

**THE PARLIAMENT OF ROMANIA**  
**THE CHAMBER OF DEPUTIES** **THE SENATE**

Law on prevention and combating terrorism no. 535/2004

**The Parliament of Romania** adopts the present law

**CHAPTER I**  
**General Provisions**

**Art. 1.** – Terrorism is the ensemble of actions and/or threats that represent a public danger and affect national security, with the following characteristics:

- a) they are committed with premeditation by terrorist entities, motivated by extremist beliefs and attitudes, hostile to other entities, against which they act through violent and/or destructive modalities;
- b) they are aimed at specific objectives, of political nature;
- c) they concern human and/or material factors within the public authorities and institutions, the civil population or any other segment belonging to these;
- d) they produce situations that have a deep psychological impact upon the population, which are meant to draw attention to the goals that they pursue.

**Art. 2.** – The acts committed by terrorist entities shall be sanctioned according to the present law, if they meet one of the following conditions:

- a) they are usually committed through violence and they cause states of disquiet, uncertainty, fear, panic or terror among the population;
- b) they seriously infringe upon both specific and non-specific human factors and material factors;
- c) they are aimed at specific objectives, of political nature, by determining the State authorities or an international organisation to ordain, to renounce or to influence the making of a decision in favour of the terrorist entity.

**Art. 3.** – Terrorist acts are transnational if they:

- a) are committed on the territory of at least two States;
- b) are committed on the territory of one State, but part of the planning, preparation, running or control of these acts takes place on the territory of another State;
- c) they are committed on the territory of one State, but they involve a terrorist entity that carries out activities on the territory of another State;

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

**Art. 4.** – For the purposes of this Law, the terms and phrases below shall have the following meaning:

1. *terrorist entity* – a person, group, structured group or organisation, which:
  - a) commits or participates in terrorist acts;
  - b) is preparing to commit terrorist acts;
  - c) promotes or encourages terrorism;
  - d) supports, in any form, terrorism.
2. *terrorist* – a person who has committed an offence provided by the present law or who intends to prepare, commit, facilitate or instigate to terrorist acts;
3. *structured group* – a group that is not formed randomly for the immediate commission of a terrorist act, does not involve a constant number of members and does not require the prior establishment of their role or of a hierarchical structure;
4. *terrorist group* – a structured group of more than two persons, which has been existing for a certain period of time and acts in a concerted manner for the commission of terrorist acts;
5. *terrorist organisation* – a hierarchically created structure that has its own ideology of organisation and action, and which is represented both nationally, and internationally and that uses violent and/or destructive modalities to achieve its specific goals;
6. *leadership of a terrorist entity* – the guidance, supervision, control or coordination of the activities of a terrorist structured group, grouping or organisation;
7. *terrorist actions* – preparing, planning, favouring, committing, leading, coordinating and controlling a terrorist act, and any other activities performed after its commission, if they are related to the terrorist act;
8. *financial resources* – funds collected or acquired, either directly or indirectly, as well as accounts belonging to natural or legal persons, or their bank deposits;
9. *logistical resources* – movable or immovable assets held on any grounds, means of telecommunication, standard or special means of mass communication, trade companies, means of indoctrination, training and practice, counterfeit identification documents or that are issued based on false statements, elements of disguise, and any other assets;

10. *specific human factors* – persons directly included in the politics-related functional mechanisms of the target entity, respectively dignitaries, militaries, officials, and representatives of international organisations;
11. *non-specific human factors* – persons indirectly included in the politics-related mechanisms of the target entity, generally the civil population;
12. *material factors* – environmental factors, agricultural crops and livestock, foods and other products of current consumption, military objectives of strategic importance or that are used by the military, infrastructure facilities of social life, State and governmental facilities, transportation, telecommunication and informational systems, national symbols and values, and movable or immovable assets belonging to international organisations;
13. *State and governmental facilities* – permanent or temporary means of transportation used by representatives of a State, by members of the Government, of the legislative or judiciary authority, by the officials, employees of a State or of any other public authority or of an intergovernmental organisation, in relation to their official acts;
14. *objectives of strategic importance* – objectives of the armed forces or those of particular importance for national defence, for the activity of the State, for the economy, for culture and art, the premises of diplomatic missions or of international organisations, and the infrastructure facilities or the places of public utility;
15. *place of public utility* – a part of a building, land, street, navigable way, commercial, business, cultural-sportive, historical, educational, religious, recreational, and any other place that is accessible to the public;
16. *infrastructure facilities* – a public or private utility that ensures or distributes services to the population, such as: water and sewerage, electricity, fuel, communications, banking services and medical services, telecommunications and informational networks;
17. *transportation system* – all the public or private facilities, means of transportation and instruments used in or for public services, for conveying persons or goods;
18. *terrorist crisis* – a factual situation created before or following the commission of a terrorist attack, which:
  - a) interrupts or seriously affects a series of economic, social, political or other activities;
  - b) jeopardises specific or non-specific human factors, or significant material factors;
  - c) exposes the safety of the population or of a community to major risks;

