

Ordinance no. 28 of 31 August 2011  
amending and supplementing Law no. 206/2004 on good conduct scientific research, technological development and innovation  
ISSUER: GOVERNMENT  
Published in: Official Gazette no. 628 of September 2, 2011

Pursuant to art. 108 of the Constitution, republished, and art. 1 Section VI.1 of Law. 131/2011 enables the Government to issue ordinances,

Government of Romania adopts this ordinance.

#### SOLE ARTICLE

Law no. 206/2004 on good conduct scientific research, technological development and innovation, published in the Official Gazette, Part I, no. 505 of June 4, 2004, as amended and supplemented, amended and supplemented as follows:

A. Article 1 is amended as follows:

"Article 1

(1) Good conduct scientific research, technological development and innovation, 'the research and development, is based on a set of rules of conduct and procedures for compliance.

(2) rules of conduct are provided in this Act and shall be completed and detailed code of ethics and professional conduct of research and development, 'the Code of Ethics, established by Law no. 319/2003 on the status of research and development, and ethical codes of areas, as elaborated in art. 7 points. b).

(3) procedures for compliance with these standards are met in the Code of Ethics, under the provisions of this Law and National Education Law no. 1/2011.

(4) Compliance with these standards by category of personnel carrying out research and development, under Law no. 319/2003, and by other staff, in the public or private, that receive public funds for research and development, causes good conduct in research and development. "

Two. Article 2 is amended as follows:

"Article 2

Rules of good conduct in research and development include:

- a) rules of conduct in scientific work;
- b) rules of conduct in public communication, publication, dissemination and popularization of science, including the project applications in competitions of projects organized by public funds;
- c) rules of conduct in the assessment and monitoring institutional research, development, evaluation and monitoring of research and development achieved by the actions of the National Plan for Research, Development and Innovation and evaluation of persons in the provision of degrees, titles, positions, awards, awards, bonuses, certificates or certificates in research and development;
- d) rules of good conduct in leading positions in research and development;
- e) rules of conduct on respect for human being and dignity, avoiding animal suffering and protect and restore the natural environment and ecological balance. "

Three. After Article 2 adds a new Article 2 ^ 1, as follows:

"Article 2 ^ 1

(1) Breach of the rules of conduct laid down in Art. 2 letter. a), as far as crime is not criminal law include:

- a) making the results or findings and presenting them as experimental data, the data obtained by calculations and numerical simulations on the computer or the data or results obtained by analytical calculations or deductive reasoning;
- b) falsifying test data, data obtained by calculations and numerical simulations on the computer or the data or results obtained by analytical calculations or deductive reasoning;
- c) intentionally hinder, prevent or sabotage of research and development of others, including the unjustified blocking access to areas of research and development, through damage, destruction or manipulation of experimental apparatus, equipment, documents, software, data in electronic form, organic or inorganic substances of living matter or other persons necessary for the conduct, implementation and completion of research and development.

(2) Deviations from the rules of conduct laid down in Art. 2 letter. b), as far as crime is not criminal law include:

- a) plagiarism;
- b) plagiarism;

- c) inclusion in the list of authors of scientific publications of one or more co-authors who have contributed significantly to the publication or exclusion of co-authors who contributed significantly to publication;
- d) a listing of authors of scientific publications of a person without consent;
- e) publication or unauthorized dissemination by the authors results, hypotheses, theories or unpublished scientific methods;
- f) entering false information in applications for grants or funding, the application files for empowerment, for university teaching positions or for research and development positions.

(3) Deviations from the rules of conduct laid down in Art. 2 letter. c), as far as crime is not criminal law include:

- a) non-disclosure of conflicts of interest in carrying out or participating in assessments;
- b) privacy violation evaluation;
- c) discrimination in assessments, based on age, ethnicity, gender, social origin, political or religious, sexual or other types of discrimination, except to the extent provided by law affirmative.

(4) Deviations from the rules of conduct laid down in Art. 2 letter. d), as far as crime is not criminal law include:

- a) abuse of authority to get the author or coauthor of those publications subordinates;
- b) abuse of authority to get the salary, remuneration or other financial benefits of research and development projects conducted or coordinated by the people under him;
- c) abuse of authority to get the author or coauthor of publications subordinated persons or to obtain payment, compensation or other material benefits for spouses, relatives or blueberries to the third degree inclusive;
- d) abuse of authority to impose undue own theories, concepts and results of those subordinates;
- e) obstructing the business of ethics commissions, committees or review of a National Ethics Council, during an analysis of deviations from good conduct in research and development of subordinates;
- f) failure to comply with legal provisions and procedures for compliance with the rules of good conduct in research and development under this law, Law no. 1/2011, Code of ethics, codes of ethics on areas in the regulations of organization and operation of research and development institutions, namely the university card, as appropriate, including failure to implement the sanctions established by the ethics committee as Article. 11 paragraph (6) of this Act or the National Ethics Council, according to art. 326 of Law no. 1/2011.

