

LAW 550/2004
ON THE ORGANISATION AND FUNCTIONING OF THE ROMANIAN GENDARMERIE

CHAPTER I
General provisions

Art. 1. – (1) Romanian Gendarmerie is State’s specialized institution, with military status, within the Ministry of Administration and Interior which, according to the law, exercises its attributions on protection of public order and safety, citizens’ rights and fundamental liberties, public and private property, crime prevention and detection and other infringements of laws into force, as well as protection of State’s fundamental institutions and countering of terrorist acts.

(2) Romanian Gendarmerie, by its attributions, organization, training and territorial setting, contributes to guarantee sovereignty, independence, authority, State safety and union, constitutional democracy across the entire national territory, at peace, as well as during crisis situations.

Art. 2. - Romanian Gendarmerie carries out its activity in citizen and community interest, in support of State’s institutions, exclusively on the basis and on law enforcement.

Art. 3. – (1) Romanian Gendarmerie co-operates, in carrying out its attributions, according to the law, with the other structures within the Ministry of Administration and Interior, with structures within the national security and defense system, public central and local administration institutions and authorities, NGOs, other legal persons, as well as with natural persons.

(2) According to the law, Romanian Gendarmerie participates in the activities organized within the European and Mediterranean Police and Gendarmerie Forces Association with Military Status or those organized by the other states counterpart bodies and carries out peace keeping missions, according to the international agreements that Romania is part of.

CHAPTER II
Organization and Leadership of the Romanian Gendarmerie

Art. 4. – (1) Romanian Gendarmerie is organized on military principles, as a unitary system of means and forces, settled according to the administrative-territorial organization of the country and has the following organizational structure:

- a) General Inspectorate of the Romanian Gendarmerie, *aka* General Inspectorate;
- b) Bucharest General Directorate of Gendarmerie;
- c) Special Intervention Brigade of Gendarmerie and Gendarmerie Mobile Groups;
- d) County Gendarmerie Inspectorates;
- e) Educational military institutions for staff training and continuous training;
- f) Specialized units and sub-units, necessary for accomplishing the specific attributions of the Romanian Gendarmerie, including the medical and logistic support, set up according to the law.

(2) At the general inspector of the Romanian Gendarmerie proposal, the minister of administration and interior, function the attributions and gendarmerie missions’ dynamics, may, up to brigade level exclusively, set up, cancel, dislocate and re-locate gendarmerie units, services, offices, compartments and sub-units, according to the approved positions and the allotted budgetary funds, according to the law.

Art. 5. – (1) The General Inspectorate represents the central unit of the Romanian Gendarmerie, with legal status and general territorial competence that plans, organizes, manages, co-ordinates and supervises the activity of the subordinated structures, ensures the co-operation with other state's institutions, bodies and governmental and non-governmental national and foreign organizations and performs any other attributions stipulated by law.

(2) The General Inspectorate is located in Bucharest.

Art. 6 – (1) The General Inspectorate is managed by an inspector general appointed by the minister of administration and interior.

(2) The general inspector of the Romanian Gendarmerie is supported by the first deputy and head of the general staff and deputies appointed in positions, at his proposal, by the minister of administration and interior, in fulfilling his tasks.

(3) In exercising the legal attributions, the general inspector of the Romanian Gendarmerie issues orders and provisions that are compulsory for the subordinated staff.

(4) The general inspector of the Romanian Gendarmerie is secondary credit holder. The units subordinated to the general Inspectorate of the Romanian Gendarmerie, whose heads are third credit holders, are established by order of the minister of administration and interior, have legal status and use budgetary credits that have been allotted to them.

(5) The General Inspectorate is represented by the general inspector or officers appointed by him within the process of co-operation with central and local public authorities, civil society and counterpart institutions from other states.

(6) The Military Council functions within the General Inspectorate of the Romanian Gendarmerie as an advisory body of the General Inspectorate, whose structure, organization and functioning are established by order of the minister of administration and interior.