d) requires action through defensive or offensive measures in order to remove the threats generated by the factual situation created;

19. *profit of the terrorist entity* – any asset that is partially or totally, directly or indirectly a benefit obtained through the commission of terrorist acts or through the carrying out of terrorism-related activities;

20. *anti-terrorist intervention* – the ensemble of defensive measures carried out before the occurrence of imminent terrorist attacks, which are used to reduce the vulnerability of specific and non-specific human factors and of material factors;

21. *counter-terrorist intervention* – the ensemble of offensive measures carried out to capture or annihilate terrorists, to free hostages and restore legal order, in case a terrorist act occurs or is in progress.

## **CHAPTER II**

### **Preventing and Combating Terrorism**

#### *Section 1*

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

**Art. 5.** – Terrorism prevention and combating shall be performed with the observance of the provisions of international conventions for the suppression of terrorism, to which Romania is a party, and of the international regulations of to the national legislation regarding human rights.

**Art. 6.** – (1) At national level, the activity of preventing and combating terrorism shall be organised and shall take place in a unitary manner, according to the present law.

(2) To this end, cooperation in this field shall take the form of the National System for Preventing and Combating Terrorism, further herein referred to as NSPCT, to which the following public authorities and institutions shall partake:

- a) The Romanian Intelligence Service, which plays a role of technical coordination;
- b) The Ministry of Administration and the Interior;
- c) The Ministry of National Defence;
- d) The Ministry of Foreign Affairs;
- e) The Ministry of Economy and Trade;
- f) The Ministry of Agriculture, Forestry and Rural Development;
- g) The Ministry of the Environment and of Water Management;
- h) The Ministry of Transportation, Constructions and Tourism;

- i) The Ministry of Health;
- j) The Ministry of Communications and Information Technology;
- k) The Ministry of Public Finance;
- l) The Ministry of European Integration;
- m) The Ministry of Justice;
- n) The Foreign Intelligence Service;
- o) The Protection and Security Service;
- p) The Special Telecommunications Service;
- q) The Prosecutor's Office attached to the High Court of Cassation and Justice;
- r) The National Bank of Romania;
- s) The National Agency of Exports Control;
- t) The National Office for Preventing and Combating Money Laundering;
- u) The National Commission for Control of Nuclear Activities.

(3) In the structure of the Romanian Intelligence Service – as national authority in this field – there shall be created the Centre for Operative Anti-Terrorist Coordination, further herein referred to as the COAC, through which the Service ensures the technical coordination of NSPCT.

**Art. 7.** – To prevent and combat terrorist acts and acts assimilated to them, the public authorities and institutions that are members of NSPCT shall perform specific activities, either individually or in cooperation, according to their legal prerogatives and competences and to the General Protocol on the Organisation and Functioning of the National System for Preventing and Combating Terrorism, approved by the Supreme Council of National Defence.

**Art. 8.** – The ministries and the other public authorities and institutions that have prerogatives to apply the present law shall be obliged to notify the Romanian Intelligence Service with regard to natural and legal persons that are suspected of having committed or in any way favoured terrorist acts.

