

**LAW No. 535 of 25 November 2004**  
**on preventing and combating terrorism**

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The Romanian Parliament adopts this law.

**CHAPTER I**

General provisions

**Article 1**

Terrorism means actions, inactions and threats thereof, which present a public danger, affect human life, physical integrity or health, material factors, international relations of States, national or international security, are politically, religiously or ideologically motivated and are committed for one of the following purposes:

a) Intimidation of the population or a segment of the population by producing a strong psychological impact;

b) the unlawful coercion of a public authority or international organisation to perform, not perform or refrain from performing a specific act;

c) serious destabilisation or destruction of the fundamental political, constitutional, economic or social structures of a state or international organisation.

(on 13-04-2019 Article 1 of Chapter I was amended by Point 1, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

**Article 2**

Repealed.

(on 13-04-2019 Article 2 of Chapter I was repealed by Point 2, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

**Article 3**

Terrorist acts are transnational in nature if:

a) they are committed on the territory of at least two States;

b) they are committed on the territory of one State, but part of the planning, preparation, conduct or control takes place on the territory of another State;

c) they are committed on the territory of one State but involve a terrorist entity operating on the territory of another State;

d) they are committed on the territory of one State but have substantial effects on the territory of another State.

#### **Article 4**

(1) For the purposes of this Act, the following terms and expressions have the following meanings:

1. terrorist entity - a person, group, structured group or organisation which, by any means, directly or indirectly:  
(on 13-04-2019 The introductory part of point 1. of Article 4, Chapter I was amended by Point 3, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019):

a) commits or participates in acts of terrorism;  
(on 13-04-2019 Letter a), Point 1 of Article 4, Chapter I was amended by Point 3, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

b) is preparing to commit acts of terrorism;  
(on 13-04-2019 Letter b), Point 1 of Article 4, Chapter I was amended by Point 3, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

c) promotes or encourages terrorism;

d) supports terrorism in any form;

2. terrorist - a person who has committed an offence under this Act or intends to prepare, commit, facilitate or instigate to acts of terrorism;

3. structured group - an association of three or more persons, with their own hierarchy, formed for a specific period of time to act in a coordinated manner to commit terrorist acts;  
(on 13-04-2019 Point 3. of Article 4, Chapter I was amended by Point 4, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

4. terrorist group - an association of two or more persons which, without necessarily having a formally established structure and hierarchy, has been formed for the purpose of committing terrorist acts;  
(on 13-04-2019 Point 4. of Article 4, Chapter I was amended by Point 4, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

5. terrorist organisation - a hierarchically constituted structure with its own ideology of organisation and action, having representation at both national and international level and which, in order to achieve its specific aims, uses violent and/or destructive means;

6. directing a terrorist entity - directing, supervising, controlling or coordinating the activities of a structured group, terrorist group or organisation;

7. terrorist acts - preparing, planning, facilitating, committing, directing, coordinating and controlling the terrorist act, as well as any other activities carried out after the terrorist act has been committed, if related to the terrorist act;

8. funds - property of any kind, whether tangible or intangible, movable or immovable, acquired by any means and legal documents or instruments in any form, including electronic or digital form, evidencing title to or interest in such property, bank credits, travellers` cheques, bank cheques, money orders, shares, securities, bonds, special drawing rights and letters of credit, without this list being exhaustive; (on 01-02-2014 Paragraph 8 of Article 4 was amended by Paragraph 1 of Article 159, Title II of LAW No. 187 of 24 October 2012, published in the OFFICIAL GAZETTE No. 757 of 12 November 2012).

9. propaganda - the systematic dissemination or advocacy of ideas, concepts or doctrines with the intention of persuading and attracting new followers;

(on 01-02-2014 Paragraph 9 of Article 4 was amended by Paragraph 1 of Article 159, Title II of LAW No. 187 of 24 October 2012, published in the OFFICIAL GAZETTE No. 757 of 12 November 2012).

9<sup>1</sup>. terrorist propaganda material - any material in written, audio, video or computer data format, and any other form of expression that advocates terrorism or that presents or promotes ideas, concepts, doctrines or attitudes that support or promote terrorism or a terrorist entity;

(on 13-04-2019 Article 4 of Chapter I was supplemented by Point 5, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

10. specific human factors - persons directly included in the target entity`s polygenetic functional mechanisms, respectively dignitaries, military, civil servants and representatives of international organisations;

11. non-specific human factors - people indirectly included in the target entity`s political mechanisms, generally the civilian population;

12. material factors - environmental factors, agricultural crops and livestock, food and other products of daily consumption, objectives of strategic importance, military or having a military utility, infrastructure facilities of social life, State and government facilities, transport, telecommunications and information systems, national symbols and values, and movable or immovable property of international organisations;

13. State and governmental facilities - permanent or temporary means of transport used by representatives of a State, members of a government, legislative or judicial authority, officials, employees of a State or of any other public authority or of an intergovernmental organisation, in connection with their official acts;

14. objectives of strategic importance - objectives of the armed forces or those of particular importance for the defence of the country, state activity, the economy, culture and the arts, the premises of diplomatic missions or international organisations, and infrastructure facilities or places of public utility;

15. place of public utility - that part of a building, land, street, waterway, commercial, business, cultural-sports, historical, educational, religious, recreational, and any other place that is accessible to the public;

16. infrastructure facilities - the public or private utility that provides or distributes services for the benefit of the population, such as water and sewerage, energy, fuel, communications, banking and medical services, telecommunications and information networks;

17. transport system - all public or private facilities, means of

transport and instruments used in or for public services, for the transport of persons or goods;

18. terrorist crisis - a factual situation created prior to, during or following the perpetration of an act of terrorism, whereby:  
(on 13-04-2019 The introductory part of Point 18. of Article 4, Chapter I was amended by Point 6, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

a) a range of economic, social, political or other activities are disrupted or seriously affected;

b) specific and non-specific human factors or important material factors are endangered;

c) the safety of the population or a community is exposed to major risks;

d) defensive or offensive action is necessary to remove the threats posed by the factual situation created;

18^1. terrorist crisis management - all defensive and/or offensive actions and/or measures carried out in a coordinated manner by public authorities and institutions in the event of an imminent terrorist act, during or following the commission of a terrorist act, in order to prevent and remove its effects, with the aim of restoring normality;  
(on 01-04-2023 Point 18^1. of Article 4, Chapter I was amended by Point 1, Article I of LAW No. 68 of 28 March 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

19. profit of the terrorist entity - any property that represents, in whole or in part, directly or indirectly, a benefit derived from the commission of terrorist acts or terrorism-related activities;  
(on 13-04-2019 Point 19. of Article 4, Chapter I was amended by Point 8, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

20. anti-terrorism intervention - the set of defensive measures carried out prior to or in the event of imminent terrorist acts, used to reduce the vulnerability of specific and non-specific human and material factors;

(on 13-04-2019 Point 20. of Article 4, Chapter I was amended by Point 8, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

21. counter-terrorist intervention - the set of offensive measures carried out, in the event of an act of terrorism, with the aim of freeing hostages, capturing or annihilating terrorists, neutralising devices used by them, liberating attacked or occupied targets and restoring law and order;

(on 13-04-2019 Point 21. of Article 4, Chapter I was amended by Point 8, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

22. armed escorts on board aircraft, also known as security officers on board aircraft - personnel belonging to the Romanian Intelligence Service, who carry out security activities on board aircraft in order to prevent and combat acts of unlawful interference, in accordance with:

a) the relevant international treaties to which Romania is a party;  
b) the regulatory framework on preventing and combating terrorism;  
c) the provisions of the National Aviation Security Programme;  
(on 01-04-2023 Point 22. of Article 4, Chapter I was amended by Point 1, Article I of LAW No. 68 of 28 March 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

23. anti-terrorist security screening - all specialised measures carried out on persons, targets or property with a view to detecting destructive means, toxic or dangerous substances, firearms, explosive devices of any kind, ammunition, explosives, chemical, biological, radiological or nuclear weapons, or other materials that could be used for the purpose of committing an act of terrorism;  
(on 13-04-2019 Article 4 of Chapter I was supplemented by Point 9, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

24. immediate response - the set of immediate and/or gradual measures and/or actions taken by public authorities and institutions in response to an imminent or ongoing act of terrorism, with the aim of preventing or limiting its effects, neutralising aggressive actions and/or devices used by terrorists and, where appropriate, creating the necessary conditions for the transfer of operational control over forces and assets;  
(on 13-04-2019 Article 4 of Chapter I was supplemented by Point 9, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

