

# **Law 333/ 8th of July 2003 Regarding the security of objectives, goods, valuables and the protection of individuals**

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**The Romanian Parliament adopts the present law.**

## **CHAPTER I General Provisions**

Art. 1 - (1) Security and protection are activities performed by specific forces and means in order to ensure the safety of objectives, goods and valuables and protection against any unlawful actions that endanger the proprietary right, their material existence, and to ensure the protection of individuals against any hostile actions that may jeopardize their life, physical integrity or health.

(2) Security and protection are performed through military and civil forces and means by specialised bodies of the public administration, or in private sector, by the owners or holders of the objectives, goods or valuables, and also by specialised security and protection companies.

Art. 2 - (1) Ministries and other specialised bodies of the central and local public administration, autonomous state-owned companies, national companies, national research and development institutes, private companies, whatever the nature of their joint stock, and other organisations that hold goods or valuables of any type, called units in the present act, are obliged to secure them.

(2) Individuals can ensure their own protection by employing specialised security and protection companies, under the conditions of the present act.

Art. 3 - (1) According to the significance, character and value of the goods they possess, the managers of the units stipulated in Art. 2, paragraph (1), with specialised support from the police for the civil security systems or from the gendarmerie for the military systems, establish concrete methodology for organising and performing security, with units of gendarmes, guard with public guards, personal security or security ensured by specialised companies, according to the case.

(2) With the approval of the police, the units designated to a certain area can organise security in collaboration with public guards, personal security or through private security companies. The heads of the respective units establish the type of security, the obligations and the responsibilities of every beneficiary, including the ones regarding the elaboration of the security plan.

(3) In case that organising a security system is not possible, the heads of the units are obliged to install enclosures, rails, shutters, secure locks, security lighting, alert systems or any other similar methods in order to provide security and to secure the integrity of goods.

(4) The protection of Romanian and foreign dignitaries and their families during their stay on Romanian territory, the security of their offices and residences are ensured by the Protection and Security Service, in compliance with the attributions provided by the special act for its establishment and operation.

(5) The protection of magistrates, policemen and gendarmes, as well as of their family members, in case their life, physical integrity or wealth is threatened, is provided by the Ministry of Internal Affairs\*, according to the law.

\*) According to Emergency Ordinance no. 64/2003 , published in the Romanian Official Gazette, Part One, No. 464, of July 29th 2003, the ministry is called the Ministry of Administration and Internal Affairs.

**Art. 4** – The heads of the units stipulated in Art. 2, paragraph (1), have the responsibility to ensure the security of goods and valuables of any sort.

**Art. 5** - (1) The security is organised and performed in accordance with the security plan, which is elaborated by the unit whose goods or valuables are being protected, with the approval of the police. This approval is mandatory for any modification of security plans.

(2) The police approval is not mandatory for the units secured by troops of gendarmes.

(3) The security plan regulates: the characteristics of the objective under security, in the respective area, the number of the observation posts and their location, the personnel necessary for security, the arrangements, the equipment and the technical resources for security and alert, the instruction for the observation posts, the communications and cooperation with other bodies involved in securing objectives, goods, valuables and the protection of individuals, and the course of action in different circumstances. Access regulations, in accordance with the dispositions of the head of unit, as well as the specific documents for security service will also be established.

(4) The elaboration of the security plan for the units secured by troops of gendarmes, specialised security and protection companies, public guards or mixed troops, is made by the heads of the beneficiary units together with the commanders/superiors of the troops.

(5) The specific documents necessary to perform and keep records for security services, except for the one performed by troops of gendarmes, and their design are established by governmental decision.

## **CHAPTER II**

### **Types of security**

#### **SECTION 1**

##### **Security with troops of gendarmes**

**Art. 6** - (1) The security of objectives of major importance in national defence, the activity of the state, economy, science, culture and arts, of some institutions from the financial-banking sector, sites of legations or of some foreign economical branches and agencies, the offices of international organisations, as well as the transportation of uncommon or special valuables, is performed by units of gendarmes.

(2) The security with units of gendarmes can also be ensured at the offices of some international organisations that operate on Romanian territory, as a result of their express request addressed to the Romanian Government.

(3) The state units and the offices of legations, as well as the units of strategic significance that hold equipment or objectives of major national importance that benefit from security with units of gendarmes and payment exemption are established by governmental decision.

(4) The objectives of major importance that are not secured with military forces in times of peace and are taken into custody upon conscription by Romanian Gendarmerie are established in times of peace by decision of the National Supreme Defence Council and they are approved by governmental decision upon conscription.

(5) The objectives and valuables stipulated in paragraphs (1) and (2), as well as the personnel, the material and financial resources that are necessary to ensure the security with units of gendarmes are established by governmental decision.

(6) At the request of natural and legal persons, in situations that cannot suffer any delay, at the proposal of the commander of the Romanian Gendarmerie, the Minister of Internal Affairs may approve on the temporary security with units of gendarmes of objectives, goods, valuables and special transportation, other than the ones stipulated in paragraphs (1) and (2).

(7) Situations that cannot suffer any delay are in fact the situations characterized by internal tensions, actions of disorder and serious disturbance of public order, calamities, frequent larceny from public or private property, which demand taking under guard immediately with units of gendarmes of some objectives, sites, land, other than the ones stipulated in paragraphs (1) and (2), as well as the situations when the state bodies with competence in the field of defence, public order and national security request this intervention in case of imminent danger.

(8) The security with units of gendarmes, approved under the conditions stipulated in paragraph (6) is suspended when the special situations that called for its establishment end.

(9) The cease of the security with units of gendarmes is generally done by governmental decision, in the cases stipulated in paragraph (1) and (2), and respectively by order of the Minister of Internal Affairs at the proposal of the commander of the Romanian Gendarmerie, in all the situations when the beneficiaries of the security, no matter the means of establishment, do not observe the obligations provided by law or contractual obligations, refuse the termination or the modification of the contract.

(10) The cease of the security with units of gendarmes can be done in 60 days from written notice to their commanders by order of the Minister of Internal Affairs, at the proposal of the commander of the Romanian Gendarmerie.