**Art. 9.** – Institutions and legal persons others than those within NSPCT, as well as natural persons who have knowledge of data and indications regarding the commission, favouring or financing of terrorist acts shall have the following obligations:

- a) to notify at once the authorities competent in the field;
- b) to allow access of their representatives into buildings, and to data and information related to terrorist acts;

c) to provide the required support in view of fulfilment of prerogatives to prevent and combat terrorism, upon request from the competent authorities.

**Art. 10.** – The specific attributions, according to art. 7, for preventing terrorism, consist of:

- a) informative-operative activities;
- b) activities against flows of supply with human resources to terrorist entities, performed inside and/or outside national territory;
- c) activities against flows of supply with specific means of action, and with financial, logistical or informational resources to terrorist entities, performed inside and/or outside national territory;
- d) activities of guard, protection and other special forms of discouragement performed by the forces of certain public authorities and institutions within NSPCT, to secure the main categories of human factors and of national or foreign objectives in our country, and the main Romanian objectives abroad, which are potential targets for terrorist attacks;
- e) activities of preparing interventions in civil emergencies, generated by terrorist actions, in view of limiting and combating their effects;
- f) activities of public information and public relations;
- g) activities of international cooperation;
- h) activities of professional training and improvement;
- i) activities meant to constantly optimise the legislative framework applicable to the categories of missions incumbent upon NSPCT, including on criminal and procedural-criminal aspects.

**Art. 11.** – The specific attributions, according to art. 7, for combating terrorism, consist of:

- a) activities of identification and other activities performed according to the prerogatives of public authorities and institutions from NSPCT, with the view of bringing to account, according to the law, the persons who initiate, prepare, commit or favour terrorist acts;
- b) anti-terrorist intervention, in cases of imminent terrorist attack and, respectively, counter-terrorist intervention in case terrorist attacks are in progress or have taken place;
- c) participating in operations to combat terrorism, through international cooperation.

**Art. 12.** – (1) In the event of a terrorist attack, the Romanian Intelligence Service shall, through its specialised unit, perform counter-terrorist intervention, independently or in cooperation with other authorized forces,

throughout the country, on objectives that are under attack or under occupation by terrorists, in view of capturing or annihilating them, freeing the hostages and restoring legal order.

(2) The counter-terrorist intervention shall be performed with the approval of the Supreme Council of National Defence and according to the Methodology elaborated by the Romanian Intelligence Service, approved through Decision by the Supreme Council of National Defence.

(3) Anti-terrorist intervention in the event of imminent terrorist attack shall be performed according to the Methodology approved by the leadership of the Romanian Intelligence Service.

(4) Upon request from the Romanian Intelligence Service, depending on the size and nature of the terrorist action, forces with specific missions from the Ministry of Administration and Interior, the Ministry of National Defence and the Protection and Guard Service, and from other structures within the system of national security and defence may be entailed, according to the law.

**Art. 13.** – (1) For performing the attributions provided in art.10 and art.11, the public authorities and institutions which form NSPCT shall designate representatives from among state secretaries or state sub secretaries, who shall meet in a plenary session, at least once a year, with the participation of the prime-deputy of the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice.

(2) The public authorities and institutions which form NSPCT shall designate permanent experts who shall form a Working Group that shall meet once every 6 months or whenever necessary.

(3) During the meetings provided in para.(2), the Working Group shall analyse how the provisions of the General Protocol on the Organisation and functioning of NSPCT are observed and present reports thereon to the Supreme Council of National Defence.

**Art. 14.** – (1) COAC shall be an organisational-functional structure which ensures the continuity and coherence in the operation of the connection system that articulates the components of the NSPCT.

(2) The public authorities and institutions which form NSPCT shall each designate a permanent representative within COAC, in view of ensuring data and information sharing.

(3) The structure and human resources for COAC shall be approved by Decision of the Supreme Council of National Defence.

(4) Within 60 days from the entry into effect of the present law, the Romanian Intelligence Service shall submit to the approval of the Supreme Council of National Defence the Regulation on the organisation and functioning of COAC.

**Art. 15.** – The public authorities and institutions that have responsibilities within NSPCT shall ensure access of COAC representatives to their premises and to the special objectives in their composition, with the view of checking the information and/or performing specific activities to prevent and combat terrorism.

