

# **The Rules for Organisation and Operation of the National Research – Development Institute for Welding and Material Testing - ISIM Timisoara**

## **The 1<sup>st</sup> Chapter: General disposals**

### **Art. 1**

ISIM Timisoara National R&D Institute for Welding and Material Testing, called forwards the institute, represents a Romanian juridical person, being under the coordination of the Ministry of Industry and Commerce, which is operating according to the art. 17-21 from the Government Degree no. **25/1995** regarding regulation of research and development activity organisation and finance, approved and modified through The Law No. **51/1996**. It is operating respecting valid legally provisions and the present fixed rule.

### **Art. 2**

**(1)** The institute organisational structure is predicted in the 1<sup>st</sup> annex at the decision.

**(2)** The institute can found under its structure subunits without juridical personality that are needed for achieving its objectives. Their creation ways and the relations among them and the thirds inside the institute are regulated through the present fixed rule of organizing and operating.

## **The 2<sup>nd</sup> Chapter: The scope and object of activity**

### **Art. 3**

The Institute was founded with the scope of developing scientific research and technological development in the field of welding and material testing, by participating at elaboration of strategies for growing this field and by preferentially achieving the scientific and technological objectives included in the National Research-Development and innovation Plan.

### **Art. 4**

The Institute object of activity consists in:

#### A. Research-development activities:

- a) Through the National Research-Development and Innovation Plan it executes fundamental and applicative researches in the field of welding and material testing as follows:
  - Fundamental research for relieving the potential of applying new and advanced principles, respectively new materials, in the filed of welding and material testing;
  - Developing joining by welding or brazing processes that are efficient both on and non-metallic metallic materials ;

- Developing welding and cutting processes with concentrated energetic fascicles ;
  - Developing thermal air injection processes for metallic and non-metallic materials;
  - Researching the effects of welding, brazing and metal coating over the personnel health and over the environment;
  - Developing specific equipments as prototypes for the field of welding and material testing, by incorporating new principles and solutions;
  - Developing high-level processes in the field of metallic and non-metallic materials testing;
  - Studies and researches regarding: development of strategies for welding and material testing, industrial equipments lifetime rehabilitation and extension, diagnose and forecast of welding and material testing;
  - Participation at standards, technical rules and procedures elaboration;
  - Elaboration of informational systems in the field of welding and material testing;
- b) Besides the National Scientific Research and Technological Development Program, it develops applicative researches in its field of activity, as following::
- Developing welding and examination technologies for specific applications;
  - Developing and updating unique welding equipments, non-destructive examination tools;
  - Studies considering quality management in producing welded structures;

**B. Connected activities:**

- a) Technical assistance in implementing new welding technologies in fabrication processes ;
- b) Technical expertises in its activity field;
- c) Developing static and dynamic mechanical tests, including creep, fatigue and breaking mechanics;
- d) Developing chemical, metallographic and non-destructive analysis by different procedures;
- e) Technical assistance and consulting in building and implementing quality insurance systems;
- f) Developing software products in this field and offering technical consulting for automating activities specific for welding and material testing;
- g) Developing repairing and reconditioning by welding and thermal injection;
- h) Certifying the personnel, the products and the services form its field of activity;
- i) Expertise for damages;
- j) Evaluation welded structures producers according to actual national and international standards.

**C. Activities for professional forming and specialising in its activity field:**

- a) Short-term courses for qualification and retraining at middle and high level in the field of welding and material testing;
- b) Professional post-graduate and doctoral training ;
- c) Trainings for personnel certification according to European standards form the field of welding and non-destructive examination.

**D. Activities for editing and publishing technical papers:**

- a) The institute Report, including scientific and technical information from this field;
- b) Standards commented collections;
- c) Catalogues with welding equipments and materials;

d) Documented synthesis, guides, working procedures.

E. Technological transfer of research results activity from the field of welding and material testing to other interested research units or to other economical agents.

F. Applying research results from the field of welding and material testing by implementing them in industry and other interested units.

G.

**(1)** Execution activity in order to sustain research and technological development is done by projecting and executing in small or unique series of products welding and material testing tools and equipments.

**(2)** Activities mentioned at A-G may be developed through external programs or contracts.

**(3)** The institute may develop intern and extern commerce, economic and scientific cooperation activities, exclusively for achieving its activity field, according to the law..

## **The 3<sup>rd</sup> Chapter: Patrimony**

### **Art. 5**

The institute patrimony, established at the 30 of June 1998 is of 4.227.121 thousand lei, among which: corporal and non-corporal down-time of 1.067.270.3 thousand lei and circulating capital of 3.159.850.7 thousand lei. It is taken based on an acceptance-delivery protocol from the Welding and Material Testing Institute from Timisoara.

### **Art. 6**

**(1)** The institute manages as a good owner public property assets as well as attained assets, according the law. Public property assets and the ones attained form public funds are under the institute administration and are considered differently in its patrimony.

