

LAW no. 80 of 11 July 1995
on the status of military personnel

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***) CTCE Note:**

The consolidated form of LAW no. 80 of 11 July 1995, published in the OFFICIAL Gazette no. 155 of 20 July 1995, on 13 March 2024, is achieved by incorporating the amendments and additions made by: ORRDINANCE no. 73 of 27 August 1999, repealed by ORRDINANCE no. 7 of 19 July 2001, rejected by LAW no. 206 of 19 April 2002; EMERGENCY ORRDINANCE no. 60 of 26 May 2000 rejected by LAW no. 611 of 31 October 2001; EMERGENCY ORRDINANCE no. 69 of 17 May 2001; EMERGENCY ORRDINANCE no. 90 of 21 June 2001; LAW no. 652 of 20 November 2001; EMERGENCY ORRDINANCE no. 182 of 20 December 2001; ORRDINANCE no. 88 of 30 August 2001; LAW no. 478 of 9 July 2002; EMERGENCY ORRDINANCE no. 169 of 27 November 2002; LAW no. 516 of 28 November 2003; LAW no. 520 of 9 December 2003; EMERGENCY ORRDINANCE no. 4 of 26 February 2004; LAW no. 286 of 24 June 2004; DECISION No. 90 of 10 February 2005; EMERGENCY ORRDINANCE no. 60 of 23 June 2005; LAW no. 310 of 8 November 2005; LAW no. 18 of 11 January 2006; EMERGENCY ORRDINANCE no. 9 of 16 February 2006; DECISION No. 384 of 4 May 2006; LAW no. 81 of 30 March 2007; EMERGENCY ORRDINANCE no. 77 of 28 June 2007; LAW no. 263 of 16 December 2010; LAW no. 53 of 21 April 2011; LAW 171 of 31 May 2013; LAW 327 of 5 December 2013; LAW 255 of 19 July 2013; LAW 30 of 27 March 2014; LAW 206 of 20 July 2018; LAW 288 of 29 November 2018; DECISION No. 71 of 29 January 2019; LAW no. 101 of 8 May 2019; DECISION No. 323 of 21 May 2019; LAW no. 259 of 24 December 2019; EMERGENCY ORRDINANCE no. 36 of 26 March 2020; LAW no. 30 of 15 March 2021; DECISION No. 905 of 16 December 2020; LAW no. 325 of 22 November 2022; LAW no. 322 of 6 November 2023.

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***) CTCE Note:**

According to Paragraph (1) in Article II of EMERGENCY ORRDINANCE no. 90 of 21 June 2001, published in the OFFICIAL GAZETTE no. 349 of 29 June 2001, throughout the LAW no. 80/1995 on the status of military personnel, as amended and supplemented, the term sergeant, respectively

sergeants, shall be replaced, for the Ministry of National Defense, by the term corporal, respectively corporals. The ranking coefficient of the rank pays for the 5th class military foremen and sergeants is the one provided in LAW no. 138/1999 for sergeants.

As per point 5 of the Annex to ORRDINANCE no. 88 of 30 August 2001, published in the OFFICIAL GAZETTE no. 544 of 1 September 2001, LAW no. 80 of 11 July 1995 on the Status of military personnel, published in the Romania's OFFICIAL GAZETTE, Part I, No. 155 of 20 July 1995, with subsequent amendments, is amended accordingly to the provisions of this ordinance.

Article II of the EMERGENCY ORRDINANCE no. 60 of 23 June 2005, published in the OFFICIAL GAZETTE no. 555 of 29 June 2005, provides:

Article II

In LAW no. 80/1995 on the status of military personnel, by reference to Article 36 (g) and (h), by reference to Article 36 Paragraph 2 (a) shall mean the reference to Article 36 (g), and by reference to Article 40 Paragraph 2 shall mean the reference to Article 40 (g).

The Romanian Parliament adopts this LAW.

CHAPTER 1

General provisions

ARTICLE 1

Military personnel, within the meaning of this LAW, refers to Romanian citizens who have been granted the rank of officer, military foreman or non-commissioned officer, in relation to their military and specialized training, under the conditions provided by LAW.

Military personnel are in the service of the nation.

ARTICLE 2

According to their ranks, military personnel are constituted in the non-commissioned officers' corps, the military foremen' corps and the officers' corps.

The ranks of the military personnel, in their hierarchical order, are:

A. Non-commissioned officers:

- a) Junior Staff Sergeant;
- b) Staff Sergeant;
- c) Sergeant 1st Class;
- d) Master Sergeant;
- e) Sergeant Major.

B. Military foremen:

- a) military foreman class IV;
- b) military foreman class III;
- c) military foreman class II;
- d) First class military foreman;
- e) Senior Military Foreman.

C. Officers:

- a) Junior Commissioned Officers:
 - 2nd Lieutenant, respectively aspirant for those in the military navy;
 - 1st Lieutenant;
 - Captain;
- b) Senior commissioned officers:
 - Major, respectively lieutenant commander for those in the military aviation and navy;
 - Lieutenant-colonel, respectively captain-commander for those in the military aviation and navy;
 - Colonel, respectively Commander for those in the military aviation and navy;

c) generals and admirals, referred to in Paragraph 2¹ (B) (c);
(in 12-03-2004 Paragraph 2 (C) (c) of Article 2 has been amended by Article I (1) of EMERGENCY ORRDINANCE no. 4 of 26 February 2004, published in the OFFICIAL GAZETTE no. 220 of 12 March 2004.)

The ranks of the military personnel in their hierarchical order in the Ministry of National Defense are:

A. Non-commissioned Officers:

- a) Sergeant;
- b) Junior Staff Sergeant;
- c) Staff Sergeant;
- d) Sergeant 1st Class;
- e) Master Sergeant;
- f) Sergeant Major.

(on 16-05-2019 Paragraph 2¹ (A) of Article 2, Chapter 1 was amended by Article I (1) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

A¹. Military foremen:

- a) military foreman class V;
- b) military foreman class IV;
- c) military foreman class III;
- d) military foreman class II;
- e) military foreman first class;
- f) senior military foreman.

(on 16-05-2019 Paragraph 2¹ of Article 2, Chapter 1 was completed by Article I (2) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

B. Officers:

- a) junior commissioned officers:
 - 2nd lieutenant, respectively aspirant, for those in the military navy;
 - lieutenant;
 - captain;
- b) senior commissioned officers:
 - Major, respectively lieutenant commander, for those in the aviation and marine weapon;
 - lieutenant colonel, respectively captain-commander, for those in the aviation and navy;

- colonel, respectively Commander, for those in the aviation and navy;

c) generals and admirals:

- one-star brigadier general, respectively one-star air flotilla general, for those in the aviation and one-star rear admiral of the flotilla, for those in the navy;

- two stars major general, respectively two stars rear admiral, for those in the navy;

- three stars lieutenant general, respectively three stars vice admiral, for those in the navy;

- four stars general, respectively four stars admiral, for those in the navy.

(on 29-07-2001 Paragraph 2¹ of Article 2 was introduced by Article I (1) of the EMERGENCY ORRDINANCE no. 90 of 21 June 2001, published in the OFFICIAL GAZETTE no. 349 of 29 June 2001.)

*) CTCE Note:

According to Paragraph (1) in Article II of the EMERGENCY ORRDINANCE no. 90 of 21 June 2001, published in the OFFICIAL GAZETTE no. 349 of 29 June 2001, throughout the LAW no. 80/1995 on the status of military personnel, as amended and supplemented, the term sergeant, respectively sergeants, shall be replaced, for the Ministry of National Defense, by the term corporal, respectively corporals. The ranking coefficient of the rank pays for the military foremen class V and sergeants is the one provided in LAW no. 138/1999 for sergeants.

In addition to these ranks, for exceptional military merits, in wartime, the President of Romania can award the four stars generals/admirals the rank of marshal, which is the highest military rank.

(on 16-05-2019 Paragraph 3 of Article 2, Chapter 1 was amended by Article I (3) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 3

The military rank is a right of the holder and represents the social recognition of the military status. The rank of officer, military foreman and non-commissioned officer can be lost only in the cases and under the conditions stipulated by LAW.

ARTICLE 4

Military personnel may be in one of the following situations:

(a) on active duty, when holding a military position. The quality of active military personnel shall be maintained also during the time when they are dismissed from their duties to undergo various forms of training in the interest of the service, they shall be suspended from their positions, as well as when they are put on disposal: for employment or transfer to reserve or retirement; for cases of illness established by Government decision; while in captivity.

The persons who have Romanian citizenship and domicile in the country may be officers, military foremen or non-commissioned officers; (on 16-05-2019 Article 4 (a), Chapter 1 was amended by Article I (4) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

b) in reserve, when they do not hold a military post, but meet the conditions laid down by LAW for being called up for military service as concentrated or deployed reservists and, if necessary, as active military personnel;

c) in retirement, when, according to the LAW, they can no longer be called for military service.

ARTICLE 5

Officers, military foremen and non-commissioned officers are professional military officers. The profession of military officer is intended to ensure the functioning, development and leadership of the military body in peacetime and wartime.

(on 16-05-2019 Paragraph 1 of Article 5, Chapter 1 was amended by Article I (5) of the LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

The access to the profession, as well as further evolution in the military hierarchy steps, shall be based on the principles and norms contained in this LAW. In their application, for the military personnel of the Ministry of National Defense, the Military Career Guide is developed, approved by the Government decision.

(on 29-07-2001 Paragraph 2 of Article 5 has been inserted by Article I (2) of the EMERGENCY ORRDINANCE no. 90 of 21 June 2001, published in the OFFICIAL GAZETTE no. 349 of 29 June 2001.)

For the military structures of the Ministry of Internal Affairs, career guides specific to each military branch are elaborated, which are approved by Government decision.

(on 02-01-2020 Article 5 of Chapter 1 was supplemented by Article I (1) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE no. 1051 of 30 December 2019)

ARTICLE 6

In the exercise of their duties under the LAW and the provisions of military regulations, officers, military foremen and non-commissioned officers are invested with the exercise of public authority, enjoying protection under criminal LAW.

Military personnel referred to in Article 2 Paragraph 2 (C)(c) and Paragraph 2¹ (B)(c) have the rank of dignitaries of the Romanian state in the exercise of functions with the rank of general/similar, without benefiting from additional rights conferred by this quality.

(on 29-04-2011 Paragraph 2 of Article 6 has been inserted by Article I (1) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011.)

CHAPTER II

Duties and rights of military personnel

ARTICLE 7

The duties, rights and freedoms of military personnel are those established by the Constitution of Romania, the LAWS of the country and the present statute.

The profession of officer, military master or non-commissioned officer entails additional duties, as well as prohibiting or restricting the exercise of certain rights and freedoms, according to the LAW.

SECTION 1

Duties

ARTICLE 8

Military personnel have the following main duties:

a) to be loyal and devoted to the Romanian state and its armed forces, to fight for Romania's defence, if necessary to the sacrifice of their lives, to respect and defend the values of constitutional democracy;

b) to respect the military oath and the provisions of military regulations, to carry out the orders of commanders and chiefs in a timely and accurate manner, being responsible for the way they carry out the missions entrusted to them. Military personnel may not be ordered and are forbidden to carry out acts contrary to the LAW, the customs of war and the international conventions to which Romania is a party; failure to carry out orders under these conditions does not entail the criminal and civil liability of the subordinates;

c) to cherish the honor and battle glory of the Romanian armed forces, of the military branch and the unit to which they belong, as well as the dignity of the rank and military uniform they wear;

d) to improve their professional training, to ensure the thorough training and education of their subordinates and to defend their rights;

e) to act for the regular maintenance and the upkeep in operational condition of the technique and armament and for the efficient use and management of the assets of the equipment;

f) to strictly maintain military, state and service secrecy and the confidential nature of certain activities and documents.

Military personnel in active duty have the obligation to participate in missions outside the territory of the Romanian state, according to the requirements of the Ministry of National Defense, in order to fulfill the obligations assumed by Romania through international conventions and treaties.

(on 29-04-2011 Paragraph (2) of Article 8 was inserted by Article I (2) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011.)

It may be exempted, upon request, from the provisions of Paragraph 2 for the military personnel who are experiencing particular family difficulties and fall into one of the following situations:

a) form a single-parent family;

b) is the sole breadwinner of the family, of the child / sibling / parent;

c) one or both parents are disabled in the first or second degree, regardless of age, and has no other adult siblings who are able-bodied or able to work, or has other siblings, but they cannot contribute to their parents' support because they are pupils or students, or they are disabled in the first or second degree or serving a custodial sentence; (on 16-05-2019 Paragraph 3 (c), Article 8, Section 1, Chapter 2 was amended by Article I (6) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

(d) the spouse is seriously ill, classifies as a grade I or II invalid;

(e) both spouses or siblings would be attending the mission at the same time and do not agree to this;

(f) in case of natural disasters.

(on 29-04-2011 Paragraph 3 of Article 8 was introduced by Article I (2) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011.)

SECTION 2

Rights

ARTICLE 9

Serving military personnel shall be entitled to:

a) monthly military pay, composed of the rank pay, position pay, gradations and allowances, as well as premiums, prizes, bonuses and other monetary rights, the amounts of which are determined by Government decision;

b) equipment, food, medical assistance, medicines, work accommodation, free of charge, paid vacations and medical exemptions, under the conditions established by Government decision;

c) reductions or exemptions from income tax and the amount of the rent, benefits and other rights, according to the regulations in force*);

d) free transport, under the conditions set by Government decision; (on 16-05-2019 Article 9 (d), Section 2, Chapter 2 was further amended by Article I (7) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

e) payment by the Ministry of National Defense of the sums necessary to provide legal assistance to the military personnel for acts committed by them in the exercise, in accordance with the LAW, of their duties, under the conditions established by order of the Minister of National Defense.

(on 29-04-2011 Article 9 (e) was introduced by Article I (3) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011.)

*) CTCE Note:

According to art. 86 of ORRDINANCE no. 73 of 27 August 1999, published in the OFFICIAL GAZETTE no. 419 of 31 August 1999, on the date of entry into force of this ordinance, the provisions of art. 9 letter (c) concerning income tax reductions or exemptions and art. 10 regarding

income tax reductions of LAW no. 80/1995 on the status of military personnel, published in the OFFICIAL GAZETTE of Romania, Part I, No. 155 of 20 July 1995, shall be repealed. ORRDINANCE no. 73 of 27 August 1999, published in the OFFICIAL GAZETTE no. 419 of 31 August 1999, was repealed by ORRDINANCE no. 7 of 19 July 2001, published in the OFFICIAL GAZETTE no. 435 of 3 August 2001. ORRDINANCE no. 73 of 27 August 1999, published in the OFFICIAL GAZETTE no. 419 of 31 August 1999, was rejected by LAW no. 206 of 19 April 2002, published in the OFFICIAL GAZETTE no. 275 of 24 April 2002.

ARTICLE 9¹

Military personnel who are in reserve or directly retired are entitled to a military state pension according to the LAW.

(on 16-05-2019 Section 2 of Chapter 2 was supplemented by Article I (8) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 10

Repealed.

(on 01-01-2000 Article 10 was repealed by Article 86 of ORRDINANCE no. 73 of 27 August 1999, published in the OFFICIAL GAZETTE no. 419 of 31 August 1999, due to the abolition of the provisions on income tax relief under this Article.)

ARTICLE 11

Repealed.

(on 23-12-2010 Paragraph 1 of Article 11 was repealed by Article 196 (r), Chapter X of LAW no. 263 of 16 December 2010, published in the OFFICIAL GAZETTE no. 852 of 20 December 2010.)

Repealed.

(on 23-12-2010 Paragraph 2 of Article 11 was repealed by Article 196 (r), Chapter X of LAW no. 263 of 16 December 2010, published in the OFFICIAL GAZETTE no. 852 of 20 December 2010.)

Military pensioners awarded with the "Military Merit" order, classes III, II and I benefit from an increase of 10%, 15% and 20% respectively of the pension amount.

ARTICLE 12

Military personnel in active service have the right to pursue military or civilian higher education, postgraduate, doctorate or other forms of training, in compliance with legal norms.

ARTICLE 13

Active military personnel can be sent to study abroad, by competition, with the approval of the Minister of National Defense.

Active military personnel who have completed military schools and academies, courses or other forms of training abroad shall benefit from full rights to be employed and promoted in positions corresponding to

the studies of the country with which the diplomas they have acquired have been equated, under the terms of the LAW and military regulations.

ARTICLE 14

In peacetime, active military personnel are entitled to rest leave, additional rest leave for activity in workplaces with special conditions - harmful, difficult or dangerous - and to educational leave.

The rules regarding the duration and granting of rest leave, additional rest leave and educational leave, as well as the monetary compensation for the untaken rest leave are established by Government decision.

ARTICLE 14¹

In peacetime, military personnel in active duty are entitled to unpaid leave, for maximum 4 years, in the following situations:

a) they request to follow their wife or husband sent abroad by the Ministry of Foreign Affairs, other ministries, autonomous administrative authorities, bodies or other specialized institutions of the central public administration, in order to complete a permanent mission abroad to diplomatic missions, consular offices or other national representations, structures and commands within the international organizations of which Romania is a member, for a period of more than 6 months;

b) have been selected to occupy temporary positions within the structures of international organizations of which Romania is a member, based on the prior approval of the Minister of National Defense. (on 16-05-2019 Paragraph 1 (b) of Article 14¹, Section 2, Chapter 2 has been amended by Article I (9) of LAW no. 101 of 8 of May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 of May 2019)

For other well-founded cases, military personnel in active duty are entitled to unpaid leave, for a fixed term of not more than one year.

The unpaid leave provided in Paragraphs 1 and 2 shall be approved by the Minister of National Defense or by the commanders established by him.

The Minister of National Defense may extend the duration of unpaid leaves provided in Paragraphs 1 and 2 with no more than one year.

In the Ministry of Internal Affairs, the extension of unpaid leaves provided in Paragraphs 1 and 2 shall be approved in accordance with the human resources management skills.

(on 16-05-2019 Article 14¹ of Section 2, Chapter 2 was completed by Article I (10) of LAW no. 101 on 8 May 2019, published in OFFICIAL GAZETTE no. 371 on 13 May 2019)

During the unpaid leave, granted according to the provisions of Paragraphs 1 or 2, military personnel are suspended from duty and do not enjoy any rights from the Ministry of National Defense, except for the use of the dwelling provided by the institution, where applicable.

The period of unpaid leave does not constitute seniority in service for determining the pension, seniority in activity for awarding the Honorary Sign "For Service to the Motherland" and/or awarding the following rank under the LAW.

In the situation stipulated in Paragraph 1 (a), when determining the probationary period in the rank of the military personnel, a period equal to three quarters of the duration of the unpaid leave shall be taken into consideration.

(on 16-05-2019 Paragraph 7 of Article 14¹, Section 2, Chapter 2 was amended by Article I (11) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

According to Article II of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019, the provisions of Article 14¹ Paragraph 7 does not apply to the situation of unpaid leaves which are ongoing on 16 May 2019.

In the situation stipulated in Paragraph 1 (b), when determining the time in grade of the military personnel, the entire duration of unpaid leave shall be taken into consideration.

In the situation stipulated in Paragraph 2, the duration of unpaid leave shall not be taken into consideration in determining the time in grade.

(on 16-05-2019 Article 14¹ of Section 2, Chapter 2 was amended by Article I (12) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

According to Article II of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019, the provisions of Article 14¹ Paragraph 8¹ do not apply in the situation of unpaid leave in progress on 16 May 2019.

At the end of the unpaid leave, the institution is obliged to appoint the military on a vacant position or to put him at disposal for employment.

(on 29-04-2011 Article 14¹ was introduced by Article I (4) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011.)

ARTICLE 14²

In peacetime, military personnel in active duty confirmed in the medical service may benefit, in addition to the rights provided in Article 14¹, from unpaid leaves, for a maximum duration of 4 years, for professional training.

