and to take the legal measures;
- b. to lead to the border police headquarters those persons who, through their actions, endanger people's life, public order or any other values of the law state, persons suspected of committing illegal deeds at the border, persons who could not be identified, as well as general and international wanted persons; to verify their situations and to take the legal measures in maximum 24 hours, in compliance with the right to defend;
- c. to inspect the land, communication channels and isolated buildings; to enter economical agencies and public institutions, no matter the owner or holder, in order to fulfil the legal tasks, on board of Romanian or foreign ships, according to the legal provisions; the access in the institutions which carry out activities related to national safety will be done with the approval of the chiefs of those institutions;
- d. to invite at the border police headquarters those persons whose presence is required to fulfil the border police tasks, through a written invitation mentioning the purpose and the reason;
- e. to carry out the luggage and persons control, as well as the control of vehicles, railways means of transport, ships and aircrafts, when there are important clues that a crime against the state border regime is about to be committed, and the searched persons or goods are in the investigation area;
- f. to use any transport and telecommunication mean, no matter the owner or holder, except for the one belonging to the diplomatic and consular bodies, in order to take the legal measures which cannot be postponed or cannot be fulfilled otherwise; the expenses regarding the use of these means will be covered subsequently, at the request of the

- owners and will be supported from Romanian Border Police funds and recovered, according to the law, from those persons who determined the intervention;
- g. to use free of charge the public railway and naval means of transport, during working hours, for carrying out missions which cannot be performed otherwise; the use of these means is done on the basis of duty identity card;
 - h. to carry the weapons and required ammunition and to use vehicles, ships, boats, helicopters and other means of transport, with or without Romanian Border Police specific marks, in order to fulfil the missions; the border policeman could use the flashing light of the means of transport, depending on the situation;
 - i. to use the physical force and specific means, including duty dogs, depending on the nature and opposition level of the person who committed an illegal deed; these shall be used in compliance with the law;
 - j. to use the data base of the GIBP;
 - k. to forbid the access or to remove those persons who enter the perimeter of the state border crossing points or nearby and through their presence or activities, hinder under any form, the regular border traffic,
 - l. to carry out controls and to take part at raids, by themselves or together with local police, when there are clues indicating that crimes against the state border regime were committed or that some criminals or goods resulting from these crimes were hidden;
 - m. to establish, together with local public administration authorities, the measures for temporary limitation of the persons and goods movement in the state border area, in the districts where specific actions are about to be performed; the citizens will be informed about these limitations by prefects and mayors;
 - n. to request the citizens' support in order to follow, catch, immobilise and lead to the border police headquarters those persons who committed illegal deeds or whose identity could not be established, in order to take the legal measures, according to the law;
 - o. to stop, control, retain, lead and investigate in the Romanian harbours the boats, ships and persons that have broken the state border legal regime and the regime of territorial waters or the rights of Romania in the contiguous zone and economic exclusive area;
 - p. to take actions to stop and control any suspect ship, at the request of legal institutions or by own initiative, when there are information on their involvement in illegal activities within the competence area and to inform the other institutions with border competence; the full responsibility regarding the consequences of non-justified stopping is supported by the requester.
 - r. to use the weapons on board of own ships against boats and ships which have broken the Romanian legislation, under the terms of this Emergency Ordinance;
 - s. to exercise any other rights and fulfil any other obligations provided by the law.

Section 2

The obligations of the border policeman

Art. 28. - (1) The border policeman is obliged, in his field of activity, to take the necessary measures to remove the dangers which threaten the public order or persons' safety, in all the situations when he is informed directly or when he observes these.

(2) When the border policeman is informed that a crime is in progress, he is obliged to intervene outside the working hours, of duty tasks and his competence, to conclude the documents provided in Criminal Procedure Code.

(3) When it is necessary to act outside his competence, the border policeman proceeds in the same way as that authority with competence to solve the case. He will inform immediately the competent authority on this action. If the competent authority can not act in due time, the border policeman fulfils all documents and facts provided by law for that authority. His action will stop the moment when the competent authority intervenes.

Art. 29. - The activities mentioned at art. 27 letters c), e), l), o) and p) do not have the character of the search provided in Criminal Procedure Code.

