

# ROMANIAN PARLIAMENT

LOWER HOUSE  
SENATE

## L A W ON THE PREVENTION AND SUPPRESSION OF TERRORISM

**Romanian Parliament** adopts the present law.

### CHAPTER I General provisions

**Art. 1.** – The terrorism represents an array of actions and / or threats that menace the public order and affect the national security, having the following features:

- a) Are deliberately perpetrated by terrorist entities that share extremist views and attitudes and are hostile to other entities that they target by violent and / or destructive means;
- b) Are aimed at achieving specific goals of political nature;
- b) Are directed against human and / or material factors representing the authorities and public institutions, civilians or any other element belonging to these entities;
- c) Generate situations that have powerful impact on the population designated to draw the attention to their objectives.

**Art. 2.** – The activities of the terrorist entities are punished in accordance with the provisions of the present law if they meet any of the following conditions:

- a) Are usually conducted by violent means and induce feelings of anxiety, insecurity, fear, panic or terror to the civilians;
- b) Severely endanger the specific and unspecific human factors and the material ones;
- c) Are aimed at achieving specific political objectives by compelling the national authorities or an international organization to make, revoke or influence decisions in favor of a terrorist entity.

**Art. 3.** – The terrorist acts have transnational character if they:

- a) Are perpetrated on the soil of at least two states;
- b) Are perpetrated on the soil of a state but they are partly planned, conducted or controlled from the soil of another state;
- c) Are perpetrated on the soil of a state but involve a terrorist entity operating on the soil of another state;

- d) Are perpetrated on the soil of a state but have substantial consequences on the soil of another state.

**Art. 4.** – For the purposes of the present law, the terms and expressions listed below have the following meaning:

1. *Terrorist entity* – person, grouping, structured group or organization that:
  - a) Conducts or participates in terrorist acts;
  - b) Plans to conduct terrorist acts;
  - c) Promotes or encourages terrorism;
  - d) Supports terrorism by any means.
2. *Terrorist* – a person that perpetrates one of the crimes stipulated by the present law or intends to plan, perpetrate, facilitate terrorist acts or to instigate to this kind of actions;
3. *Structured group* – a group that is not established at random for the immediate perpetration of a terrorist act, does not have a constant number of members and does not involve pre-established roles or hierarchical structure;
4. *Terrorist group* – a structured group consisting of more than two persons, which has been established for a certain period of time and concertedly operates for conducting terrorist acts;
5. *Terrorist organization* – a hierarchically organized structure that has its own organizational and action ideology and both national and international representation and uses violent and / or destructive means for achieving its specific objectives;
6. *Directing a terrorist entity* – guiding, overseeing, controlling or coordinating the activities of a structured group, terrorist group or terrorist organization;
7. *Terrorist actions* – preparing, planning, favoring, conducting, directing, coordinating and controlling a terrorist act, and any other activity carried out after the perpetration of such an act, if connected to it;
8. *Financial resources* – the funds directly or indirectly collected or obtained as well as the accounts belonging to legal or natural persons and their bank deposits;
9. *Logistical resources* – movable and immovable properties, no matter the title to ownership, communication means, standard or special mass media, commercial companies, indoctrination, education and training means, documents that have been counterfeited or issued as a result of false declarations, mask and disguise elements, and any other kind of goods;
10. *Specific human factors* – persons that are directly involved in the political decision-making functional mechanisms, namely the officials, soldiers, employees as well as the representatives of international organizations;
11. *Unspecific human factors* - persons that are directly involved in the political decision-making functional mechanisms, generally civilians;
12. *Material factors* – environment factors, crops and livestock, foodstuff and other commodities for everyday use, strategic military and military-use facility; public utility infrastructures, state and governmental facilities, transportation systems, telecommunication and IT systems, national symbols and values as well

as the movable and immovable properties belonging to the international organizations;

13. *Governmental and state facilities* – permanent or temporary transportation means used by the representatives of a state, members of the government, and of the legislative or judicial authorities, workers or employees of other state or of any other public institution or intergovernmental organization, in connection with their official missions;

14. *Facilities of strategic importance* – the facilities belonging to the armed forces or those that have a crucial importance for country's defense, state's activity, economy, culture and art, the compounds belonging to diplomatic missions or to international organizations as well as the infrastructure and public utility facilities;