(11) In case the units that benefited from security with troops of gendarmes due to regulations, change, limit or suspend their activity or renounce this form of security, a governmental decision regarding the cease the security will establish the methods to re-distribute the troops made available and the budgetary allocations approved in this sense.

(12) Taking under guard will be made only after the beneficiary of the security service meets the conditions established in the contract signed with the gendarmerie and in the security plan.

**Art. 7 -** (1) The units that enjoy security with troops of gendarmes sign services contracts with the gendarmerie, at the level of the echelon that has its own financial department.

(2) The security service performed with troops of gendarmes is under payment, on the basis of tariffs established by the Ministry of Internal Affairs, according to the law.

(3) The security service can also be performed in the situations when, over the counter, the beneficiary of the services offers, in his turn, goods or service, if these are necessary for the Romanian Gendarmerie.

(4) The conditions for performing the security service, in compliance with paragraph (3), are established by governmental decision in 60 days from the date when the present act comes into force.

(5) The revenues obtained from security service and other types of services that were organised and executed by gendarmes units in compliance with the law, are integrally kept by the respective units as extra-budgetary income with a permanent character and will be utilized to cover current and capital expenses.

**Art. 8 -** (1) The security with troops of gendarmes is organised and performed in accordance with the security plan established, observing the stipulations in Art. 5.

(2) The troops of gendarmes that secure objectives with a high level of difficulty will enjoy the same bonuses for dangerous, harmful and hard labour conditions, according to the case, as the ones received by the personnel within those objectives.

Art. 9 – In the units where personal guard, with public guards or specialised protection and security companies operate simultaneously with gendarmes, the former will incorporate, from an operative point of view, in the singular security system established and run by the gendarmerie.

## **SECTION II**

### **Security with public guards and personal security**

Art. 10 – The security of the goods and the valuables held by individuals can be provided, in compliance with the law, with the help of the Public Warders Corps, according to the Law 26/1993 regarding the foundation, organisation and functioning of the Public Warders Corps.

Art. 11 – Personal security is organised in concordance with the nature of the objectives, goods and valuables that are to be secured, with the location, extension and the vulnerability that distinguish some units and areas within them, with the number of the performing shifts, the access posts and with other specific criteria.

Art. 12 - (1) Personal security is performed only by qualified personnel, employed by the beneficiary unit, in compliance with the law.

(2) According to the number of the security personnel, the management of the unit will nominate a head for the department or a commissioner to do the selection, equipping, endowment with armament and protection resources, as well as instruments for training, planning and controlling the securitymen.

(3) In the units where the number of security employees is over 20, the necessary management structure must consist of the head of the security department and the shift master.

(4) In other units where the number of security employees is under 20, the specific security activities are fulfilled by a representative of the management of the unit.

(5) The head of the security department or the person authorized with the security department subordinates directly the management of the unit and they establish together the most efficient security measures.

Art. 13 - (1) The security personnel consists of securitymen, gate-keepers, access surveyors or other persons appointed by the management of the unit from the persons designated to ensure the training, the control and the coordination of the security activity. The security personnel and the persons that cumulate the security tasks with other job responsibilities are assimilated.

(2) The employees from personal security are endowed with uniforms, protection equipment and distinctive insigne to be worn during performing their tasks.

Art. 14 - (1) With approval from police, the staff from the personal security of the units may be equipped with fire arms, rubber batons or tip tomfe tear sprays and other means, according to the importance of the units, goods and valuables under security.

(2) In the units where there is personal security and security with gendarmes units, the fire arm endowment, approval, training and control of security staff is done by the gendarmes unit coordinating the unique security system.

### **SECTION III**

#### **Security in the rural environment**

Art. 15 – Units located on the territory of rural settlements organise their security according to the provisions of the present act.

Art. 16 – The managers of units that own agricultural land must arrange for land security using any of the security forms provided by law.

Art. 17 - (1) The security over railways, forests, forest land, hunting and fishing domains, pipelines for hydrocarbons and petroleum products, irrigation systems, telephony networks and electricity transmission networks is ensured by the heads of central units in these fields, with specialised guard corps.

(2) Specialised security corps are organised and operate in the structure of the beneficiary, on the basis of regulations approved by Governmental Decision.

Art. 18 - (1) Communal security is organised in rural settlements.

(2) The mayor is responsible for the elaboration of the commune security plan and he/she is forced to take measures in order to ensure the safety of public assets and citizens.

(3) The approval of the security plan, the training and control of the security staff in rural settlements is done by the local police force.

(4) Communal security is done in shifts by the inhabitants or any of the security corps stipulated in the legislation. The communal security obligation goes to any family with residence on the territory of the commune and it is executed by one of its members, one per shift.

(5) The individuals that don't correspond to requirements of the law in order to pursue security attributions, or those who, due to professional endeavours, cannot security service, are obliged to pay the counter-value of due services, with an amount established by the local council. Payments can be done by delivering other services to the benefit of the commune, under the terms established by the local council.

(6) The individuals that own properties within the settlement and don't have their residence in the area must make a contribution, with an amount established by a local council decision. Payments can be done in goods, products or by delivering services to the benefit of the commune, under the terms established by the local council.

(7) The revenues obtained according to the paragraphs (5) and (6) will be used to purchase protection equipment, insigne and self-defence or utilitarian means which are necessary for a good performance in communal security.

(8) In case security is organised in other forms provided by law, payments for communal security services are ensured from the local budget.

(9) The individuals that ensure shift security, according to paragraph (4), need to fulfil the conditions stipulated in the article 39, letters a)-c), i.e. they need to have graduated at least primary school and they need to wear distinctive marks when performing their security duty.

(10) The following categories are exempt from communal security: pensioners, the incurable and chronically ill or individuals with physical faults that make them ineligible for security duty, individuals over 60, military, policemen, priests and firemen.

Art. 19 – Local public administrations organising security services in rural settlements must endow the individuals performing shift security with protection equipment, self-defence

means, lighting resources and ensure quick access to alarms, as well as the intervention forces when needed.