Art. 7. – The organizational structure of the General Inspectorate is set up, at its proposal, by order of the minister of administration and interior.

Art. 8. – (1) Bucharest General Directorate of Gendarmerie is directly subordinated to the General Inspectorate of the Romanian Gendarmerie and is meant for planning, organization, management and achievement of specific missions and fulfillment of attributions within gendarmerie jurisdiction in Bucharest.

(2) The Directorate General stipulated at par (1) is made up of the command structure organized in services, compartments, battalions, detachments/companies, sections, platoons, posts, teams, logistic and medical or others support structures, established according to the law.

Art. 9. – (1) Special Intervention Brigade of the Gendarmerie aka the Special Brigade, is directly subordinated to the General Inspectorate of the Romanian Gendarmerie and has general territorial competence, meant to achieve missions of assurance and re-establishment of public order, assurance of the protection of fundamental state's institutions and neutralization of serious threats against them, independently or in co-operation with other institutions from the national defense and security system.

(2) The Special Brigade stipulated at par. (1) is made up of the command structure organized in services and compartments, special intervention battalions, detachments, logistic support sub-units and other gendarmerie structures set up according to the law.

Art. 10. – (1) County Gendarmerie Inspectorate is directly subordinated to the General Inspectorate and is dedicated to planning, organization, management and achievement of specific missions and fulfillment of attributions within gendarmerie jurisdiction in an appropriate territorial area of competence, equal with a county territory.

(2) County Gendarmerie Inspectorate is made up of command structure organized in services, compartments, detachments, companies, sections, platoons, posts, teams, mountaineering, naval and logistic or medical or others support specialist structures, set up according to the law.

(3) County Gendarmerie Inspectorate is located in county capital.

(4) Sub-units within county gendarmerie inspectorate, stipulated at par. (2), function in county capitals in question or can be moved or re-located by order of minister of administration and interior, in other areas within unit's jurisdiction.

Art. 11. - (1) The mobile gendarmes group is subordinated to the General Inspectorate of the Romanian Gendarmerie, as a structure competent with the organization and carrying out of the missions regarding the re-establishment and assurance of the public order and crime countering in their jurisdiction area.

(2) Function the goal of the mission, the mobile gendarmes group is made up of services, compartments, detachments, platoons, teams, specialist structures and logistic and medical support.

Art. 12. – (1) The Special Gendarmes Battalion is a unit subordinated to the Special Intervention Brigade of the Gendarmerie, competent with specific missions, usually in its jurisdiction area.

(2) Function the goal of the mission, the unit stipulated in par. 1 is made up of command structure, detachments, companies, posts, teams, specialist subunits, logistic and medical support or other structures.

Art. 13. - The platoon and gendarmes teams are sub-units organized as military structures to train for or to carry out specific missions, independently or directly subordinated to the superior gendarmes units.

Art. 14. - (1) The Special Gendarmes Unit is the structure competent with the carrying out the important goods, objectives and values of special importance protection and guarding missions and other specific missions within its competences.

(2) The unit stipulated at par. 1 is made up of command structures organized in offices, compartments, detachments, companies, platoons, teams, specialist structures and logistic and medical support.

Art. 15. – (1) The military educational institutions are structures meant for the continuous training and specialization of the Romanian Gendarmerie staff.

(2) The military educational institutions are made of up command structure organized according to legal provisions in the field, battalions/courses, detachments or companies, platoons, specialist structures and logistic support or others.

(3) The training for the first position, as well as officers' further training and specialization is achieved within the "Alexandru Ioan Cuza" Police Academy, "gendarmes" specialty, in the Application School or in similar institutions in the country and abroad. For the foreigners there is an international applications course.

(4) NCOs training is achieved within the Military School for Gendarmes NCOs.

(5) The Training Centre is a structure meant for all staff categories training and specialization, divided on different fields.

(6) Teaching staff within the institutions mentioned at par.1 which develops pedagogical activities and also the staff within the Romanian Gendarmerie which organizes, plans, coordinates and controls the training activities have the same rights and obligations as the similar staff within other training institutions within the Ministry of Administration and Interior.

