

Law no. 422 of the 18th of July on the protection of historical monuments*)¹ – Codification

TITLE I: General dispositions

Art. 1

- (1) The present law regulates the general legal status of the historical monuments.
- (2) For the purpose of this law, historical monuments shall be taken to mean immovable monuments, buildings and lands situated on the Romanian territory, significant for the national and universal history, culture and civilisation.
- (3) The immovable objects situated outside the Romanian borders but belonging to the Romanian state may be classified as historical monuments, in compliance with the legislation of the state on whose territory they are.

Art. 2

- (1) Historical monuments are part and parcel of the national cultural heritage and are protected by law.
- (2) The protection measures and activities are performed for the benefit of the public. Under the conditions of the present law, the interventions on the historical monuments may be taken to be public utility cause.
- (3) For the purpose of the present law, protection of historical monuments shall be taken to signify the ensemble of scientific, legal, managerial, financial, fiscal and technical measures meant to identify, research, register, classify, preserve, guard, consolidate, restore and enhance the historical monuments, as well as integrate them within the local communities' socio-economic and cultural life.
- (4) In order to ensure the protection of the historical monuments, the present law establishes stimulating economical measures or other type of measures.
- (5) According to the law, public utility easements may be bestowed upon historical monuments.

Art. 3

The present law establishes the following categories of historical monuments,

¹ *) Codified on the basis of art. V of Law no. 259/2006 on the amendment and completion of Law no. 422/2001 on the protection of historical monuments, published in the Romanian Official Journal, Part I, no. 573 of the 3rd of July 2006, renumbering the texts.

Law no. 422/2001 on the protection of historical monuments, published in the Romanian Official Journal, Part I, no.407 of the 24th of July 2001, subsequently amended and completed by:

- Law no. 401/2003 on the amendment and completion of Law no. 50/1991 on authorizing construction works, published in the Romanian Official Journal, Part I, no.749 of the 27th of October 2003;
- Law no. 468/2003 on the amendment and completion of Law no. 422/2001 on the protection of historical monuments works, published in the Romanian Official Journal, Part I, no.820 of the 19th of November 2003;
- Law no. 571/2003 on the Fiscal Code, published in the Romanian Official Journal, Part I, no. 927 of the 23rd of December 2003;

immovable objects found above ground, underground or underwater including:

- (1) constructions or parts of construction - monuments, together with the installations, the artistic components, interior or exterior movable furnishings belonging to these, as well as works of commemorative art, funerary, public forum ones, together with the corresponding land delimited topographically, that represent cultural historical testimonies, of architectural, archaeological, historical, artistic, ethnographic, religious, social, scientific or technical interest;
- (2) groups – assemblies of urban or rural constructions, coherent from a cultural, historical, architectural, town planning or museum points of view, that together with the corresponding land make up a topographically delimited unit standing for a cultural historical testimony of architectural, town planning, archaeological, historical, artistic, ethnographic, religious, social, scientific or technical interest;
- (3) site –land topographically delimited including the natural human creations that stand for cultural historical testimonies of architectural, town planning, archaeological, historical, artistic, ethnographic, religious, social, scientific, technical or cultural landscape interest.

Art. 4

- (1) The historical monuments belong either to the public or private domain of the state, counties, towns or communes, or are the private property of persons or institutions.
- (2) The historical monuments held in public property of the state or of the administrative – territorial entities are inalienable, indefeasible and exempt from seizure; these historical monuments can be administrated by public institutions, freely let, under legal conditions, with the endorsement of the Ministry of Culture and Religious Affairs, or, if the case may be, of the decentred public services of the Ministry of Culture and Religious Affairs.
- (3) The historical monuments belonging to the private domain can be in the civil circuit under the conditions enforced by the law.
- (4) The historical monuments held in private property by legal or natural bodies may be sold only under the conditions of exertion of the pre-emption right of the Romanian state, through the Ministry of Culture and Religious Affairs, - for the historical monuments classified in group A - , or, if the case may be, of the administrative-territorial entities, - for the historical monuments classified in group B - , in compliance with the stipulations of the present law, otherwise the sale becomes null.
- (5) The owners of historical monuments – private or public legal or natural bodies - will notify in writing the decentred public services of the Ministry of Culture and Religious Affairs about the intention to sell them and they will attach the documentation established by order of the minister of culture and Religious Affairs to the above mentioned notification.
- (6) The decentred public services of the Ministry of Culture and Religious Affairs forward to the Ministry of Culture and Religious Affairs the notification, the documentation and the response proposal within 5 working days after acknowledging receipt of them.
- (7) The deadline for exerting the pre-emption right of the state is 30 days at the most beginning the day the notification, the documentation and the response proposal are acknowledged by the Ministry of Culture and Religious Affairs or, if the case may be, by the decentred public services of the Ministry of Culture and Religious Affairs;

the holders of the pre-emption right shall provide in their budgets the necessary sums meant for the enforcement of the pre-emption right; the purchase value is negotiated with the seller.

(8) In case the Ministry of Culture and Religious Affairs or the decentred public services of the Ministry of Culture and Religious Affairs does not enforce its pre-emption right within the deadline stated at paragraph (7), this right is transferred to the local public authorities, who can enforce it within 15 days at the most.

(9) The notifications concerning the failure to exert the pre-emption right are available the whole calendar year when they were issued, even if the historical monument was sold several times.

(10) In compliance with the provisions of the present law, in order to protect the historical monuments, in extreme cases, the procedure of their displacement shall take place.

(11) The historical monuments situated on the territory of Romania, which are the property of other states, are protected under the conditions of the present law.

Art. 5

In the estrangement, granting, leasing, handing over into management or giving into free usage documents the buildings' status as historical monument as well as the obligation to protect them shall be mentioned, in compliance with the present law.

Art. 6

(1) The guard, maintenance, preservation, consolidation, restoration and enhancement of the historical monuments, using appropriate means, falls upon the owners or to the holders of other real rights, in compliance with the present law.

(2) If the owner of the historical monument is unknown, the obligations stipulated in the present law fall upon the local public administration authority covering the area where the historical monument is situated or the central public administration authority.

Art. 7

(1) The state guarantees and ensures the protection of historical monuments under the conditions established by the present law.

(2) The Ministry of Culture and Religious Affairs stands as the specialised central public administration authority in charge with elaborating the strategies and specific norms on the protection of the historical monuments, follows up and enforces their implementation.

(3) The specialised central public administration authorities, their subordinated specialised institutions and the local public administration authorities collaborate and are in charge with the protection of the historical monuments.

(4) The specialised central public administration authorities, their subordinated specialised institutions and the local public administration authorities collaborate with the owners, legal or natural bodies, or the administrators of the historical monuments, as well as with the public institutions and the non-governmental organisations with activity in the protection of the historical monuments field and supports them, in compliance with the present law.

TITLE II: The protection of the historical monuments

CHAPTER I: Historical monuments

Art. 8

- (1) The historical monuments shall be classified as follows:
- a) group A – historical monuments of universal and national value;
 - b) group B – historical monuments representative for the local cultural heritage.
- (2) Classifying the historical monuments into groups shall be done by order of the minister of culture and cults, at the proposal of the National Commission of Historical Monuments, according to the classification procedure stipulated of the present law.
- (3) The historical monuments classified in the groups stated at paragraph (1) and their protection areas, held in public property, may be declared, according to the law, of local or national public interest, by Government's decision initiated by the Ministry of Culture and Religious Affairs, respectively by decision of the local or county councils or of the General Council of Bucharest, endorsed by the Ministry of Culture and Religious Affairs.