25. security interview - an activity consisting of discussions in which the staff of the structures responsible for national security, with the support, where appropriate, of other public authorities or institutions, interview a natural person, with his/her prior consent, in order to obtain data and information related to the prevention and combating of terrorism;  
(on 13-04-2019 Article 4 of Chapter I was supplemented by Point 9, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

26. transfer of operational control - giving the authority to direct and coordinate the assigned forces in a unified manner to the commander designated by the institution with predominant responsibilities, according to the law, in the management of the specific stage of the terrorist crisis;  
(on 13-04-2019 Article 4 of Chapter I was supplemented by Point 9, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

27. radicalisation - the complex process by which a person comes to pervert his or her beliefs, feelings and behaviour as a result of adopting an extremist form of thinking, in which the use of violence and even self-sacrifice through suicidal methods are legitimate and desirable forms of defence and/or satisfaction of interests promoted by terrorist entities;  
(on 13-04-2019 Article 4 of Chapter I was supplemented by Point 9, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

28. hosting service provider - a provider of any information society service, provided at a distance, by electronic means and at the request of the beneficiary, which consists of storing information provided by the content provider, at its request, and making it available to third parties;

(on 01-04-2023 Point 28. of Article 4, Chapter I was amended by Point 1, Article I of LAW No. 68 of 28 March 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

29. content provider - a user who has provided information that is stored or has been stored and disseminated to the public by a hosting service provider;

(on 01-04-2023 Point 29. of Article 4, Chapter I was amended by Point 1, Article I of LAW No. 68 of 28 March 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

30. dissemination to the public - making information available to a potentially unlimited number of people at the request of a content provider;

(on 01-04-2023 Article 4 of Chapter I was supplemented by Point 2, Article I of LAW No. 68 of 28 March 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

31. National Terrorist Alert System - mechanism for establishing terrorist alert levels and specific activities at each level, in the area of preventing and combating terrorism, in order to ensure the adoption by public and private authorities and institutions, and by the population, of the optimal conduct for preventing and combating terrorism, according to the level of terrorist threat on the territory of Romania, approved by decision of the Supreme Council of National Defence;

(on 01-04-2023 Article 4 of Chapter I was supplemented by Point 2, Article I of LAW No. 68 of 28 March 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

32. CBRNe - chemical, biological, radiological or nuclear substances, the dispersion of which can be achieved by means of explosive devices;

(on 01-04-2023 Article 4 of Chapter I was supplemented by Point 2, Article I of LAW No. 68 of 28 March 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

33. Removal order - administrative act issued pursuant to Articles 3 and 4 of Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021 on the prevention of dissemination of terrorist content online, hereinafter referred to as the Regulation.

(on 01-04-2023 Article 4 of Chapter I was supplemented by Point 2, Article I of LAW No. 68 of 28 March 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

(2) The definitions contained in the Regulation will apply accordingly.

(on 01-04-2023 Article 4 of Chapter I was supplemented by Point 3, Article I of LAW No. 68 of 28 March 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

## **Chapter II**

Carrying out work to prevent and combat terrorism

### **SECTION 1**

National System for Preventing and Combating Terrorism(SNPCT)

#### **Article 5**

Preventing and combating terrorism is carried out in accordance with the provisions of international conventions on the suppression of terrorism, to which Romania is a party, as well as in compliance with international regulations and domestic legislation on human rights.

#### **Article 6**

(1) At the national level, the work of preventing and combating terrorism will be organised and carried out in a unified manner in accordance with this Law.

(2) To this end, cooperation in this field is carried out as the National System for Preventing and Combating Terrorism, hereinafter referred to as the SNPCT, in which the following public authorities and institutions participate:

- a) the Romanian Intelligence Service, with a technical coordination role;
- b) Ministry of Internal Affairs;
- c) Ministry of National Defence;
- d) Ministry of Foreign Affairs;
- e) Ministry of Economy;
- f) Ministry of Agriculture and Rural Development;
- g) Ministry of the Environment;
- h) Ministry of Transport;
- i) Ministry of Health;
- j) Ministry of Communications and Information Society;
- k) Ministry of Public Finance;
- l) Ministry of Regional Development and Public Administration;
- m) Ministry of Justice;
- n) Ministry of National Education;
- o) Ministry of Water and Forests;
- p) Ministry of Tourism;
- q) Ministry of Business, Trade and Entrepreneurship;
- r) Foreign Intelligence Service;
- s) Protection and Security Service;
- t) Special Telecommunications Service;
- u) the Prosecutor`s Office of the High Court of Cassation and Justice;
- v) National Bank of Romania;
- w) National Office for the Prevention and Combating of Money Laundering;
- x) National Commission for the Control of Nuclear Activities;
- y) Ministry of Labour and Social Justice;
- z) National Authority for Administration and Regulation in Communications.

(on 13-04-2019 Paragraph (2) of Article 6, Section 1 , Chapter II was amended by Point 10, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

(3) Within the structure of the Romanian Intelligence Service - as the national authority in this field - the Counter-Terrorism Operational Coordination Centre, hereinafter referred to as CCOA, is established, through which the Romanian Intelligence Service ensures the technical coordination of the SNPCT.

(4) In the framework of the inter-institutional cooperation mechanism in the SNPCT (National System for the Prevention and Countering of Terrorism) format, the Supreme Council of National Defence acts as strategic coordinator.

(on 13-04-2019 Article 6 of Section 1 , Chapter II was supplemented by Point 11, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

#### **Article 7**

(1) For the purpose of preventing and countering acts of terrorism, the public authorities and institutions that make up the National System for the Prevention and Countering of Terrorism carry out specific activities, individually or in cooperation, in accordance with their legal tasks and competences and with the provisions of the General Protocol on the organisation and functioning of the National System for

the Prevention and Countering of Terrorism, approved by the Supreme Council of National Defence.

(2) The role of representing Romania at technical level in meetings and/or working groups at European and/or international level is carried out, independently or in cooperation with other institutions of the SNPCT, by designated persons from:

- a) the Romanian Intelligence Service, in the area of preventing and countering terrorism;
- b) the Foreign Intelligence Service, in the area of strategic assessments on the evolution of the international terrorist phenomenon;
- c) the Ministry of National Defence, for international political-military cooperation in the field of preventing and countering terrorism;
- d) the Ministry of Internal Affairs, in the area of international police cooperation in the field of preventing and countering terrorism;
- e) the National Office for Preventing and Combating Money Laundering, in the area of preventing and countering the financing of terrorism;
- f) the Prosecutor's Office of the High Court of Cassation and Justice - Directorate for the Investigation of Organised Crime and Terrorism, in the area of judicial cooperation in criminal matters;
- g) other authorities within the SNPCT, depending on the format and specific nature of the activity, with the information of the Romanian Intelligence Service.

(on 13-04-2019 Article 7 of Section 1, Chapter II was amended by Point 12, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

**Article 7<sup>1</sup>**

(1) The national authority in the field of armed escorts on board aircraft and the exchange of information necessary to support their activity is the Romanian Intelligence Service.

(2) In order to prevent acts of unlawful interference on board civil aircrafts registered in Romania or belonging to air carriers licensed by the Romanian state, the Romanian Intelligence Service ensures the deployment and coordination of armed escorts on board aircraft.

(on 01-04-2023 Paragraph (2) of Article 7<sup>1</sup>, Section 1, Chapter II was amended by Paragraph 4, Article I of Law no. 68 of 28 March 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

(on 13-04-2019 Section 1 of Chapter II was supplemented by Point 13, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

**Article 7<sup>2</sup>**

(1) The Foreign Intelligence Service and the Ministry of Foreign Affairs are responsible for preventing and countering terrorism, with the aim of protecting mission premises, consular premises and other official representations of Romania abroad.

(2) In the event of an act of terrorism directed against the targets referred to in paragraph 1, the Foreign Intelligence Service shall support the counter-terrorist intervention carried out by the competent institutions of the State of residence.

(3) Terrorist crisis situations involving Romanian citizens abroad are managed by the Ministry of Foreign Affairs and the Foreign Intelligence Service, in accordance with the methodology approved by the Supreme Council of National Defence.

(on 13-04-2019 Section 1 of Chapter II was supplemented by Point 13, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL



**Article 8**

Ministries and other public authorities and institutions responsible for implementing the provisions of this law are obliged to refer to the Romanian Intelligence Service regarding natural and legal persons suspected of committing or facilitating in any way acts of terrorism.

**Article 9**

Institutions and legal persons, other than those belonging to the SNPCT, as well as natural persons, who have knowledge of data and indications relating to the commission, facilitation or financing of terrorist acts, have the following obligations:

- a) to immediately refer the matter to the competent authorities;
- b) allow representatives of the competent authorities access to the premises and to data and information relating to terrorist acts;
- c) provide the necessary support in the performance of their duties in preventing and combating terrorism at the request of the competent authorities.