Art. 16. – Logistic Bases are specialized structures meant to ensure the supply, deposit, preservation and distribution of goods, maintenance operations of specific technique equipment and ammunition, supply contracting and services necessary to the Romanian Gendarmerie.

Art. 17. - Gendarmes units and sub-units may act with the prior approval of the Minister of Administration and Interior, following the order of the National Gendarmerie Inspectorate, in any area of the country, other than those in their permanent responsibility, function the existent operative situation and according to the law.

Art. 18. – (1) The Organization and Functioning Regulation of the General Inspectorate of Special Brigade, as well as the Organization and Functioning Framework Regulation of the County Gendarmes Inspectorate is approved by order of the Minister of Administration and Interior.

(2) Organization and Functioning Regulations of County Gendarmes Inspectorates are elaborated by themselves on the basis of the Framework Regulation stipulated at par. 1 and are approved by the General Inspector.

CHAPTER III THE ATRIBUTIONS OF THE ROMANIAN GENDARMERIE

Art.19 – (1) The Romanian Gendarmerie, through its specialized structures has the following attributions:

- a) By means and methods provided by the law, it protects life, corporal integrity and freedom of persons, public and private property, citizens, community and State legitimate interests;
- b) It performs missions of ensuring public order during meetings, marches, demonstrations, processions, strike pickets, promotional and commercial activities, cultural-artistic, sports, religious, memorial activities and also other similar activities carried out in public areas and involving people crowds;
- c) It performs missions in order to re-establish the public order when it has been disturbed by any kind of actions and deeds against the law into force;
- d) At General Inspectorate of Border Police request, on the basis of the co-operation plans, it performs assurance and re-establishment of public order missions at State cross-border checking points;
- e) On the basis of the co-operation plans, approved by the minister of administration and interior, it performs missions in order to maintain public order to prevent and detect crimes within mountain resorts and tourist routes, as well as on the Black Sea coast, in the Danube Delta, in resorts or in other operational interest areas;
- f) In co-operation with the State competent institutions, it performs missions to maintain public order during the official visits or during other activities to which Romanian or foreign high officials take part, on Romanian territory, in the objectives' area and in the places where the activities are carried out;
- g) At the competent authorities request, it performs hot pursuit missions for fugitives, deserters and other persons of whom there is information and data that they are intending to perpetrate or have perpetrated crimes, persons who run away from preventive custody or from prison punishments;
- h) It participates in anti-terrorist intervention missions in the objectives under the Gendarmerie responsibility or in missions for capturing and neutralizing persons using fire arms or other means that put into danger the safety of persons, goods, values and special transports;
- i) According to the law, it ensures the guard and protection of the objectives, goods and other valuable assets established by Government Decision and also of MoAI objectives, established by order of the minister of administration and interior;
- j) According to the law, it ensures the guard and protection of certain important values transport, as well as fire arms, ammunition, explosive materials, drugs, toxic, radioactive and other dangerous substances transport, defined by law;

- k) In co-operation with the other State competence institutions, it participates in preventing and neutralizing terrorist acts missions on the Romanian territory;
- l) Together with other State competent institutions, it participate in surveillance, control and protection assurance of the **wild animals fit for hunting** and natural **fishing** funds, the forest and environment protection fund by specific measures of preventing and countering any infringements of the legal provisions
- m) It participates in classified mail protection during its transportation on the entire Romanian territory
- n) It participates in limiting and eliminating the natural, technological, environmental or complex disaster consequences;
- o) According to the law, it participates in missions outside the Romanian territory with its own staff and technique, in training activities, in setting up of international forces for performing certain missions within the conflict and managing crisis situations preventing missions; it also participates in increasing-counseling, assistance, training, control activities of the local order forces or of these forces substitution on their domains of activity. During the performance of these missions, the participating Gendarmerie staff benefits from rights provided by law for the military personnel performing missions abroad;
- p) Ensures the measures for order and protection of the areas where there were produced or exists the danger of breaking out fires, explosions or some other emergency situations which can threat life, physical integrity of individuals or their goods,
- q) Detect contraventions and applies sanctions, according to the law,
- r) Elaborates, according to the law, the necessary documents for the beginning of the judicial procedure for the offences detected during the specific missions in accordance with the provisions of art. 214 of the Criminal Procedure Code,
- s) Carry out activities of documentation and research for establishing the operational data base of operational interest, necessary to accomplish the specific missions regarding the persons known with previous activity in perpetrating disorder acts in public manifestations, the known persons belonging to groups with hooligan behavior, and also with other operational information, necessary to accomplish the missions,
- t) Carries out any other missions provided by law.

