

Se încarcă...

GOVERNMENT DECISION No. 1.489 / December 18th, 2002

on the establishment of the National Antidrug Agency

ISSUED BY: The Government of Romania

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with subsequent amendments: GD no 183/2003; GD no. 1.093/2004; GD no. 1.873/2006

According to art. 108 of the Constitution of Romania, republished

The Romanian Government passes the present decision.

ART. 1

The National Antidrug Agency, hereafter called *the Agency*, shall be established as a specialised body acting as a legal person subordinated to the Ministry of Interior and Administrative Reform.

ART. 2

(1) The Agency shall draw up the overall design and provide the unitary co-ordination, based on a national strategy, of the fight against illicit drug trafficking and abuse performed by the competent authorities, other state institutions and non-government organizations. The Agency shall centralise and monitor the results of the co-ordination between the Romanian competent authorities and foreign institutions and organisations with competences in the field.

(2) The agency is authorised to release and to make public official data and information regarding the anti-drug field, under the conditions provided by the law."

ART. 3

(1) The Agency shall be headed by a President acting as a Secretary of State, directly subordinated to the Minister of Interior and Administrative Reform, appointed by decision of the Prime Minister, following a proposal from the Minister of Interior and Administrative Reform.

(2) The President shall act as control release authority and represent the Agency in its relationships with the other public authorities, legal and natural persons in Romania and abroad, as well as in justice.

(3) In the exercise of his/her powers, the President shall issue decisions that are mandatory for all state institutions involved in the fight against drugs. The President of the Agency shall have the following main tasks:

a) to co-ordinate the process of drawing up the National Antidrug Strategy and the related Action Plans adopted, and acts in order to ensure their implementation;

b) to substantiate and draft proposals for the annual budget, to be submitted to the Ministry of Interior and Administrative Reform;

c) to supervise and control the implementation of his/her own decisions, of the international agreements and treaties which Romania is party to, and to make proposals on the steps to be made in order to ensure the appropriate conditions for integration in the European structures or in other international institutions;

- d) to collaborate with the specialised institutions in the basic and further training of the Agency's personnel;
- e) to approve the Agency's positions in the organizational chart, to ensure the management of its own personnel, to appoint and dismiss the Agency's personnel.

(4) The president of the Agency shall be provided support in his/her activity by a General Director, who shall also act as his/her legal substitute.

(5) The Agency's organisational chart is established in the annex which is an integral part of the present decision.

ART. 4

- a) Directorate for Assessment and Coordination;
- b) Directorate for Drug Demand Reduction;
- c) Directorate for Human Resources Management and Logistics;
- d) Directorate for International Relations and European Affairs;
- e) Directorate Romanian Monitoring Center for Drugs and Drug Addictions;
- f) Audit Compartment;
- g) Financial and Accounting Compartment;
- h) Legal Compartment;
- i) Control, Inspection and Methodology Compartment;
- j) National Center of Addiction Research and Training.

(2) By Decision of the Agency's President, services and offices may be set up within the divisions.

ART. 4¹

(1) The Agency's activity at the level of counties and the Bucharest Municipality districts, respectively, shall be carried out through the centers for anti-drug prevention, evaluation and counselling, which are part of the Agency as territorial structures.

(2) Each anti-drug prevention, evaluation and counselling center shall have a staff of 5 persons specialised in one of the following domains: crime prevention, education, medicine, psycho-sociology and social work.

(3) Depending on the concrete circumstances, the Agency may reassign positions between centers, provided they comply with the approved number of positions and with the other provisions of the laws in force."

Art. 4²

The Agency may have subordinated units fully financed by the state budget, organised as public institutions, functioning both as assistance centers for drug users and as drug analysis and research laboratories.

Art. 4³

In order to implement a successful communication and coordination system between the Agency and the institutions involved in the implementation of the National Antidrug Strategy and in order to fulfil the responsibilities provided under art. 5, the Advisory Council and the Scientific and Research Council shall be organised within the Agency.

Art. 4⁴

(1) The main purpose of the Advisory Council is to analyse the common issues raised by the institutions participating in the implementation of the National Antidrug Strategy, related to the drug demand and supply reduction policy.

(2) The Advisory Council consists of representatives, such as the Secretaries of State from the Ministry of Interior and Administrative Reform, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of Finances and Commerce, the Ministry of Economy and Commerce, the Department for European Affairs, the Ministry of Education, Research and Youth, the Ministry of Public Health, the Ministry of Agriculture and Rural Development, the Ministry of Labour, Family and Equal Opportunities, the Ministry of Culture and Religious Affairs, appointed by the managers of these institutions. The Advisory Council shall also include a representative of the Public Ministry, named by the General Prosecutor of the General Prosecution Office along the High Court of Cassation and Justice, as well as a representative of the National Union of the County Councils from Romania.