**(2)** The research results materialized in corporal and non-corporal actives, developed and finalised by public or other funds, are considered attained assets, pass through the institute administration if not specified otherwise and are recorded in the institute accountancy.

**(3)** For exercising its rights, the institute has and uses its patrimony assets, and from case to case, disposes them according to law in order to achieve its scope, capitalizing on the results of using them.

**(4)** Leasing and borrowing subunits, services and activities may be done only under the scope of stimulating the transfer of research-development activities results, under the according law and the approval of the Ministry of Industry and Commerce and the notice of The National Agency for Science, Technology and

**(5)** The institute patrimony may be modified according to the law.

## **The 4<sup>th</sup> Chapter: Organizational and functional structure**

### **Art. 7**

**(1)** The institute may include subunits without juridical personality, sections, laboratories and other organisational structures that are needed for achieving its activity scope.

**(2)** According to the activity specific, specialized or interdisciplinary collectives may be founded.

**(3)** The general director establishes the relations between the institute's subunits as well as their relation with thirds. He may give them representative warrants in the name of the institute, with the notice of the administrative council..

### **Art. 8**

The subunits leaders from the institute structure answer in front of the administrative council and of the general director for accomplishing all their attributes, responsibilities and competences.

## **The 5<sup>th</sup> Chapter: Leading units**

### **Art. 9**

**(1)** The institute managements is insured by:

- Administration council;
- General Director.

**(2)** The coordination of technical-scientific activity is insured by the scientific council.

## **The Administration Council**

### **Art. 10**

**(1)** The administrative council is compound by 7 members, chosen for a mandate of 4 years, which may be renewed.

**(2)** The administration council structure is compound by:

- one president;
- one vice-president;
- 5 members.

### **Art. 11**

**(1)** In the administration council it is compulsory to take part:

- a)** The institute general director - president;
- b)** A representative of the ministry of Industry and Commerce;
- c)** A representative of the National Agency for Science, Technology and Innovation;
- d)** A representative of the Ministry of Finance;
- e)** A representative of the Ministry of Work and Social Protection;
- f)** The president of the scientific council.

**(2)** The 7<sup>th</sup> member of the administration council may be named from the engineers, economists or other specialists from the institute, or may be a representative of another economic agent from the same field.

**(3)** The administration council chooses its vice-president.

**(4)** The naming of the administration council members is made under the order of industry and commerce minister, after their proposal by their authority leaders.

**(5)** The council members recall for severe deviations or lack of activity in executing the mandate is made by the same unit that had made their naming.

### **Art. 12**

Administration council members have the following rights and responsibilities:

- a)** They keep their quality of employees at their institute or unit, together with all the rights and obligations implied by this quality;
- b)** They are paid for the activity in the administration council with a monthly compensation established by the council;
- c)** They are not allowed to be part of more than two administration councils and they cannot take part in the same quality in commercial units with whom the institute has a competition of interests.

### **Art. 13**

The ones who themselves or their wife, children or up to 2<sup>nd</sup> degree relatives are bosses or associates at commercial societies with private capital in the same field or with direct or concurrent relations to the institute.

### **Art. 14**

The administration council develops its activity based on its own operation rules and respecting the law. It decides in problems regarding the institute activity excepting the activities that, according to law, are under another units decision.

### **Art. 15**

**(1)** The administration council is gathered at least once a month or as often as the institute interests ask it. Its convocation is made by the president or if at least 3 council members ask for it.

**(2)** The council debates are led by the council president or by the vice-president if the president is missing.

### **Art. 16**

**(1)** The administration council develops its activity with the presence of at least 2/3 of its members. If this condition is not respected, the meeting may be rescheduled in maximum 15 days, having the same time table.

**(2)** The administration council decisions are considered with the majority of present members, but not less than half plus one from the total number of members.

### **Art. 17**

At the administration council meetings takes part, as a permanent guest, a delegate from the representative syndicate or if this one is missing, a representative of the employees that are not syndicate members.

### **Art. 18**

For making complex decisions the administration council may attract in the analysis activity advisers and counsels for different areas of activity. Their activity will be material compensated according to legal stipulations.

### **Art. 19**

**(1)** The administration council members are responsible, according to law, for fulfilling their attributes and obligations.

**(2)** The administration council members that didn't agree with making a decision that proved to be injurious for the institute don't have to answer for it if they noted their point of view in the meeting registry and if they announced it in writing to the coordinating unit.

**(3)** The administration council members that haven't respected the stipulations from art. 13 answer for the institute damages caused by this fact.