## **SECTION IV**

### **Security and protection with specialised companies**

Art. 20 - (1) Specialised security and protection companies are private firms which can be established and they operate according to the trade legislation and the stipulations of the present law, and their activities are the watch over objectives, goods or valuables, guarding transports of important goods and valuables, under maximum security, as well as protection of individuals.

(2) Specialised security and protection companies operate on the basis of licenses issued by the General Inspectorate of the Romanian Police, with due approval from the Romanian Information Services, for at least one of the fields of activity stipulated in paragraph (4), which can be renewed every three years. The withdrawal of approval by the Romanian Information Services may constitute reason to annul operating licenses.

(3) In order to obtain operating licenses, it is necessary to meet the following conditions:

- a) submission of the company's organisation and operation system;
- b) submission of the list with material, technical, transport, communication means, audio-video equipment, surveillance and ID equipment, break-in alarm systems, timing and counting systems, surveillance and dispatch centres, IT and software, armament and technical means that will be part of the company's endowment, according to the field of activity;
- c) presenting registration proof with the name of the company and the distinctive logo registered at the State Office for Inventions and Trademarks;
- d) Presenting the notification by which the county council, or according to the case, the General Council of the Bucharest Municipality, is notified regarding the fact that the company has its headquarters in its area of responsibility;
- e) presenting the proof of payment for the tax to obtain the operating license;
- f) presenting the professional certificate for the individuals performing security and protection activities.

(4) Specialised security and protection companies may have one or more of the following fields of activity:

- a) security services for objectives, goods and valuables, as well as consultancy services in the field;
- b) security services for the transport of important goods and valuables as well as consultancy services in the field;
- c) specialised personal protection services, called bodyguard, and as well as consultancy services in the field.

(5) By security services we mean:

- a) security over property to prevent unauthorized access or abusive seizure;
- b) security over property to prevent larceny, destruction, fire, as well as other actions causing material damage;
- c) detection of substances, weapons, explosive or any other type of damaging materials;
- d) security over intellectual property;
- e) security over environment;
- f) inform the relevant authorities about incidents emerged during the security.

(6) By security services for the transport of important goods and valuables we mean:

- a) organising and ensuring security over terrestrial, water or aerial transport of goods of major importance, valuables or any other object nominated by the beneficiary so;



b) organising and ensuring security over the data and information transport, no matter their type of carriage or the chosen transmission method;

c) organising and securing communication, in accordance with the law in force;

d) organising and ensuring transportation for individuals requesting transport under maximum security;

e) inform the relevant authorities on incidents emerged during the transport.

(7) By specialised protection services – bodyguard- we mean:

a) protecting the life and physical integrity of the individual under protection;

b) protecting the individual under protection against harassment, that is penalized by law;

c) protecting the individual under protection during transportation;

d) ) inform the relevant authorities about incidents emerged during protection.

(8) By consultancy services we mean:

a) assistance on the activities stipulated in paragraphs (5)-(7);

b) elaborating analyses, evaluation and reports on the risks threatening security of individuals, property or environment;

(9) The managers of specialised security and protection companies must take out permit from the county police inspectorate or from General Office of Bucharest Police according to the area of responsibility in which the company has its headquarters.

(10) The competent police unit may grant permit to individuals stipulated in paragraph (9) such as Romanian citizens, having residence in the country, over 21, trained in accordance with their attributions, known as having a good civic conduct and no criminal record.

**Art. 21 - (1)** The personnel of specialised security and protection companies is forbidden to gather data and information.

(2) In case of taking possession of data and information that threaten national security, the personnel stipulated in paragraph (1) must shortly inform the relevant authorities involved in the national security field.

**Art. 22 - (1)** The managers of specialised security and protection companies must follow the legal provisions and the internal regulations when organising and operating this form of security, when employing, training and controlling personnel, wearing uniforms and distinctive marks, as well as when endowing them with intervention and personal protection means, in compliance with the law.

(2) Payments for security and protection services performed by specialised companies are done on the basis of the contracts signed with the beneficiaries.

(3) Specialised security and protection companies must keep records of the contracts in special books.

(4) Specialised security and protection companies must not adopt identical or similar marks, uniforms, badges, equipment accessories and names or of any nature that may produce confusion between them, as well as with the ones of public authorities or international organisations Romania has membership.

(5) The type of equipment for security and protection personnel is established by governmental decision and is marked with the name and brand of the company, homologated with the issue of license. The cars in the company's endowment are marked only with the name, brand, field of activity for which police licensed, and contact phone numbers of the company. Assembling and utilizing means of luminous or acoustic signalization on the cars of security and protection companies are forbidden.

(6) Security and protection companies are permitted to partner with foreign similar companies, observing the provisions of the law.

## **SECTION V**

### **The bodyguard**

Art. 23 - (1) Body guard Services are provided by specialised security and protection companies that were licensed in that purpose, exclusively from specialised authorized personnel.

(2) Individuals are permitted to employ bodyguards only by contract signed with the specialised security and protection companies stipulated in paragraph (1).

Art. 24 – The personnel performing bodyguard service is obliged to follow the legislation in force and must not injure citizens' rights and liberties during activity.

## **CHAPTER III**

### **Security over the transport of important goods and valuables and over special transports as well**

Art. 25 - (1) Security over the transport of important goods and valuables consisting of amounts of money, debentures, cheques or other valuable certificates, precious stones and metals, scientific, technical, cultural and artistic valuables is ensured with distinctive means of transportation and, according to the case, with gendarmes, public warders, personal or employed from specialised security and protection companies staff, armed with fire weapons, in compliance with the legislation.

(2) Security over special transports consisting of armament, ammunition, combat equipment, explosive materials, narcotics, toxic substances, nuclear or radioactive matter or any other type of dangerous materials or substances is ensured with distinctive means of transportation and units of gendarmes, excepting the transports organised and secured with troops from the Ministry of National Defence.

(3) Security over the transportation of important goods and valuables or special products transiting Romanian territory by road or railway is ensured with units of gendarmes.

Art. 26 - (1) Security over the transport of important goods and valuables and special transports is organised and performed in accordance with the security plan, elaborated by the beneficiary unit together with the performing one, with approval from police that is mandatory also in case of the plan modification. The approval is not necessary for units whose transport security is ensured with troops of gendarmes or for the ones appertaining to institutions with attributions in national defence and security field.