**Article 10**

The specific tasks, according to Art. 7 Paragraph (1), in the area of prevention of terrorism consist of:

(on 13-04-2019 The introductory part of Article 10 of Section 1, Chapter II was amended by Point 14, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

- a) information-operational activities;
- b) activities against the human resource inflows of terrorist entities, carried out inside and/or outside the national territory;
- c) activities against the supply of specific means of action, as well as financial, logistical or information resources to terrorist entities, carried out inside and/or outside national territory;

d) guard, protection, public order, anti-terrorist security control and special deterrence activities carried out by the public authorities of the SNPCT in order to ensure the security of human and material factors on the national territory, as well as Romania's official representations abroad, potentially targeted by terrorist entities;

(on 13-04-2019 Point d) of Article 10, Section 1, Chapter II was amended by Point 14, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

d<sup>1</sup>) security interviews;

(on 13-04-2019 Article 10 of Section 1, Chapter II was supplemented by Point 15, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

e) preparedness activities to respond to civil emergencies generated by terrorist actions in order to limit and combat their effects;

f) public communication activities;

(on 01-04-2023 Point f) of Article 10, Section 1, Chapter II was amended by Point 5, Article I of LAW No. 68 of 28 March 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

g) international cooperation activities;

h) training and further training activities;

i) activities aimed at continuous optimisation of the legislative framework applicable to the categories of tasks entrusted to the SNPCT, including criminal and procedural-criminal aspects.

j) activities specific to each terrorist alert level within the National Terrorist Alert System;

(on 01-04-2023 Article 10 of Section 1, Chapter II was supplemented by Point 6, Article I of LAW No. 68 of 28 March 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

k) activities in the field of organisation and execution of counter-terrorist intervention missions in the tactical, pyrotechnic and CBRNe coordinates.

(on 01-04-2023 Article 10 of Section 1, Chapter II was supplemented by Point 6, Article I of LAW No. 68 of 28 March 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

#### **Article 11**

The specific tasks, according to Art. 7 paragraph (1), in the fight against terrorism consist of:

(on 13-04-2019 The introductory part of Article 11 of Section 1, Chapter II was amended by Point 16, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

a) identification and other activities carried out, in accordance with the powers of the public authorities and institutions making up the SNPCT, with a view to holding accountable, in accordance with the law, persons who initiate, prepare, commit or facilitate acts of terrorism;

b) the anti-terrorist intervention, before or in the situation of the imminent occurrence of an act of terrorism, and, respectively, the counter-terrorist intervention, when acts of terrorism are taking place or have occurred;

(on 01-04-2023 Letter b) of Article 11, Section 1, Chapter II was amended by Point 7, Article I of LAW No. 68 of March 28, 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

c) participation in operations to combat terrorism through international cooperation;

d) activities along the lines of organizing and executing counter-terrorist intervention missions on tactical, pyrotechnic and CBRNe coordinates.

(on 01-04-2023 Article 11 of Section 1, Chapter II was supplemented by Point 8, Article I of LAW no. 68 of March 28, 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

#### **Article 11<sup>1</sup>**

(1) In the case of the imminence or production of an act of terrorism on the territory of the country that produces a terrorist crisis, upon the proposal of the director of the Romanian Intelligence Service, the Supreme Council of Defence of the Country may issue a decision by which they:

a) declare the status of terrorist crisis;

b) order the activation of the National Anti-Terrorist Action Centre;

c) appoint the head of the National Anti-Terrorist Action Centre from among the first deputy or deputies of the director of the Romanian Intelligence Service;

d) order regarding the modification of the terrorist alert level.

(on 01-04-2023 Paragraph (1) of Article 11<sup>1</sup>, Section 1, Chapter II was amended by Point 9, Article I of LAW no. 68 of March 28, 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

(1<sup>1</sup>) As an exception to the provisions of paragraph (1), when it is not possible to hold an emergency meeting of the Supreme Council of National Defence, the measures provided for in that paragraph can be ordered by the president of the Supreme Council of National Defence, with prompt subsequent information of the Supreme Council of Defence of the Country.

(on 01-04-2023 Article 11<sup>1</sup> of Section 1, Chapter II was supplemented by Point 10, Article I of LAW no. 68 of March 28, 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

(2) In the situation provided for in paragraph (1) and (1<sup>1</sup>), the

National Anti-Terrorist Action Centre is activated with the logistical and operational support of the CCOA and ensures the management of the terrorist crisis at the national level.

(on 01-04-2023 Paragraph (2) of Article 11<sup>1</sup>, Section 1, Chapter II was amended by Point 11, Article I of LAW no. 68 of March 28, 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

(3) In order to protect and save people's lives, public authorities and institutions carry out specific activities, according to their competences, respecting the priority of action and the principle of single command.

(4) The National Anti-Terrorist Action Centre is an inter-institutional structure, without legal personality, directly subordinated to the Supreme Council of National Defence, led by a decision-making structure made up of decision-making representatives from public institutions, depending on the concrete coordinates of the terrorist crisis. The head of the National Anti-Terrorist Action Centre is appointed from among the first deputy or deputies of the director of the Romanian Intelligence Service, upon the proposal of the director of the Romanian Intelligence Service, by the Supreme Council of Defence of the Country by the decision provided for in Paragraph (1).

(5) The regulation for the organization and operation of the National Anti-Terrorist Action Centre is approved by decision of the Supreme Council of National Defence.

(6) The Romanian Intelligence Service is authorized to carry out, from the approved budget, goods, services and capital expenditures for the National Anti-Terrorist Action Centre.

(on 04-13-2019 Section 1 of Chapter II was supplemented by Point 17, Article I of LAW no. 58 of April 8, 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

#### **Article 11<sup>2</sup>**

(1) The national terrorist alert system includes four levels of terrorist alert, corresponding to states of terrorist threat, respectively:

- a) green alert - low level;
- b) blue alert - cautious level;
- c) orange alert - high level;
- d) red alert - critical level.

(2) The establishment of terrorist alert levels, as well as the transition from one level to another, is approved by the Supreme Council of National Defence.

(3) As an exception to the provisions of paragraph (2), when the emergency meeting of the Supreme Council of National Defence is not possible, the alert levels provided for in paragraph (1) may be instituted by the president of the Supreme Council of National Defence, with prompt subsequent information of the Supreme Council of National Defence.

(on 01-04-2023 Section 1 of Chapter II was supplemented by Point 12, Article I of LAW no. 68 of March 28, 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

#### **Article 12**

(1) In the event of an act of terrorism, the Romanian Intelligence Service, through its specialized unit, carries out the counter-terrorist intervention, independently or in cooperation with other public authorities and institutions, throughout the country, in order to release hostages, capture or annihilate terrorists, neutralize the devices used

by them, liberate targets attacked or occupied, and the restoration of law and order release hostages, capture or annihilate terrorists, neutralize the devices used by them, liberate targets attacked or occupied, and the restoration of law and order.

(2) Counter - terrorist intervention is carried out with the approval of the Supreme Council of National Defence. By exception, in the case of the imminence of casualties or significant damage, when it is not possible to convene an emergency meeting of the Supreme Council of National Defence, the execution of the counter-terrorist intervention shall be approved by the President of the Supreme Council of National Defence.

(3) At the request of the Romanian Intelligence Service, public authorities and institutions shall transfer operational control to it.

(4) Counter-terrorist intervention and transfer of operational control is carried out in accordance with the methodology developed by the Romanian Intelligence Service with prior consultation of the institutions of the SNPCT with powers in the field, approved by decision of the Supreme Council of National Defence.

(5) At the request of the Romanian Intelligence Service, depending on the scale and nature of the terrorist action, the counter-terrorist intervention may be carried out, under the conditions of Paragraph (2), also by specialized units of the Romanian Police, Gendarmerie, the Protection and Guard Service and/or the Ministry of National Defence.

(6) In the situation referred to in Paragraph. (5), at the request of specialized units of the Romanian Police, the Romanian Gendarmerie, the Protection and Guard Service and/or the Ministry of National Defence, the public authorities and institutions shall transfer operational control to them.

(7) Anti-terrorist intervention is carried out in accordance with the methodologies approved by the management of the relevant institutions of SNPCT, with the opinion of the Romanian Intelligence Service.

(on 13-04-2019 Article 12 of Section 1, Chapter II was amended by Point 18, Article I of LAW no. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

#### Article 13

(1) In order to carry out the tasks referred to in Articles 10 and 11, the public authorities and institutions that are members of the SNPCT shall designate representatives, at the level of Secretaries of State or Under-Secretaries of State, who shall meet in plenary session at least once a year, which shall be attended by the First Deputy Public Prosecutor General of the Prosecutor`s Office of the High Court of Cassation and Justice.