### **Art. 20**

The administration council has the following attributions:

**a)** Gives notice for the modification of organizational and operational institute structure, for founding, dissolution and pool of subunits from the institute structure;

**b)** Approves, under the scientific council proposal, strategy and concrete development programs, introducing of high-level technologies and modernization of present technologies, according to the general strategies for this field;

**c)** Proposes the annual research-development program and advances it to the consultative College for research-development and innovation;

- d)** Analyzes and refers the project of gains and expenses budget and deposes it at the Ministry of Industry and Commerce for approving it through a Govern decision;
- e)** Analyzes and refers the fiscal balance and the account of profits and loss and deposes them for approval at the Ministry of Industry and Commerce. It approves the inventory report over the activity developed during the previous year at the institute;
- f)** Analyzes bi-annual reporting regarding the activity developed by the institute, it approves the measures for developing it under conditions of budget equilibrium between gains and expenses;
- g)** Analyzes, approves and from case to case, proposes for approval according to legal previsions, the investments that will be developed by the institute;
- h)** Proposes for approval, according to law, the patrimony increase or decrease, the leasing or hiring of assets, services, production subunits from the institute patrimony;
- i)** Approves the institute's association with third juridical persons for developing common activities that interest the associates and that are part of the institute activity subject, respecting the law;
- j)** Approves the exploitation of attained assets, respecting legal stipulations;
- k)** Presents proposals to the Ministry of Industry and Commerce in order to insure funds from its gains and expenses for financing objectives of public interest specific to the institute activities;
- l)** Approves the banking credits volume according to art. 35 and establishes reimbursement ways;
- m)** Approves utilisation of currency availabilities;
- n)** Adopts according to the law the salary system, the way of provoking correlation between salaries and study level, competence and effective work, respecting the collective working contract at institute level;
- o)** Approves the mandate for negotiating the collective working contract;
- p)** Executes any other established attributes according to legal stipulations.

### **Art. 21**

In the first term of each year the administration council presents to the Ministry of Industry and Commerce a report of its previous and current year activity.

### **Art. 22**

The administration council secretariat is insured by the institute; the secretariat attributions are noticed in the administration council operational rule. .

## **General Director**

### **Art. 23**

The institute current activity is leaded by the general director, named from the institute's principal scientific researchers with managerial training through an order from the minister of industry and commerce.

### **Art. 24**

The director has the following attributions and responsibilities:

- a)** He represents, personal or through a delegate, the institute interests in the relations with other units, organisations or economic agents, as well as with physical persons from country or from abroad;
- b)** He establishes the attributes, the competences and the relations of divisions from all of the institute's organisational levels, as well as their relations with the thirds;

- c)** He proposes the modification of the institute organisational and functional structure;
- d)** He insures the negotiation of collective working contract at the institute and its employees salary level, he approves the salaries resulted after direct negotiation;
- e)** He names and recalls the leaders of working divisions from its own apparatus, as well as the directors from the institute organizational structure, with the notice from the administration council;
- f)** He employees and fires the personnel according to the law and to the collective working contracts;
- g)** He approves the contest commissions for upgrading on functions as principal scientific researcher of I, II and III degrees and scientific researcher, following the proposal of administration council.;
- h)** He has attributions and responsibilities similar to a credits sequencer for the amounts allocated from the state budget, respecting the conditions from art. 21 al. (1) from the Government Degree no. **25/1995** approved and modified through the Law no. **51/1996**, with ulterior modifications and from art. 12 from the Government Degree **8/1997** regarding the stimulation of scientific research, technological development and innovation approved and modified through the Law nr. **95/1998**, with ulterior modifications;
- i)** He responds for administrating the whole patrimony respecting the legal predictions;
- j)** He takes measures and watches the development of interior and exterior commerce through its own specialized divisions;
- k)** He practices his attributions and has the responsibilities delegated to him through legal predictions. He approves and takes measures regarding the institute activity except for the ones that are given to other units, according to law;
- l)** He practices any other attributions that are delegated to him by the administration council;
- m)** He may delegate, respecting the law, a part of his responsibilities to other persons from the institute's administration.

Direction Committee

### **Art. 25**

The institute operative administration is insured by a direction committee formed by the general director, the scientific director, the economic director as well as the directors of departments from the institute organisational structure..

### **Art. 26**

The direction committee establishes the concrete actions that are needed for developing the objectives resulted by:

- a)** Strategy of institute developing program;
- b)** Research-development annual program;
- c)** Gains and expenses budget;
- d)** Investments program;
- e)** Quality insurance system;
- f)** Other obligations.

### **Art. 27**

The direction committee gathers in decades or for as many times the institute interests ask for it.

### **Art. 28**

**(1)** From the subunits level of the institute's organisational structure is organised and functions the leading committee which carries on the activities according with

its own regulations, approved by the administration council of the institute and is being chaired by the manager of each subunit.

(2) The leading committee exerts attributions and has responsibility according to the competences established by the general manager of the institute and are approved by the administration council.