15. *Public use place* – that part of a building, land, street, navigable channel, commercial, business, sporting, cultural, historical, educational, religious, and recreational place, or any other place where the public access is allowed;

16. *Infrastructure facilities* – public or private public utilities that ensure or provide services to the public, such as electric power, gas, water, communications, banking services, medical services, telecommunication and IT systems;

17. *Transportation systems* – all the facilities and means of transportation as well as all the public or private instruments used in / for public services, transporting persons or goods;

18. *Terrorist crisis* – the actual situation created before or after the perpetration of a terrorist act by which:

- a) A series of activities of economic, social, political or any other nature are stopped or seriously affected;
- b) Specific and unspecific human factors or important material factors are endangered;
- c) The security of the civilians or of a collectivity is put at major risk;
- d) Defensive or offensive measures are required for eliminating the threats generated by the actual situation;

19) *Profit of a terrorist entity* – any commodities that partially or entirely, directly or indirectly represent a gain obtained from the perpetration of terrorist acts or from the terrorist-related activities;

20) *Antiterrorist intervention* – the array of defensive measures, taken before imminent terrorist attacks for lessening the vulnerability of specific and unspecific human factors and of material factors;

21) *Counterterrorist intervention* – the array of offensive measures taken for capturing or annihilating the terrorists, releasing the hostages and restoring legal order in the event that a terrorist attack took / has taken place.

## **CHAPTER II**

### **The prevention and suppression of terrorism**

#### **Section 1**

## *The National System for Preventing and Combating Terrorism*

**Art. 5** – The prevention and suppression of terrorism are conducted in accordance with the provisions of the international conventions on terrorism, that Romania is a party to, and with the international and national regulations and laws on human rights.

**Art. 6** – (1) At national level, the prevention and suppression of terrorism is organized and conducted in a unitary manner, in accordance with the present law. (2) For this purpose, the cooperation in this line of work is accomplished within the National System for Preventing and Combating Terrorism – hereafter referred to as NSPCT, with the participation of the following authorities and national institutions:

- a) Romanian Intelligence Service, with technical coordination role;
- b) Ministry of Administration and Interior;
- c) Ministry of National Defense;
- d) Ministry of Foreign Affairs;
- e) Ministry of Economy and Trade;
- f) Ministry of Agriculture, Forests and Rural Development;
- g) Ministry of Environment and Waters
- h) Ministry of Transportation, Buildings and Tourism
- i) Ministry of Health;
- j) Ministry of Communications and Information Technology;
- k) Ministry of Public Finance;
- l) Ministry of European Integration;
- m) Ministry of Justice;
- n) Foreign Intelligence Service;
- o) Guard and Protection Service;
- p) Special Communication Service;
- q) General Attorney's Office of the Supreme Cassation and Justice Court;
- r) National Bank of Romania
- s) National Agency for Exports' Control;
- t) National Office for the Prevention of Money Laundering; and
- u) National Commission for the Nuclear Activities' Control.

(3) The Antiterrorist Operational Coordination Center, hereafter referred to as AOCC, is established within the Romanian Intelligence Service as the national authority in this line of work by which the Service ensures the technical coordination of the NSCPT.

**Art. 7** – For preventing and suppressing the terrorist acts and the offences assimilated to them, the authorities and public institutions that form the NSPCT carry out specific activities – individually or in cooperation – in accordance with their legal assignments and competencies and the provisions of the General

Protocol on the Organization and Functioning of the NSPCT approved by the Supreme Council of Country's Defense.

**Art. 8** – The Ministries, authorities and public institutions assigned to implement the provisions of the present law should inform the Romanian Intelligence Service about the legal or natural persons suspected of having perpetrated or favored terrorist acts by any means.

**Art. 9** – The institutions and legal persons, others than those included in the NSCPT, and the natural persons that have knowledge of data and indications on the perpetration, favoring or financing of terrorist acts have the following obligations:

- a) To immediately notify the competent authorities;
- b) To allow the access of the competent authorities' representatives to buildings, as well as to data and intelligence connected to terrorist acts;
- c) At the competent authorities' request, to provide them with the assistance needed for accomplishing their assignments in preventing and suppressing terrorism.