(2). At the request of legal or natural persons, in cases without delay, at the proposal of the general inspector, the minister of administration and interior can approve the ensuring of temporary protection for some persons, objectives, goods, values and special transports, other than those established by Government decision, according to the law.

(3). The Romanian Gendarmerie answers at the request of the magistrate to participate, together, into the accomplishment of some procedural acts.

Art. 20. - (1) In accomplishing the attributions mentioned in art. 19 par. (1) and (2), the Romanian Gendarmerie rely on the support of public authorities and legal or natural persons, which provide, at request, data and documents necessary to carry out the missions established by law.

(2). To accomplish their missions, the gendarmes use the fire arms and specific technical resources, according to the legal provisions.

Art. 21. - During the emergency situation, the Romanian Gendarmerie continues to accomplish its specific missions, in the same time ensuring the respect of the provisions of the military ordinances mentioned in the decree concerning this situation.

Art. 22. – (1). During the state of siege, call to arms or war, the Romanian Gendarmerie, besides the missions mentioned in art. 19, as a component of armed forces, have the following attributions:

a) to guard, protect and defense the objectives established by the military authorities, other than these provided with military guard during the peace,

- b) to participate into discovering, capturing or neutralizing the disembarked enemy on the territory of the country, where gendarmerie units or sub-units are settled,
- c) to take part in the defense of some localities,
- d) to guard public or private goods, in the evacuation cases imposed by enemy actions,
- e) to take part in removing the effects of enemy actions, by air, mass destruction, incendiary or classic means,
- f) to perform, together with other competent forces, actions to identify, capturing or neutralize the paramilitary elements acting on the national territory,
- g) to take part in evacuation of the population actions, the control and guide of the traffic, escort the war prisoners and guarding them inside objectives within the internal area, to direct and guide the refugees, to protect some special destination areas,
- h) to inform and send to the other units of the Ministry of Administration and Interior the necessary staff, for reaching the number, according to the law,
- i) to co-operate with the other components of the defense and security national system in order to ensure and protect the mobilization, and to provide the implementation of the military ordinances, according to the law,
- j) to perform any other attributions and missions regarding country defense, according to the law.

(2). During the war situation, the Romanian Gendarmerie is operationally subordinated to the national military authority, at the strategic level.

CHAPTER IV

The Romanian Gendarmerie Personnel

Art. 23 - (1) The personnel of the Romanian Gendarmerie is made up of military staff and staff under contract.

(2) The military staff of the Romanian Gendarmerie is made up of: military staff, students from the military schools, professional soldiers and gendarmes, conscripts and short term conscripts.

(3) Military staff in Gendarmerie is subject to the provisions of the Law no. 80/1995 regarding the Military Personnel Status, as subsequently amended.

(4) The professional gendarmes and the professional soldiers are subject to the provisions of the Professional Gendarmes and the Professional Soldiers Status, approved by law.

(5) The students of the military schools of Gendarmerie are subject to the provisions of the Education Law No. 84/1995, republished, as subsequently amended, and under the provisions of Law No.46/1996 on the population training for defense, as subsequently amended.

(6) The staff under contract is subject to the provisions of labor legislation, if there are no different provisions in the present law.