(2) The authorities and public institutions which are members of the SNPCT appoint permanent experts who form a working group which meets every 6 months or whenever necessary.

(3) On the occasion of the meetings provided for in Paragraph 2, the working group assesses the fulfilment of the General Protocol on the Organization and Functioning of the SNPCT and report accordingly to the Supreme Council of National Defence.

#### Article 14

(1) The CCOA is the organizational and functional structure that ensures the continuity and coherence of the functioning of the linking system that articulates the components of the SNPCT.

(2) The public authorities and institutions which are members of the SNPCT shall each appoint a permanent representative to the CCOA to ensure the exchange of data and information.

(3) The structure and staffing of the CCOA are approved by decision of the Supreme Council of National Defence.

(4) Within 60 days from the entry into force of this Law, the

Romanian Intelligence Service shall submit for approval to the Supreme Council of National Defence the Regulation on the Organization and Functioning of the CCOA.

#### Article 15

Public authorities and institutions with responsibilities in the SNPCT ensure access for CCOA representatives to their premises and to special objectives within their area, for the purpose of verifying information and/or the carrying out specific activities to prevent and fight against terrorism.

#### Article 16

The Romanian Intelligence Service, the Ministry of National Defence, the Ministry of Foreign Affairs, the Ministry of Administration and the Interior, the Foreign Intelligence Service, the Protection and Security Service and the Special Telecommunications Service are exempted from the provisions of Article 15.

#### Article 17

The CCOA has the following tasks:

a) coordinates the activities carried out within the SNPCT, through representatives designated by the authorities and public institutions of the SNPCT;

b) ensures the operational exchange of data and information between the authorities and public institutions making up the SNPCT on terrorist activities;

c) integrates the data and information obtained in order to establish and undertake the necessary measures;

d) monitors terrorist activities and keep the relevant authorities and public institutions of the SNPCT informed in an operational manner;

e) in terrorist crisis situations, provides logistical and operational support for the operational functioning of the National Counter-Terrorist Action Centre;

(on 13-04-2019 Letter e) of Article 17, Section 1, Chapter II was amended by Point 19, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

f) transmits to the competent public authorities and institutions of the NCTS the data and information subject to the undertaking of measures, in accordance with their legal powers.

#### Article 18

Within the organizational structure of the public authorities and institutions that are members of the SNPCT, special, permanently operational departments are set up and persons are designated to provide structural and functional support for the coherent development of cooperation activities and continuous liaison with the CCOA.

#### Article 19

(1) The task of periodically updating the provisions of the General Protocol on the Organization and Functioning of the SNPCT is the responsibility of the SNPCT members, according to the changes in the field, and of the Romanian Intelligence Service, as technical coordinator.

(2) Any amendment to the General Protocol on the Organization and Functioning of the SNPCT shall be submitted to the Supreme Council of National Defence for approval.

### SECTION 2

Measures concerning the conduct of activities for intelligence gathering purposes

#### Article 20

Threats to the national security of Romania with regard to the offences provided for in this Law constitute the legal basis for the state bodies responsible for national security to request authorization to carry out specific intelligence-gathering activities, in accordance with the procedure laid down in Law No 51/1991 on National Security of Romania, which shall apply accordingly.

(on 01-02-2014 Art. 21 was repealed by Point 2 of Art. 76, Title II of LAW No. 255 of 19 July 2013, published in the OFFICIAL GAZETTE No. 515 of 14 August 2013)

#### Article 21

Repealed.

(on 01-02-2014 Art. 21 was repealed by Point 2 of Art. 76, Title II of LAW No. 255 of 19 July 2013, published in the OFFICIAL GAZETTE No. 515 of 14 August 2013)

#### Article 22

Repealed.

(on 01-02-2014 Art. 22 was repealed by Paragraph 2 of Art. 76, Title II of LAW No. 255 of 19 July 2013, published in the OFFICIAL GAZETTE No. 515 of 14 August 2013).

### **SECTION 3**

Exchange of information

(on 13-Apr-2019 Chapter II was supplemented by Point 20, Article 1, of Law 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019.)

#### Article 22<sup>1</sup>

(1) The Romanian judicial authorities, upon request or ex officio, transmit as soon as possible to the competent authorities of another Member State of the European Union relevant information collected in the course of criminal proceedings in relation to terrorist offences, when that information could be used in that Member State for the purpose of the prevention, detection, investigation or prosecution of terrorist offences.

(2) Paragraph 1 shall not apply if the exchange of information would jeopardize ongoing investigations or the safety of a person, nor where it would be contrary to the essential interests of the security of Romania.  
(on 13-Apr-2019 Chapter II, Section 3 was supplemented by Art. I, Point 20 of Law 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019).

### **CHAPTER III**

Repealed.

(on 1-Apr-2023 Chapter III was repealed by Art. I, point 14. of Law 68 of 28 March 2023 published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

### **SECTION 1**

Repealed.

(on 1-Apr-2023 Section 1 of Chapter III was repealed by Art. I, Point 14. of Law 68 of 28 March 2023 published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

#### Article 23

Repealed.

(on 1-Apr-2023 Article 23 of Section 1 of Chapter III was repealed by Art. I, Point 14. of Law 68 of 28 March 2023 published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

Article 24  
Repealed.

(on 1-Apr-2023 Article 24 of Section 1 of Chapter III was repealed by Art. I, Point 14. of Law 68 of 28 March 2023 published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

Article 25  
Repealed.

(on 1-Apr-2023 Article 25 of Section 1 of Chapter III was repealed by Art. I, Point 14. of Law 68 of 28 March 2023 published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

**SECTION 2**  
Repealed.

(on 1-Apr-2023 Section 2 of Chapter III was repealed by Art. I, Point 14 of Law 68 of 28 March 2023 published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

**Article 26**  
Repealed.

(on 1-Apr-2023 Article 26 of Section 2 of Chapter III was repealed by Art. I, Point 14. of Law 68 of 28 March 2023 published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

Article 27  
Repealed.

(on 1-Apr-2023 Article 27 of Section 2 of Chapter III was repealed by Art. I, Point 14. of Law 68 of 28 March 2023 published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

Article 28  
Repealed.

(on 1-Apr-2023 Article 28 of Section 2 of Chapter III was repealed by Art. I, Point 14. of Law 68 of 28 March 2023 published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

Article 29  
Repealed.

(on 1-Apr-2023 Article 29 of Section 2 of Chapter III was repealed by Art. I, Point 14. of Law 68 of 28 March 2023 published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

Article 30  
Repealed.

(on 1-Apr-2023 Article 30 of Section 2 of Chapter III was repealed by Art. I, Point 14. of Law 68 of 28 March 2023 published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

Article 31  
Repealed.

(on 1-Apr-2023 Article 31 of Section 2 of Chapter III was repealed by Art. I, Point 14. of Law 68 of 28 March 2023 published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

#### **CHAPTER IV**

Offences and contraventions

#### **Article 32**

(1) The perpetration of any of the following acts for any of the purposes referred to in Article 1 constitute an act of terrorism and shall be punishable by the penalty prescribed by law for the offence committed, the special limits of which shall be increased by half, without exceeding the general maximum penalty, and by the deprivation of certain rights:

(on 13-04-2019 The introductory part of paragraph (1) of Article 32 , Chapter IV was amended by Point 27, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

a) actions and inactions directed against the life, physical integrity or health of persons or resulting in death, injury to physical integrity or damage to physical or mental health;