**Art. 10.** – The specific assignments in the prevention of terrorism, as referred to at the art. 7 consist of:

- a) Intelligence and operational activities;
- b) Activities against the flows that fuel the terrorist entities with human resources carried out both inside and outside Romania;
- c) Activities against the flows that provide the terrorist entities with specific action means as well as with financial, logistical or informational resources, carried out both inside and outside Romania;
- d) Guard and protection activities and other dissuasive activities carried out by the forces belonging to some of the authorities and public institutions that form the NSPCT for ensuring the security of the main categories of human factors and domestic or foreign facilities on the national soil, as well as of the main Romanian facilities abroad, potentially targeted by terrorist entities;
- e) Activities for preparing the interventions in the civil emergency situation generated by terrorist actions, for lessening and annihilating their effects;
- f) Information and public relation activities;
- g) International cooperation activities;
- h) Professional training and specialization activities;
- i) Activities for continuously improving the legal framework that apply to the categories of missions assigned to the NSCPT, including from the penal and penal procedure perspectives.

**Art. 11.** - The specific assignments in the suppression of terrorism, as referred to at the art. 7 consist in the following activities:

- a) Identification and other types of activities, in accordance with the tasks assigned to the competent authorities and public institutions for instituting criminal proceedings in court against the persons that plan, conduct or favor terrorist acts, pursuant to the law;
- b) Antiterrorist intervention, when the perpetration of a terrorist attack is imminent and counterterrorist intervention, when terrorist attacks have been perpetrated or are actually in process; and
- c) Participation in counterterrorist operations, through international cooperation.

**Art. 12.** – (1) In the event of a terrorist attack, the Romanian Intelligence Service, through its specialized unit, conducts the counterterrorist intervention, independently or in cooperation with other competent forces, throughout Romanian national soil, on the facilities that have been attacked or occupied by terrorists, for capturing or annihilating them, releasing the hostages and restoring legal order.

(2) The counterterrorist intervention should be approved by the Supreme Council of Country's Defense and is conducted in accordance with the methodology drawn up by the Romanian Intelligence Service and approved by Decision of the Supreme Council of Country's Defense.

(3) When the perpetration of a terrorist attack is imminent, the antiterrorist intervention is conducted in accordance with the methodology approved by the Romanian Intelligence Service.

(4) At the request of the Romanian Intelligence Service, based on the size and type of the terrorist action, other forces with specific tasks belonging to the Ministry of Administration and Interior, Ministry of National Defense and Guard and Protection Service, as well as to other structures of the security and national defense system can participate in the intervention, within the conditions set by the law.

**Art. 13.** – (1) For accomplishing the assignments stipulated by the Art. 10 and Art. 11, the authorities and public institutions that form the NSPCT appoint their representatives, who hold offices as state secretaries or subsecretaries and meet in plenary sessions that are organized at least once a year and are attended by the General Attorney of the General Attorney's Office by the High Court of Cassation and Justice.

(2) The Authorities and public institutions that form the NSPCT appoint permanent representative experts that constitute a Working Group and meet every six months or when required.

(3) In the meetings organized as stipulated at paragraph (2), the Working Group assesses the way in which the provisions of General Protocol on the Organization and Functioning of the NSPCT are accomplished and submits its reports to the Supreme Council of Country's Defense.

**Art. 14.** – (1) The Antiterrorist Operational Coordination Center (AOCC) is the organizational and functional structure that ensures the continuous coherent functioning of the connection system that articulates the components of the NSPCT.

(2) Each of the authorities and public institutions that form the NSPCT will appoint a permanent representative to the AOCC, for ensuring the exchange of data and intelligence.

(3) The structure and strength of the AOCC are approved by decision of the Supreme Council of Country's Defense.

(4) Within 60 days from the moment in which the present law comes into force, the Romanian Intelligence Service will submit the AOCC Organization and Functioning Regulation to the Supreme Council of Country's Defense.

**Art. 15.** – The authorities and public institutions that form the NSPCT ensure the access of the AOCC representatives to their headquarters and special facilities inside them for checking the intelligence and / or carry out the specific activities for preventing and combating terrorism.

**Art. 16.** – Romanian Intelligence Service, Ministry of National Defense, Ministry of Administration and Internal Affairs, Public Administration, Foreign Intelligence Service, Protection and Guard Service and Special Telecommunications Service are exempted from the art. 15's provisions.