At the end of the unpaid leave granted in accordance with Paragraph 1, the institution shall be obliged to reemploy the military, ex officio, on the position from which he has been suspended, by reserving it, unless the military unit is subject to reorganization and restructuring and the position is abolished.

The provisions of Article 14¹ Paragraphs 3, 5, 6 and 8¹ apply accordingly in the situation of granting unpaid leave for professional training, stipulated in Paragraph 1.

(on 02-01-2020 Article 14² of Section 2, Chapter II was completed by Article I (2) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE no. 1051 of 30 December 2019)

(on 16-05-2019 Section 2 of Chapter 2 was completed by Article I (13) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 14³

Military personnel on active duty are entitled, annually, to a paid training leave, up to 15 working days, with the approval of the commander of the military unit, under the conditions established by order of the Minister of National Defense.

The duration of training leave cannot be deduced from the duration of annual leave and is assimilated to a period of effective work regarding the rights of military personnel.

(on 16-05-2019 Section 2 of Chapter 2 was completed by Article I (13) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 14⁴

Military personnel on active duty, within the Ministry of National Defense, as long as they are on rest leave, paternity leave, temporary incapacity of work and on furlough benefit from the position pay, rank pay, gradations and, where applicable, command pay, allowances, compensations, increments, bonuses, premiums and other permanent salary entitlements for the respective period.

(on 16-05-2019 Section 2 of Chapter 2 was completed by Article I (13) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 15

Women, military personnel on active duty, have the right to maternity leave and benefit from breaks for child feeding and care, as well as other rights provided by LAW for employed women in the public administration.

Military personnel on active duty benefit from leave and sick child care allowance, accommodation leave, paternity leave, parental leave and childcare allowance, under the conditions provided by the legal provisions in force.

(on 16-05-2019 Paragraph 2 of Article 15, Section 2 of Chapter 2 was amended by Article I (14) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

By DECISION OF THE CONSTITUTIONAL COURT No. 323 of 21 May 2019, published in the OFFICIAL GAZETTE no. 595 of 19 July 2019, the exception of unconstitutionality was admitted, finding that the provisions of Article 15 Paragraph 2 of LAW no. 80/1995, in the form prior to the amendment made by LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019, are unconstitutional.

In accordance with Article 147 Paragraph (1) of the CONSTITUTION OF ROMANIA republished in the OFFICIAL GAZETTE no. 767 of 31 October 2003, the provisions of the LAWS and ordinances in force, as well as those of regulations, found to be unconstitutional, shall cease their legal effects in 45 days after the publication of the decision of the Constitutional Court if, during this period, the Parliament or the Government, as the case may be, does not agree the unconstitutional provisions with the provisions of the Constitution. During this period, the provisions found to be unconstitutional shall be automatically suspended by LAW.

When determining the time in grade of the military personnel the entire duration of the leave stipulated in Paragraph 2 is taken into consideration.

(on 16-05-2019 Article 15 of Section 2, Chapter 2 was amended by Article I (15) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

(on 19-01-2006 Article 15 was amended by the sole article of LAW no. 18 of 11 January 2006, published in the OFFICIAL GAZETTE no. 38 of 16 January 2006.)

ARTICLE 16

Military personnel on active duty who follow the day classes of higher education institutions, instead of rest leave, shall benefit from vacations, according to the curricula of the respective institutions and the order of the Minister of National Defense.

ARTICLE 17

In order to solve special personal or family situations, military personnel on active duty, as well as those in reserve, while being concentrated or deployed in military units, may be granted furloughs.

The duration of furloughs and the commanders entitled to approve them shall be determined by military regulations.

ARTICLE 18

The time allowed for furloughs, exemptions and medical leave shall not be deducted from the duration of annual leave or additional leave.

ARTICLE 19

During the state of emergency and siege, commanders/heads of military structures may order the interruption of the rest leave, additional leave, unpaid leave, study and training leave, of the subordinate military personnel on active duty, according to the needs of the military institutions.

During the emergency state, commanders/heads of military structures may unilaterally order the total or partial taking of rest leave/additional leave for the subordinate military personnel on active duty.

When the deployment or state of war is declared, rest leave, additional leave, unpaid leave, paternity leave, accommodation leave,

childcare leave, study leave, training leave, vacations and furloughs shall be interrupted, military personnel on active duty being obliged to report to the military units to which they belong, as soon as possible.

During deployment and in time of war, military personnel on active duty and in reserve, concentrated or deployed, may be granted permissions or leaves, under conditions established by order of the head of the institution.

(on 18-03-2021 Paragraph 4, Article 19 of Section 2, Chapter II was amended by the SOLE ARTICLE (1) of LAW no. 30 of 15 March 2021, published in the OFFICIAL GAZETTE no. 258 of 15 March 2021)

During emergency, siege, deployment state and in time of war, commanders/chiefs shall determine the work program of the military personnel, depending on the evolution of the situation and the entrusted missions.

During emergency, siege, deployment state and in time of war, military personnel may travel to other garrisons or administrative-territorial units, other than those of the military units in which they operate, or leave the national territory, under the conditions established by order of the head of the institution.

(on 31-03-2020 Article 19 of Section 2, Chapter II was amended by Article I (1) of EMERGENCY ORRDINANCE no. 36 of 26 March 2020, published in the OFFICIAL GAZETTE no. 268 of 31 March 2020)

ARTICLE 20

Repealed.

(on 12-03-2004 Article 20 was repealed by Article I (2) of EMERGENCY ORRDINANCE no. 4 of 26 February 2004, published in the OFFICIAL GAZETTE no. 220 of 12 March 2004.)

ARTICLE 20¹

Military personnel on active duty appointed in the first position/transferred in the interest of service, seconded and/or posted to a garrison other than that in which they are domiciled and who do not own a house in that garrison, neither they nor their wives, in the situation in which they cannot be assured with proper dwelling, are entitled to a monthly rent compensation of up to 50% of their monthly pay.

(on 02-01-2020 Paragraph (1) of Article 20¹ of Section 2, Chapter II was amended by Article I (3) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE no. 1051 of 30 December 2019)

Military personnel on active duty appointed in the first position, transferred in the interest of service, seconded and/or posted to a garrison in which they are domiciled, but who do not own a dwelling, nor their spouses or wives, if they cannot be assured with adequate living space, may benefit, in justified situations, based on the results of the social investigation carried out by a commission established by order of the Minister of National Defense, from a monthly rent compensation, provided in Paragraph 1, on a proposal from the commanders

or chiefs of the military personnel concerned. (on 16-05-2019 Paragraph (2) of Article 20¹, Section 2, Chapter 2 was amended by Article I (17) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

Military personnel fulfilling the conditions for granting monthly rent compensation according to Paragraphs 1 and 2 and who take out a mortgage/real estate loan for the purchase of a dwelling or conclude a sale-purchase contract in installments shall receive monthly rent compensation, for a period not exceeding the duration of the loan or sale-purchase contract in installments, respectively for the payment of the installment or a fraction of the loan or sale-purchase contract installment. In this case, the monthly rent compensation is granted in the amount stipulated in Paragraph 1, but cannot exceed the monthly rate paid for the mortgage/real estate loan or for the sale-purchase contract in installments. (on 16-05-2019 Paragraph (2¹) of Article 20¹, Section 2, Chapter 2 was amended by Article I (17) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

In the situation referred to in Paragraph 2¹, the monthly rent compensation is granted for a single dwelling purchased during the service. Monthly rent compensation cannot be granted at the same time for the situation stipulated in Paragraphs 1 and 2 and for the situation stipulated in Paragraph 2¹, in which case the military opts for one of these situations. The Ministry of National Defense does not provide the military who opted for the situation stipulated in Paragraph 2¹ a proper living space in the garrison where he purchased the dwelling during the existence of the situation from Paragraph 2¹. (on 16-05-2019 Paragraph (2²) of Article 20¹, Section 2, Chapter 2 was amended by Article I (17) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

For the persons mentioned in Paragraph 2¹, the amounts are justified by a mortgage/real estate loan contract intended for the purchase of a dwelling or a sale-purchase contract in installments of a dwelling. (on 16-05-2019 Paragraph (2³) of Article 20¹, Section 2, Chapter 2 was amended by Article I (17) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

Military personnel in active service, transferred or seconded and/or posted, referred to in Paragraph 1, may benefit from monthly rent compensation, in one garrison. (on 16-05-2019 Article 20¹ of Section 2, Chapter 2 was completed by Article I (18) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

The monthly rate referred to in Paragraph 2¹ is the sum of all monthly costs generated by the mortgage/real estate loan contract intended for the purchase of a dwelling or the sale-purchase contract in

installments of a dwelling according to the payment schedule, less those related to early repayments, any penalty interest and other costs not to be found in the payment schedule of the monthly installments. (Paragraph 2⁵)

(on 02-01-2020 Article 20¹ of Section 2, Chapter II was completed by Article I (4) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE no. 1051 of 30 December 2019)

The actual amount of the compensation provided in Paragraphs 1, 2 and 2¹, as well as the conditions for granting it, are determined by the Government decision, on the proposal of the Minister of National Defense.

(on 02-01-2020 Paragraph (3) of Article 20¹ of Section 2, Chapter II was amended by Article I (5) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE no. 1051 of 30 December 2019)

The wives or spouses of the military personnel transferred in the interest of service to another garrison, who were employed and interrupted their activity due to moving together with their spouses, are entitled to a monthly allowance of 50% of the monthly pay of the military personnel they have followed, until further employment or until performing a licensed income-generating activity, but no more than 9 months from the date of transfer of the military.

The monthly allowance referred to in Paragraph 4 is paid to spouses and wives who, at the time of relocation of the military personnel they have followed, were registered as unemployed at the county employment agencies or Bucharest agency, but only after the expiry, according to the LAW, of the unemployment benefit payment period.

(on 12-03-2004 Article 20¹ was amended by Article I (3) of GOVERNMENT ORRDINANCE no. 4 of 26 February 2004, published in the OFFICIAL GAZETTE no. 220 of 12 March 2004.)

ARTICLE 21

Officers, military foremen and non-commissioned officers on active service and in reserve, concentrated or deployed in the military units, shall be compensated for situations of disability or death caused by military actions, accidents, catastrophes or other such events occurring during and due to military service or missions within the international peacekeeping forces or for humanitarian purposes.

The amount of compensation to be granted to the invalid militaries, respectively to the descendants of the deceased, is determined by the Government's Decision.

Repealed.

(on 23-12-2010 Paragraph 3 or Article 21 was repealed by Article 196 (r), Chapter X of LAW no. 263 of 16 December 2010, published in the OFFICIAL GAZETTE no. 852 of 20 December 2010.)

On demand, military personnel classified in grade III of disability or classified as partly fit for military service by the commissions of medical and military expertise, during or in connection with service

duties, may be maintained or recalled in activity in military positions or posted in civil positions without examination or contest, in the institutions of the defense system, public order and national security, under the conditions established by order of the head of the institution.

(on 11-04-2014 Paragraph 4 of Article 21 was inserted by the sole article (1) of LAW no. 30 of 27 March 2014, published in the OFFICIAL GAZETTE no. 255 of 8 April 2014.)

ARTICLE 22

Military personnel on active duty and their families benefit, as a social protection measure, from facilitations established by order of the Minister of National Defense, in using the rest houses, sanatoriums, garrison homes and other recreational and sports facilities.

Expenditures arising from the implementation of these measures shall be borne from the budget of the Ministry of National Defense.

ARTICLE 23

Family members of military personnel on active duty receive free of charge:

a) medical assistance and medication within the sanitary network of the Ministry of National Defense or other sanitary networks, with the payment of the expenses by this ministry;

b) transport, when officers, military foremen and non-commissioned officers are transferred from one garrison to another in the interest of the service.

(on 16-05-2019 Paragraph 1 (b) of Article 23, Section 2, Chapter 2 was amended by Article I (19) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

Family members of military personnel on active duty are also entitled to survivor pension, and other rights in accordance with legal provisions.

On the death of a military on active duty, the Ministry of National Defense grants his family or the person who was incurred with the death costs, as the case may be, an additional aid in the amount of two non-taxable monthly pays.

ARTICLE 24

Repealed.

(on 23-12-2010 Article 24 was repealed by Article 196 (c), Chapter X of LAW no. 263 of 16 December 2010, published in the OFFICIAL GAZETTE no. 852 of 20 December 2010.)

ARTICLE 25

Children of military personnel on active duty, deceased during and due to service, as a result of military actions, accidents, catastrophes or acts of exceptional devotion or missions within international peacekeeping forces or established for humanitarian purposes, may be transferred to military high schools or military educational

institutions training military foremen, non-commissioned officers or officers, on the basis of a skills test, the learning results obtained in civilian educational institutions and according to the rules approved by the Minister of National Defense.

(on 16-05-2019 Paragraph 1 of Article 25, Section 2, Chapter 2 was amended by Article I (20) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

Children of military personnel classified unfit or partly fit for military service by commissions of medical and military expertise or, as the case may be, deceased, during or in connection with the exercise of their duties, may, upon request, be registered without examination in the educational institutions of the institutions of the national defense system, public order and national security, provided they fulfill the legal conditions.

(on 11-04-2014 Paragraph 2 of Article 25 has been inserted by the sole article (2) of LAW no. 30 of 27 March 2014, published in the OFFICIAL GAZETTE no. 255 of 8 April 2014.)

Children dependent on military personnel classified unfit or partly fit for military service by the commissions of medical and military expertise or, as the case may be, deceased, during or in connection with the exercise of their duties, as well as their spouses, may be assigned to military functions or to civil functions without examination or contest in the institutions of the defense system, public order and national security system, provided they fulfill the legal conditions.

(on 11-04-2014 Paragraph 3 of Article 25 has been inserted by the sole article (2) of LAW no. 30 of 27 March 2014, published in the OFFICIAL GAZETTE no. 255 of 8 April 2014.)

The conditions and procedure for applying this Article shall be laid down by order of the head of the institution.

(on 11-04-2014 Paragraph 4 of Article 25 has been inserted by the sole article (2) of LAW No 30. of 27 March 2014, published in the OFFICIAL GAZETTE no. 255 of 8 April 2014.)

ARTICLE 26

Officers, military foremen and non-commissioned officers in the reserve or in retirement, military pensioners, are entitled to free medical assistance and medicines under the conditions of Article 23 Paragraph 1 (a) and have access to military circles, rest houses, sanatoriums, garrison dormitories and other recreational or sport facilities, benefiting from facilities established by order of the Minister of National Defense.

Officers, military foremen and non-commissioned officers in the reserve or in retirement, military pensioners who are disabled due to accidents in their service or illnesses contracted during and due to the exercise of military obligations, who subsequently opted for the state social security pension, are entitled to the same rights. The family members of the military personnel in the reserve or in retirement, military pensioners, benefit from free of charge medical assistance under the terms of Article 23 Paragraph 1 (a).

ARTICLE 27

When transferred to the reserve or directly into retirement, military personnel who have completed at least 20 years of service and have distinguished themselves by activity, as well as those who have provided special service to the homeland, even if they do not have 20 years of service, may be granted the right to wear a military uniform.

The criteria for granting and withdrawing this right, as well as the situations in which the military personnel referred to in Paragraph 1 can wear military uniform are established by military regulations.

(on 29-04-2011 Article 27 was amended by Article I (7) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011.)

SECTION 3

Prohibition or restriction of the exercise of rights and freedoms

ARTICLE 28

Military personnel on active duty are prohibited from exercising the following rights:

(a) to be part of political parties, formations or organizations or to carry out propaganda by any means or other activities in their favor or that of an independent candidate for public office;

b) to run for election in the local public administration, in the the Romanian Parliament and the European Parliament, as well as in the office of President of Romania;

(on 16-05-2019, Article 28 (b), Section 3, Chapter 2 was amended by Article I (21) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

c) to declare or participate in the strike.

ARTICLE 29

Military personnel on active duty are restricted from exercising the following rights and freedoms:

a) public expression of political opinions is not allowed;

(on 16-05-2019 Article 29 (a), Section 3, Chapter 2 was amended by Article I (22) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

b) public expression of opinions contrary to the interests of Romania and the armed forces is not allowed;

c) the public presentation of military information by military personnel is not allowed, except those who have the task, according to the rules established by order of the Minister of National Defense;

(on 16-05-2019 Article 29 (c), Section 3, Chapter 2 was amended by Article I (22) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

d) adherence to religious cults is free, except for those which, according to the LAW, contravene the rules of public order, as well as those which violate good morals or affect the exercise of the profession;

(e) establishment in various forms of association of a professional, technical-scientific, cultural, sport-recreational or charitable nature, with the exception of unions or which contravene the unique command, order and discipline specific to the military institution, shall be permitted under the conditions laid down by military regulations.

(on 23-07-2002 Article 29 (e) was amended by the sole article of LAW no. 478 of 9 July 2002, published in the OFFICIAL GAZETTE no. 537 of 23 July 2002.)

(f) repealed;

(on 08-04-2007 Article 29 (f) has been repealed by the sole article (1) of LAW no. 81 of 30 March 2007, published in the OFFICIAL GAZETTE no. 236 of 5 April 2007.)

(g) participation in political or trade union rallies, demonstrations, processions or meetings shall be prohibited, with the exception of the activities in which one participates on mission.

h) military personnel on active duty may travel abroad under the conditions established by order of the Minister of National Defense.

i) during the state of emergency, siege, deployment and wartime, granting an audience and the resolution of petitions shall be suspended.

(on 31-03-2020 Article 29 of Section 3, Chapter II was completed by Article I (2) of EMERGENCY ORRDINANCE no. 36 of 26 March 2020, published in the OFFICIAL GAZETTE no. 268 of 31 March 2020)

ARTICLE 30

Officers, military foremen and non-commissioned officers on active duty have the obligation not to carry out activities that contravene the dignity, prestige and norms of behavior arising from their quality as military personnel.

Military personnel in activity are prohibited:

a) to perform functions other than those in which they are assigned, except for the cumulation provided by LAW, under the conditions established by order of the Minister of National Defense;

b) be a sole associate or directly involved in the administration or management of organizations or commercial companies, with the exception of those appointed in the boards of directors of autonomous governments and commercial companies under the authority, coordination or supervision of the Ministry of National Defense and their subsidiaries, within the defense industry or in connection with it.

(on 16-05-2019 Paragraph 2 (b), Article 30, Section 3, Chapter 2 was amended by Article I (23) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 31

Officers, military foremen and non-commissioned officers in the reserve, while concentrated or deployed in military units, may remain members of political parties, formations or organizations, as well as of the trade unions they belong to, but shall be prohibited from carrying out any political or union activities in the military units.

SECTION 4

Military discipline

(on 16-05-2019 the title of Section 4 of Chapter 2 was amended by Article I (24) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 32

Military discipline is one of the determinants of the operational capacity of the armed forces and is based both on the conscious acceptance of the established rules of conduct and on the awarding of rewards and the application of disciplinary sanctions.

Military discipline ensures compliance by the military with the legal norms, orders of commanders/chiefs given in compliance with the rules of LAW, rules of engagement or customs of war, for maintaining the operational capacity of the unit, carrying out specific missions and carrying out the activities in the army.

The Commander/Chief has the disciplinary prerogative, having the power to give rewards and to impose disciplinary sanctions on military personnel, according to this LAW.

(on 16-05-2019 Article 32 of Section 4, Chapter 2 was amended by Article I (25) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 33

The following rewards may be awarded to military personnel:

- a) promotion to the following rank, on exception, under the conditions laid down in Article 64;
- b) promotion to the following rank, before the end of the term, under the conditions laid down in Article 63;
- c) the award of decorations and titles of honor;
- d) the award of medals, orders and badges of honor;
- e) other moral, financial or material rewards, under the conditions established by order of the Head of the military institution; financial rewards are granted under the conditions stipulated by LAW for the award of the staff paid from public funds.