(on 13-04-2019 Letter a) of Paragraph (1), Article 32, Chapter IV was amended by Point 27, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

b) unlawful deprivation of liberty; (on 13-04-2019 Letter b) of Paragraph 1, Article 32, Chapter IV was amended by Point 27, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

c) destruction and qualified destruction; (on 13-04-2019 Letter c) of Paragraph (1), Article 32, Chapter IV was amended by Point 27, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

d) communication of false information which endangers the safe flight or navigation of a ship or aircraft;

e) committing, by means of a device, weapon or substance, an act of violence against a person at a civilian airport, if the act endangered safety and security at that airport, as well as committing any act of physical or psychological violence against a person on board a civilian aircraft in flight or in-flight preparation, or against its flight crew;

f) destroying or seriously damaging, by means of a device, weapon or substance, the installations of a civil airport or of an aircraft in service or not in service but at an airport, or causing damage which renders the aircraft unfit to fly or is likely to endanger its safety in flight, and disrupting airport services, if the act compromises or is likely to compromise safety and security at that airport;

g) destruction or damage to air navigation facilities or services or disruption of their operation, if the act endangered flight safety;

h) placing on a civil aircraft, by any means, a device or substance capable of destroying or damaging that aircraft in such a way as to render it unfit to fly or to endanger its safety in flight;

i) the unlawful seizure of an aircraft by any means and the unlawful exercise of control over it;

j) seizure of a ship or fixed platform or the exercise of control thereof by violence or threat;

k) committing violence against a person on board a ship or fixed platform, if such act is likely to endanger the safety of the ship or fixed platform;

l) destroying a fixed platform or a ship or causing damage to a fixed platform or to the cargo of a ship which is likely to prejudice the safety of the platform or the navigation of the ship;



m) placing on a ship or fixed platform, by any means, a device or substance capable of destroying them or of causing damage to the platform, the ship or its cargo which endangers or is likely to endanger the safety of the platform or the navigation of the ship;

n) destruction or serious damage to the fixed platform or navigational facilities or services or serious disturbance of their operation, if any of these acts is likely to prejudice the safety of the fixed platform or the navigation of a ship;

o) failure to comply with the rules governing arms and ammunition, the rules governing nuclear and other radioactive materials, failure to comply with the rules governing explosive materials, failure to comply with the rules governing restricted explosives precursors, and the unlawful use of weapons;

(on 13-04-2019 Letter o) of Paragraph (1), Article 32, Chapter IV was amended by Point 27, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

p) the attack that endangers national security, the attack against a community and the acts of diversion;

q) offences against the security and integrity of information systems and data;

(on 13-04-2019 Letter q) of Paragraph (1), Article 32, Chapter IV was amended by Point 27, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

r) Repealed.

(on 13-04-2019 Letter r) of Paragraph (1), Article 32, Chapter IV was repealed by Point 28, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

(2) For the offences referred to in paragraph (1) the penalty of a fine can not be imposed.

(3) It shall constitute an act of terrorism and shall be punishable by imprisonment for a term of 7 to 15 years and disqualification from exercising any of the rights to commit any of the following acts for any of the purposes referred to in Article 1:

(on 13-04-2019 The introductory part of paragraph (3) of Article 32, Chapter IV was amended by Point 29, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

a) the production, acquisition, possession, transport, supply, use or transfer to other persons, directly or indirectly, of chemical or biological weapons, explosive devices of any kind, as well as research into or development of such weapons, including radiological or nuclear weapons;

(on 13-04-2019 Letter a) of Paragraph (3), Article 32, Chapter IV was amended by Point 29, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

b) the introduction or spread into the atmosphere, soil, subsoil or water of products, substances, materials of any kind, micro-organisms or toxins which endanger human life, human or animal health or the environment or cause fires, floods or explosions which endanger human life;

(on 13-04-2019 Letter b) of Paragraph (3), Article 32, Chapter IV was amended by Point 29, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

c) disruption or interruption of the supply of water, electricity or any other fundamental natural resource, which may have the effect of endangering human life;

(on 13-04-2019 Letter c) of Paragraph (3), Article 32, Chapter IV was amended by Point 29, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

d) destroying, damaging or rendering inoperable a nuclear or radiological facility containing radioactive material belonging to the perpetrator or to another person, or preventing the taking of measures for the conservation or nuclear security of such a nuclear or radiological facility;

(on 13-04-2019 Paragraph (3) of Article 32, Chapter IV was supplemented by Paragraph 30, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

e) any other actions and inactions, regardless of the manner of their commission, by which the destruction, degradation or rendering useless, in whole or in part are achieved, the seizure or unlawful seizure of control over a public or private asset, structure, infrastructure, system, network, facility, resource, service, capacity or place is carried out or intended, if the act is likely to endanger or provide the perpetrator with the possibility of endangering the life, physical integrity or health of persons or if particularly serious consequences have occurred.

(on 13-04-2019 Paragraph (3) of Article 32, Chapter IV was supplemented by Paragraph 30, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

(4) Threatening, in pursuance of any of the purposes referred to in Article 1, to commit any of the acts referred to in Paragraph (1) Letter (a) to (q) and Paragraph (3) Letter a) to e) shall constitute an offence and shall be punishable by imprisonment for a term of 2 to 7 years, without the penalty imposed exceeding the penalty provided for by law for the offence which was the object of the threat.

(on 13-04-2019 Article 32 of Chapter IV was supplemented by Point 31, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

(5) If the act referred to in Paragraph 1 is committed by a person who is a member of the leadership of a terrorist entity, the penalty shall be imprisonment for a term of 7 to 12 years.

(on 13-04-2019 Article 32 of Chapter IV was supplemented by Point 31, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

(6) The unlawful seizure or taking of a vehicle constitutes an offence and shall be punishable by imprisonment for a term of 5 to 15 years if committed for any of the purposes referred to in Article 1.

(on 13-04-2019 Article 32 of Chapter IV was supplemented by Point 31, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

(on 01-02-2014 Article 32 was amended by Point 2 of Article 159, Title II of LAW No. 187 of 24 October 2012, published in the OFFICIAL GAZETTE No. 757 of 12 November 2012).

### **Article 33**

(1) It is an offence and punishable by no less than 5 and no more than 12 years of imprisonment and disqualification from exercising certain rights, for any of the purposes referred to in Article 1, to commit any of the following acts:

(On 13-04-2019 The introductory part of Paragraph (1) of Article 33, Chapter IV was amended by Point 32, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

a) the procurement, possession, manufacturing, production, transport or supplying of dual-use items or technologies or military items or explosive or flammable materials, for the purpose of producing destructive means, explosive devices of any kind, as well as chemical, biological, radiological or nuclear substances, which may endanger the

life and health of humans, animals or the environment;  
(on 13-04-2019 Letter a) of Paragraph (1), Article 33, Chapter IV was amended by Point 32, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

b) giving instructions on the manufacturing or using of explosives, firearms or any other weapons, harmful or dangerous substances, or on specific techniques or methods of committing or supporting an act of terrorism, knowing that the skills given are or may be used for this purpose.

(on 13-04-2019 Letter b) of Paragraph (1), Article 33, Chapter IV was amended by Point 32, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

c) receiving or acquiring instructions by self-documentation on manufacturing or using explosives, firearms or any other weapons, harmful or dangerous substances, or on specific techniques or methods of committing or supporting an act of terrorism;

(On 13-04-2019 Paragraph (1) of Article 33, Chapter IV was supplemented by Point 33, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

d) aggravated theft committed for the purpose of committing the offences referred to in Article 32 Paragraph (1) and (3) and Paragraph (1) and (2) of this Article.

(On 13-04-2019 Paragraph (1) of Article 33, Chapter IV was supplemented by Paragraph 33, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

(2) It is also an offence and punishable by no less than 3 and no more than 10 years of imprisonment and disqualification from exercising certain rights, to commit any of the following acts:

(on 13-04-2019 The introductory part of Paragraph (2) of Article 33, Chapter IV was amended by Point 34, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

a) facilitating the crossing of the state border, harboring or facilitating access to the targeted areas of a person who is known to have participated in or to have committed or to be participating in or to commit a criminal offence referred to in Paragraph 1 of this Article or Article 32 Paragraph (1) or Paragraph (3);

(on 13-04-2019 Letter a) of Paragraph (2), Article 33, Chapter IV was amended by Point 34, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

b) collecting or possessing, for the purpose of transmission, or making available data and information on areas targeted by a terrorist entity;

c) falsifying official documents or using them to facilitate an act of terrorist;

(on 13-04-2019 Letter c) of Paragraph (2), Article 33, Chapter IV was amended by Point 34, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

d) blackmail committed for the purpose of committing an act of terrorism;

e) Repealed.

(on 13-04-2019 Letter e) of Paragraph (2), Article 33, Chapter IV was repealed by Point 35, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

f) Repealed.

(on 13-04-2019 Letter f) of Paragraph (2), Article 33, Chapter IV was repealed by Point 35, Article I of LAW No. 58 of 8 April 2019, published

in the OFFICIAL GAZETTE No. 271 of 10 April 2019)  
(on 01-02-2014 Article 33 was amended by Point 3 of Article 159, Title II of LAW No. 187 of 24 October 2012, published in the OFFICIAL GAZETTE No. 757 of 12 November 2012).

**Article 33<sup>1</sup>**

The act of soliciting one or more persons, directly or indirectly, by any means, to commit or support an act of terrorism constitutes a criminal offence and it is punishable in accordance with the law that defines the crime for which the solicitation was made.

(on 13-04-2019 Article 33<sup>1</sup> of Chapter IV was amended by Point 36, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

**Article 33<sup>2</sup>**

(1) The act of inciting the public, verbally, in writing or by any other means, to commit offences provided for by this Law is punishable by imprisonment from 6 months to 3 years or by a fine, not exceeding the punishment prescribed by law for the offence instigated.