Art.24 – (1) The number of positions for officers, technical military staff, non-commissioned officers, professional agents and soldiers, conscripts and short-term conscripts, and of the contractual personnel of the Romanian Gendarmerie, in time of peace and on mobilization, is established by the Ministry of Administration and Interior according to the staff framework approved by Government Decision.

(2) Staff removal, transfer or temporary transfer can be done according to the cases and the conditions provided by the law.

Art. 25 – (1) The military staff of the gendarmerie units take in the military oath provided for the Romanian military forces.

(2) The contractual staff take the following oath, when appointed:

“ I... swear to respect the Constitution and Romania’s laws, to keep the professional secret, and to accomplish in good faith the entrusted tasks. So help me God!”

(3) The reference to God, in the oath wording, changes according to the religious beliefs of everyone, or is eliminated in case of those without religious beliefs.

Art. 26 – (1) The Romanian Gendarmerie may use professional gendarmes and soldiers in the framework limit positions, established in the organizational chart, approved according to the competences.

(2) The professional soldiers and gendarmes are military staff and are subject to the military laws and regulations.

(3) The period a person is working within the Romanian Gendarmerie, as professional gendarme, represents seniority.

CHAPTER V

Rights and Obligations

Art. 27 – (1) In accomplishing the incumbent tasks, according to the law, the military staff of the Romanian Gendarmerie is invested with public authority discharge.

(2) In exerting the incumbent tasks, the staff provided in the first paragraph, has the following rights and obligations:

- (a) To support the persons with functions invested with public authority discharge, in case they face physical resistance while accomplishing their duties.
- (b) To identify any person in case there is any solid evidence that he/she perpetrated, is perpetrating or is to perpetrate a deed which constitutes crime or minor offences, and the persons requiring to enter restricted areas as well.
- (c) To use, with the owner or holder agreement, any transport or telecommunication means, public or private property, except for those belonging to diplomatic body, in taking any legal measures which cannot be postponed or fulfilled in a different manner. The expenses occurred under these circumstances are to be subsequently acquitted, upon the owners request, and are allocated from the Gendarmeries units' funds, or, by case, are supported by the individuals that determined the intervention.
- (d) to circulate free of charge, on the basis of their identification card in means of public transportation in order to carry out mission that cannot be executed otherwise;
- (e) to request the support of citizens in order to pursue, capture, immobilize and take the legal measures against the persons who have committed crimes;
- (f) to take the measure of seizing in order to confiscate the dangerous objects, substances or arms detained without right or which can endanger the life or physical integrity of the gendarme or other persons, the measure and the description of the seized goods being mentioned in the official report of the enquiry.

(3) In exercising their attributions, the military staff of the Romanian Gendarmerie has the right to perform preventive body search on the person and the baggage thereof in the following situations:

- a) there is clear evidence that a crime was committed, is being committed or it is under preparations;
- b) the person is unconscious and must be identified;
- c) the person takes part in public meetings or in other places where access with arms, dangerous products or substances is forbidden.

(4) In order to carry out the specific attributions and missions, the personnel stipulated under paragraph (1) have the right to use force, the means of endowment and the arms, under the law.

(5) In exercising their attributions, the military staff of the Romanian Gendarmerie, are under the obligation to reveal their position and to show their badge or their identification card, if case may be, the exceptions of the situations when the result of the intervention or their subsequent safety could be endangered.

Art. 28 - (1) In exercising their specific attributions, the military staff of the Romanian Gendarmerie, have the territory competence corresponding to the responsibility area of the gendarmerie unit they are a part of.

(2) In case of continuing a specific measure or activity in progress, the military staff of the Romanian Gendarmerie may also act in the responsibility area of other gendarmerie units informing the relevant authority of it.