(on 16-05-2019 Article 33 of Section 4, Chapter 2 was amended by, Article I (25) of LAW No 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 34

Any culpable breach by military personnel of their official duties shall render them liable to disciplinary, material, civil or criminal liability, as appropriate.

Military personnel are individually liable for their own acts and deeds sanctioned by LAW, committed both in the exercise of their duties or in connection therewith, and off duty.

Military personnel who, by exercising their duties within the limits of the LAW, have injured other persons or damaged persons' assets shall be absolved of any liability.

(on 16-05-2019 Article 34 of Section 4 of Chapter 2 was amended by Article I (25) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 34¹

Acts committed with guilt by military personnel in violation of legal rules, military regulations, orders and legal provisions of commanders/hierarchical chiefs shall constitute disciplinary offenses, if they have not been committed under such conditions as to be considered offenses under criminal LAW.

(on 16-05-2019 Section 4 of Chapter 2 was completed by Article I (26) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 35

The following disciplinary sanctions may be imposed on military personnel:

- a) warning;
- b) written reprimand;
- c) reduction of up to 10% of the position pay for a maximum period of three months;
- (d) reduction of 5 - 10 % of the command responsibility pay for a maximum period of three months;
- (e) postponement of promotion to the following rank for one or two years;
- (f) demotion to a maximum of the level of rank held;
- (g) transfer to the reserve.

Only one disciplinary sanction may be imposed for the same offense.

Disciplinary sanctions shall be imposed no later than 6 months from the date of the finding, but no later than 2 years from the date on which the act was committed; 6 months shall be the statutory limitation period and 2 years shall be the time limit.

The 6-month period stipulated in Paragraph 3 shall be suspended by LAW for the following period and circumstances:

- a) from the date of the referral, under the LAW, of the criminal prosecuting bodies and until the date of the final settlement of the case, if for the act that constitutes the disciplinary offense was ordered the referral of the criminal prosecuting bodies;
- b) from the date of suspension of service until the date of resumption of service;
- c) during rest leaves, furloughs, leaves of absence, missions, captivity or other situations of justified absence, under the LAW.

By way of exception to the provisions of Paragraph 3, disciplinary sanctions may be imposed after the expiry of a period of 2 years from the date of the commission of the offense only if the prosecution authorities decide that the misconduct does not constitute an offense and communicate their decision after the expiry of that period.

In the situation stipulated in Paragraph 5, the sanction shall be applied within a maximum of 6 months from the date of the communication of the prosecuting authority decision, which shall be the time limit.

(on 16-05-2019 Article 35 of Section 4, Chapter 2 was amended by Article I (27) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

We reproduce below the provisions of Article V of EMERGENCY ORRDINANCE no. 36 of March 26, 2020, published in the OFFICIAL GAZETTE no. 268 of March 31, 2020:

Article V

For the investigation and sanctioning of disciplinary offenses committed by the military personnel on active duty and by the police officers during the state of emergency established by the Decree No. 195/2020 regarding the establishment of the state of emergency on the territory of Romania, before the entry into force of this emergency ordinance, the legal provisions in force at the time of their commission shall apply.

ARTICLE 35¹

The disciplinary sanctions provided for in Article 35, Paragraph 1 (a)-(d) shall be applied by:

- a) commanders/heads of military units in which the military personnel who have committed the disciplinary offenses are assigned;
- b) commanders/heads of military units where the military personnel who have committed the disciplinary offenses are seconded;
- c) the commanders/ hierarchical chiefs of those referred to in (a) and (b).

The disciplinary sanctions provided for in Article 35 Paragraph 1 (e) and (f) shall be applied by the commanders/chiefs who have the power of appointment.

The disciplinary sanction provided for in Article 35 Paragraph 1 (g) shall be applied by the head of the military institution.

During the state of emergency, siege, deployment and wartime, the disciplinary sanctions for military personnel on active duty shall be applied as follows:

- a) written warning or reprimand - by the commanders/immediate chiefs and their superiors;
- b) reduction of the position or command responsibility pay - by brigadier/similar commanders and their superiors;
- c) postponement of promotion to the next higher rank - Division/Similar Commanders and the Commander of the Special Operations Forces Command and the Commander of Cyber Defense Command and their superiors;
- d) demotion - Chiefs of Force Categories, Commander of the Joint Logistics Command, Commander of the Communications and Information Technology Command.

(on 31-03-2020 Article 35¹ of Section 4, Chapter II was completed by Article I (3) of EMERGENCY ORRDINANCE no. 36 of 26 March 2020, published in the OFFICIAL GAZETTE no. 268 of 31 March 2020)

Heads of central structures apply the sanctions provided for in Paragraph 4 for all subordinate military personnel.

(on 31-03-2020 Article 35¹ of Section 4, Chapter II was completed by Article I (3) of EMERGENCY ORRDINANCE no. 36 of 26 March 2020, published in the OFFICIAL GAZETTE no. 268 of 31 March 2020)

The provisions of Paragraphs 4 and 5 applies to the Foreign Intelligence Service, the Romanian Intelligence Service, the Protection and Guard Service and the Special Telecommunications Service, the positions similar to those provided for in Paragraph 4 being equated by order of the Head of the institution.

(on 31-03-2020 Article 35¹ of Section 4, Chapter II was completed by Article I (3) of EMERGENCY ORRDINANCE no. 36 of 26 March 2020, published in the OFFICIAL GAZETTE no. 268 of 31 March 2020)

(on 16-05-2019 Section 4 of Chapter 2 was completed by Article I (28) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 35²

The Commander/Chief shall apply disciplinary sanctions to military personnel under his/her command whenever he/she finds or is being referred that they have committed a disciplinary offense, directly or indirectly, as the case may be, on the basis of the outcome of the preliminary disciplinary inquiry or the Council of Honor decision.

If the commander/chief is being referred of the commission of an act that may constitute disciplinary offense, the person making the notice has the obligation to support the complaint with objective data and indications relating to the act committed.

The gravity of the act shall be taken into consideration in the individualization of the disciplinary sanction, which shall be assessed according to the following criteria:

- a) the circumstances in which the act was committed;
- b) the degree of guilt;
- c) the extent of the impairment caused in the activity of the institution;
- d) the degree to which military order and discipline are affected;
- e) the nature and gravity of the consequences of the act;
- f) the reason for the commission of the act and the aim pursued;
- g) the existence, in the military's disciplinary history, of other disciplinary sanctions that have not been removed.

When determining the disciplinary sanction for disciplinary offenses committed during the state of emergency, siege, deployment and war, the competent commander/chief shall take into consideration the gravity of the act constituting the disciplinary offense and the effects caused by it, by reference to the circumstance in which it was committed.

(on 31-03-2020 Article 35² of Section 4, Chapter II was completed by Article I (4) of EMERGENCY ORRDINANCE no. 36 of 26 March 2020, published in the OFFICIAL GAZETTE no. 268 of 31 March 2020)

(on 16-05-2019 Section 4 of Chapter 2 was completed by Article I (28) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 35³

The disciplinary penalties provided for in Article 35 Paragraph 1 (a) and (b) shall be directly applied by the commanders/chiefs competent to do so.

The disciplinary sanctions provided for in Article 35 Paragraph 1 (c)-(g) shall be applied after a prior disciplinary inquiry.

The disciplinary sanctions provided for in Article 35 Paragraph 1 (e)-(g) shall apply only on the basis of the Councils of Honor decision.

During the state of emergency, siege, deployment and wartime, except from the provisions of Paragraphs 2 and 3, the commanders/chiefs shall apply disciplinary sanctions directly or may order a disciplinary inquiry to substantiate the decision.

(on 31-03-2020 Article 35³ of Section 4, Chapter II was completed by Article I (5) of EMERGENCY ORRDINANCE no. 36 of 26 March 2020, published in the OFFICIAL GAZETTE no. 268 of 31 March 2020)

For carrying out the disciplinary inquiry referred to in Paragraph 4, commanders/chiefs shall designate, depending on the complexity of the facts, an officer or a committee, which shall draw up and submit a report, within 7 calendar days after the date of designation.

(on 31-03-2020 Article 35³ of Section 4, Chapter II was completed by Article I (5) of EMERGENCY ORRDINANCE no. 36 of 26 March 2020, published in the OFFICIAL GAZETTTE No. 268 of 31 March 2020)

(on 16-05-2019 Section 4 of Chapter 2 was amended by Article I (28) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 35⁴

A disciplinary proceeding, within the meaning of this LAW, refers to the prior disciplinary inquiry and/or the work of the Councils of Honor.

The disciplinary inquiry and the work of the Councils of Honor are based on the following principles:

(a) the presumption of innocence, according to which any military shall be presumed innocent for the conduct signaled as disciplinary offense until proven guilty;

(b) guaranteeing the rights to defense, according to which the right of the military to be heard and to present evidence in his defense is recognized; throughout the proceedings, the military personnel has the right to explain when deemed necessary, as well as to be assisted by an elected defender who must have legal studies, while observing the rules on the protection of classified information;

(c) speed of proceedings, which entails an obligation to resolve the case without delay;

(d) adversarial procedure, which involves ensuring that persons in divergent positions have the opportunity to express themselves on any act or fact which relates to the deviation from the military discipline which is the subject of the complaint;

(e) proportionality, according to which a proper relationship must be respected between the seriousness of the breach of military

discipline and the circumstances of its occurrence and the proposed disciplinary sanction to be imposed;

f) the legality, according to which the entire procedure is carried out according to the legal rules;

g) uniqueness, according to which for one breach of military discipline only one disciplinary sanction can be applied.

The disciplinary proceedings shall not be public.

The service of documents in the disciplinary proceedings may be performed in any of the ways provided for by LAW.

(on 16-05-2019 Section 4 of Chapter 2 was amended by Article I (28) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 35⁵

The commander/head of the military unit where the military who committed the act operates shall order the prior disciplinary inquiry to be carried out by an officer or a committee, depending on the complexity of the acts.

The military personnel designated according to Paragraph 1 must not find themselves in one of the following situations:

(a) is the person who signaled the offense or the party injured by the act;

(b) is a spouse, relative or affinity up to the fourth degree including the military whose acts are under investigation, of the person who signaled the offense or of the party injured by the act;

(c) it is directly or indirectly subordinated to any of the persons referred to in (a) and (b);

(d) is of a lower rank than the military whose actions are under investigation;

e) finds himself / herself in other situations of conflict of interest provided by the LAW.

If, at the level of the military unit in which the military whose facts are being investigated operates, there is no military personnel that meets the criteria stipulated in Paragraph 2, the commander/head of the military unit shall request support from the upper hierarchical echelon.

(on 16-05-2019 Section 4 of Chapter 2 was amended by Article I (28) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 35⁶

The military whose actions are being investigated shall be informed, without delay, in writing, of the application of the prior disciplinary inquiry, its subject matter, as well as of their rights and obligations.

(on 16-05-2019 Section 4 of Chapter 2 was amended by Article I (28) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 35^7

The officer or the commission referred to in Article 35^5 Paragraph 1 prepares a report, to be submitted to the commander/hierarchical chief who ordered the inquiry, no later than 20 working days after the date of designation.

The report referred to in Paragraph 1 contains the conclusions of the investigation and proposals on the application/non-application of a disciplinary sanction to the military whose acts have been investigated or his referral to the council of honor, as the case may be.

The commander/hierarchical chief shall review the prior investigation report and may take one of the following decisions:

a) closing the file for the prior investigation, in case of non-existence of the offense, limitation of the act, acknowledgement of the innocence of the military or in case of his termination;

(b) the application of one of the sanctions provided for in Article 35 Paragraph 1(a)-(d);

(c) referral to the council of honor, on the basis of proposals contained in the investigation report, when the seriousness of the acts committed requires the application of a heavier sanction.

Within 5 working days from the date of receipt of the report, the commander/hierarchical chief shall inform the concerned military of the decision referred to in Paragraph 3, in written form.

(on 16-05-2019 Section 4 of Chapter 2 was amended by Article I (28) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 35^8

Councils of honor are established within military institutions to defend the honor of active duty military personnel, as well as for the investigation of facts perceived as disciplinary offenses.

The Council of Honor is composed of 3 or 5 full members, active duty officers, who are elected for a period of 2 years; the officer with the highest rank and function is also the President of the Council.

A substitute member shall be appointed for each full member of the council of honor, under the conditions laid down in Paragraph 2.

The level of the structures at which the councils of honor are set up, their constitution, their work procedures, as well as other procedural aspects for the application of the provisions of this section relating to the disciplinary procedure shall be established by order of the Minister of National Defense, the Minister of Internal Affairs, the Director of the Romanian Intelligence Service, the Director of the Special Telecommunications Service, the Director of the External Intelligence Service, respectively the Director of the Protection and Guard Service, as the case may be.

(on 02-01-2020 Paragraph 4 of Article 35^8 of Section 4, Chapter II was amended by Article I (6) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE no. 1051 of 30 December 2019)

(on 16-05-2019 Section 4 of Chapter 2 was amended by Article I (28) of LAW No 101 of 8 May 2019, published in the OFFICIAL GAZETTE No 371 of 13 May 2019)

ARTICLE 35⁹

The council of honor's decision shall be adopted by a majority of the votes cast by its members and shall be notified to the military personnel, on the basis of signature.

The Council of Honor may take one of the following decisions:

(a) a declaration confirming the lack of an offense, a lack of accountability or a limitation of the act;

(b) a declaration confirming the guilt of the military, with a proposal to apply one of the sanctions provided for in Article 35 Paragraph 1.

(on 16-05-2019 Section 4 of Chapter 2 was amended by Article I (28) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 35¹⁰

In case of disciplinary sanction based on a decision of the council of honor, the administrative sanctioning act shall be issued and communicated to the military within 20 working days from the date of registration of the decision of the council of honor at the unit/structure whose commander/chief has the competence to apply the disciplinary sanction.

The administrative act of imposing the disciplinary sanction shall be issued in writing by the commander/chief who is competent to enforce it and shall be communicated in writing to the sanctioned one.

Under the sanction of absolute nullity, the administrative act imposing the disciplinary sanction must include:

(a) the description of the offense constituting disciplinary misconduct;

(b) an indication of the provisions which have been infringed;

(c) the reasons for which the defense formulated during the prior disciplinary investigation has been dismissed, except for the application of the sanctions provided for in Article 35 Paragraph 1(a) and (b);

(d) the legal basis on which the disciplinary sanction is applied;

(e) the period within which the disciplinary sanction may be challenged;

(f) the competent body which handles any appeal against the disciplinary sanction decision.

(on 16-05-2019 Section 4 of Chapter 2 was amended by Article I (28) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 35¹¹

The military personnel shall have the right to challenge the application of the sanctions provided for in Article 35 Paragraph 1 (a)-(d) within 5 working days from the notification of the sanction

decision, by written report addressed to the commander/hierarchical chief of the person who issued the decision.

The commander/hierarchical chief referred to in Paragraph 1 shall give a motivated decision, within 30 working days from the date of registration of the appeal, on the basis of an inquiry carried out under the conditions laid down in Article 35⁵ - 35⁷, as follows:

(a) upholds the contested decision, when he finds that it is well-founded and LAWful;

(b) cancels the contested decision when he finds that it was issued without legal basis or imposed on a different person;

(c) cancels the contested decision and imposes a lighter sanction when he finds that the sanction imposed is too severe in relation to the gravity of the acts;

(d) Repealed.

(on 02-01-2020 Article 35¹¹ (d)(2) of Section 4, Chapter II was repealed by Article I (7) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE no. 1051 of 30 December 2019)

(e) cancels the contested decision and decides to refer the matter to the council of honor, on the basis of the proposals contained in the report of inquiry, when the seriousness of the acts committed requires the imposition of a heavier sanction.

The decision referred to in Paragraph 2 is final and is communicated to the military that opposed it within 5 days from the date of delivery and can be appealed at the competent administrative court, according to the LAW.

(on 16-05-2019 Section 4 of Chapter 2 was amended by Article (28) I of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 35¹²

The military personnel shall have the right to challenge the application of the sanctions provided for in Article 35 Paragraph 1 letters e) - g) within 30 days from the notification of the sanction decision, in front of the competent administrative court, according to the LAW.

(on 16-05-2019 Section 4 of Chapter 2 was amended by Article I (28) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 35¹³

For disciplinary offenses committed during the state of emergency, siege, deployment and wartime, the disciplinary procedure shall not be suspended, except in situations where, according to the LAW, the prosecuting bodies were notified.

(on 31-03-2020 Section 4 of Chapter II was amended by Article I (6) of EMERGENCY ORRDINANCE no. 36 of 26 March 2020, published in the OFFICIAL GAZETTE no. 268 of 31 March 2020)

ARTICLE 35¹⁴

The administrative act imposing the sanction for disciplinary offenses committed during the state of emergency, siege, deployment and

wartime shall take effect from the date of its communication and may be appealed directly at the level of the administrative court, according to the LAW.

(on 31-03-2020 Section 4 of Chapter II was completed by Article I (6) of EMERGENCY ORDINANCE No 36 of 26 March 2020, published in the OFFICIAL GAZETTE no. 268 of 31 March 2020)

CHAPTER III

Provenance of officers, military foremen and non-commissioned officers

ARTICLE 36

Active duty officers come from:

a) graduates with a bachelor's degree of military education institutions that train officers, except for those referred to in Article 37 (c);

b) graduates of the fourth year of study of military higher education institutions with a duration of studies exceeding 4 years;

c) graduates of military educational institutions from other states, similar to those referred to in (a), sent for studies by the Ministry of National Defense;

c¹) graduates with a bachelor's degree from civil higher education institutions, trained to cover the necessities of the Ministry of National Defense and under the conditions established by order of the Minister of National Defense;

(on 16-05-2019 Paragraph 1 of Article 36, Chapter 3 was amended by Article I (29) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

d) reserve officers and volunteer reserve officers who have passed proficiency tests and fulfill the other conditions laid down by order of the ministers or of the heads of the institutions component of the national defense, public order and national security system, in order to be called or recalled to active duty;

(on 16-05-2019 Paragraph 1 (d) of Article 36, Chapter 3 was amended by Article I (30) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

e) military foremen, non-commissioned officers, soldiers and professional soldiers, graduates with a bachelor's degree from the civil higher education institutions, with a profile corresponding to the military specialties, aged 45 or older, have passed the proficiency tests and fulfill the other conditions established by the order of the ministers or heads of the institutions component of the national defense, public order and national security system;

(on 16-05-2019 Paragraph 1 (e) of Article 36, Chapter 3 was amended by Article I (30) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

Rejection decision: HP No. 9/2021, published in the OFFICIAL GAZETTE no. 474 of 6 May 2021.

Admission decision: RIL No. 16/2022, published in the OFFICIAL GAZETTE no. 1087 of 10 November 2022:

The provisions of Article 52, Paragraph 4 of the LAW no. 80/1995 regarding the status of military personnel, with the subsequent amendments and additions, introduced by the LAW no. 101/2019, do not apply to the persons referred to in Article 36 Paragraph 1 (e) and (h) of LAW no. 80/1995, which passed in the officers' corps before the entry into force of LAW no. 101/2019.

f) military foremen and non-commissioned officers who, in times of war, perform at least 3 months, with very good and good results, functions intended to be assigned to officers in the military units located in the area of military actions;

g) persons aged 45 or less, that are graduates with a bachelor's degree from a higher education institution, with corresponding profile to military specialties, that have passed the proficiency tests and fulfill the other conditions established by order of the ministers or heads of the institutions component of the national defense, public order and national security system;

(on 16-05-2019 Paragraph 1 (g) of Article 36, Chapter 3 was amended by Article I (30) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

h) military foremen, non-commissioned officers, soldiers and professional soldiers, graduates with a bachelor's degree of the military higher education institutions;

(on 16-05-2019 Paragraph 1 (h) of Article 36, Chapter 3 was amended by Article I (30) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

Rejection decision: HP No. 9/2021, published in the OFFICIAL GAZETTE no. 474 of 6 May 2021.