Art. 30. - (1) In the exercise of its tasks, formerly the border policeman has to reveal his position and to show the police badge and the duty identity card, except for the cases when the result of the operation is compromised.

(2) At the beginning of the operation or intervention which could not be postponed, the border policeman has to present himself, and at the end of the mission or intervention to decline his identity with his duty identity card and to reveal his position and the police unit he belongs to.

Art. 31. - (1) In order to stop and minimize the consequences of the aggressive actions of the persons caught committing crimes and offences against the state border regime or troubled the public order in the competence area, actions which could not have been prevented or stopped by other legal means, the border policemen can use protection shields, sight helmets, rubber sticks, electrostatic sticks, handcuffs, irritating-tear substances, weapons with rubber bullets, duty dogs or other immobilisation means which do not endanger the person's life or damage his health.

(2) The means mentioned at paragraph (1) can be used against the persons who:

- a. undertake actions which endanger the body integrity, health or goods of other persons;
- b. endanger the activities carried out in the state border crossing points;
- c. outrage the persons who are involved in the exercise of public authority;

(3) The use of means provided at paragraph (1), against the participants in violent actions, shall be done gradually, after a prior informing on the intention to use such weapons and after required time to stop the actions and leave the area has passed;

(4) The use of means provided at paragraph (1) should not overcome the real needs to prevent or to stop the violent actions.

Section 3 **Weaponry usage**

Art. 32.- (1) In case of necessity and it is not possible to use other means to stop or to constrain, the border policeman can use the light weapons or fire weapons, according to conditions and situations provided in the Law on the regime of fire weapons and ammunition and by this Emergency Ordinance.

(2) To use of armament in endowment, under the conditions and situations provided by law, to fulfil the tasks, is considered legal.

Art. 33. - In order to stop and retain the ships or boats which have broken the Romanian laws in the competence area, as well as, those which tried to escape

under siege, the Romanian Border Police ships and boats could use the weaponry on board or individual one under the following circumstances:

- a. in order to summon to stop and to retain the ships and boats;
- b. directly, without summons, against the ships and boats in certain situations foreseen by law;

Art. 34. - Firing the weapons on board, with summons, is carried out thus:

- a) after all legal summons transmitted through all radio communications, optical, visual and acoustic means have been used and the pursued ship or boat keeps ignoring them, the captain of the Romanian Border Police ship, proceeds at opening the warning fire, under the terms provided by this Emergency Ordinance;
- b) in case when, after executing the legal summons and warning fire, the ship does not stop, the armament on board shall be used after the previous warning of the crew of the ship to move to the front part of the ship, with the summons: "Leave the poop, we will open the straight fire! ". When it is clear that the summons was understood, the Romanian Border Police ship will open the fire from a small distance about the back part of the pursued ship, trying to fire the propelling engine. The entire responsibility for not responding to the summons and all the follow-up consequences from ignoring the warnings of the Romanian Border Police ships is for the captain or his legal deputy.

Art. 35. - The Romanian Border Police ships can fire the armament on board, without summons, in the following situations:

- a) against foreign ships which attack Romanian ships;
- b) against pursued ships which strike back with fire or conduct the ship in a way that security of the Romanian Border Police ship is endangered;
- c) against submarines or other foreign submersible vehicles which navigate in the territorial water in immersion or at periscope level;
- d) against foreign ships which attack other ships in national navigable waters;
- e) against foreign ships which carry out actions which endanger the artificial islands security, submarine cables and pipes, harbour installations, localities and economical objectives on Black Sea Coast and those placed on border water shores;
- f) against groups of people or armed ships which penetrate the competence area waters and retort or try to retort with fire weapons.

Art. 36. - (1) The Romanian Border Police ships execute the warning and straight fire so that it avoids the infringement of the neighbouring country territory.

(2) After opening the straight fire or in case of boarding, the captain of RBP ship will comply with international regulations regarding saving human lives on the river or sea.

Art. 37. - In case of boats or other small floating means, the execution of the fire with or without summons will be done complying with the regulations on the regime of fire weapons and ammunitions and with the provisions of this ordinance.

Art. 38. - Each situation when weapons are used, is immediately reported hierarchically. If the use of weapons resulted in dead or wounded persons or serious damages of the ship or aircraft, the deed shall be immediately communicated to the competent prosecutor.