(2) The security plan mainly establishes: the goods and valuables to be transported, the appropriate environmental conditions for the transported goods and valuables, the operative situation, the transport length, the means of transportation, the transport variants, the securitying devices, the general and personal instruction of the involved staff, the equipage with technical and self-defence means, the course of action in specific situations, pursuant to the legislation in force.

(3) The transport of important goods and valuables or the special ones are ordinarily made during daytime.

(4) Whatever the nature of the transport, its security is ensured by at least one armed person within a settlement, and minimum two persons outwards.

(5) The number of personnel for securitying over transports of goods and valuables and special ones, as stipulated in article 25, is established by consent by the head of the unit that provides the security personnel and the manager of the beneficiary unit, by the security plan and contract.



(6) Beneficiaries must ensure, according to the type of transport, adequate conditions for the activity of the personnel securitying over transports of goods and valuables, including the special ones, as following:

- a) duty compartment or guard type carriage, for transport by railway;
- b) armoured, semi-armoured or special equipped vehicles, for valuables and special products transports, as well as for units securing them;
- c) special equipped or reserved compartments for water or aerial transports.

(7) The goods and valuables stipulated in article 25 must be insured at an insurance company by the beneficiary of the transport contract or by the performing company, as agreed.

**Art. 27 - (1)** The cars to transport the goods and valuables or products with special regime, stipulated in article 25, are attested, in compliance with the law, by a laboratory or a competent authentication body that establishes, in accordance with the norms, their safety class. The cars are adequately equipped, endowed with securitying and alarming technical devices to ensure complete safety for the escorting personnel, goods, valuables and transported special products and are outfitted with radio transmission enginery on frequencies authorised in compliance with the law.

(2) During transportation of important goods and valuables or special regime products outside settlements or when imposed by a certain situation, the manager of the unit ensures at least one escorting unit for securing the respective goods and valuables.

(3) The transports of important goods and valuables or the special ones are supervised by police force or gendarmerie, according to the case.

(4) The vehicles currently used for transportation of less valuable products must be provided with metal boxes attached to the car body , with locks, alerting system and will be escorted by one or more persons, appointed from the respective unit's personnel or security agents. The attestation of these vehicles is not mandatory.

## **CHAPTER IV**

### **Alerting and protection technical systems to prevent burglary**

#### **SECTION 1**

##### **Means of protection and alert to prevent burglary**

**Art. 28 - (1)** The managers of the units that hold goods, valuables and storing supports for national secret documents, data and information must ensure security, physical-mechanical means of protection and alerting systems to prevent burglary in the preserving, storage and operating areas, as well as in the areas where similar activities are performed.

(2) Projects regarding the means stipulated in paragraph (1) are approved by the competent institutions, in compliance with the normative acts related to the security of classified information.

(3) The physical-mechanical protection elements embodied in the facilities allocated for preservation, storage and operation of any type of goods and valuables must be attested that they are resistant to burglary in concordance with the safety level imposed by the features of the protected objective.

(4) In the acceptance of the present law, by physical-mechanical elements of protection we mean: walls, wire nets, armours, safes, metallic cabinets, coffers, protection windows and foil, bars, doors and locks.

(5) In the acceptance of the present law, by alerting system to prevent burglary we mean the ensemble of electronic devices consisting of: the centre of command and of optical and acoustic signalization, motion, acoustic and anti-shock detectors, alarm buttons and pedals, access control and internal network television with data and information recording and

storing resources in order to ensure adequate personal and objective protection.  
(6) Installation, modification, including actuation of alert systems to prevent burglary are authorized and supervised in accordance with the stipulations in paragraph (2).

(7) The plans for installing alert systems to prevent burglary are elaborated in concordance with the technical norms established by governmental decision.

**Art. 29 -** (1) Within the security measures of goods and valuables, the managers of the performing units, as well as the ones of the beneficiary units must ensure only the use of the authorized physical-mechanical protection and alert means to prevent burglary.

(2) The authentication of the physical-mechanical means of protection stipulated in paragraph (1) and their components made in Romania or imported, is done by a Romanian testing laboratory, authorized and accredited in compliance with the law.

(3) The units affiliated with structures and institutions involved in the defence, public order and national security fields except the stipulations in paragraph (1).

**Art. 30 -** In construction plans for buildings allocated to produce, preserve or keep goods or important valuables or in modernization, modification and transformation work plans there must be ensured the design or the incorporation of physical-mechanical means of protection and the installation of technical protection and alert systems to prevent burglary.

**Art. 31 -** It is forbidden to market, one way or another, means of alerting for prevention burglary, physical-mechanical means of protection or their components without presenting the quality certificate issued by an authorized Romanian laboratory, the national or international standard and without a safety class specification, in accordance with the European norms.

**Art. 32 -** The beneficiaries, managers and the personnel of the companies specialised in alert systems and physical-mechanical means of protection fields must keep inside information regarding installed or under maintenance systems.

**Art. 33 -** Insurance companies make the classification of the alert systems for preventing burglary in close relation with the importance of the goods and the valuables to be secured and with the building's category of importance.

## **SECTION II**

### **The authorizing of companies specialised in alert systems for preventing burglary**

**Art. 34 -** (1) Individuals or companies are permitted to design, produce, install and maintain alert systems for preventing burglary and their components only on the basis of the license issued by the General Inspectorate of Romanian Police, renewed every three years and with the notice from the Romanian Information Service, issued in 30 days.

(2) The individuals and companies stipulated in paragraph (1) are compelled, that in 15 days, to notify the relevant police unit about any modification made in the structure and the organisation of the activity for which the license was issued.

(3) The heads and the technical personnel of legal persons and the natural persons that design, produce, install and maintain alert system to prevent burglary and their components are authorised by the county police inspectorates or by the General Office of Bucharest Police, from the area the company has its headquarters or the natural person his/hers residence.