Art. 9

- (1) A certain protection area shall be established for each historical monument, delimited on the basis of the topographic, geographic or urban marking, depending on the road texture, relief, and the historical monument's features in order to ensure the integrated preservation and enhancement of the historical monument and of its natural background.
- (2) The protection area shall be delimited and established simultaneously with the classification of the immovable object as historical monument, in compliance with the present law.
- (3) The competent local public authorities shall refer to the protection areas delimited in accordance with paragraph (2) in their urban projects and in the regulations.
- (4) The protection area may be fitted up with public utility facilities under the condition of having them included in the special construction and town planning regulations, approved and endorsed according to the present law.
- (5) Any manifestation in open air likely to produce noise and light pollution and thus harm the religious service taking place within the historical monuments protected area used as cult places is prohibited.
- (6) Exceptionally, manifestations as those mentioned in paragraph (5) may be organised, with the approval of the religious authority that manages the cult place, if they do not harm the religious service.

Art. 10

- (1) Historical monuments are protected regardless of their ownership or their preservation state.

- (2) The protection of the historical monuments is part and parcel of the local and national long-term social-economic, touristy, urban and territorial development strategies.
- (3) Compulsory purchase of the historical monuments and of their protection areas for public utility purposes or for fitting up facilities may be initiated and enforced only with the endorsement of the Ministry of Culture and Religious Affairs.
- (4) Fitting up facilities likely to partially or totally damage the historical monuments and their protection areas is prohibited.

Art. 11

- (1) Any intervention on the historical monuments and on their protection areas, as well as any modification of the legal status of the historical monuments can only be done under the conditions established by the present law.
- (2) Partially or totally damaging, as well as profaning historical monuments are strictly prohibited and shall be punished in conformity with the law.

CHAPTER II: The registration and classification of historical monuments

Art. 12

- (1) Registering historical monuments signifies gathering all the information, documents, studies, researches and documentations necessary to identify the buildings susceptible to be classified as historical monument, the declassified historical monuments, as well as the ones that have been destroyed or have disappeared.
- (2) The historical monuments register is a database, permanently updated, due to the necessary correlation operations, in order to ensure permanent and accurate information about the immovable historical monuments.
- (3) Classification is the procedure by which an immovable object becomes historical monument, according to art. (8).
- (4) The classification and registration procedure shall be done in compliance with the stipulations of the present law and in conformity with the classification and registration methodological norms, approved by order of the minister of culture and cults.
- (5) In order to have the historical monuments registered, the competent public authorities and institutions convey to the decentred public services of the Ministry of Culture and Religious Affairs, at their request, data regarding the legal status of the buildings.

Art. 13

- (1) The classification procedure is initiated by the county and Bucharest offices for culture, cults and the national cultural heritage as follows:
 - 1. ex officio, for the following categories of objects:
 - a) for the immovable objects held in public property of the state or of the territorial-administrative offices;

- b) for the immovable objects owned by the religious cults;
 - c) for the immovable objects discovered by chance or in the framework of systematic archaeological research;
2. at request or, if the case may be, at the proposal of:
- a) owner of the immovable object;
 - b) mayor of the locality, local or county council, respectively the General Council of Bucharest, whose administrative territory covers the respective immovable object;
 - c) the National Commission of Historical Monuments, National Commission of Archaeology or the National Commission of Museums and Collections;
 - d) the associations and foundations in the field of the protection of historical monuments, legally established;
 - e) public institutions with attributions in the field.

(2) The classification or rating downgrade file is draw up by the decentred services of the Ministry of Culture and cults, usually by licensed experts or specialists, listed in the registers of the Ministry of Culture and Religious Affairs and are forwarded to the specialised department of the Ministry of Culture and Religious Affairs who will analyse and present it to the National Commission of Archaeology and/or to the National Commission of Historical Monuments. The secretary of the National Commission of Historical Monuments elaborates the project of the classifying or rating downgrade order, which he/she forwards to the minister of culture and cults for approval.

(3) The immovable object is classified by order of the minister of culture and cults, published in the Romanian Official Journal, Part. I.

(4) The classification or rating downgrade notification, the motivated response regarding the rating downgrade or the refusal to classify the object shall be conveyed to the owner or the holder of other real rights, as well as to the local public administration authority by the decentred public services of the Ministry of Culture and Religious Affairs, within 30 days after acknowledging their receipt from the Ministry of Culture and Religious Affairs or after publishing them in the Romanian Official Journal, Part I.

Art. 14

(1) The decentred public services of the Ministry of Culture and Religious Affairs are compelled to notify the owner, the holder of the administration right or the holder of any other real right over the object about the initiation of the classifying or rating downgrade procedure.

(2) The immovable object for which the classifying/rating downgrade procedure was initiated shall be protected as historical monument for 12 months at most, between the date the owner or the holder of other real rights was notified about the procedure and the date the classifying order is published.

Art. 15

(1) The classifying, rating downgrade notification or the refusal to classify or declassify the objects may be appealed by the owner of the immovable object at the Ministry of Culture and Religious Affairs within 30 days after acknowledging the notification; the appeal shall be dealt with within 30 days after it is registered.

- (2) If two thirds of the members of the National Commission of Historical Monuments vote the initial decision, the minister of culture and cults is entitled to deny the appeal.
- (3) If the applicant is not satisfied with the result, he/she may appeal to the administrative-contentious court, in compliance with the present law.
- (4) If the appeal against the classifying order complied with the legal dispositions in force, it becomes permanent.
- (5) If the appeal against the classifying order did not in comply with the legal dispositions in force, it becomes permanent 30 days after it was notified in writing to the owner and to the local public administration authorities.
- (6) The object ceases to be protected as historical object the moment the rating downgrade notification becomes permanent and the classifying or rating downgrade procedure cannot be resumed before 3 years if new justifying evidence is not discovered.
- (7) If the classifying order or the initiated classifying procedure is appealed at the administrative-contentious court, the immovable object shall be protected as historical monument until a judicial permanent and irrevocable decision is reached.

Art. 16

- (1) The classifying / rating downgrade order shall be published, by the Minister of Culture and Religious Affairs, in the Romanian Official Journal, Part I, within 15 days after becoming permanent.
- (2) The owner of the immovable historical monument shall register the respective object, free of charge, in the Real Estate Register within 30 days after the classifying order was published in the Romanian Official Journal, Part I.

Art. 17

- (1) Within 90 days after the classifying order was published in the Romanian Official Journal, Part I, the county and Bucharest offices for culture, cults and the national cultural heritage elaborate and convey to the owner the document that stipulates the conditions and rules concerning the usage, exploitation and maintenance of the respective immovable object entitled The Regulation on the Usage of the Historical Monument and it shall be enclosed in the ownership, leasing or letting document as long as the respective immovable object exists.
- (2) The elaboration methodology and the contents of The Regulation on the Usage of the Historical Monument shall be approved within 90 days after the present law comes into force, by order of the minister of culture and religious affairs, due to be published in the Romanian Official Journal, Part I.
- (3) The Regulation on the Usage of the Historical Monument is elaborated for the benefit of the building and shall be included in the Real Estate Register within 30 days after it was acknowledged by the owner of the respective historical monument.

Art. 18

- (1) Historical monuments, the protection areas and protected built areas, defined in compliance with the present law shall be marked out in the territorial development and town-development plans of the territorial administrative entities.

(2) Under the conditions of the present law and on the basis of the endorsement of the Ministry of Culture and Religious Affairs, with a view to the protection of the cultural heritage values that determined the establishment of the protected built area, the local public authorities may fit up facilities, may prohibit demolishing or modifying any building.