Admission decision: RIL No. 16/2022, published in the OFFICIAL GAZETTE no. 1087 of 10 November 2022:

The provisions of Article 52, Paragraph 4 of the LAW no. 80/1995 on the status of military personnel, with the subsequent amendments and additions, introduced by LAW no. 101/2019, do not apply to the persons referred to in Article 36 Paragraph 1 (e) and (h) of LAW no. 80/1995, which passed in the officers' corps before the entry into force of LAW no. 101/2019.

i) descendants of the personnel of the Ministry of National Defense who died during and due to service, as a result of military actions, accidents, catastrophes or exceptional devotion acts or missions within international peacekeeping forces or for humanitarian purposes, who are aged 45 or less, which graduated with a bachelor's degree a higher education institution, with corresponding profile to military specialties, have passed the proficiency tests and fulfill the other conditions established by order of the Minister of National Defense;

(on 16-05-2019 Paragraph 1 of Article 36, Chapter 3 was amended by Article I (31) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

j) military foremen, non-commissioned officers, soldiers and professional soldiers, in active duty, injured during and due to military actions carried out outside the territory of the Romanian state, graduates with a bachelor's degree from a higher education institution, with corresponding profile to military specialties, which have passed the proficiency tests and fulfill the other conditions established by order of the Minister of National Defense;

(on 16-05-2019 Paragraph 1 of Article 36, Chapter 3 was amended by Article I (31) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

k) military foremen, non-commissioned officers, soldiers and professional soldiers, retired or with the status of voluntary reservist, who are aged 45 or less, who graduated with a bachelor's degree in a higher education institution, with corresponding profile to military specialties, have passed the proficiency tests and fulfill the other conditions established by order of the Minister of National Defense.

(on 16-05-2019 Paragraph 1 of Article 36, Chapter 3 was amended by Article I (31) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

In the Ministry of Internal Affairs, the Special Telecommunications Service and the Romanian Intelligence Service, for the persons mentioned in paragraph 1 (e), (g) and (k) the age limit of not more than 45 years shall not apply.

(on 02-01-2020 Paragraph 2 of Article 36, Chapter III was amended by Article I (8) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE no. 1051 of 30 December 2019)

In the Ministry of National Defense, the persons mentioned in Paragraph 1 (d) and (j) may be called or recalled in activity if they are aged 45 or less.

(on 16-05-2019 Article 36 of Chapter 3 was amended by Article I (33) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

In the Ministry of Internal Affairs, the active duty officers also come from graduates of the professional master's degree programs organized for the purpose of training the officers at the professional training institutions who prepare staff for the needs of the institution, intended for candidates holding a license in university specializations necessary for the institution's structures.

(on 26-11-2022 Article 36 of Chapter III was amended by the SOLE ARTICLE (1) of LAW no. 325 of 22 November 2022, published in the OFFICIAL GAZETTE no. 1130 of 23 November 2022)

The military foremen and non-commissioned officers of the Ministry of Internal Affairs who promoted the admission contest to the professional master's program, mentioned in Paragraph 4, intended for the initial training of officers, attend the courses with removal from

work, in which case they are granted the rights provided in Article 57 Paragraphs (1) and (3) of Annex VI to the LAW no. 153/2017 regarding the salary of staff paid from public funds, with subsequent amendments and additions.

(on 10-11-2023 Article 36 of Chapter III was amended by the SOLE ARTICLE (1) of LAW no. 322 of 6 November 2023, published in the OFFICIAL GAZETTE no. 1013 of 7 November 2023)

(on 29-06-2005 Article 36 [initially with Paragraph [1] has been amended by Article I (1) of the EMERGENCY ORRDINANCE no. 60 of 23 June 2005, published in the OFFICIAL GAZETTE no. 555 of 29 June 2005.)

ARTICLE 37

Officers in the reserve come from:

- a) officers retired from active duty;
- b) graduates with a bachelor's degree from civil higher education institutions who have completed military service with a short term, in relation to the needs of the armed forces and the results obtained at the examination held at the end of military training;
- c) graduates of military educational institutions for the training of officers, schooled at the request of civil aviation and navy or other beneficiaries;
- d) in reserve military foremen and non-commissioned officers, who, in times of war, perform at least 3 months, with good and good results, functions intended to be assigned to officers in military units located in the military area of actions;
- e) graduates with a bachelor's degree from civil higher education institutions or, if necessary, from high schools, with a bachelor's degree or equivalent schools, with a diploma, with a profile corresponding to the military specialties with deficit in the Ministry of National Defense, which are not older than 45 years old;
(on 16-05-2019 Article 37 (e) of Chapter 3 was amended by Article I (34) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)
- f) students of military educational institutions for training officers who have promoted the penultimate year of study, in the situation where they can no longer continue training, but are fit for military service. No officer rank shall be granted to students who have been expelled.

ARTICLE 38

The military foremen in active duty come from:

- a) graduates of educational institutions for the training of military foremen, with the exception of those referred to in Article 39 (b);
- b) non-commissioned officers who have an uninterrupted probation of at least one year, in the functions of operation, maintenance and repair of military technique, who passed the examination of passage in the military foremen's corps and fulfill the other conditions established by the provision of the Chief of Defence Staff;

(on 16-05-2019 Paragraph 1 (b) of Article 38, Chapter 3 was amended by Article I (35) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

c) in reserve military foremen and voluntary reservist military foremen who have passed proficiency tests and fulfill the other conditions laid down by order of the Minister of National Defense, in order to be called or recalled to service;

(on 16-05-2019 Paragraph 1 (c) of Article 38, Chapter 3 was amended by Article I (35) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

d) on active duty professional soldiers and enlisted personnel, graduates of military education institutions or units for the training of military foremens;

(on 16-05-2019 Paragraph 1 of Article 38, Chapter 3 was amended by Article I (36) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

e) professional soldiers and graduates, graduates of post-secondary studies corresponding to military specialties and of the training course of military foremen on active duty, under the conditions established by order of the Minister of National Defence.

(on 16-05-2019 Paragraph 1 of Article 38, Chapter 3 was amended by Article I (36) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

f) survivors of personnel of the Ministry of National Defence who died during and due to service, as a result of military actions, accidents, catastrophes or exceptional devotion acts or missions within international peacekeeping forces or for humanitarian purposes, who are aged 45 or less, graduates of post-secondary studies corresponding to military specialties, who passed the proficiency tests and fulfill the other conditions established by order of the Minister of National Defence;

(on 16-05-2019 Paragraph 1 of Article 38, Chapter 3 was amended by Article I (38) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

g) on active duty professional non-commissioned officers, soldiers and enlisted personnel, injured during and due to military actions carried out outside the territory of the Romanian state, graduates of post-secondary studies corresponding to military specialties, who have passed the proficiency tests and fulfill the other conditions established by order of the Ministry of National Defence;

(on 16-05-2019 Paragraph 1 of Article 38, Chapter 3 was amended by Article I (36) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

h) on active service professional soldiers and enlisted personnel, with at least 15 years old seniority in this capacity, graduates of post-secondary studies corresponding to military specialties, who have passed the proficiency tests and fulfill the other conditions established by order of the Ministry of National Defence.

(on 16-05-2019 Paragraph 1 of Article 38, Chapter 3 was amended by Article I (36) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

Within the Ministry of National Defence, the persons mentioned in Paragraph 1 (b), (c), (e), (g) and (h) can be called or recalled in activity if they are not older than 45. (on 16-05-2019 Article 38 of Chapter 3 was amended by Article I (37) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

In the Romanian Intelligence Service and the Special Telecommunications Service, the age limit stipulated in Paragraph 1 (f) does not apply.

(on 02-01-2020 Article 38 of Chapter III was amended by Article I (9) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE no. 1051 of 30 December 2019)

ARTICLE 39

In the reserve military foremen come from:

- a) military foremen transferred to the reserves;
- b) graduates with bachelor's degree of military educational institutions for training military foremen, schooled at the request of civil aviation and navy or other beneficiaries;
- c) persons aged 45 or less with undergraduate or post-secondary technical training in deficient military specialties;
- d) in the reserve non-commissioned officers who graduated from the schools of military foremen in the specialties necessary to the armed forces.

ARTICLE 40

The active duty non-commissioned officers come from:

- a) graduates with bachelor's degree of military education institutions for the training of non-commissioned officers;
- b) active duty professional soldiers and enlisted personnel who have promoted the proficiency tests and the competition or examination held in that purpose and fulfill the conditions established by the Minister of National Defence;

(on 16-05-2019(b) of Paragraph 1, Article 40, Chapter 3 was amended by Article I (38) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

- c) in the reserve non-commissioned officers and voluntary reserve non-commissioned officers who have promoted proficiency tests and fulfill the supplementary conditions established by the order of the Minister of National Defence, in order to be called/recalled into activity;

(on 16-05-2019 Paragraph 1 (c) of Article 40, Chapter 3 was amended by Article I (38) of LAW no. 101 of May 8 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

- d) enlisted personnel who, during wartime, perform with good results, for at least 3 months, functions intended to be assigned to

non-commissioned officers within military units located in the vicinity of military activity areas;

e) on active duty, in the reserve or with a voluntary reserve status professional soldiers and enlisted personnel, graduates of post-secondary or higher educational studies corresponding to military specialties, who have completed the course of training of non-commissioned officers, under the conditions established by order of the Minister of National Defence;

(on 02-01-2020 Paragraph 1 (e) of Article 40, Chapter III was amended by Article I (10) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE no. 1051 of 30 December 2019)

f) professional soldiers and enlisted personnel, graduates of post-secondary programs for the training of non-commissioned officers;

(on 16-05-2019 Paragraph 1 (f) of Article 40, Chapter 3 was amended by Article I (38) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

g) persons aged no more than 45 years that have promoted proficiency tests and fulfill the other conditions established by order of the Ministers or Heads of the component institutions of the national defence, public order and national security system and have a secondary, post-secondary or higher education qualification.

(on 16-05-2019 Paragraph 1 (g) of Article 40, Chapter 3 was amended by Article I (38) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

Within the Ministry of National Defence, the persons mentioned in Paragraph 1 (b), (c) and (e) may be called or recalled on active duty if they are not older than 45.

(on 16-05-2019 Article 40 of Chapter 3 was amended by Article I (39) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

Within the Ministry of Internal Affairs, the Romanian Intelligence Service and the Special Telecommunications Service the age limit stipulated in Paragraph 1 (g) does not apply.

(on 02-01-2020 Article 40 of Chapter III was amended by Article I (11) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE no. 1051 of 30 December 2019)

(on 29-06-2005 Article 40 was amended by Article I (2) of EMERGENCY ORRDINANCE no. 60 of 23 June 2005, published in the OFFICIAL GAZETTE no. 555 of 29 June 2005)

ARTICLE 41

In the reserve non-commissioned officers come from:

a) graduates of military educational institutions for the training of retired non-commissioned officers;

b) non-commissioned officers transferred to the reserve;

c) graduates of civil higher education institutions who have completed a form of short-term military service, according to the needs of the armed forces and the results obtained at the final examination held at the completion of military training;

d) students of military educational institutions for the training of officers who have promoted at least the first year of studies, in case they can no longer continue training, but are fit for military service. The non-commissioned officer rank shall not be granted to the expelled students;

e) in the reserve enlisted personnel who, as a result of a concentrated period of training, have obtained aspecial military qualification required by the armed forces for the positions of non-commissioned officers;

f) in the reserve sergeants*) who, during the last 6 months of their military service, performed with good and very good results positions intended to be occupied by officers or non-commissioned officers;

g) enlisted personnel who, during wartime, perform for at least 3 months, with good and very good results, positions intended to be employed with officers or non-commissioned officers, in military units located in the area of military actions;

h) graduates of high schools, vocational schools or an equivalent school, in relation to the needs of the armed forces and who have completed a form of military training organized by the Ministry of National Defence.

(on 16-05-2019 Article 41 (h), Chapter 3 was amended by Article I (40) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

*) CTCE Note:

According to Paragraph (1) of Article II of the EMERGENCY ORRDINANCE no. 90 of June 21 2001, published in the OFFICIAL GAZETTE no. 349 of 29 June 2001, throughout LAW no. 80/1995 on the status of military personnel, as amended and additioned, the term sergeant, respectively sergeants, shall be replaced, for the Ministry of National Defence, by the term corporal, respectively corporals. The ranking coefficient of the rank pays for the 5th class military foremen and sergeants is the one provided in LAW no. 138/1999 for sergeants.

ARTICLE 41¹

Persons who are to become military personnel under the terms of Article 36 Paragraph 1 (a to c¹) and Article (h), Article 38 (a) and (d) and Article 40 Paragraph 1 (a), upon admission to a military educational institution for the training of officers, military foremen or non-commissioned officers, enter into contracts with the Ministry of National Defense for a period of 8 years after their appointment on the first position, according to the regulation of the National Defense Minister's Order.

Under the conditions of Article 36 Paragraph 1(d) to (g) and (i), of Article 38(b) to (c) and (e) and Article 40 Pragraph (b)-(g), the persons concerned enter into contracts with the Ministry of National Defense for a period of 4 years, according to the regulation established by order of the Minister of National Defense.

Contractual period under the terms of Paragraphs 1, 2 and 14 is to be rightfully extended, by means of additional documents, for a period between 4 to 8 years, as established by the order of the Minister of National Defense, when active military personnel are sent with their consent and admitted to bachelor, master, doctorate or post-secondary studies, budget financed and organized within educational institutions within the country and abroad, attending a frequency education form.

After the expiration date, contracts may be renewed, depending on the parties' choice, for successive periods of up to 4 years, according to the regulations established by the order of the Minister of National Defense.

Contracts concluded under the terms of Paragraph 4 shall automatically cease under the situations referred to in Paragraph 3, on the date of registration in the educational institution.

Starting the date provided by Paragraph 5, the military personnel in question, conclude new contracts for a period between 4 to 8 years, as established by the order of the Minister of National Defense.

The provisions of Paragraph 3, Paragraph 5 and 6 shall apply accordingly under the situation referred to in Article 36 Paragraph 1 (h).

Military personnel who have completed at least 15 years of service as an officer, military foreman or non-commissioned officer may enter into contract with the Ministry of National Defense until reaching the time limit in rank.

Six months before the expiring date, the parties are bound to inform each other of their intention to renew it.

In the event that before the expiry of the set duration, the military personnel terminates the contract according to Article 85 Paragraph 1 (h), they are bound to notify the Ministry of National Defense at least 30 days in advance, and if they are within the contract period according to Paragraphs 1, 2 and 14 or, where appropriate, Paragraphs 3, 6 and 7, military personnel is also bound to reimburse maintenance and training costs, according to the contractual period left unfulfilled.

The same obligation to reimburse the maintenance and training expenses during the training is incumbent on the military personnel, if they are transferred in the reserve by the Ministry of National Defense, according to Article 85 Paragraph 1 (i) to (n), Articles 87 and 88, before the expiry of the contracts provided for in Paragraphs 1, 2 and 14 or, where appropriate, Paragraph 3, Paragraph 6 and 7, according to the unfulfilled remaining contractual period.

In the event that the Ministry of National Defense transfers in the reserve the military personnel before the expiration of the contracts, according to Article 85 Paragraph 1 (e), or on expiry of contracts, according to Article 85 Paragraph 1 (e¹), at the initiative of the Ministry of National Defense, they benefit from social protection measures in accordance to legal provisions.

Contracts may be terminated based on agreement of both parties if the transfer of military personnel in the reserve is made in accordance with Article 85 Paragraph 1(f) and (g). In these cases, the parties are not

bound with obligations to each other.

By way of exception to the provisions of Paragraph 1, the aviation personnel shall conclude contracts with the Ministry of National Defense for a period of 12 years from their appointment on the first position.

The duration of the contracts provided for in Paragraph 1 for medical officers, dental practitioners and pharmacists shall be extended by a number of years equal to the duration of the residents training.

The rules for reimbursement of maintenance and training costs provided in Paragraphs 10 and 11 are approved by order of the Minister of National Defense.

(on 16-05-2019 Article 41¹ of Chapter 3 was amended by Article I (41) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 41²

Persons who are to become military personnel of the Special Telecommunications Service under the terms of Article 36 Paragraph 1 (a)-c¹) and (h), of Article 38 Paragraph 1 (a) and (d) and Article 40 (d) 1 (a), upon admission to an educational institution, enters into contract with the Special Telecommunications Service for 10 years, in the case of officers, and 8 years in the case of military foremen and non-commissioned officers, respectively, from the first appointment.

(on 02-01-2020 Article 41² of Chapter III was amended by Article I (12) of LAW no. 259 of December 24 2019, published in the OFFICIAL GAZETTE no. 1051 of 30 December 2019)

ARTICLE 42

Retired military personnel originate from:

a) on active duty or in reserve officers, as well as in reserve military foremen and non-commissioned officers who have exceeded the age limit in rank for class III, provided for in Article 86 Paragraph 4;

(on 29-04-2011, Article 42 (a) was amended by Article I (11) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April, 2011.)

b) on active duty or in the reserve officers, military foremen and non-commissioned officers, classified by the commissions of medical and military expertise "unfit for military service, with deregistration".

ARTICLE 43

The transfer of military personnel from active duty to the reserve or directly to the retirement, as well as the recall into action, shall be done as follows:

a) generals and admirals, by presidential ordinance, based on the proposal of the Minister of National Defense;

b) other officers, by order of the Minister of National Defense;

c) military foremen and non-commissioned officers, by order of the commanders established by the Minister of National Defense.

In the Ministry of Internal Affairs, the transfer of military personnel in the reserve or directly in retirement, as well as the call from the reserve into activity of military personnel referred to in

Paragraph 1 (b) and (c) shall be duly performed by persons who, in accordance with Article 45 Paragraph 2, are competent to grant military ranks.

(on 16-05-2019 Article 43 of Chapter 3 was supplemented by Article I (43) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

Military personnel who have been granted retirement ranks under Article 37 (e) and have not graduated from a civil institution of higher education, as well as under Article 39 (c), may not be called into service.

Non-commissioned officers who have been granted a retirement rank under Article 41 (e), (f) and (h) may be called into service, under the conditions established by the order of the Minister of National Defense, prior to the age of 45.

ARTICLE 44

The deregistration of reserved officers, military foremen and non-commissioned officers and their retirement shall be done as follows:

- a) generals and admirals, by order of the Chief of Defense Staff;
- b) the other officers, by order of the commanders established by the Chief of Defense Staff;
- c) military foremen and non-commissioned officers, by order of the commanders of the Area or County Military Centers.

CHAPTER IV

Rank granting and promotion of military personnel in the following ranks

ARTICLE 45

Rank granting and rank promotion shall be done as follows:

a) the ranks of general and admiral on active duty and in reserve, in peacetime and in wartime, by presidential ordinance, based on the proposal of the Minister of National Defense, after consulting the College of the Ministry;

b) the ranks of officers on active duty, except those referred to in (a), in peacetime, by order of the Minister of National Defense;

c) the ranks of officers in the reserve, except those referred to in (a), in peacetime, by order of the Chief of the Defense Staff;

d) during wartime, the granting of the 2nd Lieutenant rank and the promotion in the ranks of 1st Lieutenant and captain on active duty or in the reserve shall be made by the commanders established by the Chief of the General Headquarters, and in those of higher rank officers, by the Chief of the General Headquarters;

e) the ranks of on active duty military foremen and non-commissioned officers, in peacetime and in wartime, by order of the Minister of National Defense or of the appointed commanders;

f) the ranks of reserved military foremen and non-commissioned officers, in peacetime and in wartime, by order of the commanders established by the Minister of National Defense.