## **The Scientific Council**

### **Art. 29**

(1) The Scientific Council is formed by 15 members, representing every scientific department in the institute

(2) The Scientific Council is composed from researchers with special accomplishments, with synthesis and prospecting capabilities in their domain, teaching staff from universities, institute's employees or not, chosen through secret vote by the advance studies staff the from the institute.

(3) The scientific council is lead by a president and a vice-president, chosen for 2 years period, through secret vote by the members of the council. The general manager and the scientific manager of the institute are rightful members of the council and, as a permanent guest, a representative of the trade-union, or, if he is missing, an employees' representative that are not members in the trade-union.

(4) The scientific council is organized and it functions according to its own rules, approved by the administration council.

### **Art. 30**

The council's principal attributions are:

**a)** Participates in the strategy elaboration for the evolution of the research and development activities and elaborates proposals for the national research-development and innovation plan and for the national plan for scientific research and for technological development in their own activity field;

**b)** Contributes to the scientific and technological objectives' accomplishments of the research-development and innovation plan and for the national plan and for the national plan for scientific research and for technological development;

**c)** Examines and advises the scientific research projects, as their accomplishment too;

**d)** Advises the decisions which imply the institute's research policy and research and development branch;

**e)** Proposes measurements for professional improvement and establishes the employment of the researching staff according to their professional degrees;

**f)** Makes proposals for organising the competition for promotion and employment of the researching staff;

**g)** Proposes the competition committee for promotion in the certifiable positions, and confirms the competition's results for the positions of main scientific researcher degrees I, II and III and scientific researcher;

**h)** Organises and coordinates the development of the action with scientific nature;

**i)** Advises the internal and international cooperation actions with scientific goal;

**j)** Advises scholarship and improvement stages abroad offers..

## **The 6<sup>th</sup> Chapter: The revenue and expenditure budget and its administration. Financial relations.**

### **Art. 31**



(1) The institute establishes every year the revenue and expenditure budget, the balance sheet and the profit and loss account, according to the methodological standards thought out by the Ministry of Finances.

(2) The annual balance sheet, advised by the administration council, subdues itself for approval to the Ministry of Industry and Commerce and to that of the Ministry of Finances and is published in the Official Monitor of Romania, part IV.

### **Art. 32**

(1) The income and expenses of the institute are established through the revenue and expenditure budget for every financial exercise.

(2) The revenue and expenditure budget is approved by the Government, at the suggestion of the Ministry of Industry and Commerce, with the notification of the Ministry of Finances and that of the Ministry of Labour and Social Protection.

### **Art. 33**

Related to the contracts for the scheduled activity, the institute annually determines the gains volume and the total expenses to be done.

### **Art. 34**

The individual payments of the personnel are established through negotiation according to the regulations comprised in the collective work contract, limited by the total fund destined for the payment of salaries, scheduled in the revenue and expenses budget.

### **Art. 35**

(1) In order to cover the current expenses, in the circumstances in which during a year the financial resources of the institute are not sufficient, it can contract loans with banking commercial companies amounting to a maximum of 20% of the gross incomes in real terms, made in the past year.

(2) The contracting of loans over the established limit is made with the approval of the Ministry of Finances, according to the regulations of the annual budget law.

### **Art. 36**

(1) The institute decides regarding the investments that will be made, according to its activity, the financing being made out of the own sources and banking loans, with the exception of the investments that go under the incidence of the stipulations from art.6 and 11 from the Government Degree **15/1993** regarding some measures for restructuring the activities of the autonomous agencies.

(2) In the case of other investments than the ones presented at art.6 from The Government Orderly no. **15/1993**, being integral or partially financed from the state budget, the financing limit is approved once with the laws for adopting these, and the institute is obligated to enclose in the approved budgetary allocations.

(3) The execution of investments stipulated in al. (1) and (2) is adjudged based on public auction according to the law for public acquisitions.

### **Art. 37**

(1) The institute encashment and payment operations are made through opened accounts at commercial banks from Romania.

(2) The institute may develop encashment and payment operations in lei and currency through its own pay-desk respecting the level of ceiling and the standards for financial discipline, established by the law.

(3) The institute may develop exterior commerce operations according to the law. The encashment and payment operations with foreign will be done through banking accounts opened at bank units from Romania.

### **Art. 38**

The institute will organise its preventive and inventory financial control according to the law..

## **The 7<sup>th</sup> Chapter: Lawsuit regulation**

### **Art. 39**

The institute lawsuits with physical or juridical persons that are not amiable finalised are being resolved by competent Romanian juridical instances, according to actual laws..

## **The 8<sup>th</sup> Chapter: Final disposals**

### **Art. 40**

The present organizing and operation rule is completed by the other legal regulations that are applied to autonomous agencies and research-development institutes.

### **Art. 41**

The statute of national research-development institute is renewed by re-accreditation in maximum 5 years

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