(3) The historical monument, protected built area status, historical interest town or village status shall be marked by the representatives of the hall on the historical monument, the entrance in the protected built area or in the historical interest town or village in conformity with the methodological norms approved by order of the minister of culture and religious affairs. The expenses for the distinctive marks thus used shall be charged to the local public authorities.

Art. 19

(1) For the purpose of the present law, the rating downgrade procedure signifies the procedure by which an immovable object or part of it is removed from the List of Historical Monuments by mentioning the rating downgrade order.

(2) The decentred public services of the Ministry of Culture and Religious Affairs shall notify the owner, the holder of the administration right or the holder of other real right over the declassified historical monument about the rating downgrade, within 5 days after the order was published.

(3) The rating downgrade procedure follows the same steps as the classifying procedure. It is initiated ex officio in any of the following cases:

- a) archaeological discharge, for the archaeological sites, in compliance with the endorsement of the National Commission of Archaeology;
- b) the destruction of the historical monument;
- c) if the object loses the historical monument status.

(4) The material errors from the List of the historical monuments may be removed ex officio or as consequence of any interested person's request.

Art. 20

The classification group of the historical monuments shall be performed according to the classifying procedure.

Art. 21

(1) Emergency classification signifies the exceptional procedure by which an immovable object likely to be destroyed or damaged is classified in A or B group so that urgent protection measures can be taken.

(2) The decentred public services of the Ministry of Culture and Religious Affairs may initiate the emergency classifying procedure ex officio or at of any interested person's request.

(3) The emergency classifying procedure shall be initiated within 3 days after acknowledging the building's state or registering the request concerning the building's state, on the basis of the notification elaborated by the delegate of the decentred public service of the Ministry of Culture and Religious Affairs, of the county museum, respectively of the Bucharest museum, or of the local public administration authorities.

(4) The decentred public services of the Ministry of Culture and Religious Affairs shall immediately notify the owner of the immovable object about the initiation of the emergency classifying procedure. The building shall be protected as historical monument starting with the initiation of the emergency classifying procedure until its end.

(5) The owner may appeal to the administrative-contentious court against the initiation of the emergency classifying procedure or of the emergency classifying order.

(6) The building shall be protected as historical monument starting with the initiation of the emergency classifying procedure until its end.

(7) At the request of the decentred services of the Ministry of Culture and Religious Affairs, the owners of the buildings likely to be classified ex officio or of emergency shall submit the necessary documents in order to complete the classifying file.

Art. 22

(1) The list of the historical monuments includes the historical monuments classified in group A or B and it is to be drawn up by the National Institute of Historical Monuments.

(2) The list of the historical monuments shall be approved by order of the minister of culture and religious affairs, published in the Romanian Official Journal, Part I, and updated every 5 years.

(3) The list of the historical monuments constitutes the basis of the historical monuments register, of the territorial development and town-planning plans.

CHAPTER III: Interventions on historical monuments

Art. 23

(1) Any intervention on historical monuments shall be performed only on the basis of and in conformity with the endorsement issued by the Ministry of Culture and Religious Affairs or, if the case is, by the decentred public services of the Ministry of Culture and Religious Affairs.

(2) For the purpose of the present law, the interventions performed on historical monuments are:

- a) all research, preservation, construction, extension, consolidation, restructuring, view amelioration, and enhancing works meant to modify the texture and the aspect of the historical monuments;
- b) the execution of moulds of components of the historical monuments;
- c) temporary or permanent protection buildings, fixed furnishing items, advertising signs or any other kind of signs on and in the historical monuments;
- d) changes of the purpose of the historical monuments, temporary changes included;
- e) displacement of the historical monuments;
- f) access construction, pedestrian and carriage ways, additional facilities,

signposts, in the protection area of the historical monuments as well.

(3) The construction permit, the demolishing permit as well as the permits concerning the interventions mentioned at paragraph (2) shall only be issued on the basis and in conformity with the endorsement of the Ministry of Culture and Religious Affairs or, if the case is, of the decentred public services of the Ministry of Culture and Religious Affairs and of the other endorsements, in compliance with the legal stipulations in force.

(4) The permits mentioned at paragraph (3), issued without having previously obtained the endorsement of the competent institutions and without complying with their conditions, are null.

(5) The Purpose of the Historical Monument is part and parcel of the Technical Book of the construction. If the Book does not exist, the Purpose of the Historical Monument stands for the technical documentation of the immovable object, in compliance with the legal stipulations in force.

Art. 24

(1) The interventions on the buildings which are not historical monuments but are located within the historical monuments protection areas or within protected construction areas are authorised on the bases of the endorsement of the Ministry of Culture and Religious Affairs or, if the case is, of the decentred public services of the Ministry of Culture and Religious Affairs and of the other endorsements, in conformity with the legal stipulations in force.

(2) All the interventions on historical monuments, other than those implying change of purpose, maintenance or current repair, regardless of the financing source and of the ownership status of the building, shall be done under the survey and control of the Ministry of Culture and Religious Affairs, of the decentred public services of the Ministry of Culture and Religious Affairs, respectively, by attested personnel, under the conditions of the present law.

(3) Under the conditions of the present law, if unauthorised works are done, without endorsements or infringing upon the specialise endorsements, the competent surveillance personnel is entitled to stop the works until they become legal, to enforce sanctions and, if the case may be, to require that the initial state of affairs be restored and notify the criminal investigation organs.

(4) Technical expertise, consolidation or restoration projects, technical verifications of the projects and work management can only be performed by experts or/and specialists licensed by the Ministry of Culture and Religious Affairs, in conformity with the specific requirements in the historical monuments field and the requirements concerning the quality of the construction works.

(5) The protection and preservation of historical monuments which are the result of archaeological research, remained uncovered shall be performed in compliance with the present law, by investors, under the coordination of the scientific manager of the site and of the organising institutions.

TITLE III: Specialised institutions and organisms concerned with the protection of historical monuments

CHAPTER I: Institutions

Art. 25

- (1) The Ministry of Culture and Religious Affairs elaborates and enforces the national strategy and the legal stipulations and norms in the protection of historical monuments field.
- (2) The Ministry of Culture and Religious Affairs ensures that the state fulfils the duties stipulated in the international agreements concerning the protection of historical monuments.
- (3) The Ministry of Culture and Religious Affairs represents the state in the relationship with the owners of historical monuments and with the holders of other real rights over them.
- (4) In order to fulfil the attributions stipulated in the present law, the Ministry of Culture and Religious Affairs organises specialised departments within the mother institution, as well as subordinated institutions in charge with research, recording, endorsement, surveillance and control, preservation, restoration and enhancement of the historical monuments activities.