**Art. 35 -** (1) The companies specialised in alert systems field are forbidden to gather

information, audio or video records that are beyond their field of activity for which the license was issued, as well as installing hidden equipment to perform these activities.

(2) The heads of the companies specialised in designing, producing, installing and maintaining the alert systems for preventing burglary must ensure the observation of the legal provisions and the internal organising and operating regulations, approved upon issuing the license.

(3) The companies specialised in alert systems field are permitted to partner with similar foreign companies, observing the provisions of the present law.

### **SECTION III**

#### **Dispatches monitoring alert systems**

Art. 36 - (1) Gendarmes units, Public Guards Corps, specialised security and protection companies, as well as the ones in the field of alert systems to prevent burglary are permitted to establish area dispatches to monitor and transmit alerts from the electronic systems to intervention squads.

(2) The area dispatches establishment, according to paragraph (1) is done only after the authorisation of the organising and operating regulation by the General Inspectorate of Romanian Police. The exception is the units of gendarmes, for their dispatches.

(3) Payments for monitoring the local alert system through dispatches are made on the basis of the contracts signed with the beneficiaries.

(4) The mobile squads' intervention when receiving alert signals from connected subscribers is made with qualified personnel within gendarmerie, public guards or specialised security and protection companies.

(5) In the situations when intervention is confirmed and the amplitude of events overwhelms their forces, the dispatch announces the competent police unit to arrest the law-breakers and to search the area of crime. In the other cases, after arresting the law-breakers, they are immediately turned in to the territorial competent police stations.

(6) Mentioning in the security plan the fact that the objective is secured by connecting the alert system to a dispatch of monitoring and transmission of the alert signals is mandatory.

### **CHAPTER V**

#### **The selection, attestation, employment and equipping of security personnel and bodyguards**

##### **SECTION 1**

#### **The selection and employment of security personnel and bodyguards**

Art. 37 – The employer is responsible for the selection, employment, level of training, equipage and endowment of the security personnel and bodyguards.

Art. 38 – The personnel with security attributions consists of: security agents, door keepers, access inspectors, keepers, escorts for valuables or other persons established by the management of the unit or designated to ensure training, control and coordination of the security activity.

Art. 39 – The persons to perform security and protection tasks must cumulatively meet the following conditions:

- a) must be a Romanian citizen and aged 18;
- b) must be able-bodied to perform his activity;
- c) mustn't have criminal records.

d) must be professional authorised, according to the provisions of the present law.

**Art. 40 -** (1) The employment of personnel with security attributions or bodyguards is made on the basis of the certificate issued by police, graduation certificate of the professional qualification courses, judicial criminal record certificate and, according to the case, the police authorisation to carry weapons.

(2) The exception from obligation to obtain the professional certificate stipulated in paragraph (1) is the persons that can produce evidence of their affiliation with the national defence, public order and national security.

## **SECTION 2**

### **Authorization and training security personnel and bodyguards**

**Art. 41 -** (1) Personnel to perform security activities over objectives, valuables and of bodyguards are authorized after taking out permit from police institutions and graduation of minimum 90 days qualification courses, charged and organised by the Romanian Gendarmerie, Protection and Security Service, public guards institutions or specialised security and protection companies, as well as other legal persons that are registered as operating in the field and authorized by the Ministry of Internal Affairs.

(2) The qualification courses cover specific ground, authorised, according to the case, by the General Inspectorate of Romanian Police, National Commandment of Romanian Gendarmerie or Protection and Security Service and are finalized with testing the graduates by a commission made of representatives from police or gendarmerie and the public authority dealing with professional training and employment.

(3) After taking the examination and acquiring the professional qualification graduation paper, the graduate is granted authorisation from the General Inspectorate of Romanian Police, on the basis of he is permitted to practice security or bodyguard.

(4) Entering for attending qualification courses is made by application, on the basis of the documents that certify that the conditions stipulated in article 39 are met and approval from police.

(5) Security personnel and bodyguards that meet the conditions stipulated in article 39, are investigated and authorised in 30 days time from the application date by the competent police station in jurisdiction.

(6) The request for authorisation is made by the head of the unit that organizes qualification courses or, according to the case, by the one where the security personnel or bodyguards are employed.

(7) The admittance of applicants not endorsed by police to the qualification courses is forbidden.

(8) In case of malicious law-breaking or derelictions of duty, punished with the annulment of labour contract by labour law, the police approval is ex officio rendered null, the authorisation is withdrawn, this being communicated to the competent police station in jurisdiction for exclusion from the centralized records.

(9) The heads of the units stipulated in article 2, paragraph (1), which hold national secrets or perform strategic activities, must request in addition to approval from police, the approval of the Romanian Information Service for the employed security personnel.

## **SECTION 3**

### **The endowment of security personnel**

**Art. 42 -** The employers must endow security personnel and bodyguards with uniforms, distinctive marks, and according to the case, protection equipment, which is worn only when performing duty.

Art. 43 – Security personnel or bodyguards must wear while performing duty an identification tag with their name and surname, as well as the name of the employing unit.

Art. 44 - (1) The uniforms and marks are established by the employer. These will be marked only with the name and label of the employing unit.

(2) Private security companies are forbidden to adopt marks, uniforms, accessories or names similar or resembling to those of the public authorities. Private security companies are also forbidden to wear hoods, face protection masks and metallic handcuffs.

Art. 45 - (1) In relation to the importance and the nature of the objectives, goods and valuables that are being securityed with the approval of the police or the gendarmerie, according to the case, security personnel and bodyguards may be endowed with fire weapons, rubber or tip tomfoe batons, small capacity tear sprays and other means of defence, authorised by law.

(2) Endowment of security personnel and bodyguards with fire weapons is made only after the plan of security/protection of objective/individuals or transport of special or important goods and valuables, is approved by police or gendarmerie, according to the case.

Art. 46 - (1) Armament and ammunition are hired in return for payment from competent police or gendarmes stations in jurisdiction.

(2) Training shootings with the security personnel and bodyguards equipped with fire weapons are organised under supervision from the competent police and gendarmes stations in jurisdiction at least two times a year.

(3) The employer pays for the wasted ammunition.

