

Disclaimer: This is a Romanian to English translation meant to facilitate the understanding of this document. Should differences appear between the Romanian and the English version, following translation, the Romanian version shall prevail.

☒LAW no. 245 of 2 November 2018 on the approval Government Emergency Ordinance no. [33/2017](#) on amending and completing Art. 11 of the Government Emergency Ordinance no. [22/2009](#) establishing the National Authority for Management and Regulation in Communications

The Parliament of Romania adopts this law.

☒Sole Article

This is to hereby approve Government Emergency Ordinance no. [33 of 27 April 2017](#) on the amendment and completion of Art. 11 of the Government Emergency Ordinance no. [22/2009](#) establishing the National Authority for Management and Regulation in Communications, published in the Romanian Official Journal, Part I, no. 312 of 2 May 2017, with the following amendments and completions:

☒**1.**The title of the emergency ordinance shall be amended to read as follows:

"EMERGENCY ORDINANCE on amending and completing Government Emergency Ordinance no. [22/2009](#) establishing the National Authority for Management and Regulation in Communications"

☒**2.** The Sole Article shall be amended to read as follows:

"Sole Article

Articles 11 and 15 of the Government Emergency Ordinance no. [22/2009](#) establishing the National Authority for Management and Regulation in Communications, published in the Romanian Official Journal, Part I, no. 174 of 19 March 2009, approved by Law no. [113/2010](#), with the subsequent amendments and completions, shall be amended and completed as follows:"

☒**3.**In the Sole Article, indent 1 shall be amended to read as follows:

"1. In Article 11, paragraph (1) shall be amended to read as follows:

«Art. 11

(1) The management of ANCOM shall be ensured by one president and two vice-presidents, appointed by the two Chambers of the Parliament, assembled in joint session, by the vote of the majority of deputies and senators present.»"

☒**4.**In the Sole Article, indent 2 shall be amended to read as follows:

"2. In Article 11, paragraph (1) shall be followed by four new paragraphs, paragraphs (1¹) - (1⁴), reading as follows:

«(1¹) The appointment of the president and of the two vice-presidents of ANCOM, specifying the positions, is made on the joint proposal of the Commission for Communications and Information Technologies of the Chamber of Deputies and of the Senate's Commission for Economy, Industries and Services.

(1²) The Commissions referred to in paragraph (1¹) assembled in joint session, shall select the proposals from a list containing one or more candidates on the basis of the criteria set out in paragraphs (3) and (4).

(1³) Persons who meet the hereby stipulated criteria for the positions of president and vice-president can submit their candidatures to one of the secretariats of the commissions stipulated in paragraph (1¹).

(1⁴) Proposals for candidates for the functions provided in paragraph (1) shall be submitted to the Permanent Bureaus of the two Chambers of Parliament, within 30 days from the date a position has been vacated.»"

5. In the Sole Article, indent 2 shall be followed by six new indents, indents 3-8, reading as follows:

"3. In Article 11, paragraph (2) shall be amended to read as follows:

«(2) The basic salary of the ANCOM president and vice-presidents shall be set out at the level of five average salaries applied within the organisation, as per the month of January every year, while the salary of the ANCOM vice-presidents shall be set out at the level of four average salaries applied within the organisation, as per the month of January every year.»

4. In Article 11, paragraph (2) shall be followed by a new paragraph, paragraph (2¹), reading as follows:

«(2¹) The positions of ANCOM president and vice-president are senior public official positions assimilated to the position of minister, respectively of state secretary, having the right to set up a Cabinet of their own.»

5. In Article 11(5), item f) shall be followed by a new item, item g), reading as follows:

«g) by dismissal, if they no longer fulfil the conditions set out in paragraphs (3) and (4), under the conditions laid down in paragraph (8), or in exceptional circumstances, when, through their actions, they have seriously affected the functional independence of the authority as to the entities referred to in Article 18 (5).»

6. In Article 11, paragraph (5) shall be followed by a new paragraph, paragraph (5¹), reading as follows:

«(5¹) The dismissal from a position shall be made by the Chamber of Deputies and by the Senate, in a joint session, by the vote of the majority of the deputies and senators present, on the basis of a joint report of the commissions stipulated in Article 15(1). The report shall be published on the websites of the Chamber of Deputies and of the Senate and communicated to the person who was dismissed.»

7. In Article 11, paragraph (9) shall be followed by a new paragraph, paragraph (10), reading as follows:

«(10) In the situation where the position of president has been vacated, the duties of the president of ANCOM are exercised by the person holding the highest management position in the institution. Where the two or more persons occupy similar level positions, the duties shall be exercised by the person having the highest seniority in the respective position and, in the case of equal seniority, by the one who has the highest seniority in the institution.»

8. In Article 15, paragraph (4) shall be amended to read as follows:

«(4) The report of the Commission for Communications and Information Technologies of the Chamber of Deputies and of the Senate's Commission for Economy, Industries and Services on the Annual Activity Report is subject to debate and adoption in plenary session of the Parliament, in the presence of ANCOM's president and vice-Presidents.»"

The Parliament of Romania has adopted this law with the observance of the provisions of Article 75 and of Article 76(1) of the [Constitution of Romania](#), republished.

for PRESIDENT OF THE CHAMBER OF DEPUTIES,

FLORIN IORDACHE

for PRESIDENT OF THE SENATE,

IULIAN-CLAUDIU MANDA

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