Art. 26

- (1) As far as the protection of historical monuments is concerned, the Ministry of Culture and Religious Affairs fulfils, directly or through its decentred public institutions or through subordinated public institutions, the following attributions:
 1. organises the national historical monuments registry, classifying, research system, the historical monuments registry surveillance and control system as well as the subordinated departments in charge with elaborating the regulations in the field.
 2. endorses the regulations, the norms and methodologies relevant in the historical monuments field, if they are elaborated by other authorities than the Ministry of Culture and Religious Affairs;
 3. grants, by order of the minister of culture and religious affairs, the historical monument status;
 4. publishes the List of the Historical Monuments, drew up by the National Institute of Historical Monuments, in the Romanian Official Journal, Part I, and updates it every 5 years, in conformity with the present law;
 5. proposes the sums to be included in the state budget, necessary to cover payments incurred pursuant to the protection of historical monuments;
 6. issues the endorsements necessary to obtain the construction permits for the works and interventions on historical monuments;
 7. issues the endorsement concerning the construction regulation in the historical monuments protection areas and in the protected constructed areas;
 8. issues the endorsement concerning the historic-scientific studies for delimiting the historical monuments protection areas or of the protected construction

- areas, of the specialised sections of the territorial and town development projects, as well as of the projects regarding the restoration of historical monuments;
9. issues the endorsement for the National Territorial Development Project – section “protected construction areas”, as well as for the specialised plans of the territorial development projects focusing on historical objects or protected construction areas;
 10. issues the endorsements for the specialised sections of the general town-development projects of the territorial-administrative entities, local town-development projects, as well as of the detailed town-development projects that focuses on historical monuments or protected construction areas;
 11. issues the endorsements for interventions on the buildings located within the historical monuments protection areas of the protected construction areas, for which there are endorsed building regulations, in conformity with paragraph 7;
 12. initiates, when it is necessary, or requires to the county councils or to the General Council of Bucharest, the expropriation for public utility purpose, the historical monuments, in order to rescue them from destruction or degradation;
 13. coordinates, through the specialised managers of the National Institute for Historical Monuments, licensed by the Ministry of Culture and Religious Affairs, preservation, consolidation and restoration works performed on historical monuments, when the interventions are financed, totally or partially, from the funds allotted by the Ministry of Culture and Religious Affairs;
 14. ensures the surveillance and control of historical monuments as far as their preservation state and compliance with the specialised endorsements are concerned, as well as the control of the historical monuments sites, regardless of the ownership status or of the historical monument group, of the nature of the operations and of the financing source;
 15. ascertains offences and enforces sanctions through its legates and takes the appropriate measures to notify the criminal investigation organs in case of infractions;
 16. establishes, within 90 days after the present law comes into force, the Specialists’ Register, the Experts and Technical Controllers’ Register, as well as the Register of the Economic Agents with activity in the historical monuments field protection;
 17. issues licenses for the specialists and experts in the historical monuments protection field, in compliance with the methodology approved by order of the minister of culture and religious affairs;
 18. regulates – for the historical monuments field - the functioning of the economic operators effecting research activities, designing and executing historical monuments, in conformity with the methodology approved by order of the minister of culture and religious affairs;
 19. endorses the regulations, norms and methodologies issued by the competent public authorities and institutions, regarding:
 - a) the organisation and functioning of the national education and professional training system that prepares specialists in the field of the historical monuments protection;
 - b) preventing and extinguishing fires at the historical monuments;

- c) the special protection measures meant to protect historical monuments in time of armed conflict, protection measures against terrorism or in emergency case;
 - d) the plans and protection measures against natural calamities or disasters likely to endanger historical monuments;
 - e) removing or diminishing the polluting agents within the historical monuments protection areas;
 - f) elaborating the historical monuments register;
20. endorses the new materials, techniques and technologies to be used for restoring historical monuments;
 21. supports the enhancement and renewal of historical monuments projects, as stipulated by the present law; establishes strategies and co-finances programs and publications for promoting and raising the public's interest for historical monuments.
 22. establishes and controls the location of the distinctive sign attesting the historical monument status of an immovable object, with a view to its protection in time of peace and armed conflict;
 23. collaborates with non-governmental organisations, in compliance with the present law, in view of establishing historical monuments protection programs and projects;
 24. ensures the functioning, logistics, secretariat, and the headquarters of the National Commission of Historical Monuments and, through the decentred public services of the Ministry of Culture and Religious Affairs, for the regional commissions of historical monuments;
 25. collaborates with the concerned international organisms and participates, in cooperation with these, at financing the historical monuments protection programs, those included in the List of the World Heritage included;
 26. exerts, on behalf of the state, the pre-emption right over the historical monuments classified in group A;
 27. initiates, at the proposal of the National Commission of Historical Monuments and, if the case may be, of the Archaeology National Commission, Government decision projects concerning the historical town or village status;
 28. finances the Historical Monuments Magazine and the Historical Monuments Gazette;
- (2) In emergency cases, potentially generating emergency cases situations, situations concerning the national security or in other exceptional cases, the Ministry of Culture and Religious Affairs may issue emergency endorsements for interventions on historical monuments, without having consulted the National Commission of Historical Monuments or, if the case may be, of the Archaeology National Commission, on condition that the interventions be reversible.
- (3) No taxes or fees are to be charged for issuing the endorsements stated at paragraph (1), 6-10.
- (4) Taxes or fees are to be charged for issuing the endorsements stated at paragraph (1) 11, 17 and 18; the sums thus collected represent extra budgetary incomes of the Ministry of Culture and Religious Affairs or of the decentred public services of the Ministry of Culture and Religious Affairs and they shall be spent, as stipulated by the present law, exclusively for programs, projects or manifestations in

the field of historical monuments.

(5) The taxes and fees charged according to the stipulations of paragraph (3) are established by order of the minister of culture and religious affairs.

Art. 27

(1) The National Cultural Heritage Designing Centre shall become the National Institute of Historical Monuments, public institution subordinated to the Ministry of Culture and Religious Affairs, financed by the state budget and from extra-budgetary incomes.

(2) The organisation and functioning of the National Institute of Historical Monuments shall be established by the governmental decision, initiated by the Ministry of Culture and Religious Affairs, within 3 months after the present law comes into force, without altering the current financial year.

(3) The main attributions of the National Institute of Historical Monuments are:

- a) updates the historical monuments inventory;
- b) updates the List of Historical Monuments;
- c) elaborates the specific norms and methodologies for the historical monuments field, approved by order of the minister of culture and religious affairs;
- d) elaborated the files for the historical monuments proposed to be included in the List of World Heritage;
- e) administers, in compliance with the present law, the funds intended for registry, elaboration of norms and methodologies for historical monuments, investigations, pilot projects, technical expertises, researches and specific studies;
- f) manages the inventory and historical monuments documentary funds – including: the archive, the digital photo library, the cartographic library and the historical monuments library – which are public property of the Romanian state;
- g) coordinates the activity of the de centred public services of the Ministry of Culture and Religious Affairs and of the land register offices concerning the inventory and the specialised land registration in charge with including historical monuments in the land register plans and in the topographic maps;
- h) publishes the Historical Monuments Magazine and the Historical Monuments Gazette, as well as other specialised publications;
- i) collaborates with the National Office of Historical Monuments in order to complete the inventory, publishes specialise publications that promote historical monuments;
- j) elaborates and updates the List of damaged or lost historical monuments;
- k) administers the Specialists' Register, the Experts' and Technical Controllers' Register as well as the attesting and enlisting procedures and mechanisms, in conformity with the methodology approved by order of the minister of culture and religious affairs;
- l) elaborates and updates the Protected Construction Areas Register;

- (4) The National Institute for Historical Monuments organises and performs other lucrative activities, in compliance with the stipulations of the present law, also by concluding contracts with specialised legal or private bodies; these revenues shall be administered as extra budgetary incomes;
- (5) Once established, The National Institute for Historical Monuments shall administer the whole documentation of the former institutions in the historical monuments field: The Historical Monuments Commission, The Historical Monuments and Art Office, The National Cultural Heritage Office, The National Cultural Heritage Economic Office, The Historical Monuments, Ensembles and Sites Office, The National Cultural Heritage Designing Centre.
- (6) The National Institute for Historical Monuments shall develop the inventory and the documentary library of historical monuments, also by acquisitions.
- (7) The public institutions in the field collaborate with the public decentred services of the Ministry of Culture and Religious Affairs and with the National Institute for Historical Monuments in order to update the inventory and the inventory and the documentary library of historical monuments and inform them, at request, copies of the documents, studies and publications concerning the historical monuments they administer.