In the Ministry of Internal Affairs, the granting of the ranks

stipulated in Paragraph 1 (b) to (f) and the promotion in the following ranks shall be made by:

a) the Minister of Internal Affairs, for the heads of the units of the Ministry of Internal Affairs which he directly coordinates and their deputies, for the military personnel of the central apparatus units and the units subordinated to the Ministry of Internal Affairs whose leaders do not have the capacity of authorizing officers, upon the proposal of the head of unit, as well as for the heads of the units subordinated to the Ministry of Internal Affairs and their deputies, upon the proposal of the Secretary of State/General Secretary who coordinates the activity of the structure in which the military personnel are assigned;

b) general/similar inspectors for military personnel of the general/similar inspectorate and the units subordinate to the general/similar inspectorate whose heads are not authorizing officers, as well as for the heads of units subordinate to the general/similar inspectorate and their deputies;

c) heads of Internal Affairs Ministry's units who are authorizing officers for their subordinate military personnel, other than those referred to in (a) and (b).

(on 16-05-2019 Article 45 of Chapter 4 was amended by Article I (44) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 46

The granting of ranks for the officers, military foremen and non-commissioned officers, as well as their promotion to the following ranks, shall, as a rule, be made once a year, on the date established by order of the Minister of National Defense.

Granting the ranks of those referred to in Article 36 Paragraph 1 (c)-g) and (i)-(k), Article 38 Paragraph 1 (b), (c) and (e) to (h) and Article 40 Paragraph 1 (b)-(e) and (g) can be done throughout the year.

(on 02-01-2020 Paragraph 2 of Article 46, Chapter IV was amended by Article I (13) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE no. 1051 of 30 December 2019)

The promotion of on active duty officers, military foremen and non-commissioned officers in the following ranks, under the conditions laid down in Article 63, shall be made on the dates laid down by order of the Minister of National Defense, and in those laid down in Article 64, as well as the calling or recalling of the reservist military personnel may be made throughout the year.

ARTICLE 47

The ranks of officers, military foremen and non-commissioned officers in the reserve shall be granted as follows:

a) once a year - to those referred to in Articles 37 (c) and (e), Article 39 (b), (c) and (d) and Article 41 (e) and (f);

b) at the time of completion of the military training or of the transfer in the reserve - those referred to in Articles 37 (b) and (f) and Article 41 (a), (c) and (d);

c) throughout the year - those referred to in Article 37 (d) and Article 41 (g) and (h).

The promotion of in reserve officers, military foremen and non-commissioned officers shall be made, as a rule, once a year on the date determined by order of the Minister of National Defense and under the conditions of Article 64, throughout the year.

ARTICLE 48

The ranks of 2nd Lieutenant and aspirant shall be granted to those referred to in Article 36 Paragraph 1 (a) to (c) and (f) and Article 37 (b) to (d) and (f).

In the Ministry of National Defense, those referred to in Article 36 Paragraph 1 (c¹) and (h) and Article 37 (e) are granted the ranks of 2nd Lieutenant or aspirant, where appropriate.

In the Ministry of National Defense, the ranks are granted to those referred to in Article 36 Paragraph 1 (e), (g) and (i) to (k) in relation to the level of the structure and the specific nature of the vacant position, as well as the period of study necessary for its occupation, according to the rules established by order of the Minister of National Defense.

(on 16-05-2019 Article 48 of Chapter 4 was amended by Article I (46) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 49

Repealed.

(on 16-05-2019 Article 49 of Chapter 4 was repealed by Article I (47) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 50

The rank of military foreman class V shall be granted to those referred to in Article 38 (a) and Article 39 (b).

When promoting into the military foremen corps', those referred to in Article 38 (b) and Article 39 (d) shall be granted the ranks of military foreman, in relation to the ranks of non-commissioned officer they have, as follows:

- a) the rank of military foreman class III to Staff Sergeants
- b) the rank of military foreman class II to Sergeant 1st class;
- c) the rank of senior military foreman to Master Sergeants;
- d) the rank of senior military foreman to Sergeant Majors.

To be granted the ranks of 1st class military foreman and senior military foreman, the non-commissioned officers referred to in Paragraph 2 (c) and (d) must also pass the examination for 1st class military foreman. Those who do not pass this exam may be granted the rank of military foreman class II or may remain with the rank of non-commissioned officer they had.

To the military foremen coming from the non-commissioned officers' corps and who were granted ranks under the conditions stipulated in Paragraph 2, when promoting to the following rank, they take into consideration the time in the last rank of non-commissioned officer.

Within the Ministry of National Defense, those referred to in Article 38 (a) and (d)-(h) and Article 39 (b) and (c) are granted the rank of military foreman class V.

(on 16-05-2019 Paragraph 5 of Article 50, Chapter 4 was amended by Article I (48) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 51

The rank of Junior Staff Sergeant is granted to those referred to in Article 40 Paragraph 1 (a), (b) and (d) and Article 41 (a), (c), (d) and (f).

Within the Ministry of National Defese, those referred to in Article 40 Paragraph 1 (a), (b) and (d) to (g) and in Article 41 (a) and (c) to (h) shall be granted the rank of Sergeant.

(on 16-05-2019 Paragraph 2 of Article 51, Chapter 4 was amended by Article I (49) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

Within the Ministry of Internal Affairs, the persons who become military officers under Article 40 (b) shall be granted military ranks on the basis of their training, seniority in service, the minimum times in rank and age.

(on 27-02-2006 Paragraph 3 of Article 51 was inserted by the sole article (2) of the EMERGENCY ORRDINANCE no. 9 of 16 February 2006, published in the OFFICIAL GAZETTE no. 184 of 27 February 2006.)

ARTICLE 52

Those referred to in Article 36 Paragraph 1 (e), (g) and (h), Article 36 Paragraph 2, Article 37 (e), Article 39 (c), Article 40 Paragraph 1 (g) and Article 41 (e), (g) and (h) are awarded military ranks according to their training, seniority in specialty acquired during studies, according to the minimum qualifying service, as well as their age.

(On 16-05-2019, Article 52 Paragraph 1 of Chapter 4 was amended by Article I (50) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE of Romania no.371 of 13 May 2019)

Under the Ministry of Internal Affairs, those referred to in Article 36 Paragraph 1 (g) shall be awarded the rank of second lieutenant.

(On 26-11-2022, Article 52 Paragraph 2 of Chapter 4 was amended by the SOLE ARTICLE (2) of LAW no. 325 of November 22^h 2022, published in the OFFICIAL GAZETTE of Romania no. 1130 of November 23th, 2022)

By way of exception from the provisions of Paragraph 2, those referred to in Article 36 Paragraph 1 (g) may be awarded ranks according to seniority in specialty corresponding to the completed studies, in relation to the duties in the job description.

(On 26-11-2022, Article 52 Paragraph 3 of Chapter 4 was amended by the

SOLE ARTICLE (2) of LAW no. 325 of November 22^h 2022, published in the OFFICIAL GAZETTE of Romania no. 1130 of November 23th, 2022)

Under the Ministry of Internal Affairs, those referred to in Article 36 Paragraph 1 (e) and (h) are awarded with ranks according to seniority in the structures of the Ministry of Internal Affairs, as follows:

- a) under 5 years - second lieutenant;
- b) between 5 and 10 years - lieutenant;
- c) over 10 years - captain.

(On 16-05-2019, Article 52 of Chapter 4 was supplemented by Article I (51) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE of Romania no.371 of 13 May, 2019)

Decision of refusal: HP no.9/2021, published in the Official Gazette no. 474 of 6 May 2021.

Decision of admission: RIL no. 16/2022, published in the Official Gazette no. 1087 of 10 November 2022:

Dispositions of Article 52 Paragraph 4 of Law no.80/1995 on the statute of military personnel, with subsequent amendments and additions, inserted by Law no. 101/2019, are not applicable to those referred to in Article 36 Paragraph 1 (e) and (h) of Law no. 80/1995, who have become officers prior the entry in force of Law no. 101/2019.

The provisions of Paragraph 3 are applicable to those referred to in Paragraph 4, if, by applying them, they would be awarded a higher rank than under the conditions stated by Paragraph 4.

(On 16-05-2019, Article 52 of Chapter 4 was supplemented by Article I (51) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE of Romania no.371 of 13 May, 2019)

By way of exception from Paragraph 2, the military foreman or the non-commissioned officer who has completed the academic studies program of professional master for commissioned officers under the "Alexandru Ioan Cuza" Police Academy of the Ministry of Internal Affairs, shall be the subject of the provisions of Paragraph 4 and 5.

(On 10-11-2022, Article 52 of Chapter 4 was supplemented by the SOLE ARTICLE (2) of LAW no. 322 of 6 November 2022, published in the OFFICIAL GAZETTE of Romania no. 1013 of 7 November 2022)

The service obligations of a military foreman or a non-commissioned officer referred to by Paragraph 6 shall not be amended for a minimum of 5 years after being named in the military unit to which he is assigned after graduation, after being awarded the commissioned officer rank. By way of exception, the service obligations can be changed in the same unit or in the case of a unit reorganization.

(On 10-11-2022, Article 52, Chapter 4 was supplemented by the SOLE ARTICLE (2) of LAW no. 322 of November 6^h 2022, published in the OFFICIAL GAZETTE of Romania no. 1013 of November 7th, 2022)

(On 27-02-2006 Article 52 (initially with Paragraph 1) was amended by the SOLE ARTICLE (3) of EMERGENCY ORDINANCE no. 9 of 16 February 2006, published in the OFFICIAL GAZETTE of Romania no. 184 of 27 February 2006.)

Promotion to the following rank for military personnel can be done on time, ahead of time or on exception, and for the personnel in reserve, on term and on exception.

Promotion to the following rank for officers, military foremen and non-commissioned officers on active duty and in reserve is done in the hierarchical order of ranks, in relation to the needs and possibilities of the armed forces, based on professional competence and moral conduct, recorded in service assessment.

Upon promotion to the following rank for officers, priority shall be given to those who, through professionalism and outstanding results in their work, through culture, personality, spirit of organization and initiative, have prospects to reach higher positions and have longer qualifying service.

Throughout their entire career, military personnel on active duty may be awarded with a maximum of two promotions to the following rank ahead of time and/or on exception, except those performing special missions or outside the national territory.

(On 29-04-2011 Article 53 Paragraph 4 was inserted by Article I (13) of LAW no. 53 of 21 April of 2011, published in the OFFICIAL GAZETTE of Romania no.290 of 26 April 2011.)

For special merits in achieving special objectives in activities, a member of the military personnel of the Ministry of Internal Affairs may be awarded with the following military rank, prior to fulfilling the minimum qualifying service, under the conditions laid down by order of the Minister of Internal Affairs.

(On 29-04-2011 Article 53 of Chapter 4 was supplemented by Article I (14) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE of Romania no. 1051 of 30 December 2019)

ARTICLE 54

In peacetime, officers, military foremen and non-commissioned officer on active duty shall be advanced on time, in compliance with the provisions of Article 53, if they also meet the following conditions:

- a) they have completed the minimum qualifying service as required in Articles 94 and 95 or complete this service in during that calendar year;
- b) they were assessed throughout the minimum period of the qualifying service, and those who exceeded this service, also in the year preceding promotion, with a rating equal to "appropriate" or higher; the years in which they have been assessed with lower ratings shall not be taken into consideration when calculating the minimum qualifying service.

Military personnel in the situations laid down in Article 14¹ (1) and Article 15 (2) are exempted from the condition laid down in Paragraph 1 (b) on the elaboration of the work assessment.

(On 16-05-2019 Article 54 of Chapter 4 was supplemented by Article I (52) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE of Romania no. 371 of 13 May 2019)

Repealed

(on 29-04-2011 Article 54 Paragraph (2) was repealed by Article I (14) of Law no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011.)

ARTICLE 55

In order to be proposed for promotion to the following rank, officers on active duty must be appointed at least one year prior to the date on which promotions in positions referred to in the organizational charts with higher ranks than those they have.

Student officers attending full-time courses at higher education institutions shall be considered appointed in positions referred to in the organizational charts with higher ranks than those they have.

In order to be proposed for promotion to the following rank, on term, officers on active duty under the Ministry of Internal Affairs, Special Telecommunications Service and Romanian Intelligence Service must be appointed at least one year before the date on which the promotions are made in positions referred to in the organizational charts with higher ranks than those they have.

(On 02-01-2020 Article 55 of Chapter IV was supplemented by Article I (15) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE of Romania no. 1051 of 30 December 2019)

*) CTCE Note:

According to Article II Paragraph 2 of EMERGENCY ORDINANCE no. 90 of 21 June 2001, published in the OFFICIAL GAZETTE no. 349 of 29 June 2001, as it was amended by the SOLE ARTICLE (4) of LAW no. 652 of 20 November 2001, published in the OFFICIAL GAZETTE no. 773 of 4 December 2001, provisions of Article 55, 58, 63 and 64 of Law no. 80/1995 on the statute of military personnel, as well as and other provisions that go against the provisions of this emergency ordinance are not applicable under the Ministry of National Defence. Article II Paragraph 2 of the EMERGENCY ORDINANCE no. 90 of 21 June 2001, published in the OFFICIAL GAZETTE no. 349 of 29 June 2001 was repealed by Article II of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011.

ARTICLE 56

In peacetime, for the promotion of officers, military foremen and non-commissioned officers on active duty in certain higher ranks, in addition to the conditions provided in Articles 54 and 55, they have to fulfil the following requirements:

- A. In the ranks of first-class military foreman and master sergeant
 - to have passed the rank exam;
- B. For the ranks of major and lieutenant commander:
 - a) to have completed a training course in their specialty, as laid down by order of the Minister of National Defence. The following shall be exempt from this requirement:
 - graduates with a bachelor's degree of the Academy of Advanced Military Studies or other advanced military education institutions of the same level, laid down by order of the minister of National Defence, of the military educational institutions equivalent abroad, as well as civil higher education institutions;
 - student officers who have completed at least the first year of studies at the Academy of Advanced Military Studies or years I-III of studies at other military institutions of advanced education, according to the order of the Minister of National Defence, as well as student officers who have passed the same years of studies at similar military educational institutions abroad;
 - b) to have a qualifying service, differentiated by weapons and military specialties, of at least 3-5 years in positions in units, up

to and including regimental echelon, or in institutions, and military formations or productive units. Length of service per weapon and military specialty and echelons similar to the regiment shall be laid down by order of Chief of Defence Staff.

C. For the ranks of colonel and commander, to cumulatively fulfill the requirements of study, as well as that regarding the minimum qualifying service, as provided in (a), (b) and (c):

a) To have graduated with a bachelor's degree of the Academy of Advanced Military Studies or other advanced military education institutions of the same level, within the country or abroad, laid down by order of the minister of National Defence, as well as civil higher education institutions;

b) To have completed a capacity course for the rank of colonel or commander. Admission to this course shall be on an exam basis. Lieutenant colonels and captain-commanders shall be exempt if they hold the title of PhD or have completed a form of post-academic, postgraduate or a master's degree within the country or abroad, laid down by order of the minister of National Defence.

(On 02-01-2020 Article 56 (C) (c) of Chapter IV was amended by Article I (16) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE of Romania no. 1051 of 30 December 2019)

c) to have an appropriate service in weapons and military specialties of 6-8 years in units and large units up to and including army corps. Duration of service for each weapon and military specialty and echelons similar to large units up to the echelon of the army corps shall be laid down by order of the Chief of Defence Staff.

Lieutenant colonels and captain-commanders shall be exempt from the obligation to serve in military units if they perform functions in military specialties other than command and staff, laid down by order of the Chief of Defence Staff.

ARTICLE 57

Profiles corresponding to undergraduate studies in civil institutions of higher education entitling graduate officers of these institutions to be promoted as laid down in Article 56 (1), (B) and (C) shall be determined in relation to the military specialties of the officers or with the functions they perform, by order of the minister of National Defence.

(On 29-04-2011 Article 57 was amended by point 15 of Article I of Law no. 53 of 21 April of 2011, published in the OFFICIAL GAZETTE of Romania no.290 of 26 April 2011.)

ARTICLE 58

In peacetime, for awarding the ranks of brigadier general, air flotilla general and rear admiral, in addition to the conditions laid down under Article 55 (1), colonels and commanders must pass an examination for that purpose.

They may participate in the examination for the award of the rank of general colonels and commanders who fulfil the following conditions:

a) have been assessed in the last 2 years with a rating of at least „very good“;

(On 16-05-2019 Article 58 Paragraph 2(a), Chapter 4 was amended by Article I (53) of LAW no. 101 of 8 May 2019, published in the OFFICIAL

GAZETTE of Romania no. 371 of 13 May 2019)

b) have a seniority in rank of at least 2 years;
(On 12-12-203 Article 58 Paragraph 2(b) was amended by the sole article (1) of LAW no. 520 of 9 December 2003, published in the OFFICIAL GAZETTE of Romania no. 872 of 9 December 2003)

c) are appointed in positions provided for in the organizational charts with ranks of brigadier general, similar or superior.

Repealed.

(On 12-dec-2003 text of Article 58 Paragraph 2¹ of Chapter IV was repealed by the SOLE ARTICLE of LAW no. 520 of 9 December 2003, published in the OFFICIAL GAZETTE no. 872 of 9 December 2003)

To be promoted to the next rank, generals and admirals shall distinguish themselves by a high professional competence, outstanding results in fulfilling duties and to have been appointed at least one year before the date on which promotions to the following rank are made, in positions provided for in the organizational charts with a higher rank than they have.

Candidates for the examination for the rank of general, as well as generals proposed for promotion to the next rank shall be subjected to approval by the Supreme Council of National Defence by the minister of National Defence, with prior consultation of the College of the Ministry.

*) CTCE Note:

According to Article II Paragraph 2 of the EMERGENCY ORDINANCE no. 90 of 21 June 2001, published in the OFFICIAL GAZETTE no. 349 of 29 June 2001, as it was amended by the sole article (4) of LAW no. 652 of 20 November 2001, published in the OFFICIAL GAZETTE no. 773 of 4 December 2001, the provisions of Articles 55, 58, 63 and 64 of Law 80/1995 on the statute of military personnel, as well as and other provisions that go against the provisions of this emergency ordinance are not applicable to the Ministry of National Defense. Article II Paragraph 2 of the EMERGENCY ORDINANCE no. 90 of 21 June 2001, published in the OFFICIAL GAZETTE no. 349 of 29 June 2001 was repealed by Article II of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011.

ARTICLE 59

Lieutenant colonels and captain-commanders may be seconded to the capacity course for the rank of colonel or commander from the first year of minimum qualifying service, usually, in order of graduation, prioritizing those whose internship expires in grade. If they do not pass, the graduation exam of the course can be taken again, after at least one year.

Military foremen class II and sergeant majors can take the grade exam starting with the last two years of minimum qualifying service and, in case they fail to pass, they can take it again, after at least one year. Sergeant majors who passed the exam up to entry into force of this Act are exempt.

Military foremen class II and sergeant majors can take the grade exam starting with the last two years of minimum qualifying service and, in case they fail to pass, they can take it again, after at least one year. Sergeant majors who passed the exam up to entry into force of this Act are exempt.

ARTICLE 60

In time of war, officers, military foremen and non-commissioned officers on active duty, as well as those in reserve deployed in military units, can be promoted to the next rank if they have completed their minimum qualifying service, have fulfilled their duties and have executed the missions entrusted to them, without requirements to comply with the other conditions provided for times of peace.

Officers, military foremen and non-commissioned officers referred to in Paragraph 1, that distinguish them when fulfilling their assignments, may be promoted to the following rank prior to completing the minimum qualifying service.

Promotion to the following rank of officers under the conditions of Paragraph 1 and Paragraph 2 shall be made within the limits of the requirements provided in the organizational charts.

ARTICLE 61

In peacetime, officers, military foremen and non-commissioned officers in reserve may be promoted to the following rank, in relation to the needs of the armed forces, after completing the minimum qualifying service, if they behave appropriately, they have good and very good results during concentration and were nominated by work assessments.