**Art. 17.** – The Antiterrorist Operational Coordination Center is in charge of the following responsibilities:

- a) It coordinates the activities carried out within the National System for Preventing and Countering Terrorism by representatives designated by the public authorities and institutions belonging to the System;
- b) It ensure the operational intelligence exchange between the public authorities and institutions belonging to the System, concerning the terrorist activities;
- c) It integrates the data and intelligence obtained for determining and taking the appropriate measures;
- d) It monitors the terrorist activities and effectively informs the public authorities and institutions belonging to the System;
- e) It ensures - in cases of terrorist emergency - the logistic and operational support to the National Center for Antiterrorist Action which is operationally integrated in the general mechanism of emergency management and is organized according to the law;
- f) It sends to the public authorities and institutions belonging to the National System for Preventing and Countering Terrorism the data and intelligence that are subject of the measures' undertaking, in accordance to the legal responsibilities.

**Art. 18.** – Within the organizational structure of the public authorities and institutions belonging to the National System for Preventing and Countering Terrorism, permanent special departments will be established and persons will be appointed to ensure the structural and functional support for the coherent functioning of the cooperation and the permanent connection with the Antiterrorist Operational Coordination Center;

**Art. 19.** – (1) The task concerning the periodic updating of the provisions of the general Protocol for the organization and operation of the National System for Preventing and Countering Terrorism devolves on the System's members, in accordance with the changes emerged in this domain and on the Romanian Intelligence Service, as technical coordinator.

(2) Any change in the general Protocol for the organization and operation of the National System for Preventing and Countering Terrorism will be presented for approval to the Supreme Council for Country's Defense.

## **Section 2**

### **Measures concerning the performance of some activities with the aim of collecting intelligence**

**Art. 20.** – The threats against the Romania's national security – stipulated in the art. 3 of the Law no. 51/1991 concerning the Romania's national security – including the terrorist acts stipulated in the present law, constitute the legal base for the state's authorities in charge with the national security to propose the attorney to request authorization for conducting intelligence collection activities, such as: the communications' monitoring; the search of intelligence, documents or pocket litters, when this requires the access to a certain place or object or the opening of a certain object; the taking and putting back a certain object or document, it's examination, taking out the intelligence included and the recording, copying or obtaining excerpts by any means; the placing of objects, their maintenance and their removal from the places where they had been installed.

**Art. 21.** – (1) The proposal will be put down in writing and it has to contain the following items: data and indications concerning the existence of a threat against the national security whose identification, prevention or countering require the authorization; the activities whose performance requires the authorization; the identity of the person (if known) whose communications have to be monitored or of the person who possess the intelligence, documents or objects that have to be

obtained; the general description (when and if is possible) of the place where the authorized activities are to take place; the validity term of the authorization.

(2) The proposal will be submitted to the General Attorney of the Attorney's Office by the High Court of Cassation and Justice and the special-appointed attorneys will analyze the validity and legality of the proposal.

(3) If the attorneys evaluate the proposal as groundlessly, the general attorney will reject it by a reasoned resolution and will immediately inform the emitter.

(4) If the special-appointed attorneys assess, within 24 hours from the request's registration, that the proposal is valid and it meets all the lawful requirements, the General Attorney of the Attorney's Office by the High Court of Cassation and Justice or his legal substitute will submit a written request to the president of the High Court of Cassation and Justice for the authorization of the proposed activities.

(5) The proposal should include all the data in paragraph (1).

(6) The request is analyzed in the council chamber by judges specially appointed for this purpose by the president of the High Court of Cassation and Justice; the judges approve or reject the proposal, motivating the decision in a closing document.

(7) If the proposal is denied, it should be returned to the attorney, along with a copy of the closing document.

(8) If the proposal is evaluated as being justified, the judge will issue, along with the closing document, a mandate authorizing the proposed activities.

(9) The mandate is handed to the special-appointed representative of the authority that proposed the authorization and should include the following data: categories of communications that can be monitored, categories of data, documents or objects that can be obtained; identification data of the person whose communications is to be monitored or who possesses the data, intelligence or objects that have to be obtained - if known; the general description of the place where the mandate is to be executed; the authority in charge with the execution; the validity term of the mandate.

(10) The validity term of the mandate cannot go beyond 6 months; based on well-founded facts, the judges specially appointed by the president of the High Court of Cassation and Justice can extend, by request, the validity term of the mandate, but not longer than 3 month each time.

(11) In this case, the procedure stipulated in paragraph (1) – (9) will be applied.