Art.29 – In exercising their attributions, the military staff of the Romanian Gendarmerie makes use of the own arms and the necessary ammunition, bullet-proof vests, protection shields, helmets with sight, rubber sticks or rigid stick with side handle, sticks with electrostatic energy, devices with teargas, non fire arms, water or colorant jets, rubber bullets or colorants arms, handcuffs, trained horses and dogs, audio and luminous devices, armored vehicles, engineering works and means, as well as any means of protection and immobilization in endowment, in the following situations:

a) in order to stop and neutralize the aggressive actions of persons who seriously disturb public order, actions which could not be terminated or annihilated by using other legal means;

b) against those who enter illegally in public institutions or in other institutions of public or private interest and who, on warning and summation, refuse to leave immediately this institution, as well as against organized groups which stop the normal activity on roads, in public places and in other important objectives;

c) in order to immobilize persons or groups of persons causing disorder and undertaking actions which endanger the life, the integrity or health of the persons, public or private property, insulting the law enforcement forces or other persons in positions involving the exercise of public authority or serious disturbing public order by acts of violence.

Art. 30 – In case of absolute necessity and when the use of other means of immobilization where constrained was not productive, the gendarmes make use of their fire arms under the conditions strictly stipulated by the law

Art. 31 - (1) The use of the means mentioned under Article 29 is done only after warning and summoning the participants to disperse, by the chief of the unit responsible with order, or by his superiors.

(2) In order to make possible the dispersing, the participants have a period of time determined according to their number, the ways and possibilities of dispersing.

(3) Warning and summoning are not necessary when acts of violence are exerted on the personnel, which seriously endanger the life, integrity or health thereof.

Art. 32 – (1) Warning and summoning is done by audio or light signals and for signaling the persons in the situations stipulated under Article 29, by means of audio amplification, about the obligation to disperse and comply with the legal provisions.

(2) If, after being warned, the participants did not disperse, they would be announced by means of audio amplification, as follows: first summation: “Attention, please leave..., we will use force!”, followed by audio and light signals.

(3) If , at the end of the period necessary for dispersing, there is evidence that the first summation is without result, the last summation will be called, as follows: “Leave...., we will use force!”, followed by audio and luminous signals.

(4) In order that all the participants perceive the signals, before using the means of immobilization or constraint, a luminous signal is given through red signaling bullets, fired vertically.

Art. 33. – The use of the means stipulated under Article 29 is done gradually and must not overcome the real necessity for immobilizing the turbulent or aggressive persons or for neutralizing the illegal actions and will cease as soon as the scope of the mission was achieved.

(2) The written disposition of the prefect regarding the intervention by force is not necessary if on the law enforcement forces, other persons or goods or values defended violence is exerted which seriously endanger the life, integrity or health thereof, or when there is clear evidence that the participants are preparing or have perpetrated an offence.

Art. 34. – (1) The force intervention is ordered, in write, by the Bucharest or the county Prefect or his deputy, in which took place one of the situation mentioned at article 29.

(2) The Prefect's written order regarding the intervention, is not necessary when the order forces or other persons, good or values are suffering violence which can endanger imminently their life, physical integrity or health, or there are strong evidence about participants getting ready for or already have perpetrated a crime.

Art. 35. – The persons who commit deeds against the law will be immobilized, removed as soon as possible from the scene of the turbulence and taken, if case be, at the nearest police or gendarmerie station in order to legal sanctioning measures to be taken in respect to them.

Art. 36. – It is forbidden to use the means stipulated under Article 29 against women with visible signs of pregnancy, against the persons visibly handicapped and against children, except for the cases when these are perpetrating an armed or group attack, which endangers the life or integrity of one or more than one persons.

Art. 37. – In completing their duties, the staff of the Romanian Gendarmerie has the obligation to comply with the fundamental human rights and liberties and to grant first aid care to the persons in need of it as a result of the intervention with force.

Art. 38. – (1) The military staff of the Romanian Gendarmerie may detain, carry and use fire arms, ammunition and means of endowment, under the law.

(2) The staff mentioned in paragraph (1) have the right to permanently carry the weapons of endowment or personally purchased, with the necessary ammunition, under the law.