ARTICLE 62

In peacetime, for promotion to the ranks of colonel and commander, besides the conditions of Article 61, officers in reserve must have graduated from a higher education military institution with a bachelor's degree.

Graduates from civil higher education institutions who, on deployment, are appointed in positions appropriate with the form of education they have undertaken shall be exempt from the provisions of Paragraph 1.

ARTICLE 63

Officers, military foremen, and non-commissioned officers on active-duty who distinguish themselves through the fulfillment of their duties, professional training, and dignified behavior can be promoted to the next rank before reaching the minimum qualifying service in that rank if they have completed at least half of the respective qualifying service, with strict adherence to the other conditions, except for those provided for in Article 56 Paragraph 1 (A), (B) and (C) (c).

The following are not subject to promotion under the conditions of Paragraph 1:

- a) Second lieutenants and cadets;
- b) Officers, military foremen and non-commissioned officers who have been criminally convicted or who, since their last promotion, have been sanctioned as a result of the decisions of Councils of Honor.

(On 16-05-2019, Article 63 Paragraph 2(B) of Chapter 4 was amended by Article 1 (54) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 on 13 May 2019)

*) CTCE Note:

According to Article 2 Paragraph 2 of the EMERGENCY ORDINANCE no. 90 of 21 June 2001, published in the OFFICIAL GAZETTE no. 349 of 29 June 2002, as amended by the SOLE ARTICLE (4) of LAW no. 652 of 20 November 2001, published in the OFFICIAL GAZETTE no. 773 of 4 December 2001, the provisions of article 55, 58, 63 and 64 of Law no. 80 of 1995, on the

Statute of military personnel, as well as any other provisions that go against the provisions of this emergency ordinance, are not applicable in the Ministry of National Defence. Article 2 Paragraph 2 of EMERGENCY ORDINANCE no. 90 of 21 June 2001, published in the Official GAZETTE no. 349 of 29 June 2001, was repealed by Article 2 of LAW no. 53 of 29 April 2011, published in the OFFICIAL GAZETTE no. 290 on 26 April 2011.

ARTICLE 64

Officers, military foremen, and non-commissioned officers on active-duty and in reserve military personnel who, when carrying out their missions or in other situations, perform acts of heroism and exemplary acts of courage, can be promoted to the next rank on exception, in peacetime or war, even if they do not meet the conditions provided for in Articles 54-56 and 61.

*)CTCE Note:

According to Article 2 Paragraph 2 of the EMERGENCY ORDINANCE no. 90 of 21 June 2001, published in the OFFICIAL GAZETTE no. 349 of 29 June 2002, as amended by the SOLE ARTICLE (4) of LAW no. 652 of 20 November 2001, published in the OFFICIAL GAZETTE no. 773 of 4 December 2001, the provisions of Articles 55, 58, 63 and 64 of LAW no. 80 of 1995, on the Statute of military personnel, as well as any other provisions that go against the provisions of this emergency ordinance, are not applicable in the Ministry of National Defence. Paragraph 2 of article 2 of emergency ordinance no. 90 of 21 June 2001, published in the OFFICIAL GAZETTE no. 349 of 29 June 2001, was repealed by Article 2 of Law no. 53 of 20 April 2011, published in the OFFICIAL GAZETTE no. 290 on 26 April 2011.

ARTICLE 65

Lieutenant-colonels and captain commanders on active duty whose minimum qualifying service in rank has expired, but could not be promoted during their active duty because they were not assigned to positions corresponding to the ranks to which they were to be promoted, upon being transferred to the reserves or direct retirement through the application of Article 85 (a)-(e), shall be promoted to the next rank and transferred to the reserves or direct retirement with the new rank, if they meet the other conditions provided for in this law.

ARTICLE 66

Repealed

(On 07-12-2003, Article 66 Paragraph 1 was repealed by Article 1 (2) of LAW no. 516 of 28 November 2003, published in the Official Gazette no. 861 of 4 December 2003).

Repealed

(On 07-12-2003, Article 66 Paragraph 1 was repealed by Article 1 (2) of LAW no. 516 of 28 November 2003, published in the OFFICIAL GAZETTE no. 861 of 4 December 2003).

Colonels and commanders on active duty who have a minimum rank seniority of 5 years and have been assigned to positions in organizational structures with the rank of general or similar for at least 3 years during this period with "very good" rating in the last 3 years, upon being transferred to the reserves or direct retirement, may be awarded the rank of brigadier general with one star, respectively, air flotilla general with one star or flotilla rear admiral with one

star, and shall be transferred to the reserve or direct retirement with the new rank.

(On 08-04-2007, Article 66 Paragraph 3 was amended by the SOLE ARTICLE (2) of LAW no. 81 of 30 March 2007, published in OFFICIAL GAZETTE no. 236 of 5 April 2007.)

The provisions of Paragraph 3 do not apply to those transferred to reserve or direct retirement carried out under the conditions provided by Article 85 (e¹) - 1), Articles 87 and 88.

(On 29-07-2001, Article 66 Paragraph 4 was introduced by Article 1 (10) of EMERGENCY ORDINANCE no. 90 of 21 June 2001, published in OFFICIAL GAZETTE no. 349 of 29 June 2001.)

Colonels and commanders in reserve may be awarded the rank of brigadier general/ one star, only in wartime.

(On 16-05-2019, Article 66 of Chapter 4 was amended by Article 1 (55) of LAW no. 101 of 8 May 2019, published in OFFICIAL GAZETTE no. 371 of 13 May 2019.)

ARTICLE 67

On the occasion of important events in the history of the homeland and the armed forces of Romania, officers, military foremen and retired non-commissioned officers may exceptionally be promoted to the next rank; colonels and commanders may be awarded the rank of general, and chief military foremen and sergeant major may be awarded the rank of second lieutenant.

Promotion to the next rank, respectively awarding the rank of those provided for in Paragraph 1, shall be carried out by:

- a) decree of the President of Romania, for generals and admirals, at the proposal of the Minister of National Defense, after consultation with the College of the Ministry;
- b) order of the Minister of National Defense for other officers, military foremen and non-commissioned officers.

ARTICLE 68

Officers, military foremen and non-commissioned officers who sacrifice their lives by performing exceptional acts of devotion shall be posthumously promoted to the next rank, and colonels and commanders shall be posthumously awarded the rank of general.

Military foremen, non-commissioned officers, enlisted personnel and soldiers who sacrifice their lives under the same conditions may be posthumously awarded the rank of second lieutenant.

Promotion to the next rank, as well as awarding the rank in these situations, shall be carried throughout the year according to the provisions of Article 45.

CHAPTER V

Withdrawal of the military rank, Removal from and Resumption in Military Records of Officers, Military foremen and Non-Commissioned Officers

ARTICLE 69

Withdrawal of the military rank is applied, under the conditions provided by criminal law, to military personnel on active duty, in reserve and retired, who have been sentenced to the complementary penalty of withdrawal of the military rank by judicial decision.

ARTICLE 70

Officers, military foremen, and non-commissioned officers on active duty, in reserve and retired, who have been approved for renunciation of Romanian citizenship or have acquired another

citizenship and have settled abroad, shall be removed from military records.

ARTICLE 71

Officers, military foremen, and non-commissioned officers provided for in Articles 69 and 70 shall be removed from military records as follows:

- a) by order of the Chief of Defence Staff, for those who held the ranks of generals and admirals;
- b) by order of the commanders appointed by the Chief of Defence Staff, for those who held the ranks of officers, military foremen or non-commissioned officers.

ARTICLE 72

In the event of another judicial decision, by which an acquittal has been pronounced or by which the complementary penalty of withdrawal of the military rank is no longer applied, those concerned shall be reinstated in military records, with the rank held, by order of those who ordered removal from records. In this situation, the time their rank had been withdrawn shall be included in the calculation of rank qualifying service, and the military personnel concerned may request moral and material reparations for the damages suffered through the judicial process.

Officers, military foremen and non-commissioned officers whose rank has been withdrawn and who have been granted amnesty or pardon from the complementary penalty of withdrawal of the military rank, as well as those who have been rehabilitated, shall be reinstated in military records and, considering the needs of the armed forces, may be restored to any military rank, up to and including the rank held.

Military personnel in reserve who have regained Romanian citizenship and were previously removed from military records may be reinstated in records upon repatriation.

Restoration of rank according to Paragraph 2 is carried out by:

- a) decree of the President of Romania, for generals and admirals;
- b) order of the Chief of the Defence Staff, for other officers, military foremen and non-commissioned officers.

Restoration of rank as a result of amnesty, pardon, or rehabilitation does not imply, by right, recall to active duty, and the time when their rank has been withdrawn is not counted in the calculation of rank qualifying service and active-duty seniority.

CHAPTER VI

Assessment, Appointment and Promotion to a position of Military Personnel

ARTICLE 73

Military personnel shall be subject to work assessments.

The work assessment is the sole document for assessing professional competence, moral quality, development, and promotion prospects, based on which officers, military foremen and non-commissioned officers are promoted to the next rank.

The work assessment of active-duty military personnel shall be performed periodically, as well as in cases laid down by the Minister of National Defense.

Work assessments shall be conducted for military personnel in reserve in the year they are proposed for promotion.

The methodology for conducting work assessments, in peacetime, as well as the evaluation system in wartime, shall be laid down by order of

the Minister of National Defense, the Minister of Internal Affairs, the Director of the Romanian Intelligence Service, the Director of the Special Telecommunications Service, the Director of the Foreign Intelligence Service, and the Director of the Protection and Guard Service. The evaluation shall be expressed by one of the following ratings: "exceptional," "very good," "good," "satisfactory," "mediocre," or "unsatisfactory."

(On 02-01-2020, Article 73 Paragraph 5 of Chapter 6 was amended by Article 1 (17) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE no. 1051 of 30 December 2019.)

ARTICLE 74

Appointment of officers, military foremen, and non-commissioned officers to positions shall be made considering the needs of the armed forces, their competence and moral conduct.

Appointment to positions shall be carried out considering the principle according to which officers, military foremen and non-commissioned officers shall not subordinate to military personnel with lower ranks. By way of exception, this provision shall not apply to military personnel who do not have higher specialized studies and who are subordinate to those with such training, as well as to military personnel belonging to the Ministry of Internal Affairs, the Romanian Intelligence Service, the Foreign Intelligence Service, the Special Telecommunications Service, the Ministry of Justice, and the Protection and Guard Service.

(On 22-05-2001, Article 74 Paragraph 2 was amended by the SOLE ARTICLE of EMERGENCY ORDINANCE no. 69 of 17 May 2001, published in the OFFICIAL GAZETTE no. 263 of 22 May 2001.)

When appointing officers to positions, the experience gained at the ranks of the military hierarchy shall also be considered, and promotion shall be done, as a rule, to positions or echelons immediately superior.

To determine if officers have the aptitudes and knowledge required for appointment to certain positions laid down by order of the Minister of National Defense, tests shall be used or an examination or competition shall be organized. Conditions regarding studies, qualifying service in positions, and other criteria necessary for the appointment and promotion of officers to certain positions shall be laid down by order of the Minister of National Defense.

Appointment to positions and promotion in rank of active duty military personnel, to whom specific professional regulations laid down at national level apply, shall be carried out considering the present statute, under the conditions provided by those regulations.

(On 26-11-2022, Article 74 of Chapter 6 was supplemented by the SOLE ARTICLE (3) of LAW no. 325 of 22 November 2022, published in the OFFICIAL GAZETTE no. 1130 of 23 November 2022.)

ARTICLE 75

Military personnel shall be appointed to positions provided for in organizational charts with equal or higher ranks than those they hold. The competencies for appointment shall be laid down by order of the Minister of National Defense.

Under the Ministry of National Defense, military personnel may be appointed to positions provided with ranks equal to or higher than those they hold by up to two ranks.

(On 16-05-2019, Article 75 of Chapter 6 was amended by Article 1 (56) of LAW no. 101 of 8 May 2019, published in OFFICIAL GAZETTE no. 371 of 13 May 2019.)

According to Article 2 of LAW no. 101 of 8 May 2019, published in OFFICIAL GAZETTE no. 371 of 13 May 2019, until the provisions provided by Article 75, Paragraph 2 are fulfilled, active duty military personnel who, as of 16 May 2019, hold positions with higher ranks than those held with more steps than those provided by paragraph referred to, shall remain in the positions they are assigned to and may be appointed to other positions provided with at most the same rank.

Under the Ministry of National Defense, active-duty officers, military foremen and non-commissioned officers, referred to under Article 36 Paragraph 1 e)-g) and i)-k), respectively, Article 38 lit. e)-h), and Article 40 Paragraph 1 lit. b), e), and g), may be appointed to positions provided for in organizational structures with a rank of up to lieutenant colonel/similar and first class military foreman /master sergeant.

(On 16-05-2019, Article 75 of Chapter 6 was amended by Article 1 (56) of LAW no. 101 of 8 May 2019, published in OFFICIAL GAZETTE no. 371 of 13 May 2019.)

According to Article 2 of LAW no. 101 of 8 May 2019, published in OFFICIAL GAZETTE no. 371 of 13 May 2019, provisions of Article 75 Paragraph 3 shall apply to those who acquire the status of active duty military personnel starting from 16 May 2019.

By way of exception, provisions of Paragraphs 2 and 3 shall not refer to military personnel confirmed in arms and military specialties and work in the fields laid down by the military career guide.

(On 16-05-2019, Article 75 of Chapter 6 was amended by Article 1 (56) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019.)

(On 29-04- 2011, Article 75 was amended by Article 1 (16) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011.)

ARTICLE 75¹

The selection of military personnel from the Ministry of National Defence for appointment to positions provisioned in the organizational statutes for a higher rank than the one they hold shall be carried out by selection committees set up for this purpose in accordance with the Military Career Guide, and in situations requiring urgent measures to be taken, military personnel may be appointed to positions similar to or higher than the ones they hold by order of the minister of National Defence.

(on 29-04-2011 Paragraph of Article 75¹ was amended by Article I (17) of the LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011.)

Military personnel from the Ministry of National Defence may not be appointed to positions in the organizational charts attributed to lower ranks than those they hold. By way of exception, captains and majors up to the age of 42 may be maintained or appointed to positions in the organizational charts lower than their current rank until 31 December 2003.

(on 29-07-2001 Article 75¹ was inserted by Article I (12) of the EMERGENCY ORDINANCE No. 90 of 21 June 2001, published in the OFFICIAL GAZETTE no. 349 of 29 June 2001.)

ARTICLE 76

The transfer of military personnel on active duty from one unit to another, as well as within the same unit shall be carried out only once a year, except in special situations laid down by order of the minister of National Defence.

During a state of emergency, siege, deployment and war, military personnel may be transferred from one unit to another as well as within the same unit whenever deemed necessary.

(on 31-03-2020 Article 76 of Chapter VI was supplemented by Article I (7) of the EMERGENCY ORDINANCE No. 36 of 26 March 2020, published in the OFFICIAL GAZETTE no. 268 of 31 March 2020)

(on 02-01-2020 Article 76 of Chapter VI was amended by Article I (18) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE no. 1051 of 30 December 2019)

ARTICLE 77

Military personnel on active duty may be seconded to other units to carry out missions or to undergo further training for a maximum of one year, which may be extended, with the approval of the minister of National Defence, up to a maximum of two years.

During the period of secondment, military personnel remain employed in the military positions and units from which they were seconded and maintain all legal rights.

ARTICLE 77^1

Military personnel on active duty may temporarily perform, by delegation, the duties of another vacant position, subject to the provisions laid down by order of the head of the institution, for a period up to 6 months, which may be extended with the approval of the head of institution, under the same conditions.

Military personnel on active duty under the Ministry of National Defence may temporarily be authorized to carry out the duties of another vacant position, subject to the provisions laid down by order of the minister of National Defence, for a period of up to 6 months, which may be extended with the approval of the minister of National Defence up to a maximum of one year.

Military personnel on active duty may temporarily be authorized to carry out the duties of another position whose holder is absent for a period of more than one month, under the conditions laid down by order of the minister of National Defence, until the situation which led to the temporary vacancy ceases to exist.

During the commission of their authorized duties, military personnel shall have the rights and obligations corresponding to said duties.

By way of exception to the provisions of Paragraph 1, in the Ministry of Internal Affairs, the extension of the period of appointment shall be approved in accordance with human resource management powers.

(on 02-01-2020 Article 77^1 of Chapter VI was modified by Article I (19) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE no. 1051 of 30 December 2019)

ARTICLE 77^2

Ministry of the National Defence personnel may be seconded to international bodies and organizations in accordance with the legislation in force.

(on 06-06-2013 Article 77^2 was inserted by the sole Article (1) of LAW no. 171 of 31 May 2013, published in the OFFICIAL GAZETTE no.320 of 3 June 2013).

ARTICLE 77^3

Military and civilian personnel are entitled to compensation for invalidity, and family members who are entitled by law to a survivor's pension for death resulting from military action, through accidents, catastrophes or any other such events occurring in the course of and as a result of service. The procedures for determining and granting compensation shall be laid down by order of the head of the institution.

(on 06-06-2013 Article 77^2 was inserted by the SOLE ARTICLE (1) of LAW no. 171 of 21 May 2013, published in the OFFICIAL GAZETTE no. 320 of 3 June 2013).

ARTICLE 78

Appointment to and dismissal from a position in a military unit, with the exception of public positions to which appointment is made according to the law, as well as the secondment of military personnel under the provisions of Article 77 shall be made, in peacetime as well as in wartime, according to the powers laid down by order of the minister of National Defence.

Appointment to the positions provisioned for in the organizational statutes for the ranks of Lieutenant General, Commander General, Commander Vice-Admiral and above shall be made upon approval of the Supreme Council of National Defence.

Mandate or termination of mandate of active military personnel of the Ministry of National Defence shall be carried out in accordance with the powers laid down by order of the minister of National Defence.

(on 29-04-2011 Article 78 Paragraph 3 was inserted by Article I (19) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011.)

ARTICLE 79

The appointment and promotion of judicial officers shall be carried out in accordance with their specific regulations.

The appointment and promotion of officers for teaching positions shall be carried out in accordance with the provisions of the present law and of the regulations applicable to military educational institutions. Military doctors and pharmacists shall be given professional ranks according to the legal provisions in force.

ARTICLE 80

Captains, lieutenant-colonels and commander-captains who, in order to be promoted to the next rank, must complete one of the forms of training mentioned in art 56 Paragraph 1 (B) and (C) respectively, but have not completed it by the end of the basic period of training, may not hold a position provisioned in the organizational statutes for a higher rank than the one they hold.

ARTICLE 81

Officers on duty may be appointed to positions below their current rank under the following circumstances:

- a) when there are changes in the statutes of organization or in the event of army reorganization;
- b) in exceptional cases, at the officer's request or if such a proposal was made in their work appreciations for well-justified reasons
- c) when sanctioned by demotion in position.

In the situations referred to in Paragraph 1 (b) and (c), officers may be appointed to a position by way of derogation from the provisions of Article 74 Paragraph 2.

Appointment to office under the provisions of Paragraph 1 (b) and (c) shall be made with the approval of the minister of National Defence or of the commanders appointed by him.

ARTICLE 82

Cases of officers, military foremen and non-commissioned officers on active duty who are placed "at disposal" shall be solved as follows:

- a) those placed "at disposal" for appointment or transfer to the reserves or direct retirement within no more than 3 months. In exceptional cases, upon the approval of the minister of National Defence, this period may be extended by no more than another 3 months. During this period, they shall perform the duties assigned to them by the commanders of the military units to which they are assigned.
- b) for those "at disposal" in cases of illness laid down by Government decision, upon expiry of hospitalization period and medical leave in view of receiving treatment, without exceeding the maximum period provisioned by the regulation in force for sick persons employed in the public administration. Cured military personnel shall be reinstated to their positions, and those whose illness persists will be transferred to the reserves or retirement, as the case may be, with the right to a pension, according to the law;
- c) for those fallen captives, no later than 3 months after their return to the country. During this period, special commissions, laid down by order of the Chief of Defence Staff, will investigate the conditions of the fall into captivity and the conduct of those concerned during it. Depending on the outcome, those found not guilty will be reinstated and those guilty of acts falling under criminal law will be transferred to the reserves.