**Art. 16.** – The Romanian Intelligence Service, the Ministry of National Defence, the Ministry of Administration and the Interior, the Foreign Intelligence Service, the Protection and Guard Service and the Special Telecommunications Service shall be exempt from the provisions of article 15.

**Art. 17.** – COAC shall have the following attributions:

- a) coordinates the activities performed within the NSPCT, through representatives designated by the public authorities and institutions which form NSPCT;
- b) ensures operative data and information sharing between the public authorities and institutions which form NSPCT, as regards activities of terrorist nature;
- c) integrates the data and information obtained in view of establishing and taking the measures called for;
- d) monitors terrorist activities and operatively informing the authorized public authorities and institutions within NSPCT;
- e) in case of terrorist crisis, ensuring the logistical and operational support for efficient operation of the National Centre for Anti-Terrorist Action, which is functionally integrated in the general mechanism of crisis management and is organised according to the law;
- f) sends to the competent public authorities and institutions within NSPCT the data and information that are the object of the taking of measures, according to the legal attributions.

**Art. 18.** – Permanent special compartments shall be set up within the organisational structure of the public authorities and institutions which form NSPCT, and persons shall be designated to ensure the structural and



functional support for a coherent development of cooperation activities, and to liaise with COAC.

**Art. 19.** – (1) The task of periodical updating the provisions of the General Protocol on the Organisation and Operation of NSPCT shall belong to the members of NSPCT, according to the modifications that occur in this field, and to the Romanian Intelligence Service, as a technical coordinator.

(2) Any amendment in the General Protocol on the Organisation and Operation of the NSPCT shall be approved by the Supreme Council of National Defence.

## *Section 2*

### *Measures for performing activities in view of collecting information*

**Art. 20.** – Threats against the national security of Romania, as provided in art.3 from the Law no.51/1991 on the national security of Romania, including the terrorist acts provided in the present law, shall be the legal grounds for the state bodies with attributions in the field of national security to propose to a public prosecutor, in justified cases, the requesting of authorisation for performing activities of collecting information, which consist of intercepting and recording communications, searching for information, documents or acts for the obtainment of which access to a certain place, object or the opening of an object is required; taking and returning an object or document, examining it, extracting the information that it contain, and recording, copying or obtaining abstracts through any means; installing objects, maintaining them in or taking them from the places where they were deposited.

**Art. 21.** – (1) Such proposals shall be made in writing and must contain: data or indications on the existence of a threat against national security for the detection, prevention or counteraction of which the issuing of that authorisation is required; the categories of activities for the carrying out of which authorisation is required; the identity of the person whose communications need to be intercepted, if known, or of the person who holds the information, documents or objects that need to be obtained; a general description, if an when possible, of the place where the authorised activities are to be performed; the validity period of the authorisation.

(2) The proposal shall be forwarded to the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice and

shall be examined for grounds and legality by prosecutors expressly designated by the General Prosecutor.

(3) If the proposal is deemed as unjustified, the prosecutor shall reject it through a motivated resolution that he shall send at once to the body that made the proposal.

(4) If within 24 hours from registration of the request, the proposal is deemed as well grounded and all the legal conditions are met, the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice or his replacement ex lege shall request in writing to the president of the High Court of Cassation and Justice the authorisation of the proposed activities.

(5) The request must contain the data mentioned in para. (1).

(6) The request shall be examined in council's chamber by judges expressly designated by the president of the High Court of Cassation and Justice, who shall either approve or reject it, through a motivated sentence.

(7) If the request is rejected, it shall be returned to the prosecutor, together with a copy of the sentence.

(8) If the request is deemed as justified, the judge shall issue a warrant to authorise the carrying out of proposed activities.

(9) The warrant shall be handed to the representative designated therefore by the body that proposed the authorisation and it must contain: the categories of communications that may be intercepted, the categories of information, documents or objects that may be obtained; the identification data of the person whose communications are to be intercepted or who holds the data, information or objects that need to be obtained – if known; a general description of the place where the warrant is to be executed; the body empowered to execute it; the validity period of the warrant.

(10) The validity of the warrant may not exceed 6 months; in justified cases, judges expressly designated by the president of the High Court of Cassation and Justice may prolong the duration of the warrant upon request, while each extension not exceeding 3 months.