Art. 39. – The military staff of the Romanian Gendarmerie have the right and obligation to intervene outside working hours, their work attributions and the territorial competence of their units, when they are informed about the preparation or an offence being committed, acting in order to preserve the evidence, apprehending the doer, seizing the corpus delicti, the other evidence and to submit them immediately to the relevant authorities.

Art. 40. – (1) The pays, salaries and other financial rights due to the personnel of the Romanian Gendarmerie are set according to the law.

(2) Military staff of the Romanian Gendarmerie who, for reasons of illness, accident or other similar events, as consequence or relating to their position, can no longer fulfill their attributions and change positions will preserve their pays and the other previous financial rights, if the financial remuneration of the new position is smaller.

Art. 41. – (1) The right to pension, social insurance and medical care of the officers, military chiefs and non-commissioned officers of the Romanian Gendarmerie is set according to the laws referring to the military personnel.

(2) The right to pension, social insurance and medical care of the gendarmes and professional soldiers and civil personnel under contract of the Gendarmerie is set according to Law no. 19/2000 on the public pension system and other social insurance rights, with further modifications and completions, and the dispositions of Law no. 53/2003 – Code of Labour and other specific legal provisions.

Art. 42. – The military staff of Romanian Gendarmerie is appointed within the normal, specific or special working conditions according to the law.

Art. 43. – (1) The military staff of the Gendarmerie enjoys special protection, according to the criminal law, in performing their duties.

(2) The military staff of Gendarmerie and their family members have the right to protection from State's specialised structures against the threats or violence they may suffer following the performing of their duty or in connection to that.

(3) In case of crimes committed upon the military personnel of Gendarmerie, husband, wife or children of theirs, for the purpose of intimidation or revenge against the legal measures taken by them while performing their duties, the maximum limits of the punishments stipulated by the criminal law augment with 3 years.

Art. 44. – (1) The military and contractual personnel of the Romanian Gendarmerie are assured for free the protection equipment adequate to specific missions they fulfil, and in case that, following the performing of their duties, the clothes, the shoes or other personal effects were damaged, they are entitled to adequate compensations given by the General Inspectorate of Romanian Gendarmerie.

(2) The personnel of Romanian Gendarmerie which take part to missions for assuring and re-establishment of public order, antiterrorist fight, whose duration exceeds 4 hours, are freely assured in a food supplement, equivalent in 2000 calories, for every day of mission.

Art. 45. - The Ministry of Administration and Interior will grant the necessary amounts for the covering of material losses the military personnel of Romanian Gendarmerie and their family members suffered, in cases in which these losses follow the deeds stipulated in art. 43 par. (3), and is to recuperate these losses from the guilty persons, according to the law.

CHAPTER VI

Material and financial endowment

Art. 46. – (1) Romanian Gendarmerie is endowed with weaponry, technical facilities, ammunition, equipment, specific devices and transport vehicles, necessary to the fulfilling their attributions stipulated by law, for the personnel self-defence and protection, as well as for the locations they are carrying out their activity in. Romanian Gendarmerie has own structures that perform the logistic transport and technical, medical, sanitary-veterinary, financial and supply, personnel accommodation and animal sheltering.

(2) According to their own needs, agriculture and animal farms, resting manors, hotels, boarding houses and instruction camps, service and intervention dwellings, clubs, vocational, humanitarian, cultural, sports or leisure associations may function within the Romanian Gendarmerie, according to the law.

Art. 47. – Endowment of Romanian Gendarmerie with facilities, materials and equipment stipulated in Article 46 par. (1) is done by the Ministry of Administration and Interior and the General Inspectorate, according to the law.

Art. 48. – Buildings designated for the headquarters of Gendarmerie big units, units, sub-units, agriculture and animal farms, resting manors, hotels, service and intervention dwellings, clubs,

vocational, humanitarian, cultural, sports or leisure associations, as well as instruction camps, are built from the Ministry of Administration and Interior's funds on the terrain administrated by the Ministry, based on Government Decision or the Local Council, by case.

Art. 49. – Romanian Gendarmerie units administrate their own patrimony and may hire the available goods that belong to it or may reevaluate them, according to the law. The collected amounts shall be used according to the law.