Art. 28

- (1) The National Office for Heritage Protection shall be restructured as the National Institute for Historical Monuments, as public legal body institution, subordinated to the Ministry of Culture and Religious Affairs, financed from extra budgetary incomes and from the state budget grants.
- (2) The functioning of the National Institute for Historical Monuments is established by governmental decision, at the proposal of the Ministry of Culture and Religious Affairs, within 3 months after the present law comes into force, without altering the current financial year.
- (3) The main attributions of the National Institute for Historical Monuments are:
- a) administers, in conformity with the present law, the funds intended for research, expertise and consolidation-restoration works and promotion of historical monuments; these funds come from the state budget through the Ministry of Culture and Religious Affairs and are transferred to the National Institute for Historical Monuments;
 - b) motivates the necessary credits, in conformity with the norms on credits, elaborated by the Ministry of Culture and Religious Affairs and approved by governmental decision; proposes the priorities and evaluates the documentations presented by the private right individuals in view of obtaining no interest credits, law credits interest or market interest credits in order to perform preservation works on their historical monuments;
 - c) administers, by granting credits in conformity with the stipulations mentioned at letter b) and as extra budgetary incomes, the revenues obtained from the historical monuments stamps, as well as from other sources intended for similar purposes, obtained in conformity with the present law; the sums recovered from refunded credits and interests shall be used in the revolving system, for the same purposes;
 - d) administers, on behalf of the Ministry of Culture and Religious Affairs, the state owned historical monuments, others than those administered by other public institutions; proposes their optimization by promoting revitalizing

projects and programs, by concluding partnerships or by freely letting or leasing them, in compliance with the present law;

- e) delivers documentations for the historical monuments on which final works or receptions had been performed to the National Institute for Historical Monuments, with a view to updating the historical monuments inventory and recording them;
- f) makes available to the National Institute for Historical Monuments the documents and information necessary to update the historical monuments inventory;
- g) elaborates the regulations, norms and methodologies specific to the historical monuments protection field in point of contents, fees, work performing, public acquisition organising, contracting and refunding the works;
- h) publishes and commercialises materials on the protection and enhancement of historical monuments;
- i) organises and performs other lucrative activities specific to its attributions, in compliance with the legal stipulations in force, also by concluding contracts with specialised legal or natural bodies, administered as extra budgetary incomes;
- j) administers the Register of Economic Agents with activity in the historical monuments field protection as well as the licensing and enlisting procedures and mechanisms, in compliance with the methodology approved by order of the minister of culture and religious affairs.

(4) The National Institute for Historical Monuments inherits the entire execution material base, the movable and immovable objects that belonged to the institutions in the field – The National Cultural Heritage Office, The Historical Monuments, Ensembles and Sites Office, The Cultural Heritage Protection and Administration Centre and The National Office for Heritage Protection.

Art. 29

With a view to establishing the historical monuments protection measures, The Historical Monuments Department and its attributions shall be established by order of the minister of culture and religious affairs, within 60 days after the present law comes into force; the above mentioned department shall be subordinated to the public decentred services of the Ministry of Culture and Religious Affairs and only specialised personnel shall be hired.

CHAPTER II: Specialised organisms

Art. 30

(1) When the present law comes into force, the National Commission of Historical Monuments, specialised scientific organism, without legal status, with consulting role in the historical monuments protection field, subordinated to the Ministry of Culture and Religious Affairs, shall be reorganised.

(2) The National Commission of Historical Monuments proposes the strategies and

the endorsement of the methodologies, norms and technical-scientific measures in the historical monuments protection field.

(3) The National Commission of Historical Monuments comprises 21 members, personalities, specialists and experts recognised in the historical monuments protection field.

(4) The National Commission of Historical Monuments comprises 21 members, is managed by a president and 4 vice-presidents and functions on the basis of its own organising and functioning regulation.

(5) The members of the National Commission of Historical Monuments are appointed by the minister of culture and religious affairs at the proposal of:

- a) The Romanian Academy – 2 members;
- b) The Ministry of Transport, Construction and Tourism – one member;
- c) The Ministry of Culture and Research – 2 members;
- d) Non-governmental organisations with activity in the historical monuments protection field – one member;
- e) The Ministry of Culture and Religious Affairs – 15 members, of which 8 proposed by the regional commissions of historical monuments.

(6) Within 30 days after the present law comes into force, the Organisation and Functioning Regulation of the National Commission of Historical Monuments shall be elaborated and approved by order of the minister of culture and religious affairs.

(7) The National Commission of Historical Monuments may appoint as members of honour specialists from the country or from abroad, scientific personalities of international recognition in the field of research and historical monuments protection; these are proposed by the president and validated with the vote of the simple majority of the commission.

(8) The Ministry of Culture and Religious Affairs provides the material and financial means for the functioning of the National Commission of Historical Monuments.

Art. 31

(1) The independence of the members of the National Commission of Historical Monuments in point of adopting the proposals of the commission is guaranteed by the present law.

(2) The National Commission of Historical Monuments organises plenary meetings in the framework of the commission's Office and on specialised sections

(3) The National Commission of Historical Monuments is divided into 4 sections each corresponding to a different field and managed by a president elected among its members for a 5 years term; the section presidents become vice-presidents of the National Commission of Historical Monuments.

(4) The president of the National Commission of Historical Monuments is appointed by order of the minister of culture and religious affairs.

(5) The president, together with the vice-presidents and the secretary form the Office of the National Commission of Historical Monuments.

(6) The decisions of the National Commission of Historical Monuments, of the sections and of the Office of the National Commission of Historical Monuments are

usually adopted by simple majority of votes, except for the cases mentioned in the present law.

Art. 32

(1) The president of the National Commission of Historical Monuments manages its activity on a national and international basis; the president and the vice-presidents of the National Commission of Historical Monuments are also members of the Scientific Council of the National Institute of Historical Monuments.

(2) The chief of the specialised department of the Ministry of Culture and Religious Affairs is also the secretary of the National Commission of Historical Monuments; the specialists of the specialised department of the Ministry of Culture and Religious Affairs are also the secretaries of the specialised sections of the National Commission of Historical Monuments.

Art. 33

(1) The National Commission of Historical Monuments has the following attributions:

- a) proposes the approval of the national strategy on historical monuments protection, elaborated by the National Institute of Historical Monuments;
- b) establishes the priorities regarding the necessary works and measures for ensuring the protection of historical monuments , regardless of their legal status and financing source;
- c) proposes the approval, by order of the minister of culture and Religious Affairs, of the methodologies, norms and regulations in the historical monuments protection field, elaborated by the Ministry of Culture and Religious Affairs or by the subordinated specialised institutions;
- d) proposes the classification, rating downgrade or refusal to rate downgrade and changing of the classification group of historical monuments;
- e) proposes the criteria for licensing the specialists and experts in the historical monuments protection field, as well as the criteria for regulating the activity of the economical agents in the historical monuments protection field;
- f) proposes the endorsement of the national territorial development plan – section “Protected construction areas”;;
- g) proposes the endorsement for the specialised sections of the plans relative to the territorial development having as object the historical monuments or the p Protected construction areas;
- h) proposes the endorsement of the historic-scientific studies for delimiting the protection areas of the historical monuments classified in group A or of the protected construction areas comprising historical monuments classified in group A, of the specialised sections of the territorial and town development plans, as well as for the restoration projects of the historical monuments classified in group A;
- i) proposes the endorsement for the substantiation studies and the specialised sections of the general town development of the territorial-administrative entities and of the local town development projects, as well as for the detailed town development projects having as object the historical monuments classified in group A or protected construction areas comprising

historical monuments classified in group A;