(11) In this case, the procedure in para.(1)-(9) shall be applied.

(12) The requesting, issuing and enforcing of the warrant shall be performed according to the Law no. 182/2002 on the protection of classified information.

(13) The bodies that suggested the authorisation of the activities for which the warrant was issued, shall be obliged to interrupt them as soon as the reasons that justified them cease and to inform thereof the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice.

(14) The same bodies shall be obliged to inform in writing the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice of the result of the activities authorised through the warrant and of the measures taken, according to the law.

**Art. 22.** – (1) In special situations, which call for the elimination of imminent dangers to national security, the specialised State bodies that have prerogatives in this field may perform the activities in art. 20, without the authorisation provided in the present law, and the request shall be forwarded as soon as possible, but not later than within 48 hours.

(2) If the judge deem that the continuation of the activities is para. (1) is no longer required, he shall ordain the ceasing of them at once.

### **CHAPTER III**

#### **Preventing the financing of terrorist acts**

##### *Section 1*

##### *Prohibited financial-banking operations*

**Art. 23.** – (1) The following shall be prohibited: financial-banking operations between residents and non-residents, and between non-residents, which consist of current account or capital account operations, including currency exchange operations, as defined through the regulations on foreign currency issued by the National Bank of Romania, which are performed for or on behalf of the natural or legal persons provided in the annex to the Government Emergency Ordinance no.159/2001 on preventing and combating the use of the financial-banking system for financing terrorist acts, as approved by the law no.466/2002.

(2) The assets of persons included in the annex provided in para.(1) shall be frozen, and all transfers, by any means, including banking means, shall be prohibited.

**Art. 24.** – (1) The annex in art.23 para.(1) shall be supplemented and updated periodically through Government Decision, based on information received from the United Nations Security Council.

(2) This annex shall be supplemented and updated, to the extent possible, with the identification data of the natural and legal persons such as nationality, citizenship, date and place of birth, for natural persons, and the establishment, nationality and registration number, for legal persons.

(3) The identification data shall be requested to the United Nations Security Council by the Ministry of Foreign Affairs, upon request from the Ministry of Public Finance.

**Art. 25.** – The personnel of financial-banking institutions shall be obliged to refuse the carrying out of the operations in art.23 para.(1) and to at once notify the Prosecutor's Office attached to the Court of Appeal.

## *Section 2*

### *Financial-banking operations subject to authorisation*

**Art. 26.** – (1) The public authorities and institutions that have responsibilities within NSPCT, and the National Trade Register Office, the National Commission of Securities and the Insurance Supervision Commission shall collaborate for the compilation and updating of lists containing the natural and legal persons suspected of having committed or financed terrorist acts, others than those mentioned in the annex under art.23 para.(1), which shall be sent to COAC.

(2) These lists shall include also the identification data provided in art.24 para. (2).

(3) If the lists not contain the identification data, COAC shall request that checks be made to obtain the required information, according to each institution's competence.

**Art. 27.** – The resulting lists shall be sent by COAC to the Ministry of Public Finance, which shall compile a single list based on the lists in art.26 para.(1), which it shall submit to the Government for approval.

**Art. 28.** – The financial-banking operations in art.23 para.(1), if they are performed for or on behalf of persons included in the list in art.27, shall be subject to prior authorisation by the National Bank of Romania, by the National Commission of Securities and by the Insurance Supervision Commission, as the case requires.

**Art. 29.** – (1) The personnel of financial-banking institutions shall be obliged to notify the leadership of the institution where they work regarding requests for financial-banking operations that are subject to authorisation.

(2) The financial-banking institutions in Romania shall at once present to the National Bank of Romania, to the National Commission of Securities or to

the Insurance Supervision Commission the documentation on financial-banking operations that are subject to authorisation.

**Art. 30.** – (1) The National Bank of Romania, the National Commission of Securities, or the Insurance Supervision Commission shall, within 5 days from presentation of the documentation, issue the authorisation for the operation in art.28 or, the case being, refuse the issuing of the authorisation and notify the Prosecutor's Office attached to the Court of Appeal and the Romanian Intelligence Service.