(3) The Advisory Council shall meet twice a year or whenever necessary, upon the request of the President of the Agency, who shall chair the meetings. The debates shall take place in the presence of the majority of the members, and the decisions shall be adopted based on the votes of the present majority.

(4) Other representatives of public institutions involved in drug demand and supply reduction, as well as representatives of the civil society, may be invited to join the meetings of the Advisory Council.

(5) The decisions of the Advisory Council may represent the basis for the decisions taken by the President of the Agency or for the joint orders of the ministries involved, as the case may be.

Art. 4⁵

(1) The Scientific and Research Council provides the necessary grounds for debating policies, sector strategies, projects and anti-drug programmes and consists of 15 experts, outstanding personalities from the scientific or academic field. The President of the Agency is a rightful member of the Scientific and Research Council.

(2) The representatives to be appointed in the Scientific and Research Council shall be approved by the decision of the President of the Agency.

(3) The President of the Scientific and Research Council shall be elected from its members, for a year, by rotation.

(4) The Scientific and Research Council shall meet at least once a year or whenever necessary, upon the request of the President of the Agency, with the permission of the President of the Scientific and Research Council. The debate shall take place in the presence of the majority of the members and the decisions shall be adopted by votes of the present majority. The decisions of the Scientific and Research Council may represent the basis for the decisions taken by the President or of projects of normative acts, as the case may be.

(5) The Scientific and Research Council may organize specialised working groups, with the approval of the Advisory Council."

ART. 5

(1) The tasks of the Agency shall be as follows:

- a) to draw up the National Antidrug Strategy and the related Action Plan and to submit them for Government's approval, and to subsequently supervise their implementation;
- b) to co-ordinate the governmental and non-governmental institutions and organisations involved in implementing the National Antidrug Strategy;
- c) to draw up, implement, finance, approve, authorize, coordinate, monitor, and assess, as the case may be, the regional, national and international drug demand and supply reduction programmes, general or sector related, approved according to the law; the quality standards for the elaboration of the programmes shall be approved by the decision of the President of the Agency;
- d) to co-ordinate the nation-wide prevention activities of the centers for antidrug prevention, evaluation and counselling;
- e) to draw up and substantiate the necessary resources, to implement, finance, monitor and assess the National Programme for medical, psychological and social assistance of drug abusers and the National Programme for preventing tobacco, alcohol and drug abuse, and to submit them for Government's approval as well as other Agency's programmes, with the approval of the institutions with responsibilities in the field;
- f) to endorse the educational and preventive documents and the advertising campaigns in the field, with the approval of the Ministry of Public Health, as the case may be;
- g) to ensure the contact with the European Centre for Monitoring Drugs and Drug Addictions and with other international bodies in this field;
- h) to carry out and coordinate at national level the activities for collecting, analysis and dissemination of data and information on drugs and drug addictions, observing the confidentiality rules, according to the law;
- i) to set up the indicators and criteria for assessing the drug phenomenon;
- j) to centralise, analyse and synthesise all data provided by the authorities, institutions and organizations involved in drug demand and supply reduction, according to the law, with the purpose to establish and update monthly the databases on the production, trafficking and illegal drug abuse and the money laundering of the amounts resulted from illegal drug trafficking, as well as the databases on the operations with drug precursors, essential chemical substances and toxic chemical inhalers;
- k) to monitor the activities within the integrated circuit of assistance for drug abusers;
- l) to provide, through the subordinated centers, medical, psychological and social assistance services for drug abusers;
- m) to authorize and certify training programmes and "train the trainer" programmes in the field of addictions, together with the competent institutions, according to the law;
- n) to manage the drug-related Central Register of Investigation and Research and to establish the cooperation methods between the institutions involved in providing the necessary data, except for operative data;
- o) to manage, with the help of the Romanian Monitoring Center for Drugs and Drug Addictions, the registration system for the Encrypted Sole Register regarding drug abusers;
- p) to ensure the implementation of Law no<LLNK 12004 381 10 201 0 18>nono. 381/2004 regarding certain financial measures in the field of prevention and countering illicit drug trafficking and abuse;
- q) to participate in the process of implementing the provisions on the legal regime of plants, drug preparations and psychotropic substances, with special authorized personnel, according to the law;