- j) proposes the endorsement for the documentations concerning the interventions on the historical monuments or applying inscriptions on historical monuments, based on documents endorsed by specialised scientific organisms or institutions;
 - k) proposes the endorsement for interventions on the buildings situated within historical monuments protection areas and within protected construction areas, for which there are no construction regulations endorsed in conformity with art. 26 paragraph (1) point 7;
 - l) proposes which historical monuments to be included in the List of world natural and cultural heritage, as well as in the List of endangered world heritage, elaborated by UNESCO;
 - m) approves the new materials, techniques and technologies to be used for restoring historical monuments, on the basis of the specialised documentations;
 - n) proposes professional training programs for specialists in the historical monuments protection field, as well as education plans;
- (2) The attributions of the National Commission of Historical Monuments, mentioned at paragraph (1) letters d), g), j) and k), may be delegated to regional commissions of historical monuments, under the conditions established by the Organising and Functioning Regulation of the National Commission of Historical Monuments.
- (3) The members of the National Commission of Historical Monuments and of the local commissions of historical monuments receive, for the months when the commissions meet a monthly allowance, representing 20% of the monthly allowance of a state secretary, and the refund of the expenses for participating to the commission's works.

Art. 34

- (1) The regional commissions of historical monuments will be reorganised into local commissions of historical monuments subordinated to the decentred public services of the Ministry of Culture and Religious Affairs, within 30 days after the present law comes into force, as decentralised specialised scientific organisms of the National Commission of Historical Monuments, without legal status, with consulting role in the historical monuments protection field.
- (2) The number, the territory of competence, the organising and functioning of the local commissions of historical monuments are established in the Organising and functioning regulation of the National Commission of Historical Monuments, approved by order of the minister of culture and religious affairs.
- (3) The local commissions of historical monuments have each 9 members, and their presidents are members of the National Commission of Historical Monuments.
- (4) The membership of the local commissions of historical monuments is approved by order of the minister of culture and religious affairs at the proposal of the specialised departments of the Ministry of Culture and Religious Affairs. They will include the counties chief-architects or the Bucharest chief-architect, respectively.
- (5) The local commissions of historical monuments have the following attributions:
- a) substantiates and propose specific elements of the regional strategy for the

historical monuments protection;

- b) establishes the priorities for the historical monuments protection at a regional level, with a view to ensuring the necessary funds;
- c) analyses and propose to the National Commission of Historical Monuments the classification or rating downgrade the historical monuments situated within their competence areas, in group A or B, as the case may be;
- d) propose the endorsement of the town and territorial development documentations for establishing, delimiting and regulating the construction of the protection areas of the historical monuments classified in group B or of the protected construction areas with historical monuments classified in group B;
- e) propose the endorsement of the substantiation studies of the territorial development plans, the local town development plans with historical monuments classified in group B;
- f) propose the endorsement of the detailed town development plans of the execution projects in the protection areas of the historical monuments classified in group A and in the protected areas with historical monuments classified in group A, for which there are regulations endorsed by the Ministry of Culture and Religious Affairs;
- g) propose the endorsement of the technical documentation of research and investigation works, of technical expertise, technical projects and execution details for the historical monuments classified in group B;
- h) fulfil other attributions that fall under their competence, according to the stipulations of the Organising and functioning regulation of the National Commission of Historical Monuments.

Art. 35

(1) A team in charge with controlling the historical monuments protection activity will be organised within the Ministry of Culture and Religious Affairs, by order of the ministry of culture and religious affairs, within 30 days after the present regulation comes into force.

(2) The control team for the historical monuments protection activity has the following attributions:

- a) controls, in compliance with the present law, any type of documents or documentations concerning the preservation, restoration and protection of historical monuments;
- b) ascertains the infringement of the legal stipulations in the preservation, restoration and protection of historical monuments field and proposes the legal measures to be taken accordingly;
- c) has access, in conformity with the present law, to any historical monument and on the historical monuments research or restoration-conservation sites; to this purpose, the state competent organs shall support the team staff to exert their attributions;
- d) proposes sanctions for the ascertained infringements, in compliance with the present law;

(3) In order to fulfil the attribution listed in paragraph (2), the control team for the historical monuments protection activity is entitled to the right to receive information

and documents, in conformity with the law, from any legal or natural body, and they have the obligation to comply with the request within 15 days after the request was issued.

TITLE IV: The responsibilities of the historical monuments owners and of the local public administration authorities

CHAPTER I: The rights and obligations of the historical monuments owners

Art. 36

- (1) With a view to the protection of historical monuments, the owners and holders of the administration right or of other real rights over historical monuments shall:
- a) maintain, use and exploit the building only in compliance with the stipulations of the present law and of the Obligation concerning the use of the historical monument, in conformity with art. 17;
 - b) ensure the guard, integrity and protection of historical monuments, takes measures in order to prevent and extinguish fires , ensures the preservation, consolidation, restoration, current repair and maintenance works, in conformity with the present law;
 - c) notify in writing, of emergency, the county or Bucharest offices for culture, religious affairs and the national cultural heritage, as well as the mayor of the respective city or commune about any physical modification or degrading of the historical monuments situated on the territory of their territorial-administrative entity;
 - d) notify in writing, of emergency, the county or Bucharest offices for culture, religious affairs and the national cultural heritage, as well as the mayor of the respective city or commune about any chance discovery of constructions or parts of constructions, of fixed or movable inventory items or of an archaeological vestige previously unknown, ensuring the preservation of the discoveries in compliance with the present law, until the specialised institution delegate arrives, but no longer than 15 days;
 - e) ensure, in compliance with the present law, the access of the assigned specialists of the Ministry of Culture and Religious Affairs or of the culture, religious affairs and national cultural heritage offices, in view of ascertaining the preservation state or for performing research works, archaeological or expertise research included, for registry purposes;
 - f) if the archaeological burden discharge of the building is required, they shall finance the excavation, the archaeological research, the elaboration of the afferent documentation, the preservation and protection of the contingent vestiges discovered with the occasion of archaeological research;
 - g) obtain the endorsements stipulated by the present law for all the interventions mentioned at art. 23;
 - h) ensure the preservation, consolidation, restoration, as well as any other works, in compliance with the legal provisions in force, performed only by the licensed legal or natural bodies and stipulate in the contracts the execution terms and conditions as endorsed by the specialised institutions;

- i) comply with all the terms and conditions as endorsed by the specialised institutions when they perform themselves current maintenance works or any other interventions, in compliance with the provisions of the present law;
 - j) allow, on the basis of the contractual stipulations, the interventions on the owned historical monuments, is they are initiated and financed by competent legal bodies, in conformity with the present aw;
 - k) allow the distinctive sign marking the historical monument status to be installed and maintain it;
 - l) obtain the endorsement of the county and Bucharest offices for culture, religious affairs and the national cultural heritage and ensure, on their own responsibility, the appropriate visiting, shooting, taking pictures, reproducing and advertising conditions if, at their request, the owner introduces the historical monuments in the public circuit;
 - m) notify the county and Bucharest offices for culture, religious affairs and the national cultural heritage about any change of the holder of ownership, administration or other real rights over the historical monuments.
- (2) By derogation from the provisions of art. (1), the construction works subject to authorization, performed on the historical monuments from category B, except the works performed on the artistic components, may be effectuated by unlicensed legal or natural bodies, if the specialised endorsements are complied with.
- (3) If, during complying with the obligations stipulated at paragraph (1) letter e), the owners of the historical monuments acknowledge any losses, they are entitled to appropriate indemnities, payable within 60 days after the institutions in charge with the research and investigation ascertains the loss.
- (4) As far as the estrangement, leasing or freely letting the historical monuments buildings are concerned, the owners have the following obligations:
- a) to notify in writing the county and Bucharest offices for culture, religious affairs and the national cultural heritage about the design to estrange the historical monument, so that the state, or, if the case may be, the territorial-administrative entities can exert the pre-emption right, as stipulated by the present law;
 - b) to inform the owner/leaser/tenant-to-be about the legal status of the historical monument he/she owns, as well as about the Obligation concerning the use of the historical monuments;
 - c) to notify in writing the county and Bucharest offices for culture, religious affairs and the national cultural heritage about the change of owner or administrator within 15 days after the contracts are concluded, in compliance with the present law, and to send them a copy of the documents.