(2) The National Bank of Romania, the National Commission of Securities, and the Insurance Supervision Commission shall issue, within 30 days from the entry into effect of the present law, regulations on the documentation required for financial-banking operations that are subject to authorisation.

**Art. 31.** – The National Bank of Romania, the National Commission of Securities, and the Insurance Supervision Commission shall control how the supervised institutions comply with the provisions of the present law and shall apply the legal sanctions that are in their competence.

## **CHAPTER IV**

### **Offences and contraventions**

**Art. 32.** – (1) If committed in the conditions provided in article 2, the following offences shall be terrorist acts:

- a) offences of homicide, second degree murder and first degree murder, as provided in art.174-176 of the Criminal Code, bodily injury and serious bodily injury, as provided in art.181 and art.182 of the Criminal Code, and illegal deprivation of freedom, as provided in art.189 of the Criminal Code;
- b) the offences provided in art.106-109 of the republished Government Ordinance no.29/1997 on the Aerial Code;
- c) offences of destruction, provided in art.217 and art.218 of the Criminal Code;
- d) offences of non-observance of the regime of arm and ammunition, non-observance of the regime of nuclear materials and other radioactive matters, and of non-observance of the regime of explosives, provided in art.279, art. 279<sup>1</sup> and art. 280 of the Criminal Code;
- e) production, acquisition, possession, transportation, supply or transfer to other persons, either directly or indirectly, chemical or biological arms, and research in this field or development of such arms;

f) introducing or spreading into the atmosphere, on the soil, into the subsoil or into water, products, substances, materials, micro organisms or toxins that are likely to jeopardise the health of persons or animals or the environment;

g) threatening with the commission of the acts in a)-f).

(2) Terrorist acts provided in para.(1), shall be punished as follows:

a) for the offences in para.(1) a)-d), the maximum of the punishment of imprisonment provided in the law shall be increased by 5 years, while not exceeding the general maximum of the penalty of imprisonment and the penalty of interdiction of certain rights shall be applied as well;

b) for the offence in para.(1) e)-f), the punishment shall be imprisonment from 15 to 20 years and the interdiction of certain rights, and for the offence in para.(1) g) the punishment shall be imprisonment from 3 to 10 years and the interdiction of certain rights.

(3) For offences of destruction provided in art.217 of the Criminal Code, if they are committed in the conditions in para. (1), the fine shall not be applied.

(4) Attempt shall be punished.

(5) The production or acquisition of means or instruments, and the taking of measures in view of committing the offences in para.(1) shall be considered attempt.

**Art. 33.** – (1) The following acts shall be assimilated with terrorist acts:

a) acquisition, possession, manufacture, fabrication or supply or, the case being, production of means of destruction, of toxic substances, of pernicious materials, micro organisms or other substances, which are likely to jeopardise the health of people or animals or the environment, for terrorist purposes;

b) recruitment, instruction or training of terrorist entities with the view of using firearms, ammunition, explosives, chemical, biological, bacteriological or nuclear weapons, and in view of facilitating or committing terrorist acts;

c) facilitating the entry/exit, into/of our country, housing or facilitating access to the area of targeted objectives of a person about whom it is known that he supported/committed or is going to support/commit a terrorist act;

d) collecting and holding with the view of transmission or making available data and information on objectives targeted by terrorists, without right;

e) promoting ideas, beliefs or attitudes with the view of supporting the cause and/or the activity of a terrorist entity;

f) money laundering, fraudulent bankruptcy, corruption acts, blackmail, trafficking in human beings, illicit trafficking in drugs and precursors, contraband, trafficking in stolen vehicles, counterfeiting of currency or other

valuables and any other offences with the view of obtaining a profit for the use of a terrorist entity;

g) any other acts committed with the intention of supporting, facilitating, concealing or determining the commission of terrorist acts.

(2) The acts in para.(1) shall be punished as follows:

a) by imprisonment from 10 to 15 years and the interdiction of certain rights, for those in a) and b);

b) by imprisonment from 5 to 10 years and the interdiction of certain rights, for those in c), d) and e);

c) by imprisonment from 1 to 5 years and the interdiction of certain rights, for those in g).