(2) If the offence referred to in Paragraph (1) is committed by a public servant, the punishment is imprisonment for a term of 1 to 5 years and disqualification from exercising certain rights, but not exceeding the penalty prescribed by law for the offence to which the instigator was subjected.

(3) If the public instigation resulted in committing the offence, the punishment is prescribed by law for that offence.

(4) The promotion of a propaganda message by any means, in public, with the intention of instigating in committing an act of terrorism, regardless of whether or not the message directly supports terrorism or whether or not such offences have been committed, it constitutes an offence and it is punishable by imprisonment for a term of 2 to 7 years.

(on 13-04-2019 Paragraph (4) of Article 33<sup>2</sup>, Chapter IV was amended by Paragraph 37, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

(on 01-02-2014 Article 33<sup>2</sup> was inserted by Point 4 of Article 159, Title I of LAW No. 187 of 24 October 2012, published in the OFFICIAL GAZETTE No. 757 of 12 November 2012)

**Article 34**

Repealed.

(on 13-04-2019 Article 34 of Chapter IV was repealed by Point 38, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

**Article. 35**

(1) The act of associating or initiating an association for the purpose of committing acts of terrorism or joining or supporting, in any form, such an association it is punishable by imprisonment for a term of 5 to 12 years and disqualification from certain rights, not exceeding the maximum punishment prescribed by law for the offence for which the association was established.

(2) The offence of leading a terrorist entity it is punishable by imprisonment for a term of 7 to 15 years and disqualification of certain rights.

(on 01-02-2014 Art. 35 was amended by Point 6 of Art. 159, Title II of LAW No. 187 of 24 October 2012, published in the OFFICIAL GAZETTE

No. 757 of 12 November 2012).

**Article 35<sup>1</sup>**

(1) The movement of a person from Romania to another country or from another country to Romania for the purpose of committing, planning, preparing or participating in acts of terrorism or for the purpose of giving or receiving training or preparation for committing an act of terrorism or for supporting, in any way, a terrorist entity constitutes movement for terrorist purposes and it is punishable by imprisonment for a term of 5 to 12 years and disqualification.

(on 01-04-2023 Paragraph (1) of Article 35<sup>1</sup>, Chapter IV was amended by Point 15, Article I of LAW No. 68 of 28 March 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

(2) Repealed.

(on 13-04-2019 Paragraph (2) of Article 35<sup>1</sup>, Chapter IV was repealed by Point 39, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

(3) Any act of arranging or facilitating the provision of assistance to any person to travel abroad for terrorist purposes, knowing that the assistance so provided is for such purposes, shall be punishable by imprisonment for a term of 2 to 7 years and disqualification of certain rights.

(on 13-04-2019 Article 35<sup>1</sup> of Chapter IV was completed by Point 40, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

(on 22-11-2016 Chapter IV was supplemented by Article 25, Chapter V of EMERGENCY ORDINANCE No. 78 of 16 November 2016, published in the OFFICIAL GAZETTE No. 938 of 22 November 2016)

**Article 36**

(1) It is offence of financing terrorism to collect or make available, directly or indirectly, funds, lawful or unlawful, with the intention that they will be used or with the knowledge that they will be used, in whole or in part, to commit terrorist acts or to support a terrorist entity and it is punishable by imprisonment for a term of 5 to 12 years and disqualification.

(on 13-04-2019 Paragraph (1) of Article 36, Chapter IV was amended by Paragraph 41, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

(2) Committing a criminal offence for the purpose of obtaining funds, with the intention that they will be used or with the knowledge that they will be used, in whole or in part, to commit acts of terrorism or to support a terrorist entity, is punishable in accordance with the law for that offence, the maximum of which is increased by 3 years.

(on 13-04-2019 Paragraph (2) of Article 36, Chapter IV was amended by Paragraph 41, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

(3) If the funds obtained under Paragraph (2) have been made available to the terrorist entity, the rules on concurrence of offences are applied.

(4) Repealed.

(on 13-04-2019 Paragraph (4) of Article 36, Chapter IV was repealed by Paragraph 42, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

(on 01-02-2014 Article 36 was amended by Point 7 of Article 159, Title II of LAW No. 187 of 24 October 2012, published in the OFFICIAL GAZETTE No.

757 of 12 November 2012.)

**Article 37**

Repealed.

(on 13-04-2019 Article 37 of Chapter IV was repealed by point 43, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

**Article 37<sup>1</sup>**

(1) Attempted acts referred to in Articles 32, 33, 33<sup>1</sup>, Article 35<sup>1</sup>, Article 36 Paragraph (1) are punishable.

(2) To produce or procure means or instruments, to take measures, as well as the agreement between at least two persons to commit an act of terrorism, or the unequivocal expression, in whatever manner or context, of the intention to commit an act of terrorism, it is also considered an attempt.

(3) The purpose of an act or inaction specific to acts of terrorism may be inferred from objective factual circumstances.

(on 13-04-2019 Chapter IV was completed by Point 44, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

**Article 38**

Alarming, without a justified reason, by any means, directly or indirectly, the bodies specialized to intervene in case of danger, the bodies with powers in the field of national security or maintenance of public order, regarding an act of terrorism, carried out in pursuance of any of the purposes referred to in Article 1, constitutes a criminal offence and it is punishable by imprisonment for a term of 1 to 3 years or a fine.

(on 13-04-2019 Article 38 of Chapter IV was amended by Point 45, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

**Article 38<sup>1</sup>**

(1) Repeatedly accessing terrorist propaganda materials through computer systems or other means of electronic communication, as well as possessing such materials for the purpose of appropriating terrorist ideology as part of a radicalization process, constitutes a criminal offence and it is punishable by imprisonment for a term of 6 months to 3 years or a fine.

(2) The act referred to in Paragraph 1, does not constitute an offence if it is committed for scientific or academic purposes.

(on 13-04-2019 Chapter IV was completed by Point 46, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

**Article 38<sup>2</sup>**

(1) The competent authorities in preventing the misuse of hosting services for disseminating terrorist propaganda materials and terrorist content to the public are:

- a) Romanian Intelligence Service - as the national authority in the field of preventing and combating terrorism;
- b) National Authority for the Administration and Regulation of Communications;
- c) Ministry of Internal Affairs - General Inspectorate of the

Romanian Police.

(2) In order to prevent the misuse of hosting services for the dissemination to the public of terrorist propaganda material and content of a terrorist nature, the competent authorities shall exercise the following powers:

1. The Romanian Intelligence Service:

a) provides ANCOM with all the necessary information and expert analysis for the purpose of issuing the removal order;

b) monitors the implementation of the removal orders and notifies ANCOM of cases where the obligations imposed by the orders are not complied with;

c) verifies the terrorist nature of the content which is subject to a cross-border removal order issued by the competent authorities of other European Union member States in accordance with the Regulation, which concerns the removal or blocking of content of a terrorist nature hosted by hosting service providers whose head office or legal representative is located in Romania;

d) provides support to ANCOM in order to verify the fulfilment of the obligation incumbent on hosting service providers, in accordance with Articles 5 and 6 of the Regulation, and informs the Ministry of Internal Affairs - General Inspectorate of the Romanian Police, as appropriate;

2. The National Authority for Administration and Regulation of Communications:

a) issues the removal order, based on the reasoned request of the national authority in charge of preventing and combating terrorism;

b) establishes the contraventions resulting from non-compliance with the provisions of the Regulation and applies the corresponding sanctions, following the checks carried out;

c) ensures that the control of the removal order is carried out in accordance with Article 4 Paragraphs (3) and (4) of the Regulation and issues reasoned decisions, after consultation with the national authority in the field of prevention of and fight against terrorism;

3. The Ministry of Internal Affairs - General Inspectorate of the Romanian Police shall participate, at the request of ANCOM, in the activities of verification of the manner in which the obligations provided for in Article 3 Paragraph (3), Art. 4 Paragraph (2) and art. 6 are fulfilled and to establish the compliance with the provisions of the Regulation by the hosting service providers.

(3) The authorities referred to in Paragraph (1) shall coordinate and cooperate, in accordance with their respective powers, with the competent authorities of other member States and Europol for the implementation of Article 14 of the Regulation.

(4) The request referred to in Paragraph (2) Point 2 Letter (a) shall contain elements which may lead to the identification of the content or the area concerned, such as:

a) the identification details of the hosting service providers or content providers, as the case may be, in relation to which ANCOM is requested to issue the removal order;

b) information on the online content for which the removal order is requested, including information on its precise identification in the online environment;

c) indication of the reasons why the removal at source of the online content is not feasible, if applicable;

d) the domain name for which the removal order is requested.