- r) to substantiate and approve the taxes and the conditions under which the respective person, his/her family or private bodies can pay the equivalent value of the assessment services and the expenses for participating in psychological and social programmes, according to the law;
- s) to draw up, based on the data supplied, the annual report on the evolution and level of drug traffic and consumption, and to submit it to the Romanian Government and the international bodies authorised to ensure that the provisions of international agreements are being implemented, in compliance with the agreements ratified by Romania;
- t) to draw up studies, syntheses, and phenomenon analyses in the field of drug control and to use published materials in the prevention and limitation of illicit drug production, traffic and consumption;
- u) to make proposals for harmonising, updating and adjusting the legislation in the field in order to approximate the international regulations, based on the data related to the proportions and national characteristics of drug trafficking and consumption, or to initiate and substantiate regulatory documents in this field;
- v) to initiate, co-ordinate, or approve, as the case may be, research activities in this field;
- w) to manage the Agency's necessary human, economical and technical resources;
- x) to evaluate the stage reached in implementing the National Antidrug Strategy, on a six-month basis or whenever necessary;
- y) to draw up and implement programmes for basic and further training of its staff and other categories of addiction experts, through the National Center for Research and Training in Addictions, in cooperation with the specialised institutions;
- z) other tasks, according to the law.

(2) The activities stipulated under paragraph (1) shall be carried out without interfering with each institution's specific competences and activities.

ART. 6

(1) Upon the Agency's request, the ministries and the central and local public institutions with competences in fight against drug trafficking and abuse shall be bound to supply data concerning the drug phenomenon;

(1¹) The institutions stipulated in para. (1) notify the Agency about the drug-related data and information, which are made public at national and international level.

(2) Upon the Agency's request, the ministries and institutions involved shall ensure the participation of experts in order to co-ordinate large-scale operations, as well as technical and logistical support to joint activities.

ART. 7

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(1) The Agency shall have its own personnel, who may be hired on a permanent basis, or may be detached from other state institutions, for a limited period of time.

(2) The minimum number of positions established for the Agency is of 347, excluding the dignitary (the President).

(3) In 2004, the Agency shall function with 136 positions, excluding the dignitary, out of which 50 positions for the anti-drug prevention, evaluation and counselling centers at the level of Bucharest Municipality districts, Cluj, Constanta, Iasi and Timis counties.

(4) The positions stipulated under paragraphs (2) and (3) shall be assigned by redistribution, in compliance with the total number of positions approved for the Ministry of Interior and Administrative Reform.

ART. 8

(1) The Agency shall make six-month or annual evaluations. Representatives of public and private institutions with competences in the field and those of non-governmental organisations may be invited to such evaluations, as well as experts from the following:

- a) General Secretariat of the Government;
- b) specialised structures in drug demand and supply reduction, within the General Inspectorate of the Romanian Police;
- c) Directorate for Countering Organised Crime and Terrorism within the General Prosecutor's Office along the High Court of Justice and Cassation;
- d) National Forensic Institute;
- e) specialised unit within the National Customs Authority;
- f) specialised unit within the General Inspectorate of Border Police;
- g) specialised divisions within the Ministry of Public Health;
- h) specialised divisions within the Ministry of Education, Research and Youth;
- i) specialised divisions within the Ministry of Labour, Family and Equal Opportunities;
- j) specialised divisions within the Ministry of Defence;
- k) specialised divisions within the Ministry of Agriculture and Rural Development;
- l) National Office for Preventing and Countering Money Laundering;
- m) Romanian Intelligence Service;
- n) Foreign Intelligence Service;
- o) representatives of international bodies and/or similar agencies from other states;
- p) National Administration of Penitentiaries;
- q) specialized division of the Ministry of Culture and Religious Affairs.

(2) The conclusions derived from such analyses shall settle the grounds for actions carried out by the Agency and other institutions involved.

ART. 9

(1) The Agency shall receive full funding from the state budget.

(2) The Agency may benefit from donations and sponsorships, under the terms of the law.

ART. 10

(1) In order to ensure the functioning of the Agency, the Government shall transfer the necessary buildings from the state's public or private domain into the Agency's administration, within 60 days of the date of the present decision entering into force.

(2) When the transfer mentioned under para.(1) is not possible, the Agency may acquire the necessary buildings, by stipulating the corresponding amounts in the budget, according to the law.

(3) The Agency shall be provided with a number of vehicles established according to the legal provisions, as well as with other goods, furniture, instruments, electronic and computer equipment needed for its functioning under the best conditions.

ART. 11

Within 30 days of the date of the present decision entering into force, the Agency shall

draw up the organisation and functioning regulation, to be approved by the President.

ART. 12

On the date of the present decision entering into force, Government Decision no. 534/1999 on the establishment of the Inter-Ministry Committee for Fight against Drugs, published in the Official Journal of Romania, Part I, no. 329 of 12 July 1999, as well as any other contrary provisions, shall be repealed.

ORGANISATIONAL CHART OF THE NATIONAL ANTIDRUG AGENCY

The minimum number of positions = 347
excluding the dignitary (the President)