(3) For the offences provided in para.(1) f), the maximum of the punishment provided in the legislation in force shall be increased by 3 years, while not exceeding the general maximum of the punishment of imprisonment.

**Art. 34.** – (1) It shall be a terrorist act, if committed in the conditions of article 2, also the deed of a person who:

a) takes charge of a ship or fixed platform or exercises control over these through violence or threat of violence;

b) commits an act of violence against a person who is on board a ship or a fixed platform, of these acts are likely to compromise the safety of that ship or fixed platform;

c) destroys a fixed platform or a ship or causes damage to the fixed platform or to the cargo of a ship, if this is likely to compromise the safety of that platform or of the navigation of that ship;

d) places or causes to be placed on a ship or on a fixed platform, by any means, a device or a substance that is able to destroy them or to cause to the platform, to the ship or to the cargo damages that compromise or are likely to compromise the safety of that platform or of the navigation of that ship;

e) destroys or seriously damages a fixed platform or navigation installations or services or causes serious disturbance in their functioning, if one of these acts is likely to compromise the safety of the fixed platform or of the navigation of a ship;

f) communicates a piece of information in awareness that it is false, and through this compromises the safety of the navigation of a ship;

g) injures or kills any person, if these acts are related to one of the offences in a)-f).

(2) The acts in para. (1) shall be punished as follows:

a) for the offences in a)-e) and g), by imprisonment from 15 to 25 years and the interdiction of certain rights;

b) for the offence in f), by imprisonment from 10 to 20 years and the interdiction of certain rights.

(3) Attempt shall be punished.

(4) The production or acquisition of means or instruments, and the taking of measures in view of committing the offences in para. (1) shall be considered attempt.

**Art. 35.** – (1) The deed of a person who leads a terrorist entity shall be punished by life imprisonment or severe detention from 15 to 25 years and the interdiction of certain rights.

(2) The act of associating or of initiating the creation of an association with the view of committing terrorist acts or of joining or in any form supporting such an association, shall be punished by imprisonment from 10 to 15 years, while not exceeding the maximum of the punishment provided in the law for the offence that was the purpose of the association.

**Art. 36.** – (1) Making available to a terrorist entity movable or immovable assets, in awareness that they are being used for supporting or committing terrorist acts, and acquiring or collecting funds, either directly or indirectly, or performing any financial-banking operations, with the view of financing terrorist acts, shall be punished by imprisonment from 15 to 20 years and the interdiction of certain rights.

(2) Movable or immovable assets made available to a terrorist entity, and the funds acquired or collected with the view of financing terrorist acts shall be confiscated, and if they cannot be found, the convicted shall be obliged to the payment of their equivalent in money.

**Art. 37.** – (1) The act of threatening a person or a community, by any means, with the spreading or use of products, substances, materials, micro organisms or toxins that are likely to jeopardise the health of people or animals or the environment is an offence and shall be punished by imprisonment from 2 to 5 years.

(2) The deed of threatening a state, an international organisation or a natural or legal person with the use of biological weapons, nuclear materials, other radioactive materials or explosives, in a terrorist purpose, is an offence and shall be punished by imprisonment from 3 to 12 years.

(3) If the deed provided in para.(2) is conditioned by the accomplishment or non-accomplishment of an act or if by threat, in any form, the giving or handing over of such materials is claimed, the punishment shall be imprisonment from 5 to 15 years and the interdiction of certain rights.



**Art. 38.** – The alarming, without a justified reason, a person or the public, the bodies specialised for intervention in case of danger or the bodies that maintain public order, through correspondence, telephone or any other means of remote transmission, with regard to the spreading or use of products, substances, materials, micro organisms or toxins likely to jeopardise the health of people or animals or the environment, shall be punished by imprisonment from 1 to 3 years.

**Art. 39.** –The act of a person who administers, in awareness, assets that belong to terrorist entities, on his own behalf, by concealment or by transfer to other persons, or who in any way supports such deeds, is an offence and shall be punished by imprisonment from 2 to 7 years and the interdiction of certain rights.

**Art. 40.** – (1) The terrorism offences shall be tried in first instance by courts of appeal.

(2) The criminal procedure and the trial for these offences shall be the one provided in the law for flagrant offences.