(5) Deviations from the rules of conduct laid down in Art. 2 letter. e) are detailed in the code of ethics or codes of conduct by fields.

(6) The following situations may also raise ethical responsibility by association for violations of good conduct in research and development:

- a) active participation in the misconduct of others;
- b) knowledge of misconduct by others and unnoticed ethics committee referred to in art. 9 or the National Council of Ethics;
- c) co-author publications containing false information or made;
- d) failure to comply with legal and contractual obligations, including those related term contract or contracts, the performance of management or coordination of research and development activities. "

Four. Article 4 is amended to read as follows:

"Article 4

(1) In this law the following terms are defined as follows:

- a) co-author of a publication - any person nominated in the list of authors of scientific publications;
- b) making the results or data - reporting of results or fictitious data, not the actual outcome of a research and development;
- c) falsification of results and data - or rejection of data or selective reporting of results undesirable handling representations or illustrations, experimental or numerical alteration device to obtain the desired alterations made without reporting;
- d) plagiarism - exposed in a work written or oral communication, including electronic, of texts, phrases, ideas, demos, data, assumptions, theories, results, or excerpts from works by scientific methods, including electronic, other authors, not to mention this and without reference to original sources;
- e) plagiarism - exposure in a work written or oral communication, including electronic, of texts, phrases, demos, data, assumptions, theories, results, or excerpts from works by scientific methods, including electronic form, the same or the same authors, not to mention this and without reference to original sources.

(2) serious violations of good conduct in research and development are provided in Art. 310 of Law no. 1/2011. "

Five. After Article 4, two new articles, Articles 4 and 4 ^ 2 ^ 1, as follows:

"Article 4 ^ 1

(1) conflicts of interest in the activities specified in Art. 2 letter. c) to prescribe regulations for the organization and functioning of public authorities or local bodies, with or without legal personality, which coordinates the competition, competitions and assessments in research and development in other regulations applicable to such assessment procedures, including their of information for projects in compliance with legal regulations.

(2) A person may not participate directly, as an expert appraiser, or indirectly by decisions nominal direct selection or exclusion of expert evaluators responsible for assessing an institution, a project, an offer or a candidate if that person is listed personnel of the institution, project or evaluated bid or other projects or proposals submitted for funding under the same funding lines, auctions or tenders or finds himself in the following relationship with the candidate or the persons from the list personal projects, bids or institutions evaluated: are spouses, relatives by affinity or third degree inclusive.

(3) In this law, personal list of a project or an offer consists of the persons named in the project proposal or the bid submitted for evaluation, including project manager, and for projects in partnership between several institutions or units, the project managers.

Article 4 ^ 2

(1) Complaints of violations of the rules of good conduct in research and development are analyzed in two stages detailed in the Code of Ethics:

a) analysis of the institution where the alleged misconduct occurred, called the first stage, which takes place according to art. 11 and the Code of Ethics;

b) analysis of the National Ethics Council, called the second stage.

(2) National Ethics Council is obliged to consider complaints or appeals in any of the following cases:

a) if the first stage produced a report by the deadline stipulated in art. 11 paragraph (3) and if the complaint or appeal is annexed a copy simple written or electronic format, after the report of the first stage;

b) if the first stage has produced a report by the deadline stipulated in art. 11 paragraph (3).

(3) are exempt from the provisions of par. (1). a) complaints or appeals aimed at leaders of institutions and research and development units or public institutions, members of governing boards, steering committees, boards of scientific and ethics committees of institutions and research and development units or persons with public functions, which are dealt with directly by the National Council of Ethics.

(4) For complaints that fall under the case provided in par. (2). a) National Ethics Council in writing and inform the institution concerned by electronic means appeal within two working days of receiving the appeal.

(5) National Ethics Council may consider deviations from the rules of good behavior and following self-notification.

(6) During the analysis of the National Ethics Council, the institution or institutions concerned / affected by referral or appeal make / made available to the National Ethics Council any data, documents or material evidence requested by it.

(7) National Ethics Council shall report within 90 calendar days of receipt of referral or appeal provided for in paragraph. (2) or after self-notification, the report contains the existence of a reasoned decision or deviations from good conduct in research and development and identify those responsible and proposed sanctions, if appropriate, the report made public on site website of the National Council of Ethics. "

6. Article 5 (3) - (5) shall be amended as follows:

"(3) National Ethics Council members must be persons with recognized activity in research, development and / or experts in legal ethics in research and science.

(4) To work, the National Ethics Council members and members of its working groups, which are not members of the National Ethics Council, receive a monthly budget of the National Authority for Scientific Research, in relation to the work.