CHAPTER VI

Romanian Border Police personnel

Art. 39. - (1) The Romanian Border Police personnel consists of border policemen, other civil servants and personnel hired on the basis of a contract.

(2) The RBP covers the personnel need among graduates from the Ministry of Administration and Interior educational institutions and with personnel recruited and transferred from other institutions.

(3) Border policemen are subjected to the provisions of the Law on Policemen Status.

(4) Civil servants are subjected to the provisions of the Law no. 188/1999 on the Civil servants' status and other specific regulations;

(5) The border policemen hired on the basis of a contract are subject to the legal provisions of Labour Code and other legal provisions regarding their rights and duties .

CHAPTER VII

Logistic, material and financial provision

Art. 40 - (1) The RBP can detain buildings, weaponry, ammunitions, equipment and technical specific devices, necessary to fulfil the tasks provided by law.

(2) The RBP can rent, under the terms of the law, buildings or parts of buildings, in its administration and state public property through public bid, according to the law.

(3) The RBP will retain 50 % from the rent payment provided in the renting contracts, the rest of 50 % will be sent at state budget.

(4) The amounts retained represent extra-budgetary revenues, with permanent titles, and will be used for maintenance, repairing and modernise the buildings in its administration. The amounts which are not spend until the end of the year will be enclosed in the next year budget with the same destination.

(5) The RBP units use its ships, boats, helicopters, vehicles, duty animals and other means necessary to fulfil the tasks according with the law.

(6) Near the RBP units, sport sections or associations, households - annexes, as well as medical units which will provide permanent medical assistance at the working place can be established.

(7) The GIBP and subordinate units could have medical treatment bases and accommodation units for proper staff and their families during the vacations, missions or medical treatment.

Art. 41 - The GIBP and subordinated units possess duty houses, intervention and social houses which can be given to the own personnel and their families.

Art. 42 - (1) The RBP endowment is carried out by Ministry of Administration and Interior according to the funds allocated for this purpose from state budget and from other sources, according to the law.

(2) The RBP endowment is realised from internal production or importation.

CHAPTER VIII

Transitory and final dispositions

Art. 43. - (1) The GIBP edit the "Border" picture magazine, publication for analysis, culture, opinions and information regarding the security and the control of the Romanian state border crossing.

(2) The finance expenses for the publication described above is realised from extra-budgetary funds and state budget credits. A part from journal revenues could be obtain from publicity.

Art. 44 - (1) The RBP can provide, for payment, at the request of interested economic agents, the security of the water transportation of important values, as well as of weapons, ammunition, explosive materials, drugs, toxic and radioactive materials or other dangerous materials or substance.

(2) The units which benefit from the security provided according to the provisions of paragraph (1), conclude services contracts with territorial structures of the RBP, at the level of the structure which has an independent financial body.

(3) The revenues coming from the security service will be entirely retained as the extra-budgetary revenues and will be used for covering the material and capital expenses. The amounts which were not spend until the end of the year will be enclosed in the next year budget with the same destination.

Art. 45. Every year, on 24th of July, Romanian Border Police celebrates its anniversary.

Art. 46. The uniforms, the signs, form of badge and the identity documents of the border policemen are established through Government Decision.

Art. 47. - The structure of the Romanian Border Police units and personnel posts for every unit are established through an order of the minister of administration and interior, corresponding the number of border policemen approved by government decision.

Art. 48. - The positions of military men and military men/ border policemen hired on the basis of a contract in the organization charts of the Romanian Border Police structures shall be transformed into border policemen position and their employment shall be made until 1st of January 2007, within the limits allotted for this purpose to the Ministry of Administration and Interior, through the annual budgetary laws.

Art. 49. - The RBP personnel who carries out activities related to the security and control of the state border crossing benefits from a border allowance up to 20% of the basic salary.

Art. 50 - The RBP personnel, embarked on ships or airships to fulfil missions of surveillance and control of the state border crossing, as well as the personnel embarked for the purpose of these missions benefit from the bonuses provided by the law for the sailing personnel.

Art. 51 - At the date when this ordinance will be put in the force any other contrary dispositions shall be repealed.