(5) The removal order issued by ANCOM must contain the following elements:

a) a sufficiently detailed statement of the reasons why the material is considered to be terrorist propaganda or the content is considered to

be of a terrorist nature, including mention of the relevant types of material referred to in Article 2 Point (7) of the Regulation;

b) an exact URL address and, where necessary, additional information to identify terrorist propaganda material or content of a terrorist nature online;

c) the hosting service or content providers identified as responsible for the dissemination of such material or content;

d) if necessary and proportionate, the decision not to disclose information regarding the removal of or blocking access to terrorist content in accordance with the Regulation;

e) the remedies available to the hosting service provider and the content provider and the time limits for their introduction.

(6) Hosting service providers and content providers are obliged to interrupt, as soon as possible and in any case within one hour of receiving the removal order issued by ANCOM, the transmission in an electronic communications network or the storage of terrorist propaganda material or content of a terrorist nature, by removing it at the source, with informing users.

(7) In the event that it is not feasible to remove terrorist propaganda material or content of a terrorist nature at the source, providers of public electronic communications networks are obliged to immediately block access to such content and inform users.

(8) Upon receipt of the removal order issued by ANCOM, providers of electronic communications networks intended for the public are obliged to immediately block access by users in Romania to terrorist propaganda material or content of a terrorist nature transmitted over an electronic communications network by the persons referred to in Paragraph (6) who are not under the jurisdiction of national law.

(9) Following a removal order issued by ANCOM, the National Institute for Research and Development in Informatics - ICI Bucharest is obliged to immediately block the functionality of a «.ro» domain whose name advocates terrorist acts, incites to commit a terrorist act or promotes ideas, concepts, doctrines or attitudes in order to support the cause/activity of terrorist entities, until the concerned domain expires, after which its registration will be blocked.

(10) ANCOM informs the national authority in the field of preventing and combating terrorism of the issuance of decisions and orders to delete, which shall monitor their implementation by hosting service providers, content providers, providers of electronic communications networks intended for the public or by the National Institute for Research and Development in Informatics - ICI Bucharest, as the case may be, and shall notify ANCOM of situations in which the obligations imposed by them are not complied with.

(11) Media service providers are obliged not to promote or facilitate the promotion of ideas, concepts, doctrines or attitudes that advocate acts of terrorism, incite the commission of an act of terrorism or may support the causes and/or activities of terrorist entities.

(12) The provisions of this Article apply accordingly to requests made in the course of criminal prosecution by prosecutors, respectively judges in the trial phase of a case concerning the criminal offence provided for in this Law, respectively ANCOM's decisions and orders of elimination issued on the basis of such requests.

(13) ANCOM's removal orders and decisions may be appealed in administrative dispute, without going through a prior procedure, to the Bucharest Court of Appeal, under penalty of forfeiture, within 15 days from the date of communication, by the hosting service providers, content providers, providers of electronic communications networks intended for the public or the National Institute for Research and Development in



Informatics - ICI Bucharest, as the case may be, and, within 30 days from the date of interruption of the service, by any other person who considers that his or her right or legitimate interest has been infringed, in compliance with the conditions laid down in Article 9 and 10 of the Regulation.

(14) The legal action shall not suspend the execution of the removal order or the contested decision.

(on 01-04-2023 Article 38<sup>2</sup> of Chapter IV was amended by Point 16, Article I of LAW No. 68 of 28 March 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

**Article 38<sup>3</sup>**

The offences provided for by this Law constitute acts of terrorism.

(on 13-04-2019 Chapter IV was supplemented by Point 46, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

**Article 38<sup>4</sup>**

In criminal cases concerning the investigation of any of the offences provided for by this Law, the provisions Article 145 of the Code of Criminal Procedure shall not apply if a decision to close the case has been adopted pursuant to Article 16 Paragraph (1) Letter c) of the Code of Criminal Procedure.

(on 13-04-2019 Chapter IV was supplemented by Point 46, Article I of LAW No. 58 of 8 April 2019, published in the OFFICIAL GAZETTE No. 271 of 10 April 2019)

**Article 39**

Repealed.

(on 01-02-2014 Art. 39 was repealed by Point 10 of Article 159, Title II of LAW No. 187 of 24 October 2012, published in the OFFICIAL GAZETTE No. 757 of 12 November 2012.)

**Article 40**

Jurisdiction to trial at first instance terrorist act offences shall lie with the court of appeal in whose territorial jurisdiction the offence was committed.

(on 01-04-2023 Article 40 of Chapter IV was amended by Point 17, Article I of LAW No. 68 of 28 March 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

**Article 41**

Repealed.

(on 01-02-2014 Art. 41 was repealed by Point 3 of Article 76, Title II of LAW No. 255 of 19 July 2013, published in the OFFICIAL GAZETTE No. 515 of 14 August 2013).

**Article 42**

Repealed.

(on 01-04-2023 Article 42 of Chapter IV was repealed by Point 18, Article I of LAW No. 68 of 28 March 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

**Article 42<sup>1</sup>**

(1) ANCOM's specialized control staff shall verify the manner in which the obligations laid down in the Regulation are fulfilled by the

hosting service providers.

(2) ANCOM's specialized control staff may request the support of the specialized structures for the fight against organized crime within the Romanian Police in order to verify the manner in which the obligations provided for in Article 3, Paragraph 1, are fulfilled. (3), Article 4 Paragraph (2) and Article 6 of the Regulation.

(on 01-04-2023 Chapter IV was completed by Point 19, Article I of LAW no. 68 of 28 March 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

**Article 42<sup>2</sup>**

In order for the authorities referred to in Art. 42<sup>1</sup> to verify the manner of fulfilling the obligations provided for in the Regulation, the hosting service providers are obliged to:

- a) allow access to the premises where they operate;
- b) to allow the verification of all the aspects from which the fulfilment of the obligations provided for in the Regulation may be inferred.

(on 01-04-2023 Chapter IV was completed by Point 19, Article I of LAW No. 68 of 28 March 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

**Article 42<sup>3</sup>**

(1) The following acts constitute contraventions, as long as they are not committed in such a way that they are considered offences, according to the criminal law:

- a) the act of the hosting service provider or content provider who unjustifiably fails to remove terrorist propaganda material or content of a terrorist nature or to block access thereto within one hour of receiving the removal order, in accordance with the obligation laid down in Article 3 Paragraph (3) of the Regulation;
- b) the failure of the hosting service provider to immediately inform the authority issuing the removal order about the removal or blocking of access to terrorist propaganda material or content of a terrorist nature in accordance with Article 3 Paragraph (6) of the Regulation.
- c) the failure of the hosting service provider against whom a cross-border removal order has been adopted to comply with the obligation mentioned in Article 4 Paragraph (2) of the Regulation, respectively not taking the measures provided for in Article 3 of the Regulation or the measures necessary to republish the material/content or to restore access to the material/content in question in accordance with Article 4 Paragraph (7) of the Regulation;
- d) the failure of the hosting service provider exposed to terrorist content to include in the terms and conditions of its services provisions that are likely to prevent the misuse of its services for the dissemination of terrorist propaganda material or terrorist content under the terms of Article 5 of the Regulation;
- e) the failure of the hosting service provider exposed to terrorist content to take one or more specific measures to protect its services against the dissemination to the public of propaganda material or terrorist content or, where it has taken such measures, to comply with the requirements of Article 5 Paragraph (3) of the Regulation;
- f) the failure by the hosting service provider to report to ANCOM, within 3 months from receiving the decision adopted according to Art. 5 Paragraphs (4) and (6) of the Regulation, the specific measures taken and which it intends to take in compliance with Art. 5 Paragraphs (2) and (3) of the Regulation, as the case may be, annually, until ANCOM informs that the hosting service provider is no longer exposed to content

of a terrorist nature, in accordance with Art. 5 Paragraph (5) of the Regulation;

g) the failure by the hosting service provider to comply with ANCOM's decision requesting, under the terms of Art. 5 Paragraph (6) of the Regulation, that the hosting service provider does not provide content containing terrorist content. of the Regulation, to take the necessary measures to ensure compliance with Art. 5 Paragraphs (2) and (3) of the Regulation;

h) the failure of the hosting service provider to keep propaganda material or content of a terrorist nature that has been removed or to which access has been blocked, as a result of a removal order or specific measures ordered according to Articles 3 or 5 of the Regulation, or related data removed as a result of the removal of content of a terrorist nature, or to take appropriate technical and organizational protection measures in relation thereto, as required by Article 6 of the Regulation;