(12) The request, the issuance and the performing of the mandate are in accordance with the Law no. 182/2002's provisions concerning the protection of the classified intelligence.

(13) The authorities that proposed the authorization of the activities that are subject of the mandate are obliged to immediately cut them off in case of the reasons that had supported them have stopped and to inform about this the General Attorney of the Attorney's Office by the High Court of Cassation and Justice.

(14) The same authorities have to notify in writing to the General Attorney of the Attorney's Office by the High Court of Cassation and Justice about the result of the activities authorized by the mandate and about the measures taken in accordance with the law.

**Art. 22.** – (1) In case of exceptional situations requiring the suppression of some imminent threats to the national security, the specialized state authorities could carry out the activities stipulated in the art. 20 without enjoying the authorization mentioned in the present law and the proposal is to be submitted as soon as it is possible but not later than 48 hours.

(2) If the judge estimates the continuation of the activities stipulated in the paragraph (1) as unnecessary, he will order the cessation of these activities.

## **CHAPTER III**

### **Prevention of the terrorist acts' financing**

#### *Section 1*

#### *Banned financial-banking transactions*

**Art. 23.** – The financial-banking transactions between residents and non-residents as well as between non-residents, consisting in current bank account or capital bank account operations, including the currency exchange operations, in the form in which they are defined by the currency regulations issued by the National Bank of Romania, made for or in the bank accounts belonging to the legal or natural persons stipulated in the appendix of the Government Emergency Ordinance no. 159/2001 for preventing and combating the use of the financial-banking system with the aim to finance the terrorist acts, approved by the Law no. 466/2002, are banned.

(2) The assets of the persons included in the appendix mentioned at the paragraph (1) are frozen and no transfer - by any means, including the banking one - is allowed.

**Art. 24.** – (1) The appendix of the art. 23, paragraph (2) will be periodically improved and updated by a Government's decision, based on the intelligence received from the UN Security Council.

(2) The appendix's improvement and updating will consist in the identification data of the legal and natural persons, their nationality, citizenship, date and place of birth for the natural persons and the main office, nationality and the registration number for the legal persons.

(3) The identification data will be requested by the Ministry of Foreign Affairs from the UN Security Council, at the request of the Ministry of Public Finances.

**Art. 25.** – The personnel of the financial-banking institutions have the obligation to refuse performing the operations stipulated in the art. 23, paragraph (1) and to immediately notify the Attorney’s Office by the Appeal Court.

## ***Section 2***

### ***Financial-banking transactions subject to the authorization***

**Art. 26.** – (1) The authorities and the public institutions having responsibilities within the National System for Preventing and Countering Terrorism, as well as the National Office of the Registry of Commerce, the National Committee of the Movable Values and the Insurance Monitoring Committee, cooperate in order to draft and update the lists including the legal and natural persons suspected of having financed or perpetrated terrorist acts, other than those mentioned in the appendix attached to the art. 23, paragraph (1), that are subsequently sent to the Antiterrorist Operational Coordination Center.

(2) The lists include the identification data mentioned in the art. 24, paragraph (2).

(3) If the lists don’t include the identification data, the Antiterrorist Operational Coordination Center will request the necessary measures to be taken by the competent institution, in order to obtain the necessary intelligence.

**Art. 27** – The resulting lists are sent by the Antiterrorist Operational Coordination Center to the Public Finances Ministry that, based on the lists mentioned in the art. 26, paragraph (1), draws up a single list and subsequently submits it to the Government in order to be approved.

**Art. 28.** – If made for or in the bank accounts belonging to the legal or natural persons registered in the list mentioned in the art. 27, the financial-banking transactions mentioned in the art. 23, paragraph (1) are subject to the preliminary authorization of the National Bank of Romania, of the National Committee of the Movable Values or of the Insurance Monitoring Committee.

**Art. 29.** – (1) The personnel of the financial-banking institutions have the obligation to notify the leading structure of their institution about the request concerning the financial-banking operation subject to the authorization.

(2) The financial-banking institutions in Romania immediately present to National Bank of Romania, National Committee of the Movable Values or Insurance Monitoring Committee the documents concerning the financial-banking operation subject to the authorization.

**Art. 30.** – (1) Within 5 days from the documents’ presentation, National Bank of Romania, National Committee of the Movable Values or Insurance Monitoring Committee issues the authorizing order for the operation mentioned in the art. 28 or refuse issuing the authorization and notify the Attorney’s Office by the Appeal Court and the Romanian Intelligence Service.