Art. 37

- (1) With a view to the protection of historical monuments held in private property by legal or natural bodies, the Ministry of Culture and Religious Affairs, the decentred public services of the Ministry of Culture and Religious Affairs and the local public administration authority, as the case may be, can ensure, at the owners' request, free specialised consulting, under the conditions of the present law.
- (2) In the state or the local public authorities grant financial support, it will partially

or totally cover the study expenses and the technical documentations, as well as, if the case may be, the interventions performed on the historical monuments.

Art. 38

- (1) The state financial contribution, consisting in the sums allotted through the budget of the Ministry of Culture and Religious Affairs for the protection of historical monuments, regardless of the owner, may cover – partially or totally – the expenses of the historical monuments protection works.
- (2) The financial contribution provided by the county, city, town, or commune councils may cover – partially or totally – the expenses for the protection of the historical monuments classified in group B, as well as individually or by co-financing, the protection of the historical monuments classified in group A, situated on the territory of the respective locality.
- (3) The financial contribution provided by the state and of the local public administration authorities may be ensured through co-financing, as well as through partnership, with the owner or other legal or natural bodies included.
- (4) The situations in which the state or the local public administration authorities contribute to the covering the expenses on the works mentioned at paragraphs (1) – (3), the proportion in which the state contributes, the procedures as well as conditions the owner, other than the state, city, town or commune, must meet, will be established by the methodological norms approved by governmental decision, at the proposal of the Ministry of Culture and Religious Affairs and of the Ministry of Public Finances, within 3 months after the present law comes into force.
- (5) In the situations and conditions mentioned at paragraph (4), at the date of the financial support offered by the state or the local public administration authorities, a 10 years real estate security interest shall be established for the benefit of the state or of the administrative-territorial entities.
- (6) The real estate security interest stipulated at paragraph (5) shall be entirely recovered from the beneficiary of the state or local public administration authority contribution, together with the afferent interest rates if the respective object was estranged by the owner to another person, other than the state or the local public administration authority before 10 years since establishing the real estate security interest.
- (7) The real estate security interest for the benefit of the state or the administrative-territorial entities is exempt of the stamp tax.
- (8) When the 10 years are over, the real estate security interest on the building is prescribed.

Art. 39

- (1) The expenses for the designing, expertise, preservation, repair, consolidation, restoration and enhancement of historical monuments, regardless of the classification group they fall under, or of other buildings belonging to ensembles and historical sites, held in public or private property, included in national or international interest programs, established by governmental decision, initiated at the proposal of the ministries involved, may be partially or totally covered from the state or the administrative-territorial entities budget, through the budgets of the credit managers participating at the above mentioned programs.
- (2) For the expenses of the works mentioned at paragraph (1) to be covered, the

beneficiaries of the contributions are not compelled to contract guarantees.

(3) The works mentioned at paragraph (1) are national public interest works, for which the tax for issuing the town planning certificate and the construction permit shall be paid.

Art. 40

In order to stimulate the historical monuments protection, the natural bodies owning such objects and use their own sources to partially or totally pay the maintenance, repair, preservation, consolidation, restoration, enhancement works, as well as cultural programs and projects, benefit, in conformity with the present law, of a minimum 50% discount of the fees and taxes usually charged by the local authorities for these works.

Art. 41

(1) The owners of the historical monuments buildings, defined in art. 3 letter a) of the present law, are totally exempt from the real estate stamp, except for the places used for economical or commercial activities.

(2) No taxes shall be paid for the ground surface occupied by the buildings stated at paragraph (1).

(3) According to the present law, the local councils may relief the taxes for the historical monuments grounds bearing no construction, depending on the affected surface and of the period the historical monuments are at the disposal of the public to be visited, as well as of the specialised institutions to conduct researches on the respective historical monuments.

Art. 42

(1) The legal and natural bodies which inherit an immovable object classified as historical monument which they use as dwelling or for un-commercial activities are exempt of the stamp tax if they commit themselves in writing at the county office for culture, religious affairs and the national cultural heritage covering their residence, to perform, within 12 months, the restoration and consolidation works, established in the technical documentation approved and endorsed under the conditions of the present law.

(2) In rightfully motivated cases and with the endorsement of the county or Bucharest offices for culture, religious affairs and the national cultural heritage, the deadline stipulated at paragraph (1) may be extended only once for another 12 months.

(3) In case of failure to comply with the terms and conditions stipulated at paragraphs (1) and (2) and undertaken by the owner when acquiring the object, as well as in case of estranging the object before performing or concluding the consolidation or restoration works, the stamp tax shall be recovered through the Public Finances General Directorate, on the basis of the observation note of the county or Bucharest offices for culture, religious affairs and the national cultural heritage.

(4) The stipulations of paragraphs (1)-(3) are to be applied to the legal and natural bodies that acquire an immovable object classified as historical monument as donation, as well.

(5) Freely or onerously estranging a historical monument to the state or to the

administrative-territorial entities is exempt of the stamp tax.

Art. 43

According to the stipulations of the present law, the historical monuments owners are exempt of the tax for authorising the interventions on the historical monuments if they do use the respective historical monument for non-commercial activities or as personal dwelling.

Art. 44

The owners of the buildings situated within the historical monuments protection areas are entitled to 50% discount of the tax for authorising the works which they finance themselves and are necessary to preserve the physical integrity of the natural background of the historical monuments, such as they area regulated by the town planning or territorial development documentation, approved for the respective protection area or endorsed by the county or Bucharest offices for culture, religious affairs and the national cultural heritage.

CHAPTER II: The attributions of the local public administration authorities

Art. 45

(1) In order to ensure the protection of historical monuments and the compliance with the legal stipulations in the field, the local public administration authorities have the following attributions:

- a) cooperate with the specialised organisms and the public institutions in the historical monuments protection field and ensure that their decisions are applied and complied with;
- b) ensure the protection of the classified historical monuments, held in private or public property of the city/town/commune, as well as of the historical monuments that have been abandoned or are subject to litigations and allots the necessary sums to this purpose;
- c) cooperate with the other owners or administrators of historical monuments;
- d) may associate among them, as well as with legal or natural bodies in order to perform historical monuments protection works and may establish, to this purpose, local interest public services or institutions;
- e) participate at financing historical monuments protection works, by allotting the sums necessary to this purpose, in the budgets they administer;
- f) include specific objectives concerning the historical monuments protection in the socio-economical and town and territorial development programs, elaborates, updates and approves the town and territorial development documentations concerning the historical monuments or the protected areas that include historical monuments;
- g) take the necessary technical and administrative measures to prevent the historical monuments from degradation;
- h) include in their organising structure specialised departments or, if the case

may be, positions or duties relative to the historical monuments protection field;

- i) elaborates the annual management and historical monuments protection plans for the buildings situated within the administrative-territorial entities enlisted in the List of the World Heritage and ensures that they are followed up by their personnel.