(5) members allowance, operating expenses and travel expenses for operating the National Ethics Council and its working groups shall be provided from the Ministry of Education, Youth and Sports, National Authority for Scientific Research, which provides technical and secretariat Executive support for council activities, according to regulations. "

July. In Article 7, paragraphs a) and b) shall be amended as follows:

"A) proposes amendments to the Code of Ethics;

b) develop codes of ethics in scientific fields, they propose for approval by the state authority for research and development ".

August. Article 7 letter c) is repealed.

September. In Article 7, paragraph f) is amended to read as follows:

"F) examine cases concerning breach of good conduct, following complaints or appeals or by own initiative,".

10. In Article 7, by letter f) introducing a new letter, letter f ^ 1), as follows:

"F ^ 1) issues decisions which determine whether a violation has been made to the rules of good conduct, in cases where violations were found, called the decisions a person or persons guilty of such offenses and set penalties to be applied. "

11. In Article 8 (1) is amended to read as follows:

"Article 8

(1) National Ethics Council may form working groups on areas of science and technology, a permanent or temporary, according to the Regulation on organization and functioning of the National Ethics Council, under the law. "

12. Article 8 (2) is repealed.

13. In Article 10, point b) is amended to read as follows:

"B) appoint committees of analysis to examine complaints about violations of good conduct in research and development to their attention following complaints or under own initiative."

14. Article 11 is amended as follows:

"Article 11

(1) The procedures that the board of ethics review committee that carries out the written allegations, brought by natural or legal persons known, or from self-notification are detailed in the Code of Ethics in compliance with this law.

(2) The ethics commission shall keep confidential the identity of the author's analysis of the referral in accordance with procedures detailed in the Code of Ethics.

(3) The analysis shall report to be approved by the ethics committee, written notification shall be communicated to the author and made public on the website of the institution within 45 calendar days of receipt of notification, if finding deviations from the rules of good conduct in research and development, the report calls the guilty persons and fix one or more of the penalties provided for in art. 11 ^ 1, the infringers may be different from those covered in the text notification.

(4) Commission review report is approved by the institution's legal counsel. Liability for the decisions and activities by the institution review board.

(5) reports of the analysis may be appealed to the National Ethics Council by the person or persons found guilty by the author or referral; appeal shall contain the required simple copies of the original complaint and after the report of the analysis.

(6) Where an appeal has been submitted to the National Ethics Council within 15 working days from the date referred to in paragraph (3) sanctions committee established by the analysis are implemented by the head of the institution or by the Board, as appropriate, within 45 calendar days from the date of the report under par. (3). "

15. After Article 11 insert a new Article 11 ^ 1, as follows:

"Article 11 ^ 1

For the violations found by the good conduct research and development, management unit or institution of research and development apply one or more of the following sanctions, according to art. 11 paragraph (6):

a) written warning;

b) withdrawal and / or correct any published work in violation of rules of good conduct;

c) reduce the basic salary, combined, when appropriate, compensation management, guidance and control;

d) suspension for a period of time between 1 and 10 years, the right of entry to a competition for senior management or a function, guidance and control or as a member competition committee;

e) removal from the management of research and development institution;

f) disciplinary termination of employment. "

16. Article 12 is repealed.

17. Article 14 (1) is amended to read as follows:

"Article 14

(1) For violations found by the good conduct research and development, the National Ethics Council is to apply one or more of the following sanctions:

a) written warning;

b) withdrawal and / or correct any published work in violation of rules of good conduct;

c) withdrawal of doctoral and / or certificate of entitlement;

d) withdrawal of doctorate;

- e) withdrawal Title scholar or research degree or demotion;
- f) removal from the management of research and development institution;
- g) disciplinary termination of employment;
- h) prohibiting, for a fixed period, access to public funding for research and development;
- i) suspension, for a period of time between 1 and 10 years, the right of entry to a competition for senior management or a function, guidance and control or as a member competition committee;
- j) removing the person / persons concerned of the project team;
- k) stop financing the project;
- l) stop financing the project, with mandatory return of funds. "

18. In Article 14 after paragraph (1) two new paragraphs, (1 ^ 1) and (a ^ 2), as follows:

"(1 ^ 1) The penalties provided by the National Ethics Council are implemented by bodies or persons legally entitled to it under Art. 326 of Law no. 1/2011.

(1 ^ 2) prohibits the posts of research and development by persons who are guilty of serious violations of good conduct in research and development. Cancel the contest for a post held research and development and employment with research and development institution shall automatically be terminated at any time to prove that a person has made serious violations of good conduct in research and development . The finding of serious and identify those responsible are made by the National Ethics Council, under the law. "

PRIME MINISTER  
EMIL BOC

Countersigned by:  
Minister of education, research,  
Youth and Sports,  
Daniel Peter Funeriu

Finance Minister  
George Ialomitianu

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