ARTICLE 83

Officers, military foremen and non-commissioned officers are part of branches or services and have military (occupational) specialties in relation to their professional training.

The nomenclature of the branches, services and military (occupational) specialties shall be laid down by order of the Chief of Defence Staff.

ARTICLE 84

The transfer of officers, military foremen and non-commissioned officers from one branch, service or military (occupational) specialty to another may be carried out, according to the needs of the armed forces, following appropriate training, in one of the following ways:

a) graduation, with a Bachelor's degree, of a military academy or a civilian higher education/postgraduate institution with a profile corresponding to the branch, service or military (occupational) specialty required by the armed forces or from a military institution for the training of officers, by those who have not had studies at this level;

b) completion of an advanced course or of a specialization course in the branch, the service or the or military (occupational) specialty in which they are to be confirmed and at least two years' practical experience in corresponding duties, during which they must be assessed at least as "good"

(on 16-05-2019 Article 84 Paragraph 1 (b), Chapter 6 was amended by Article I (57) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

Military foremen and non-commissioned officers may also be transferred from one branch, service or military (occupational) specialty to another through rank examination, provided that before passing the said examination, they have completed a continuous practical training period of at least two years in the new branch, service or military (occupational) specialty, during which they were assessed at least as "good".

Officers, military foremen and non-commissioned officers are transferred from one branch, service or military (occupational) specialty to another by order of the commanders laid down by the minister of National Defence.

CHAPTER VII

Direct retirement or transfer to the reserves of the military personnel

ARTICLE 85

Officers, military foremen and non-commissioned officers on active duty can be transferred to the reserves or to direct retirement, as appropriate, in the following circumstances:

a) upon attaining the standard age for old age retirement;

(on 29-04-2011 Article 85 Paragraph 1 (a) was amended by Article I (20) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011.)

a¹) upon attaining the age granting the right to a retirement pension with a reduction in the standard retirement age, according to the law;

(on 16-05-2019 Article 85 Paragraph 1 of Chapter 7 was supplemented by Article I (58) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

b) are declared "unfit for military service" by military medical expert boards, unless they have been retained to active duty in accordance with Article 21 Paragraph 4;

(on 11-04-2014 article 85 Paragraph 1 (b) was amended by the SOLE ARTICLE (3) of LAW no. 30 of 27 March 2014, published in the OFFICIAL GAZETTE no. 255 of 8 April 2014.)

c) are declared "partially fit" by military medical expert boards, unless they have been retained to active duty in accordance with Article 21 Paragraph 4;

d) have attained the age limit of their military rank;

e) when, following a reorganization of some units and the reduction of positions provisioned for in the organizational charts, there are no vacancies for other positions or other units, as well as for other reasons or needs of the Ministry of National Defence.

e¹) upon expiry of the term mentioned in the contract that was concluded under Article 41¹, if one of the parties does not agree to its renewal;

(on 29-07-2001 point Article 85 Paragraph 1 (e¹) was inserted by Article I (13) of the EMERGENCY ORDINANCE no. 90 of 21 June 2001, published in the OFFICIAL GAZETTE NO. 349 of 29 June 2001.)

f) in order to be appointed to civilian public office, provided they are transferred to the reserves;

g) on request, for duly substantiated reasons;

h) by resignation;

i) when they show lack of interest in carrying out their duties and tasks or in improving their military and professional training;

i¹) when they fail to meet the physical training requirements, according to the conditions laid down by order of the head of institution;

(on 06-06-2023 Article 85 Paragraph 1 (i¹) was inserted by the sole article (2) of LAW no. 171 of 31 May 2013, published in the OFFICIAL GAZETTE no. 320 of 3 June 2013.)

j) when they commit serious violations of military regulations or other legal provisions;

k) when, for an offence committed with intent, they are given by a court's decision a suspended sentence under probation or a fine, as well as for the cases where they have benefited from an amnesty or a pardon prior to the beginning of their sentence;

(on 01-02-2014 Article 85 Paragraph 1 (k) was amended by Article 33 (1) of LAW no. 255 of 19 July 2013 published in the OFFICIAL GAZETTE no. 515 of 14 August 2013.)

l) when they are in breach of the provisions of Article 4 (a) concerning the obligation to have Romanian citizenship and residence in the country;

(on 16-05-2019 Article 85 Paragraph 1 (1) of Chapter 7 was amended by Article I (59) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

m) in the event of non-clearance for access to classified information or security certificate, on withdrawal of clearance or if security clearance is not renewed, for reasons imputable to the military personnel under the law;

(on 29-04-2011 Article 85 Paragraph 1 (m) was inserted by Article I (21) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011.)

n) after being put at disposal, according to the law, as a result of limited access to classified information, when a position suitable to the rank held with a provision for the level of access to classified information stated in the job description at the level granted after the limitation cannot be identified.

(on 29-04-2011 Article 85 Paragraph 1 (n) was inserted by Article I (21) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011.)

Transfer to the reserves or direct retirement shall be made ex officio under the conditions laid down in Paragraph 1 (a), (b), (d), (e), (e¹), (f), (i¹), (l), (m) and (n), at the request of the military staff, in the situation referred to in Paragraph 1 (a¹), at the proposal of honorary councils, under the conditions laid down in Paragraph 1 (i) and (j), and in other cases, at the proposals of the commanders of the units they belong to, submitted hierarchically.

(on 02-01-2020 Article 85 Paragraph 2 of Chapter VII was amended by Article I (20) of LAW no.259 of 24 December 2019, published in the OFFICIAL GAZETTE no.1051 of 30 December 2019)

Under the Ministry of Internal Affairs, transfer to the reserve or to direct retirement ex officio, under the conditions laid down in Paragraph 1 (e), (m) and (n), shall be ordered upon expiry of the period of disposal of employment, when appointment to an appropriate position could not be made.

(Paragraph 2¹)

(on 02-01-2020 Article 85 of Chapter VII was supplemented by, Article I (21) of LAW no.259 of 24 December 2019, published in the OFFICIAL GAZETTE NO.1051 of 30 December 2019)

The report of commanders on the transfer of military personnel to the reserves under the conditions laid down by Paragraph 1, (h) shall be submitted hierarchically, together with the resignation report, to those responsible for the transfer to the reserves, according to Article 43. Until the order for transfer to the reserves is issued, those concerned shall be required to perform the duties commissioned by their appointed position, as well as the pertaining tasks.

During a state of emergency, siege, deployment and in time of war, military personnel shall not be transferred to the reserves under the conditions laid down in Paragraph 1 (a), (a¹), (c), (d), (e), (e¹), (g), (h), (i), (i¹) and (j).

(on 31-03-2020 Article 85 (4) of Chapter VII was amended by Article I (8) of the EMERGENCY ORDINANCE no. 36 of 26 March 2020, published in the OFFICIAL GAZETTE no. 268 of 31 March 2020)

Officers on active duty who have attained the age limit of their rank for the third-degree reserve class, as stipulated in Article 86 Paragraph 4, as well as military personnel who have been declared "unfit for military service with removal from active duty" shall be retired directly, through application of one of the provisions of Paragraph 1, in relation to the reasons for the change in military status.

(on 29-04-2011 Article 85 Paragraph 5 was amended by Article I (23) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011.)

Military personnel may not be transferred to the reserves following their resignation during the execution of missions provided for in Article 2 of LAW no. 42/2004 regarding the participation of armed forces in missions outside the territory of the Romanian state, subsequently amended, as well as during the execution of other missions abroad.

(on 29-04-2011 Article 85 Paragraph 6 was inserted by of Article I (24) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011.)

ARTICLE 86

Rank age limit up to which military personnel may remain on active duty is standard retirement age for old age limit foreseen by social insurance and pension legislation governing the public pensions system for the institutions of national defence, public order and national security field.

Generals and admirals may be retained in service up to the age limit of their rank as follows:

- a) one-star brigadier generals, respectively one-star air flotilla generals, for the aviation branch, and one-star flotilla rear admirals, for the navy branch - 56 years;
- b) two-stars major generals, respectively two-stars rear admirals, for the navy branch - 57 years;
- c) three-stars lieutenant generals, respectively three-stars vice-admirals, for the navy branch - 58 years;
- d) four-stars generals, respectively four-stars admirals for the navy branch - 59 years.

(on 06-06-2013 Article 86 Paragraph 2 was amended by the sole article (4) of LAW nr. 171 of 31 May 2013, published in the OFFICIAL GAZETTE no. 320 of 3 June 2013.)

Should rank age limits provisioned for in Paragraph 2 be lower than standard retirement age for old age retirement foreseen by the social insurance and pension legislation governing the public pensions system for the institutions of national defence, public order and national security field, generals and admirals shall be retained in service until attaining the standard age.

(on 06-06-2013 Article 86 Paragraph 2¹ was inserted by the SOLE ARTICLE (5) of LAW nr. 171 of 31 May 2013, published in the OFFICIAL GAZETTE no. 320 of 3 June 2013.)

The provisions of Paragraph 2 apply exclusively to the Ministry of National Defence.

(on 02-01-2020 Article 86 Paragraph 2² of Chapter VII was amended by Article I (22) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE NO. 1051 OF 30 December 2019.)

Generals and admirals from the Ministry of Internal Affairs, Romanian Intelligence Service, Foreign Intelligence Service, Special Telecommunications Service and Protection and Guard Service may be retained to active duty after attaining the standard age limit for retirement, up to the age of 60, or may be transferred to the reserves, on request, according to the legal provisions in force.

(on 02-01-2020 Article 86 Paragraph 2³ of Chapter VII was amended by Article I (22) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE NO. 1051 OF 30 December 2019.)

According to recruitment necessities, military personnel may be retained to active duty after attaining the standard retirement age until the age of 60, with the annual approval of the head of the institution.

(on 06-06-2013 Article 86 Paragraph 3 was amended by the SOLE ARTICLE (6) of LAW nr. 171 of 31 May 2013, published in the OFFICIAL GAZETTE no. 320 of 3 June 2013.)

The rank age limits up to which reserve military personnel may be maintained are 55 years for class I, 60 years for class II and 63 years for class III.

Upon attaining the age of 60, generals and admirals under the Ministry of Internal Affairs, Romanian Intelligence Service and Foreign Intelligence Service may be retained to active duty up to the age of 62, on request, provided their health allows them the fulfillment of their duties in excellent conditions and with the approval of the head of the institution.

(on 02-01-2020 Article 86 of Chapter VII was supplemented by Article I (23) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE no. 1051 of 30 December 2019.)

Military personnel under the Ministry of Internal Affairs, other than provisioned for in Paragraph 5, may be retained to active duty after attaining the standard age limit for retirement until the age of 60, on their request, as follows:

- a) on approval of the minister of Internal Affairs, for officers;
- b) on approval of the inspector-general/similar, for military foremen and non-commissioned officers;
- c) provisions of point a) and b) also apply to military personnel who have obtained prior approval.

(on 02-01-2020 Article 86 of Chapter VII was supplemented by Article I (23) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE no. 1051 of 30 December 2019.)

(on 29-04-2011 Article 86 was amended by Article I (25) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011.)

ARTICLE 86¹

By way of exception to the provisions of Article 86, military medical personnel, irrespective of their rank, may be retained to active duty after attaining the standard retirement age limit, on request, with the approval of the head of the institution, until they attain the age limit for retirement provisioned for civilian medical personnel.

(on 02-01-2020 Article 86¹ of Chapter VII was amended by Article I (24) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE NO. 1051 of 30 December 2019.)

ARTICLE 87

Officers, military foremen, and non-commissioned officers on active duty convicted by final court decision to imprisonment, as well as those convicted to imprisonment for crimes committed with intent, but with suspended execution or fine, shall be transferred to the reserves or directly retired.

Military personnel on active duty convicted by final court decision to imprisonment shall be transferred to the reserves or directly retired ex officio.

(on 29-04-2011 Article 87 Paragraph 2 was inserted by Article I (26) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011.)

Military personnel on active duty under the Ministry of National Defence convicted to penal fines or imprisonment for crimes committed with intent with suspended execution or granted amnesty before the start of sentence execution or for whom the application of the sentence has been postponed may be transferred to the reserves or directly retired or may be kept on active duty, based on proposals submitted hierarchically, by order of the commanders/chiefs with competence in this regard, laid down by order of the minister of National Defence, the provisions of Article 43 applying accordingly.

(on 16-05-2019 Article 87 Paragraph 3 of Chapter 7 was amended by Article I (61) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETE no. 371 of 13 May 2019)

By DECISION OF THE CONSTITUTIONAL COURT no. 905 of 16 December 2020, published in the OFFICIAL GAZETTE no. 495 of 12 May 2021, the exception of unconstitutionality was upheld, finding that the phrase "or in respect to whom the execution of the sentence has been postponed" contained in the provisions of Article 87 Paragraph 3 of Law 80/1995 on the status of military personnel is unconstitutional.

According to Article 147 Paragraph 1 of the CONSTITUTION OF ROMANIA, republished in the OFFICIAL GAZETTE no. 767 of 31 October 2003, the provisions of the laws and ordinances in force, as well as those of the regulations, found to be unconstitutional, shall cease to have legal effect, 45 days after the publication of the decision of the Constitutional Court, if, within this period, the Parliament or the Government, as case may be, do not bring the unconstitutional provisions in line with the provisions of the Constitution. Provisions found to be unconstitutional shall be automatically suspended during this period. Finally, from 12 May 2021 to 25 June 2021, the phrase "or in respect of whom execution of the sentence has been postponed", contained in the provisions of Article 87 Paragraph 3 has been suspended by law/de jure, ceasing to have legal effect from 26 June 2021, since the legislator did not intervene to amend the contested provisions.

ARTICLE 88

Officers, military foremen and non-commissioned officers on active duty considered guilty of breaking the provisions of Articles 28 and 30(2) by the Councils of Honor shall be transferred to the reserves or directly retired.

(On 16-05-2019, Article 88 of Chapter 7 was amended by Article 1 (62) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019).

ARTICLE 89

The decision to retain on active duty military personnel sent to trial for offences shall be taken after the final resolution of the case.

Military personnel on active duty under the Ministry of National Defence shall be suspended from their duty during provisional detention, during the time they are prosecuted, sent to trial or during trials. While being suspended from duty, officers, military foremen and non-commissioned officers shall not benefit from any rights provided by the Ministry of National Defence.

By way of exception to the provisions of Paragraph 2, military personnel may benefit from the right stipulated in Article 9 (e) and the right to use dwelling provided by the institution, while being suspended from duty.

The military personnel on active duty under the Romanian Intelligence Service, the Special Telecommunications Service and the Protection and Guard Service shall be put on disposal when they are sent to trial or during trials in liberty for acts related to the exercise of their duties for the positions they hold or are commissioned.

(On 21-10-2020, Article 89 Paragraph 4 of Chapter 7 was amended by Article I (25) of the LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE no. 1051 of 30 December 2019).

Under the Ministry of National Defence, military personnel on active duty shall be put on disposal when they are sent for trial or during trials in liberty for acts related to the exercise of their duties for the positions they hold, only according to a proposal by the Council of Honor and by the commander.

(On 16-05-2019, Article 89 Paragraph 5 of Chapter 7 was amended by Article 1 (63) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019).

Military personnel put on disposal under the conditions stipulated in Paragraphs (4) and (5) shall perform their duties set in writing by the commanders of the units they are appointed in and shall get the minimum pay corresponding to their rank, as well as the other rights laid down for military personnel on active duty according to the law.

In case of acquittal, criminal trial termination, withdrawal to apply the punishment, closure or withdrawal of criminal proceedings, military personnel suspended from their positions as laid down by Paragraph 2 and put on disposal under the conditions of Paragraphs 4 and 5, shall be reinstated to the rights they had prior to their suspension or being put on disposal, as the case may be, including reinstating in the positions they had or an equivalent one and shall get all the rights they were entitled to the period they were suspended or put on disposal, under the legal provisions in force at their reinstating.

(On 01-02-2014, Article 89 Paragraph 7 of Chapter 7 was amended by Article 33 (3) of LAW 255 no. of 13 July 2013, published in the OFFICIAL GAZETTE no. 515 of 13 August 2013).

Military personnel under the Ministry of National Defence and the Ministry of Internal Affairs suspended from their duty or put on disposal, according to the law, for whom the application of the sentence has been postponed, shall be reinstated to the rights they had prior to their suspension or being put on disposal, as the case may be, including reinstating in the positions they had or an equivalent one and shall get all the rights they were entitled to the period they were suspended or put on disposal, under the legal provisions in force at their reinstating.

(On 16-05-2019, Article 89 Paragraph 5 of Chapter 7 was amended by Article 1 (64) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019).

Military personnel previously suspended from duty who were sentenced by a final court decision to imprisonment are transferred to the reserves as of the suspension date.

Disciplinary sanctions may be applied to military personnel who committed acts for which criminal proceedings have been initiated or who have been sent to court only after the case was solved by the public prosecutor's office or by the court. During this time the disciplinary procedure shall be suspended.

(On 29-04-2011, Article 89 was amended by Article 1 (27) of LAW no. 53 of 11^h April 2011, published in the OFFICIAL GAZETTE no. 290 of 29 April 2011).

ARTICLE 90

Military personnel on active duty, who do not meet the conditions for retirement may not be transferred to the reserves while they are temporarily unable to work, hospitalized in hospitals or sanatoriums, are on medical or parental leave, and female military personnel may not be transferred to the reserves during pregnancy, maternity risk leave or maternity leave granted in accordance with Article 15.

(On 29-06-2007, Article 90 Paragraph 1 was amended by Article II of the EMERGENCY ORDINANCE no. 77 of 28 June 2007, published in the OFFICIAL GAZETTE no. 444 of 29 June 2007).

The provisions of Paragraph 1 shall not apply to those who are to be transferred to the reserves as referred to under provisions of Article 85 Paragraph 1, letters (g), (h), (j), (k), (l), (m) and (n), Article 87 and Article 88.

(On 2-01-2020, Article 90 Paragraph 2 of Chapter VII was amended by Article I (26) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE no. 1051 of 30 December 2019).

ARTICLE 91

Officers, military foremen and non-commissioned officers, who have agreements or contracts with the Ministry of National Defence, being committed to serve in the military for a certain period of time, if they do not comply with the agreement/contract and transfer to the reserves by applying one of the provisions of Article 85 Paragraph 1 (g)-(n), Article 87 and Article 88, they have to reimburse, where appropriate, the upkeeping and training expenses during their schooling period or other expenses incurred in situations for which they entered into agreements or contracts, under the conditions laid down by order of the minister of National Defence.

(On 16-05-2019, Article 91 of Chapter 7 was amended by Article 1 (65) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019).

ARTICLE 91^1

The candidate admitted to the initial professional training institutions of the Ministry of Internal Affairs or training personnel for the needs of the Ministry of Internal Affairs shall sign a commitment to work under the Ministry of Internal Affairs for a period of 10 years from the initial date of the employment record.

Upon termination of the student status in a professional training institution of the Ministry of Internal Affairs or training personnel for the needs of the Ministry of Internal Affairs, as a result of admission to another initial professional education institution of the Ministry of Internal Affairs or training personnel for the needs of the Ministry of Internal Affairs, a new commitment shall be completed, concluded as laid down by Paragraph 1, which shall also cumulate the previous period to be completed, established in proportion to the period of education.

Upon admission of a military foreman/non-commissioned officer to a fulltime Bachelor's degree program in a higher education institution of the Ministry of Internal Affairs or training personnel for the needs of the Ministry of Internal Affairs, a new commitment shall be completed, concluded as laid down by Paragraph 1, which shall also cumulate the previous period to be completed.