Art.50. – The General Inspectorate has the competence to:

- a) approve, within its competence, the technical-economic documents for its own working investments and to follow their accomplishment in the established terms;
- b) to endorse the curricula, for the specialty “gendarmes”, of the “Alexandru Ioan Cuza” Police Academy and to approve these documents for the education institutions in sub-order;
- c) to establish the provisions for use, maintenance and reparation of the special technique from the endowment;
- d) to control the material and financial means allocated to the subordinated institutions;
- e) to carry out any other prerogatives established by the law, in the financial and material insurance.

Art. 51. – The General Inspectorate endorses the projects of constructions, the necessary means and arrangements for the guarding service to the ensured objectives or to those which are to be ensured with military guard, according to the law.

Art 52. – (1) The gendarme units use their own vehicles and they are endowed with techniques, travel means, apparatus and means of transmission and other specific materials necessary for missions fulfillment.

(2) The motor vehicles meant to the fulfillment of gendarmerie special missions are marked with “JANDARMERIA” and they are equipped with light and acoustic means.

(3) The gendarmerie may use rented motor vehicles and technical means or provided by the beneficiaries of the activity carried out by the gendarmes.

CHAPTER VII

Final and Transitory Provisions

Art. 53. – (1) In case of such events which endanger the rule of law, the commanders of large gendarme units inform the Ministry of Administration and Interior and, through this, the others ministries and institutions appointed by the law in this field about the development of the events, for taking the necessary measures in order to apply the action plans ratified by the Supreme Council for Country Defense.

(2) In the case of endanger of the objectives ensured temporary or permanently with guarding performed by military staff of gendarmerie, or when there is information regarding the intention of organizing actions to endanger these objectives, the competent gendarme unit, together with the public authorities and other institutions appointed by the law in this field, establish the protection area of the respective objectives and, in need, they can forbid or limit access, if case may be.

(3) The protection areas of the objectives are defined with visible signs, by the Gendarmerie, with the qualified support of the public authorities and other competent authorities.

(4) The protection areas have the same regime as the objectives they were established for.

Art. 54. – The forms and methods of action used by the gendarmes in fulfilling their attributions are established by orders and instructions of the minister of administration and interior.

Art. 55. – The staff of the Romanian Gendarmerie is responsible, according to the law, for the carrying out of the duties specific to the function or the post and for the performing of the legal provisions they received from the competent authorities.

Art. 56. – On the date of entering into force of the present law the contracting gendarmes employed in operative functions and who fulfill the legal conditions may be transferred to non-commissioned officers corps, on the basis of an admittance exam or contest, according to the approved functions and allocated budgetary funds, being granted military ranks according to their work experience within the Ministry of Administration and Interior, in the conditions established by order of minister of administration and interior.

(2) The personnel stipulated in paragraph (1) which does not fulfill the legal conditions for transfer to non-commissioned officers corps or do not pass the admittance exam or contest to non-commissioned officers corps is transferred to the soldiers or professional ranks corps and their status is applied, according to the law.

Art. 57 - (1) The Romanian Gendarmerie Day is celebrated on April the 3rd every year.

(2) For remarkable achievements and seniority in the Romanian Gendarmerie the staff can be rewarded according to the law.

Art. 58 - Gendarmerie Units can be given, through order of the minister of Administration and Interior at the proposal of the General Inspector, names with historical connotation or meanings for the area of competence of the unit in question.

Art. 59 - The uniform of the military staff of the Gendarmerie, distinctive insignia, format and contents of the badge and identification documents, as well as the mark of the Romanian Gendarmerie are established by Government Decision, in 60 days time from the entering into force of the law in question.

Art. 60 - (1) The law in question enters into force 90 days from the publishing in the Official Journal of Romania, Part I.

(2) On entering into force of the law, Law no. 116/1998 on the organisation and functioning of the Romanian Gendarmerie, published in the Official Journal of Romania, Part I, no. 224/18.06.1998 is repealed.