## **CHAPTER VI**

### **The attributions of security personnel and bodyguards**

#### **SECTION 1**

##### **Security personnel attributions**

Art. 47 – Security personnel must know and observe their obligations, as being directly responsible for the security and integrity of the entrusted objectives, goods and valuables.

Art. 48 – During duty, security personnel must:

a) be acquainted with the vulnerable locations and spots in the objective perimeter in order to prevent any damaging acts that may prejudice the securityed units;

b) security over the objective, goods and valuables specified in the security plan and to ensure their integrity;

c) grant access into the objective only in accordance with the legal regulations and internal dispositions;

d) stop and identify the individuals believed to have committed illegal acts in the secured objective, the ones who break the internal norms established by interior regulations, and, in case of flagrant law-breaking, seize and turn in the author of the crime, the goods or valuables representing the object of the crime or other illegal acts, to police, taking measures to hold or restrain them, simultaneously writing a report for these provisions;

e) immediately inform the hierarchical superior and management of the beneficiary unit about any event occurred while performing duty and the measures taken;

f) In case of damages produced to installations, tubes and tanks for water, fuels or chemical substances, electrical or phone wires or any other type of damaging circumstances,

immediately inform the competent personnel on the occurred events and take first measures to diminish the consequences of the event.

- g) In case of fire, immediately take measures of extinction and rescue individuals, goods and valuables, inform the firemen, management of the unit and police;
- h) take first measures to rescue individuals and remove the goods and valuables in case of calamity;
- i) inform the police about any type of act that may prejudice the patrimony of the unit and cooperate with the police in accomplishing their mission of arresting the law-breakers;
- j) keep the national and duty secret, in case that, according to the job attributions, has access to this type of data and information;
- k) wear means of defence, protection and the endowed armament only while performing duty, and use weapons just in the cases and circumstances provided by law;
- l) wear uniforms and distinctive marks only while performing duty, except from the working places that ask for a different outfit;
- sn) not absent without reasonable grounds and previously informing the management of the unit about it;
- o) precisely execute the orders from hierarchical superiors, except from the obviously illegal ones and be respectful in relation to his colleagues;
- p) perform security, according to the nature of the objective, goods and valuables under security, and other entrusted tasks, in accordance with the security plan;
- q) respect the general and particular post instruction.

**Art. 49** – The head of the security system, in addition to the obligations stipulated in article 48, has the following attributions:

- a) to organise, manage and control security activity, as well as the method of performing duty by the subordinate personnel;
- b) to immediately inform the management of the unit and the police about events occurring during security and keep records of them;
- c) to suggest measures for improving security to the management of the unit;
- d) to keep the account of armament and ammunition of the security personnel, to ensure its preservation, maintenance, storage and use, according to the law;
- e) to perform specific professional training programme for the subordinate security personnel.

## **SECTION 2**

### **Bodyguards' attributions**

**Art. 50** - (1) While performing duty, personnel executing bodyguard activity, in addition to the obligations stipulated in article 48, letter d) and j)-o), has the following specific attributions:

- a) to defend the individual under protection against any attacks that may endanger his/her life, physical integrity, health and assets;
- b) to take first measures to rescue the individual under protection when injured;
- c) not to execute, at the beneficiary's request, activities that transcend his legal attributions;
- d) to inform police as soon as he comes into the possession of data or information about imminent law-breaking preparation or committing;
- e) to seize and hold, according to resources, the individuals that committed types of acts to endanger the life, physical integrity, health or assets of the person under protection and to turn them in to the nearest police station, without abandoning his bodyguard attributions.



f) to participate, on the state authorities' request, to the accomplishment of these authorities' mission to arrest law-breakers, without breaking the bonds towards the individual under their protection;

g) to collaborate with the state authorities with attributions in defence, public order and national security field.

(2) The personnel stipulated in paragraph (1) are forbidden to carry weapons in headquarters of public institutions.

**Art. 51** – The course of action for the personnel performing bodyguard service is established by the protection plan formed by the specialised security company and authorised by the competent police station in jurisdiction.

## **CHAPTER VII**

### **Unit management obligations**

**Art. 52** – The heads of the units stipulated in article 2 paragraph (1), wherein security systems operate, have the following obligations:

a) are responsible for the organisation and operation of the security over units, goods and valuables in possession, of any type;

b) seriously analyze the strict needs of security and establish the necessary forces, according to the nature, importance, size and vulnerability of the respective units, the type of manufacture and their disposal area; in the units where security is performed with troops of gendarmes, the analysis and establishment of measures is made with the commander of the gendarmes unit that authorised the plan;

c) ensure, for performing the security service, the selection of individuals with the necessary adequate moral profile, physical and professional abilities;

d) take measures of specific training of the security personnel and control the manner in which they fulfil the job responsibilities;

e) ensure the execution of facilities and installations necessary for performing security service, as well as the induction, preservation and maintenance of the connection technical systems, security and alert systems to prevent burglary;

f) ensure equipage of security personnel with uniforms and distinctive marks, under the provisions of the law;

g) ensure guard post or service room for the troops of gendarmes, public guards or those of specialised security companies and the necessary funds to cover the expenses for the operation of security service;

h) sign contracts for performing security, body guarding services, installing alert systems to prevent burglary, only with the companies or individuals or through public guards corps that were issued license, according to the case, by the General Inspectorate of Romanian Police;

i) ensure the storing spaces and facilities necessary for keeping safe the armament and ammunition allocated to security service;

j) establish regulations regarding access and traffic within the securityed objective;

k) establish responsibilities for the department managers regarding the security and security of machinery and installations.

**Art. 53** – The obligations stipulated in article 52 are fulfilled with professional support from competent police or gendarmes stations in jurisdiction.

## **CHAPTER VIII**

### **The obligations of the Ministry of Interior**

Art. 54 – The Ministry of Interior ensures, through professional structures, the coordination, guidance and control of the security and protection activities on the Romanian territory.