i) the failure of the hosting service provider to clearly describe, in the terms and conditions for the provision of its services, its policy to prevent the dissemination of propaganda material or content of a terrorist nature, including, where appropriate, a relevant explanation of the operation of specific measures or the use of automated tools, as required by Article 7 Paragraph (1) of the Regulation;

j) the fact that the hosting service provider, which has taken measures to prevent the dissemination of propaganda material or content of a terrorist nature or has been obliged to take specific measures in a given calendar year, does not publish until March 1st the following year and before the imposition of those measures, a report on the actions taken in the previous year, as required by Article 7 Paragraphs (2) and (3) of the Regulation;

k) the failure of the hosting service provider to establish an effective and accessible mechanism to enable content providers whose material/content has been removed or to which access has been blocked as a result of specific measures taken according to Article 5 of the Regulation to challenge the removal/blocking of access to that material/content and to request the republication of the removed/blocked content;

l) the failure of the hosting service provider to ensure prompt consideration of complaints received and the republication of the content/blocking of access to it, without undue delay, where the removal of content or blocking of access to it was unjustified and failure to inform the author of the complaint of the outcome of the complaint within two weeks of its receipt and the reasons for the rejection of the complaint, as required by Article 10 of the Regulation;

m) the failure by the hosting service provider to inform the content provider, in accordance with Article 11 of the Regulation, of the removal or blocking of access to terrorist material/content, the reasons for the removal or blocking, the right to appeal against the removal order or failure to provide the content provider with a copy of the removal order;

n) the failure of the hosting service provider, upon becoming aware of propaganda/terrorist content involving an imminent threat to life, to promptly inform the competent authorities of the member States concerned by such content, according to the obligation to investigate and prosecute offences under Article 14 Paragraph (5) of the Regulation;

o) the host service provider's failure to inform, when it is impossible to identify the member States concerned, the ANCOM contact point in accordance with the obligation under Article 14 Paragraph (5) of the Regulation or not transmitting information on terrorist content to Europol via the specific tools established under Article 14 Paragraph (5) of the Regulation.

p) the failure of the hosting service provider to establish a

contact point to receive and ensure the prompt processing of removal orders communicated by electronic means, or to make public the information relating to this contact point, as required by Article 15 Paragraph (1) of the Regulation.

q) the act of the hosting service provider that does not have a main office in the European Union of not notifying ANCOM of the name of its legal representative residing/headquartered in Romania, in accordance with the obligation set out in Article 17 of the Regulation, of not conferring on its legal representative the powers and resources required under Article 17 Paragraph (2) of the Regulation, or not to make public the information concerning this representative;

r) the act of providers of public electronic communications networks intended for the public not to immediately block, following ANCOM's decision/removal order, access to terrorist propaganda material/content of a terrorist nature existing in the online environment and not to inform users under the conditions of Article 38<sup>2</sup>;

s) failure to comply with the obligations under Article 42<sup>2</sup>.

(1) Contraventions shall be punished as follows:

(a) in the case of contraventions referred to in paragraph (1) letters a), c), g), h), n), o), p) and q), with a fine from 75.000 lei to 100.000 lei;

b) in the case of contraventions referred to in Paragraph (1) (b) for offences under Paragraph (1) Letters (b), (d), (e), (f), (i), (j), (k), (l), (m), (r) and (s), with a fine from 25,000 lei to 100,000 lei.

(3) Contraventional sanctions may also be applied to legal persons.

(4) By way of derogation from the provisions of Art. 8 Paragraph (2) letter a) of the Government Ordinance no. 2/2001 on the legal regime of contraventions, approved with amendments and additions by Law no. 180/2002, with subsequent amendments and additions, in case of systematic or continuous acts of contravention referred to in Paragraph (1) Letter a) of this Article by a legal person, the amount of the fine shall be up to 4% of the total turnover of the hosting service provider corresponding to the previous financial year.

(5) For authorized natural persons, individual enterprises and family businesses, the turnover referred to in Paragraph (4) shall correspond to the total gross income of those economic operators.

(6) By way of derogation from the provisions of Art. 16 Paragraph (1) and Art. 28 Paragraph (1) of the Emergency Ordinance nr. 2/2001, approved with subsequent amendments and additions of Law no. 180/2002, with subsequent amendments and Art. 22 Paragraph (2) of Law no. 203/2018 on measures to streamline the payment of fines, as amended and supplemented, in the case of penalties imposed for the commission of the offences referred to in this Article, the offender may pay, no later than 15 days from the date of delivery or communication of the act of finding the offence and imposing the penalty referred to in Article 42<sup>4</sup> Paragraph (1), half of the amount of the fine imposed, the official shall mention this possibility in the report.

(on 01-04-2023 Chapter IV was completed by Point 19, Article I of LAW No. 68 of 28 March 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

#### **Article 42<sup>4</sup>**

(1) The contraventions referred to in Article 42<sup>3</sup> shall be established, by means of a report on the finding of the contravention and the application of the sanction by ANCOM's specialized control staff, following the checks carried out in accordance with Article 42<sup>1</sup>, including on the basis of the documents drawn up on this occasion.

(2) The sanction shall be applied by the President of ANCOM by means of a written resolution on the report of the infringement and the application of the sanction.

(on 01-04-2023 Chapter IV was completed by Point 19, Article I of LAW No. 68 of 28 March 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

**Article 42<sup>5</sup>**

In the exercise of its powers under the law, ANCOM shall be operationally supported, if necessary, on the basis of joint action plans or protocols, by local public administration authorities, police bodies or other public authorities, regarding the identification of persons which commit offences and, if necessary, the location of the devices used to commit the crimes.

(on 01-04-2023 Chapter IV was completed by Point 19, Article I of LAW No. 68 of 28 March 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

**Article 42<sup>6</sup>**

ANCOM shall ensure the transparency of the activities carried out in accordance with Article 8 of the Regulation.

(on 01-04-2023 Chapter IV was completed by Point 19, Article I of LAW No. 68 of 28 March 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

**Article 43**

The provisions of the general regulations on the legal regime of contraventions shall apply accordingly.

**Article 44**

(1) Foreign citizens or stateless persons about whom there is information or strong indications that they intend to carry out acts of terrorism or acts of favoring terrorism shall be declared undesirable for Romania or their right to stay in the country shall be suspended, if they have not been ordered not to leave the country, according to the law on the regime of foreigners in Romania.

(2) The provisions of Paragraph (1) shall also apply to asylum seekers, refugees and victims of armed conflicts whose status and regime are regulated by special laws.

**CHAPTER V**

**Final provisions**

**Article 45**

The financial funds necessary for the CCOA shall be provided from the state budget, through the budget of the Romanian Intelligence Service, and for the departments responsible for preventing and countering terrorism within the public authorities and institutions that are components of the SNPCT, through the budgets of the respective public authorities and institutions.

**Article 45<sup>1</sup>**

Victims of terrorist acts benefit immediately after a terrorist attack and thereafter, for as long as necessary, from general and specialized support services, depending on their specific needs for medical, psychological, social, financial, legal or other assistance, according to Art. 1<sup>1</sup> of Law no. 211/2004 on some measures to ensure information, support and protection of victims of crime, as subsequently amended and supplemented.

(on 01-04-2023 Chapter V was completed by Point 20, Article I of LAW No. 68 of 28 March 2023, published in the OFFICIAL GAZETTE No. 261 of 29 March 2023)

**Article 46**

On the date of entry into force of this Law, Government Emergency Ordinance No. 141/2001 on the punishment of certain acts of terrorism and certain acts of violation of public order, published in the OFFICIAL GAZETTE of Romania, Part I, No. 691 of 31 October 2001, approved with amendments by Law No. 472/2002, Government Emergency Ordinance No. 159/2001 on preventing and combating the use of the financial-banking system for the financing of terrorist acts, with the exception of the Annex thereto, published in the OFFICIAL GAZETTE of Romania, Part I, No. 802 of 14 December 2001, approved by Law No. 466/2002, as well as any other provisions contrary to this Law are hereby repealed.

**Article 47**

Repealed.

(on 01-02-2014 Art. 47 was repealed by Point 10 of Art. 159, Title II of LAW No. 187 of 24 October 2012, published in the OFFICIAL GAZETTE No. 757 of 12 November 2012).

This law was adopted by the Romanian Parliament, in compliance with the provisions Art. 75 and Art. 76 Paragraph (1) of the Constitution of Romania, republished.

PRESIDENT OF THE CHAMBER OF DEPUTIES  
VALER DORNEANU  
PRESIDENT OF THE SENATE  
NICOLAE VĂCĂROIU

Bucharest, 25 November 2004.  
No. 535.