(2) The National Bank of Romania, National Committee of the Movable Values and Insurance Monitoring Committee issue - within 30 days from the present law's enactment - regulations concerning the necessary documents for the financial-banking transactions subject to the authorization.

**Art. 31.** – National Bank of Romania, National Committee of the Movable Values and Insurance Monitoring Committee monitor the way in which the institutions fulfill the provisions of the present law and implement the legal sanctions in their responsibility.

## **CHAPTER IV**

### **Crimes and misdemeanors**

**Art. 32.** – (1) The following crimes - perpetrated under the circumstances of the art. 2's provisions - are considered as terrorist acts:

- a) Murder, murder in the second degree and murder in the first degree (stipulated in the art. 174 – 176 of Penal Code), simple assault and aggravated assault (stipulated in the art. 181 and 182 of the Penal Code) as well as kidnapping (stipulated in art. 189 of the Penal Code).
- b) The crimes stipulated in art. 106 – 109 of the republished Governmental Ordinance no. 29/1997 concerning the Aerial Code.
- c) Acts of ravaging stipulated in art. 217 and 218 of the Penal Code.
- d) Acts of non-compliance with the arms and ammunition's regime and with the nuclear materials and other radioactive matters' regime as well as with the explosive matters' regime, stipulated in art. 279, 279<sup>1</sup> and 280 of the Penal Code.
- e) Manufacture, acquisition, possession, transport, provision or transfer of the chemical or biological weapons to other persons, directly or indirectly, as well as the research work or the development of such weapons.
- f) Introduction or spread in the atmosphere of the products, substances, materials, microorganisms or toxins that could endanger the people's or animals' health and the environment.
- g) The threat of perpetration the acts stipulated in sub-paragraphs a) – f).

(2) The penalties for the terrorist acts stipulated in paragraph (1) will be as follows:

- a) For the crimes stipulated in paragraph (1), sub-paragraph a) – d), the maximum term of imprisonment stipulated by the law increases by 5 years but should not be longer than the prison's general maximum term of imprisonment and the penalty of banning some rights is applied.
- b) For the crimes stipulated in paragraph (1), sub-paragraph e) – f), the penalty is 15 to 20 years in jail and the interdiction of some rights and for the crime stipulated in paragraph (1), sub-paragraph g) the penalty is 3 to 10 years in jail and the interdiction of some rights.

(3) For the acts of ravaging stipulated in the art. 217 of the Penal Code and perpetrated in terms of the paragraph (1), the penalty of fine cannot be applied.

4) The attempt is also subject of punishment.

5) Manufacture or acquisition of means or tools as well as the preparations for perpetrating the crimes stipulated in paragraph (1) is also considered as attempt.

**Art. 33.** – (1) The following acts are assimilated to the terrorist acts:

- a) Acquisition, possession, manufacture, fabrication and provision or production of destructive means, toxic substances, materials, microorganisms or other harmful substances or means that could endanger the people's and animals' health or the environment, for terrorist purposes.
- b) Recruitment, instruction and training of the terrorist entities concerning the use of the fire arms, ammunition, explosives, chemical, biological, bacteriological or nuclear weapons and for facilitating or perpetrating the terrorist acts.
- c) Acts of supporting the entrance/exit in/from the country or supporting the access to the target area of the person known as having supported/perpetrated or planning to support/perpetrate a terrorist act.
- d) Collection and possession for transfer purposes or communication of data and intelligence about the terrorist targets, without having the legal right.
- e) Promotion of some ideas, conceptions or attitudes in order to support the cause and/or the activity of the terrorist entity.
- f) Money laundering, fraudulent bankruptcy, corruption acts, extortion, human smuggling, illegal drugs and precursors' trafficking, smuggling, stolen cars' trafficking, currency or other values' counterfeiting and any other crimes intended for obtaining an advantage in the benefit of the terrorist entity.
- g) Any other acts committed for supporting, facilitating, hiding or causing the terrorist acts' perpetration.

(2) The penalties for the acts stipulated in the paragraph (1) will be as follows:

- a) 10 to 15 years in prison and the interdiction of some rights, those stipulated in sub-paragraphs a) and b);
- b) 5 to 10 years in prison and the interdiction of some rights, those stipulated in sub-paragraphs c), d) and e);
- c) 1 to 5 years and the interdiction of some rights, those stipulated in sub-paragraph g).