Art. 55 – In order to ensure security and security of objectives, goods and valuables, Romanian Police Force has the following attributions:

- a) authorizes the security plans for the units where security is not performed by troops of gendarmes and establishes, according to the case, the necessity of equipping the involved personnel with afferent armament and ammunition;
- b) offers professional support in organising security over these units, in training the security personnel and supervises the rigorous execution of the regulations established by the security plan.
- c) issues operating licenses for specialised security companies and the approval for their managers, in accordance with the law;
- d) issues certificates for security personnel employment or renders a certificate null when the legal conditions that stood on the basis of its issue are not met anymore;
- e) authorizes the personnel that apply to attend qualification courses in security and body guarding field;
- f) authorizes, according to the case, the thematic plans for training the security personnel and bodyguards;
- g) authorizes the thematic plans for professional certification courses of security personnel;
- h) authorizes projects for technical alert systems to prevent burglary planned to be wired in the units stipulated in article 2, paragraph (1);
- i) directs and supervises, according to the case, the shooting sessions with the fire weapons from the endowment of the security personnel and bodyguards;
- j) offers consultancy in organising the security and body guarding activities and gratuitously provides necessary armament to endow the personnel from public institutions authorised by foundation, organisation and operation law to hold and use fire weapons and ammunition, except from the ones in the defence, public order and national security system;
- k) provides by hiring, in return for payment, in the stock limit, the necessary armament to endow the security personnel from the other units;
- l) verifies the manner in which the legal provisions regarding security over objectives, goods and valuables are observed, as well as the ones regarding body guarding and establishes the following course of action;
- m) authorizes regulations of organising and operating for area dispatches which monitor alert systems;
- n) issues operating licenses for companies specialised in designing, manufacturing, installation and maintenance of alert systems to prevent burglary or their components and in monitoring alerts in objectives, or withdraws their license, under the provisions of the law;
- o) authorizes the managers and technical personnel of specialised companies or withdraws this authorisation when the provisions of the law are no longer observed;
- p) authorizes the security personnel and bodyguards to carry weapons;
- q) controls and directs specialised companies' activity;
- r) keeps the records of issued licenses, certifications and authorisations, as well as of the withdrawn ones and provides, at the request of the beneficiaries of security services, information to that effect.

Art. 56 – In order to ensure security and security of objectives, goods and valuables, the Romanian Gendarmerie has the following main attributions:

- a) ensures security with troops of gendarmes over objectives, goods and valuables, as well as over transports of important or special valuables, established by governmental decision or, according to the case, by order from the Minister of Internal Affairs, under the provisions of the present law;
- b) authorizes security plans for the units where security is performed by troops of gendarmes and establishes, according to the case, the necessity of endowing the involved personnel with armament and afferent ammunition;
- c) offers professional support in organising the security over objectives, goods and valuables, in training the security personnel, gratuitously provides necessary armament to endow the security personnel, and supervises the precise execution of the regulations established by the security plan of authorised public institutions;
- d) provides by hiring, in return for payment, in the stock limit, the necessary armament to endow the security personnel from the other units;
- e) organizes qualification courses and authorizes, according to the case, the thematic plans for training security personnel and bodyguards;
- f) directs and supervises, according to the case, the shooting sessions with the fire weapons from the endowment of the security personnel only for the units where mixed security with gendarmes is performed.

## **CHAPTER IX**

### **Responsibilities and penalties**

Art. 57 – Inobservance of the provisions of the present law entails, according to the case, civil, material, disciplinary, contravening or penal liabilities.

Art. 58 – Performing activities of security and protection, design, manufacture and maintenance of alert systems to prevent burglary or their components without certificate or operating license, as provided by law, is considered law-breaking and is penalized with imprisonment for a period of 6 months up to 3 years.

Art. 59 – The involvement of the heads of the units with personal security, of public guards corps, specialised security corps, specialised security and protection companies, personal staff in performing actions of aggression, constrained execution, debt recoveries, labour conflicts or of opposition to actions of restoring order by the competent public authorities, as well as the disrespect of the stipulations of article 21 are penalized with imprisonment for a period of 1 up to 5 years, whether the deed is not qualified as more severe.

Art. 60 – Infractions of the present law are considered the following:

- a) disregarding the measures of organising and operating the security, stipulated in article 3 paragraphs (1) and (3), article 5 paragraph (1), article 17 paragraph (1) and article 18 paragraphs (2) and (3);
- b) disregarding the measures stipulated in article 25, article 27 paragraphs (1), (2) and (4) and article 29 paragraph (1);
- c) not elaborating the security plan, according to article 5 paragraph (3) or the one regarding transportation of goods or valuables, according to article 26 paragraph (1), and not fulfilling the tasks provisioned by plans or measures established by the gendarmes unit;
- d) employing or keeping in operation any type of security personnel, in contravention with the provisions of article 20 paragraph (10), article 22 paragraphs (1) and (4) and article 39;
- e) disregarding the obligations stipulated in articles 48-51 by the security and body guard personnel;
- f) disregarding the obligations stipulated in article 52 by the heads of units;

- g) disregarding the provisions of article 24, article 34 paragraph (2), article 41 paragraphs (7) and (9) and article 42;
- h) installing technical alert systems to prevent burglary or components of these in contravention with the provisions of article 28 paragraphs (6) and (7), as well as articles 30 and 31;
- i) refusing to grant access to the representatives of public authorities on duty, police and gendarmerie personnel which is specially designated to exercise legal attributions to control, take preventive measures in security or observed with technical means to prevent burglary objectives and to organise body guard activity;
- j) when specialised companies or public guards corps transcend their object of activity;
- k) refusing to provide data, information or documents requested by representatives on duty of competent public authorities, according to the law;
- l) performing organising and operating attributions in specialised companies by individuals convicted for malevolent law-breaking;
- m) violating the conditions which stood on the basis of the issue of operating license.

**Art. 61** - The contraventions stipulated in article 60 are punished as following:

- a) with fine from 5.000.000 lei up to 10.000.000 lei for the contraventions stipulated in letters g)-m);
- b) with fine from 2.000.000 lei up to 5.000.000 lei for the contraventions stipulated in letters a)-d) and f) ;
- c) with fine from 500.000 lei up to 1.000.000 lei for the contraventions stipulated in letters e).