Military personnel of the Ministry of Internal Affairs attending a continuing professional training program or an in-service course shall sign a contract to work in the Ministry of Internal Affairs for a period laid down by order of the Minister of Internal Affairs, proportional to the duration/value of the attended course or program.

A trainee/student of an in-service professional training institution of the Ministry of Internal Affairs or training personnel for the needs of the Ministry of Internal Affairs or a military personnel of the Ministry of Internal Affairs who refuses to enter into a new commitment as laid down by Paragraphs 2 and 3 or who does not comply with the conditions of the concluded commitments, shall have to reimburse all the expenses for the period of training/carrying out the programs/courses, in proportion to the remaining period to be performed, including those related to pay entitlements granted during off-work courses, according to the provisions in force.

(On 10-11-2023, Paragraph 91^1 of Chapter 7 was amended by the SOLE ARTICLE (3) of LAW no. 322 of 6 November 2023, published in the OFFICIAL GAZETTE no. 1013 of 7 November 2023).

Provisions of Paragraphs 3 and 5 shall be applied accordingly for military foremen or non-commissioned officers admitted to the academic studies program of professional master for commissioned officers under the "Alexandru Ioan Cuza" Police Academy of the Ministry of Internal Affairs.

(On 10-11-2023, Chapter VII was completed by SOLE ARTICLE (4) of LAW no. 322 of 6 November 2023, published in the OFFICIAL GAZETTE no. 1013 of 7 November 2023).

CHAPTER VIII

Age Limits and Minimum Qualifying Service

SECTION 1

Repealed

(On 29-04-2011, Section I was repealed by Article I (28) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011).

Article 92

Repealed

(On 29-04-2011, Article 92 was repealed by Article I (28) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011).

Article 92^1

Repealed

(On 29-04-2011, Article 92^1 was repealed by Article I (28) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011).

Article 93

Repealed

(On 29-04-2011, Article 93 was repealed by Article I (28) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011).

Article 93^1

Repealed

(On 29-04-2011, Article 93^1 was repealed by Article I (28) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011).

SECTION 2

Minimum qualifying service

ARTICLE 94

In peacetime, the minimum qualifying service for promotion to the following rank of officers, military foremen and non-commissioned officers on active duty shall be laid down as follows:

A. For officers:

- a) Second lieutenant and aspirant - 3 years
- b) First lieutenant - 5 years
- c) Captain - 5 years
- d) Major and lieutenant-commander - 5 years
- e) Lieutenant-colonel and captain-commander - 5 years

For the ranks of colonel, commander and higher ranks, no qualifying service shall be laid down.

(On 29-04-2011, Article 94 Paragraph 2 was amended by Article I (29) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011).

B. For military foremen:

- a) Fifth class military foreman - 2 years
- b) Fourth class military foreman - 4 years
- c) Third class military foreman - 5 years
- d) Second class military foreman - 7 years
- e) First class military foreman - 6 years

(On 16-05-2019, Article 94 (B) of Section II, Chapter 8 was amended by Article I (67) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019).

C. For Non-commissioned officers:

- a) Sergeant - 3 years
- b) Junior Staff Sergeant - 4 years
- c) Staff Sergeant - 5 years
- d) Sergeant first Class - 7 years
- e) Master sergeant - 6 years

(On 16-05-2019, Article 94 of Section II, Chapter 8 was amended by Article I (68) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019).

ARTICLE 94¹

Repealed

(On 16-05-2019, Article 94¹ of Section II, Chapter 8 was completed by Article I (69), LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019).

ARTICLE 95

When calculating the minimum qualifying service, the time when military personnel on active duty of the Ministry of National Defence was absent from duty due to temporary incapacity for work shall not be considered if the absence is longer than 365 days during 2 consecutive calendar years.

(On 16-05-2019, Article 9 of, Section II, Chapter 8 was amended by Article I (68) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019).

ARTICLE 96

The minimum qualifying service shall be reduced by one year for officers, military foremen and non-commissioned officers on active duty who serve as aircrew, paratroopers, personnel on board submarines, torpedo boats or other similar vessels as well as for divers for the entire duration of their qualifying service, as determined by order of the MINISTER of National Defence.

ARTICLE 97

In peacetime, the minimum qualifying service for officers, military foremen and non-commissioned officers in reserve is one year longer than the one laid down by Article 94, and in wartime it is as laid down by the same article. When called or recalled to active duty, to determine their qualifying service in the rank they hold, three fourths of their qualifying service in the rank they hold as reservists shall be considered.

ARTICLE 98

In wartime, the minimum qualifying service shall be reduced by half for officers, military foremen and non-commissioned officers on active duty, as well as for the ones on reserve deployed in military units. Time spent in units in the military action areas shall be counted as double when calculating the minimum qualifying service.

ARTICLE 99

The time during which officers, military foremen and non-commissioned officers on active duty have been sentenced to probation or to serve their sentence, but have been granted amnesty or pardoned before commencing its execution, and the time during which officers, military foremen and non-commissioned officers in reserve have been sentenced to imprisonment with execution of their sentence in a place of detention or through labor without deprivation of liberty, the minimum qualifying service shall not be taken into account, except for the cases when, after retrial, the competent court has pronounced an acquittal.

CHAPTER IX

Final and transitory provisions

ARTICLE 100

The system of record keeping and management of active and in reserve military personnel, the particular methodologies for these activities, during peacetime and during wartime, as well as the authorities that keep the records shall be decided upon by order of the minister of National Defence, except for the situations regulated by law.

The official document proving, within the Ministry of National Defence, the military service seniority and the functions performed by officers, military foremen and non-commissioned officers shall be the transcript of records.

Military ID cards shall be issued to active military personnel under the Ministry of National Defence, under conditions laid down by order of the minister of National Defence.

The organization and functioning of the system for recruitment and selection of candidates for admission to studies/courses for the initial training of the military personnel on active duty shall be decided upon by order of the minister of National Defence.

(on 16-05-2019 Article 100 of Chapter 9 was amended by Article I (72) of Law no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 101

Officers, military foremen and non-commissioned officers on active duty may be seconded to carry out missions outside the Ministry of National Defence. Secondment and termination of secondment shall be done by order of the minister of National Defence or of the commanders appointed by him.

During secondment, officers, military foremen and non-commissioned officers shall have the duties and rights deriving from their status as military personnel on active duty, as well as the obligation to participate in military training under the unit set out by the Ministry of National Defence.

When the interests of the Ministry of National Defence so require, the secondments of military personnel may be terminated by order of the minister of National Defence or of the commanders appointed by him.

ARTICLE 102

In reserve or directly retired officers, military foremen and non-commissioned officers may be employed in civilian sectors on the basis of their bachelor degree or their graduation diploma from military educational institutions or their military studies shall be considered according to the equivalence decided by means of a nomenclature drawn up by the Ministry of National Defence and the Ministry of Education, with the approval of the Ministry of Labor and Social Protection.

ARTICLE 103

Officers, military foremen and non-commissioned officers in reserve according to the provisions of Article 85 Paragraph 1(c), (d) and (e) and who do not meet the conditions for receiving a military retirement pension shall be given priority for retraining and reintegration into the workforce by the Ministry of Labor and Social Protection.

ARTICLE 104

For the purposes of the provisions of this Law, the term "military units" refers to separate units of companies and corps battalions, as well as to all echelons of similar and higher level.

In case of war, the units considered to be part of the military action area shall be appointed by the Main Headquarters.

ARTICLE 105

In order to keep retired officers, military foremen and non-commissioned officers in touch with the current concerns of the army, the Ministry of National Defence shall organize actions to inform them about various sides and aspects of the military science and art development, the improvement of the troop training process and the military technology equipment.

ARTICLE 105^1

Military personnel shall have the right to associate in order to form, according to the law, mutual aid societies which may operate in

premises made available to them free of charge, the military units bearing the cost of utilities.

The board of auditors of mutual aid societies, laid down by Paragraph 1, must also include a representative appointed by the commander/ head of the concerned military unit.

(on 16-05-2019 Chapter 9 was supplemented by Article I, Paragraph 73 of Law no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 106

Officers on active duty and those in reserve holding the rank of Lieutenant Major on the date of entry into force of this Law will be promoted to the following rank as follows:

- a) those who are in the last year of their qualifying service or have exceeded this period will be promoted to captain;
- b) officers on active duty who have a rank seniority of up to 4 years and officers in reserve who have a rank seniority of up to 5 years will be promoted to captain and their qualifying service will be extended by the number of years by which they were promoted earlier than under the conditions provided by the existing regulations before the entry into force of this Law.

Officers on active duty referred to in Paragraph 1 will be promoted to the following rank without being required to be assigned to positions stated in the organizational chart, positions that are equal to or higher than the rank of captain.

The qualifying service for officers who, on the same date, hold the rank of lieutenant will be extended, beyond the one set out in Article 94, by 3 years for those on active duty and by 4 years for those in reserve.

During the 3 year period, but only until the first modification of rank pays, officers on active duty mentioned in Paragraph 3 will receive the rank pay corresponding to the rank of lieutenant major, as provided in the existing regulations on the date of entry into force of this Law.

ARTICLE 107

The provisions of Article 55 paragraph 1, concerning the seniority in positions set out in the organizational charts, with a higher rank than the one held by the officers to be promoted, shall apply one year after the entry into force of this Law.

The provisions of Article 56 Paragraph 1(B)(a) and those of Article 80 shall apply to officers on active duty after a period of 3 years, during which the examination for the rank of major may also be held, and the provisions of Article 56 Paragraph 1(B)(b) and (C)(c) shall apply after a period of 6 years from the entry into force of this Law.

For a period of 3 years after the entry into force of this Law, the lieutenant-colonels and the captain-commanders who do not meet the conditions set out in Article 56 Paragraph 1(C)(b) may be promoted to the following rank after passing the examination for the rank of colonel or commander, respectively.

Within 5 years from the entry into force of this Law, all cases falling under the provisions of Article 74 Paragraph 2 will be cleared.

Officers holding ranks from captain to lieutenant-colonel and captain-commander who, within one year from the date of entry into force of this Law are transferred to the reserves or directly to retirement by application of Article 85 (a) to (e) and who were not promoted in rank during their period of service because they were not assigned to positions corresponding to their new ranks, shall be promoted to the following rank, on transfer to the reserves or on direct retirement, even if they do not meet the conditions set out in Chapter IV, except for those in Article 54.

Military personnel shall be awarded the "Military Merit" order or medal, according to the legal provisions in force, and shall be granted patents attesting to the decorations conferred.

Lieutenant-colonels and captain-commanders without higher military education, appointed to positions of colonel or commander, respectively, may be promoted to the following rank, within 3 years from the entry into force of this Law, after passing the examination for the rank of colonel or commander, respectively, even if they do not meet the conditions set out in Article 56 Paragraph 1 (C) (a).

ARTICLE 108

The provisions of this Law concerning military personnel in reserve and retired, military pensioners, shall also apply to those receiving payment at the entry into force of this Law.

ARTICLE 108¹

The rank of Sergeant*) granted to military personnel of the Ministry of National Defence until the date of entry into force of this Emergency Ordinance shall be replaced by the rank of corporal.

*) CTCE note:

According to Article II Paragraph 1 of the EMERGENCY ORDINANCE no. 90 of 20 June 2001, published in the OFFICIAL GAZETTE no. 349 of 29 June 2001, when it comes to the Ministry of National Defence, for the entire Law no. 80/1995 on the status of military personnel, with subsequent amendments and additions, the term "sergeant" and "sergeants", respectively, is to be replaced by "corporal" and "corporals", respectively. The ranking coefficient of the rank pays for fifth class military foreman and sergeants is the one laid down by Law no. 138/1999 for sergeant.

ARTICLE 109

The provisions of this Law shall also apply accordingly to officers, military foremen and non-commissioned officers under the Ministry of Internal Affairs and the Ministry of Justice, as well as to the state services specialized in the field of defence and national security which, according to the law, have military personnel under their own structures.

The powers of the minister of National Defence, as laid down by this Law, shall be exercised, as the case may be, by the heads of the respective ministries and services; those of the Chief of Defence Staff, by their legal substitutes, and those of the College of the Ministry, by the Board of Directors.

The provisions of Article 2 Paragraph 2¹ (A) (A¹), (B) (a) and (b), Article 5 Paragraph 2, Article 35¹ Paragraphs 4 and 5, Article 36 Paragraph 1(i) and Paragraph 3, Article 37(e), Article 38 Paragraph 2, Article 40 Paragraph 2, Article 41¹, Article 48 Paragraphs 2 and 3, Article 50 Paragraph 5, Article 51 Paragraph 2, Article 53 Paragraph 4, Article 75 Paragraphs 2-4, Article 75¹, Article 77¹ Paragraph 2, Article 85 Paragraph 1(e¹) and Article 108¹ shall exclusively apply to military personnel under the structures of the Ministry of National Defense.

(on 31-03-2020 Article 109 Paragraph 3 of Chapter X was amended by Article I (9) of the EMERGENCY ORDINANCE no. 36 of 26 March 2020, published in the OFFICIAL GAZETTE no. 268 of 31 March 2020)

The appointment, promotion, transfer, age limits, conditions for maintenance in the Magistracy and other aspects of the professional career of military judges and prosecutors shall be subject to the rules governing the status of judges and prosecutors.

(on 01-02-2014 Article 109 Paragraph 4 was amended by Article 33 (4) of LAW no. 255 of 19 July 2013, published in the OFFICIAL GAZETTE no. 515 of 14 August 2013)

The provisions of Article 27 shall exclusively apply to military personnel under the Ministry of National Defence, the Ministry of Internal Affairs, the Special Telecommunications Service, the Protection and Guard Service and the Romanian Intelligence Service

(on the 29-04-2011, Article 109 Paragraph 5 was inserted by Article I (33) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011)

The provisions of Article 85 Paragraph 1(n) shall exclusively apply to military personnel under the Ministry of National Defence, the Ministry of Internal Affairs, the Special Telecommunications Service, the Romanian Intelligence Service and the Foreign Intelligence Service.

(on 29-04-2011 Article 109 Paragraph 6 was inserted by Article I (33) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. of 290 of 26 April 2011)

The provisions of Article 77¹ and Article 78 Paragraph 3 shall exclusively apply to military personnel under the Ministry of National Defence, the Ministry of Internal Affairs, the Romanian Intelligence Service, the Protection and Guard Service and the Special Telecommunications Service.

(on 29-04-2011 Article 109 Paragraph 7 was inserted by Article I (33) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011)

The provisions of Article 85 Paragraph 6 shall exclusively apply to military personnel under the Ministry of National Defence, the Ministry of Internal Affairs, the Foreign Intelligence Service, the Romanian Intelligence Service and the Special Telecommunications Service.

(on 29-04-2011 Article 109 Paragraph 8 was inserted by Article I (33) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011)

The provisions of Article 87 Paragraph 1 shall exclusively apply to military personnel under the Ministry of Internal Affairs and the Protection and Guard Service.

(on 29-04-2011 Article 109 Paragraph 9 was inserted by Article I (33) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011)

The provisions of Article 87 Paragraph 2 shall exclusively apply to military personnel under the Ministry of National Defence, the Romanian Intelligence Service, the Foreign Intelligence Service and the Special Telecommunications Service.

(on 29-04-2011 Article 109 Paragraph 10 was inserted by Article I (33) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011)

The provisions of Article 87 Paragraph 3 shall exclusively apply to military personnel under the Ministry of National Defence, the Romanian Intelligence Service, the Foreign Intelligence Service and the Special Telecommunications Service.

(on 29-04-2011 Article 109 Paragraph 11 was inserted by Article I (33) of LAW no. 53 of 21 April 2011, published in the OFFICIAL GAZETTE no. 290 of 26 April 2011)

The provisions of Article 89 Paragraph 5 shall exclusively apply to military personnel under the Ministry of National Defence, the Foreign Intelligence Service and the Ministry of Internal Affairs.

(on 02-01-2020 Article 109 Paragraph 12 of Chapter IX was amended by Article I (27) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE no. 1051 of 30 December 2019)

The provisions of Article 2 Paragraph 2, Article 35¹³, Article 51 Paragraph 1, Article 52 Paragraph 1, Article 55 Paragraph 1 on the duration of the service, Articles 56-59, Article 62, Article 77¹ Paragraph 1, Articles 80 and 81 shall not apply to officers, military foremen and non-commissioned officers under the Ministry of National Defence.

(on 31-03-2020 Article 109 Paragraph 13 of Chapter IX was amended by Article I (9) of the EMERGENCY ORDINANCE no. 36 of 26 March 2020, published in the OFFICIAL GAZETTE no. 268 of 31 March 2020)

Repealed.

(on 02-10-2020, Article 109 Paragraph 14 of Chapter IX was repealed by Article I (28) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE no. 1051 of 30 December 2019)

The provisions of Article 91¹ shall also apply to the Romanian Intelligence Service and the Protection and Guard Service.

(on 16-05-2019, Article 109 of Chapter 9 was supplemented by Article I (75) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

The provisions of Article 95 shall not apply to officers, military foremen and non-commissioned officers under the Romanian Intelligence Service, the Foreign Intelligence Service, the Special Telecommunications Service and the Protection and Guard Service.
(on 02-01-2020, Article 109 of Chapter IX was supplemented by Article I (29) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE no. 1051 of 30 December 2019)

ARTICLE 110

The transfer of military personnel between the ministries and services referred to in Article 109 shall be performed by order of the head of the institution they are transferring from, at the request of or with the consent of the head of the institution to which they are transferring.

In the case of the transfer referred to in Paragraph 1, as well as in the event of recall to active duty within 60 days of the date of transfer to the reserve, the institution to which the person is being transferred/recruited shall take over all rights and obligations arising from the contracts and commitments concluded under Articles 41¹, 41², 91 and 91¹ and in force on the date of transfer/recruitment.
(on 02-01-2020, Article 110 Paragraph 2 of Chapter IX was amended by Article I (30) of LAW no. 259 of 24 December 2019, published in the OFFICIAL GAZETTE no. 1051 of 30 December 2019)

In cases referred to in Paragraph 2, the institution to which the transfer/recruitment is being done shall continue to grant the rights referred to in Article 20¹ Paragraph 2¹.
(on 16-05-2019, Article 110 of Chapter 9 was supplemented by Article I (76) of LAW no. 101 of 8 May 2019, published in the OFFICIAL GAZETTE no. 371 of 13 May 2019)

ARTICLE 111

Ministers, Secretaries of State, Undersecretaries of State and their civilian assimilated entities, under the Ministry of National Defence and the institutions referred to in Article 109 shall be entitled to the material rights settled in this Law for military personnel on active duty, equivalent to officers holding the rank of general or admiral, respectively.
(on 12-03-2004, Article 111 was amended by Article I (6) of the EMERGENCY ORDINANCE no. 4 of 26 February 2004, published in the OFFICIAL GAZETTE no. 220 of 12 March 2004)

ARTICLE 112

For the purposes of the provisions of this Law, the family of military personnel shall include the spouse, the children and parents legally dependent of them.

ARTICLE 113

This Law shall enter into force 60 days after its publication in the Official Gazette of Romania. On the same date, the Statute of the Officers' Corps, the Statute of the Military Foremen Corps and the

Statute of the Non-Commissioned Officers' Corps, approved by the Council of Ministers' Decisions no. 1.177/1965, no. 924/1964 and no. 1.178/1965, as well as any other conflicting provisions are repealed.

This law was adopted by the Chamber of Deputies and the Senate in a joint meeting on 29 June 1995, in compliance with the provisions of Article 74 Paragraph 1 and Article 76 Paragraph 2 of the Constitution of Romania.

p. PRESIDENT OF THE CHAMBER OF DEPUTIES
VASILE LUPU
PRESIDENT OF THE SENATE
Prof. OLIVIU GHERMAN, Ph. D.