(3) For the crimes stipulated in the paragraph (1), sub-paragraph f), the maximum term of imprisonment stipulated by the law increases by 3 years but should not be longer than the prison's general maximum term of imprisonment.

**Art. 34.** – (1) The terrorist act is also the person's act (perpetrated under the circumstances of the art. 2's provisions) of:

- a) Seizing a ship or a fixed drilling platform or controlling them by violent means or by threat of using violence;
  - b) Perpetrating a violent act against a person aboard a ship or against a fixed drilling platform, if thus the security of the ship and the fixed platform is threatened.
  - c) To destroy a drilling platform or a ship or to cause damages to a drilling platform or to a ship's cargo meant to jeopardize the security of the drilling platform or of ship's navigation system;
  - d) To set off or to support in setting on a ship or a drilling platform, by any means, a device or a substance having the necessary power to destroy or to induce prejudices to the ship, drilling platform or to the cargo that compromise or are meant to compromise the security of the drilling platform or of the ship;
  - e) To destroy or seriously impair the drilling platform or facilities or navigation services or to seriously disturb them if one of these acts is meant to jeopardize de security of the drilling platform or the navigation systems of a ship;
  - f) To communicate an information knowing it is false and by this act the security of the ship's navigation to be jeopardized;
  - g) To wound or kill any person, when these acts have a connection with the crimes listed from a) to f).
- (2) The acts listed on the paragraph (1) are sanctioned as follows:
- a) In case of the crimes listed to the paragraphs a)-e) and g) with a sentence of 15 to 25 years imprisonment and interdiction of some rights;
  - b) In case of the crime listed at paragraph f) imprisonment from 10 to 20 years and interdiction of some rights.
- (3) The attempt is punished.
- (4) It is considered to be an attempt producing or procuring the means and instruments or undertaking some measures to carry out the crimes stipulated to the paragraph (1).

**Art. 35.** – (1) The action of a person to lead a terrorist entity is punished with life imprisonment or hard detention, from 15 to 25 years and interdiction of some rights.

(2) The action to associate or initiate an association to carry out terrorist acts or to adhere or support, by any means, such an association, is punished with imprisonment from 10 to 15 years but it can not get beyond the maximum law stipulates for the crime comprised in the goal of the association.

**Art. 36.** – (1) Making the necessary arrangements for a terrorist entity to have assets or real estates, knowing that these are used for supporting of undertaking terrorist attacks or obtaining or collecting of funds, direct or indirect, or carrying out financial or banking operations to finance terrorist attacks is sentenced with 15-20 years imprisonment and forbidding some rights.

(2) The assets or real estates being offered to the terrorist entity and the funds gained or collected to finance the terrorist acts are seized and if these can not be identified the detainee is obliged to pay the equivalent in money.

**Art. 37.** – (1) The threat against a person or a community, by any means, dissemination or using substances, microorganisms or toxins that can jeopardize the health of the population or of the animals or the environment is a crime and is sentenced to 2 to 5 years imprisonment.

(2) The threat against a state, an international organization or against a natural or a legal person of using biological weapons, nuclear materials or other radioactive materials and also explosives, having a terrorist goal is a crime and is sentenced to 3 to 12 years imprisonment.

(3) If the action stipulated in the paragraph (2) is conditioned by achieving or not achieving an act or when by threat, by any means, it is pretended to be given such materials, the punishment is prison from 5 to 15 years and forbidding some rights.

**Art. 38.** – The alert, without a well-founded reason, of a person or the people, the specialized institutions to act against in an dangerous situation or the police structure by mail, telephone or any other means to send to the distance, to disseminate or use products, substances, materials, microorganisms or toxins that can threat the health of the population or animals or the environment is punished with imprisonment from 1 to 3 years.

**Art. 39.** – It is a crime and it is punished with imprisonment from 2 to 7 years and forbidding some rights the act of a person that fully aware administrates assets belonging to a terrorist entity, in his own name and concealed or transfers them to other persons, or who supports, by any means such facts.

**Art. 40.** – (1) The competence to judge in first instance the crimes of terrorism is of the Court for Appeal.

(2) The procedure of criminal investigation and of judging is the one stipulated by law for flagrant crimes.