**Art. 62** - (1) Operating license is rendered null in the following cases:

- a) when committing one of the contraventions stipulated in article 60 letters i)-k), if the offender is the head of the unit specialised in security and/or protection, as well as the contraventions stipulated in article 60 letters l) and m);
- b) when repeating, in one year's time, the actions that entail suspension;
- c) when committing one of the offences stipulated in article 59;
- d) when the heads of companies specialised in security and protection, of those licensed in the field of alert systems to prevent burglary or components of these or of monitoring alert systems, commit offences related to the activity of these companies.

(2) Annulment of the operating license is decided by the General Inspectorate of the Romanian Police or, according to the case, by Court and is communicated to the office of the trade registry in whose jurisdiction the specialised security and protection company operates, in 10 days from the date of the contravention report completion or from the court decision that dismissed the complaint against the contravention report.

(3) In the cases stipulated in paragraph (1) letters c) and d), the license annulment is disposed after the court decision that sentenced the offender stays final.

(4) In the cases stipulated in paragraph (1) letters a)-d), the license annulment is disposed on the basis of the justified fact-finding act, executed by the fact-finding agent from the county police station or the General Direction of Bucharest Police, in whose jurisdiction the penalized company has its headquarters and is communicated to the General Inspectorate of the Romanian Police and the respective company.

(5) After the operating license annulment, the head of the specialised security and protection unit is obliged to cancel the contracts signed with the beneficiaries in 10 days from the date of annulment notice.

(6) The annulment of the operating license can be appealed against in court, according to the law, by the penalized company, and till the court decision becomes final, the provisions in article 5 regarding contracts cancellation do not apply.

(7) The General Inspectorate of Romanian Police keeps computerized records of all the companies that were issued operating licenses in the fields of security, body guard, installation of alert systems to prevent burglary and monitoring these systems.

**Art. 63 - (1)** The decision to withdraw the certificate of security personnel or bodyguards belongs to the General Inspectorate of the Romanian Police and is obligatorily taken in the following circumstances:

- a) the individual committed an offence regarding duty;
- b) the individual was penalized at least 2 times in 6 months for disregarding the stipulations in articles 48-50 or the norms of social cohabitation, public order and peace.
- c) the individual lost the necessary physical abilities to perform security or body guard activities or has been declared irresponsible, according to the law.

(2) The withdraw of the certificate is proposed by the fact-finding agent who noticed that the security or body guard personnel are in one of the situations stipulated in paragraph (1) and is ordered by the fact-finding agent's station, being immediately communicated to the employer and penalized person.

(3) The employee whose certificate has been withdrawn can appeal against this decision in court, according to the law.

(4) The General Inspectorate of Romanian Police keeps computerized records of all persons that were issued certificates for security service, as well as of those who were withdrawn the certificates by the competent units of the Ministry of Internal Affairs.

**Art. 64 -** Committing, in a period of three months, at least two of the contraventions stipulated in article 60 letters g) and h) entails the suspension of the penalized company's right to sign new contracts and employ personnel for a period of one up to three months.

**Art. 65 -** Observing contraventions and laying the penalties stipulated in the present law are done by policemen, gendarmes, as well as mayors or their representatives in concordance with their authority, according to the law.

**Art. 66 -** The provisions of the Governmental Ordinance no.2/2001 regarding the judicial nature of contraventions, approved with modifications and completion by the Law no.180/2002 with ulterior medications apply to the contraventions stipulated in article 60.

**Art. 67 -** Complaints about the report of observing the contravention and laying penalty can be filed to the court of law, in whose jurisdiction the contravention was committed, in 15 days from notice.

## **CHAPTER X**

### **Final dispositions**

**Art. 68 - (1)** Security over objectives, goods, valuables and individuals, as well as over special transports belonging to structures and institutions from the fields of defence, public order and national security is ensured according to the regulations established within them.  
(2) The Protection and Security Service coordinates the activities of all security and protection forces from the units that enjoy personal security, in which dignitaries perform duty permanently or temporarily.

**Art 69 -** Ninety days from the date when the present law takes effect, by governmental decision, there will be established:

- a) the methodological norms regarding the issue, suspension and annulment of licenses and authorisations provided by the present law;

- b) the technical norms to be observed in designing and executing the alert systems to prevent burglary;
- c) the specific documents necessary for executing and keeping records of the security service and their patterns;
- d) the documents to organise and perform training and authorizing security personnel.

**Art. 70** – The companies specialised in security and protection and the ones that design, manufacture, install and maintain alert systems to prevent burglary, as well as the dispatches monitoring them, founded before the present law becomes effective, are obliged to obtain operating licenses and authorisations, filling the activities provided by law in their organisational and operational regulations, in six months' time from the date when the governmental decision to approve the methodological norms takes effect.

**Art. 71** – The security personnel that did not attend qualification courses under the provisions of chapter V and is employed in one of the security patterns provided by sections 2-5 of Chapter II will be certified under the provisions of the present law, in one year' time from the date when this law takes effect.

**Art. 72** - (1) Present law takes effect in 90 days from its publishing in the Romanian Official Gazette, Part One.

(2) At the same date, the Law no.18/1996 regarding the security over objectives, goods and valuables published in the Romanian Official Gazette, Part One, no.75 of April 11th 1996, with ulterior modifications and completion, and the Governmental Decision no. 523/1997 regarding security over objectives, goods and valuables with troops of gendarmes, published in the Romanian Official Gazette, Part One, no. 249 of September 23rd 1997, with the ulterior modifications and completion, as well as other contrary stipulation, are abolished.

This law has been adopted by Senate in the session of June 23rd 2003, observing the provisions of article 74 paragraph (1) and article 77 paragraph (2) from Romanian Constitution.

**p. PRESIDENT OF SENATE,**

**DORU IOAN TĂRĂCILĂ**

This law has been adopted by the Chamber of Deputies in the session of June 24th 2003, observing the provisions of article 74 paragraph (1) and article 77 paragraph (2) from Romanian Constitution.

**p. THE PRESIDENT OF THE CHAMBER OF DEPUTIES,**

**VIOREL HREBENCIUC**  
**Bucharest, July 8th 2003.**