**Art. 41.** – Operators or providers of postal services, and those of electronic communication networks shall be obliged to at once send to the prosecutor, upon his written request, the information required in view of identifying the persons who are suspected of having prepared or committed terrorist acts.

**Art. 42.** – (1) The following acts are misdemeanours and shall be punished by fine from 50.000.000 ROL to 100.000.000 ROL:

a) non-compliance with the obligations provided in art.25 and art.29 by the personnel of the financial-banking institutions;

b) non-compliance with the obligations provide in art.30 para.(1) by the National Bank of Romania, National Commission of Securities or by the Insurance Supervision Commission;

c) non-compliance with the obligation in art. 41 by operators or providers of postal services, and respectively by those of electronic communication networks.

(2) The sanctions may be applied to legal persons also.

(3) The task of ascertaining of the misdemeanour and applying the sanctions in para. (1) shall be performed by the personnel empowered therefore by the National Bank of Romania, the National Commission of Securities, the

Insurance Supervision Commission, and by the Ministry of Administration and the Interior, as the case requires.

**Art. 43.** – The provisions of general regulations on contraventions shall apply accordingly.

**Art. 44.** – (1) Against foreign citizens or stateless persons about whom there are solid data or indications that they intend to commit terrorist acts or to favour terrorism, a measure of declaring them *personae non grata* for Romania or of interrupting their right of abode in our country shall be applied, if the measure of prohibition to leave our country was not ordained against them, according to the law on the legal treatment of foreigners in Romania.

(2) Para.(1) shall apply accordingly also to applicants for asylum, to refugees and to victims of armed conflicts whose statute and legal treatment are regulated by special laws.

## **CHAPTER V**

### **Final provisions**

**Art. 45.** – The financial funds required by COAC shall be provided by the state budget, through the budget of the Romanian Intelligence Service, and the funds for the compartments that have attributions in preventing and combating terrorism from the public authorities and institutions which form NSPCT shall be provided by the budgets of those public authorities and institutions.

**Art. 46.** – As entering into effect of the present law, the Government Emergency Ordinance no.141/2001 on sanctioning certain terrorist acts and acts of violation of public order, published in the Official Journal, Part I, no.691 from October 31, 2001, approved with amendments by Law no. 472/2002, the Government Emergency Ordinance no.159/2001 on preventing and combating the use of the financial-banking system for financing terrorist acts, excepting the annex to it, published in the Official Journal of Romania, Part I, no. 802 from December 14, 2001, approved by Law no. 466/2002, and any other provisions that are contrary the present law shall be repealed.

**Art. 47.** – (1) As the entering into effect of the Law no.301/2004 – the Criminal Code (o.r. September 1, 2006) –, art. 37 and art.38 from the present law shall be repealed.

(2) On the same date, art.32, art.35 para.(2) and art.36 shall be amended and shall have the following text:

„Art. 32. – If committed in the conditions provided in article 2, the following offences shall be terrorist acts:

a) production, acquisition, possession, transportation, supply or transfer to other persons, either directly or indirectly, chemical or biological weapons, and research in this field or development of such weapons, without right, shall be punished by severe detention from 15 to 20 years and the interdiction of certain rights;

b) seizure of an aircraft without right, by any means, and exercising control upon it without right, shall be punished by severe detention from 15 to 30 years and the interdiction of certain rights;

c) threatening with the commission of the acts in b), and of the acts in art. 295 para.(1) a)-e) of the Criminal Code shall be punished by strict imprisonment from 3 to 10 years and the interdiction of certain rights.

Art. 35. – (2) The act of initiating the creation of an association in view of committing terrorist acts or of joining or supporting in any form such an association, shall be punished by strict imprisonment from 10 to 15 years, while not exceeding the maximum punishment provided in the law for the offence that is the purpose of the association.

Art. 36. – (1) Making available to a terrorist entity movable or immovable assets or performing any financial-banking operations, in view of financing terrorist acts, shall be punished by severe detention from 15 to 20 years and the interdiction of certain rights.

(2) Movable or immovable assets made available to a terrorist entity in view of financing terrorist acts shall be confiscated, and if they cannot be found, the convicted shall be obliged to the payment of their equivalent in money.”