**Art. 41.** – Mail operators or services providers and those working with communication systems are obliged to send immediately to the prosecutor, at his written request, the necessary information to identify the persons suspected of preparing or caring out terrorist acts.

**Art. 42.** – (1) It is considered to be a contravention and it is sanctioned with a penalty from Lei 50,000,000 to 100,000,000 the following acts:

- a) Non-observance of the duties listed in the art 25 and 29 by the financial and banking institutions;
- b) Non-observance of the duties stipulated in the art 30, paragraph (1) by the National Bank of Romania, National Commission of Stocks or Commission for Services Supervising;

- c) Non-observance stipulated in art. 41 by operators and providers of mail services or by those dealing with telecommunication systems.
- (2) The legal persons can also be sanctioned.
- (3) The identification of the contravention and imposing sanctions comprised in the paragraph (1) is done by the staff commissioned by National Bank of Romania, National Commission of Stocks and Commission for Services Supervising as is necessary.

**Art. 43.** – The provisions of the general rules concerning the judicial regime of the contravention are suitably administered.

**Art. 44.** – (1) Against foreigners or stateless persons about whom there are reliable indications they intend to carry out terrorist acts or encourage terrorism the person will be declared undesirable for Romania or their staying in Romania are stopped whether against them the interdiction to exit Romania had not been set, according to the law concerning the regime of the foreigners in Romania.

(2) The provision of paragraph (1) is accordingly applied also to the asylum seekers, refugees and victims of wars whose status or regime is established by special laws.

## **Chapter V**

### **Final provisions**

**Art. 45.** The necessarily funds of AOCC are ensured from the state budget, through the budget of the Romanian Intelligence Service, and for the compartments with duties for preventing and countering terrorism among the authorities and public institutions comprised in NSPCT, the funds are ensured through the budgets of the irrespective authorities and public institutions.

**Art. 46.** – At the date when the current law comes into force, the Emergency Govern Order no 141/2001 concerning the punishment of some terrorist acts or some facts of braking the public order, published in Romanian Official Gazette, Part I, no 691, dated October 31, 2001, adopted with modifications by Law no 472/2002, the Emergency Order of the Govern no 159/2001 for preventing and countering using the financial and banking system to finance terrorist acts, with the exception of its appendix, published in the Romanian Official Gazette, Part I, no 802 dated December 14, 2001, adopted through Law no 466/2002, and other opposed disposition to the current law are abrogated.

**Art. 47.** – (1) When Law no 301/2004 comes into force -Penal Law – art 37 and 38 in the current law are abrogated.

(2) At the same date art 32, art 35 paragraph (2) and art 36 are modified and will have the following content:

“**Art. 32.** – It represents terrorist acts the following crimes carried out in the conditions comprised in the art 2:

- a) Producing, getting, having, transportation, providing or the transfer to other persons, without any right, direct or indirect, of chemical or biological weapons or researching in the field or developing such weapons without any right, is punished with hard detention from 15 to 20 years and forbidding some rights;
- b) Taking over with no right a plane, by any means, and taking the control on it without any right are punished with hard detention from 15 to 30 years and forbidding some right;
- c) The threat of carrying out the acts stipulated in the art 295 paragraph (1), a)-e) from Penal Law is punished with detention from 3 to 10 years and forbidding some rights.

**Art. 35.** – (2) The activity to initiate an association in order to carry out terrorist acts or the adherence to or supporting, by any means, such an association is sanctioned with imprisonment from 10 to 15 years, but the punishment can not be larger than the maximum of the penalty for the crime concerning the goal of the association

**Art. 36.** – (1) Offering to a terrorist entity assets or real estates or undertaking any financial or banking operations to finance the terrorist acts is sanctioned with hard detention from 15 to 20 years and forbidding some rights.

(2) The assets or real estates offered to the terrorist entity in order to finance terrorist acts are seized and whether those assets are not found the detainee is obliged to pay the equivalent money.”

*The present law was adopted by Romanian Parliament in compliance with the provisions of the art. 75 and art. 76, subparagraph (1) of the Romanian Constitution, republished.*

**PRESIDENT OF  
LOWER HOUSE**

**Valer Dorneanu**

**PRESIDENT OF SENATE**

**Nicolae Văcăroiu**

*Bucharest, November 25, 2004 No. 535*