(2) The local public administration authorities shall conduct the substantiation, protection areas delimiting and establishing studies, using only licensed specialised personnel.

Art. 46

(1) In order to ensure the protection of the historical monuments situated within their administrative-territorial entities, the local councils have the following attributions:

- a) collaborate with the county and Bucharest offices for culture, religious affairs and the national cultural heritage by providing them all the information updated in the historical monuments protection field;
- b) ensures the elaboration of the documentation for delimiting the historical monuments protection areas, with a view to establishing or modifying the general town plans or the local town plans of the localities.
- c) stipulate, within 12 months after the historical monuments are classified, the budgetary sums necessary for elaborating the town and territorial development plans documentations for the historical monuments protection areas;
- d) elaborate the town development regulations for the historical monuments protection areas and for the protected construction areas and approve them only on the basis and under the conditions of the endorsement of the Ministry of Culture and Religious Affairs or of the decentred public services of the Ministry of Culture and Religious Affairs;
- e) elaborates or, if the case may be, approves special administrative, budgetary or fiscal programs or measures meant to prevent the degradation of historical monuments and of the protected areas of the city/town/commune, in compliance with the endorsement of the Ministry of Culture and Religious Affairs or of the decentred public services of the Ministry of Culture and Religious Affairs;
- f) at the request of the county and Bucharest offices for culture, cults and the national cultural heritage, together with the police forces, interdict the heavy vehicles circulation and the explosive materials transport within the historical monuments protection area;
- g) collaborate with the specialised departments of some local public administration authorities, if the historical monuments and their protection areas are situated on the territory of several administrative-territorial entities;

(2) The authorities that issue the construction or demolishing permits for works to be performed on historical monuments, within their protection areas or within the protected construction areas, shall send copies of these documents to the decentred public services of the Ministry of Culture and Religious Affairs.

Art. 47

The mayor has the following specific attributions:

- a) verifies the existence of all the specialised endorsements in the historical monuments field and if the permit is in accordance with them, as well as if the stipulations of the Obligation concerning the use of the historical monument are complied with, in conformity with the legal dispositions in force; ensures that all the conditions stipulated in the endorsements to perform works on historical monuments and on the buildings situated within their protection area or in the operating permit are also mentioned in the work permits;
- b) takes measures for issuing in priority, the technical documentations referring to interventions on historical monuments;
- c) disposed the interruption of any construction or demolishing works if archaeological vestiges are discovered, decides and, if the case may be, organises the guard and notifies, at shortest notice, the county and Bucharest offices for culture, cults and the national cultural heritage;
- d) collaborates with the county and Bucharest offices for culture, cults and the national cultural heritage to apply the distinctive signs or marks on the historical monuments and makes sure the owner maintains them;
- e) ensures the guard and protection of the historical monuments situated on the private and public domain of the state and of the administrative-territorial entities, as well as of the historical monuments that have been abandoned or are subject to litigations; they must also notify of emergency any infringement of the present law to the county and Bucharest offices for culture, cults and the national cultural heritage.
- f) ensures, together with the firemen public services, that the measures for preventing and extinguishing fires have been taken.

Art. 48

The county councils and the General Council of Bucharest have the following attributions:

- a) cooperates with the county and Bucharest offices for culture, cults and the national cultural heritage by giving them all the information referring to the historical monuments situated within the territory the administer; facilitates the communication between the county and Bucharest offices for culture, cults and the national cultural heritage and the local councils of the towns and communes in the county respectively in the departments of Bucharest;
- b) initiates, with the endorsement of the Ministry of Culture and Religious Affairs, the expropriation procedure for public utility purposes with a view to the protection of historical monuments, in compliance with the stipulations of the present law;
- c) supports and coordinates the activity of the local councils of the communes or towns that lack organised services in the field or specialised positions in their own institution to ensure the protection of the historical monuments included in the List of Historical Monuments for group B and situated on their administrative-territory;
- d) issues construction or demolishing permits for the historical monuments and for the buildings situated within the protection area of the historical

monuments or within the protected construction areas only on the basis and in conformity with the endorsement of the Ministry of Culture and Religious Affairs or of the decentred public services of the Ministry of Culture and Religious Affairs.

TITLE V: Financing the historical monuments protection

Art. 49

- (1) The historical monuments protection is financed by the owners or the administrators and may be co-financed from the state budget, the local budgets or other sources.
- (2) The research, expertise, designing and execution works performed on historical monuments and financed from public funds are subject to the general policy of assigning public designing and execution works , according to the legislation on public acquisitions.

Art. 50

- (1) The local public administration authorities shall include in their budgets the necessary funds for the historical monuments protection held in private or public property of the administrative-territorial entities.
- (2) The central public authorities include in their budgets the funds approved through the state budget for the protection of the historical monuments held in private or public property of the state, which they administer.
- (3) The budget of the Ministry of Culture and Religious Affairs includes:
 - a) budgetary credits necessary for financing the works performed on the historical monuments administered by the National Office of Historical Monuments;
 - b) budgetary credits necessary for financing or co-financing the historical monuments protection works held in private or public property of the state or of administrative-territorial entities;
 - c) budgetary credits intended for financing or co-financing the historical monuments protection works owned by private legal or natural bodies.
- (4) 1% of the incomes raised from selling tickets and from land renting taxes in case shows, fairies or entertainment parks are organised, shall be transferred to the owner of the historical monument within whose protection area the manifestation is organised or, if the case may be, to the holder of the administration right; the sums thus obtained shall be exclusively used for financing the preservation works on the respective historical monument.

Art. 51

- (1) Within 90 days after the present law comes into force, the historical monuments stamp tax shall be adopted and administered, in compliance with the present law, by the Ministry of Culture and Religious Affairs through the National Office of Historical Monuments.

(2) The value of the historical monuments stamp tax and the ways it can be collected, cashed, transferred, used as well as the way the sums thus raised can be registered are to be established by the methodological norms elaborated by the Ministry of Culture and Religious Affairs in collaboration with the Ministry of Public Finances and approved by governmental decision.

(3) The historical monuments stamp tax is mandatory for:

- a) picture postcards, envelopes, postage stamps, maps, leaflets, brochures, magazines, touristy guides, books, albums, books of maps, encyclopaedias, artistic and documentary movies, video tapes, compact-disks, film-slides, video-clips, banking cards, and phone cards commercialised in Romania and showing historical monuments, individualised or in ensembles, by photographic images or interior or exterior graphic representations;
- b) entrance tickets, filming or photographing taxes included, for the historical monuments open to the public, partially or totally, owned or administered by private legal bodies performing economic activities;
- c) entrance tickets at the cultural, sportive or enjoyment manifestations, fairies and expositions organised within historical monuments protection areas or within protected constructed areas;
- d) casino activities and games;

(4) The historical monuments stamp tax shall be collected from the economic agents, publishers or producers, from owners, holders of the administration right or of other real rights on the buildings situated within the historical monuments protected areas or within the protected construction areas or from the beneficiaries of the incomes.

(5) The museums functioning in historical monuments buildings or within their protection areas are exempt from the historical monuments stamp.

(6) By derogation from the provisions of paragraphs (3) and (4), the economic agents that, due to their activities, contribute to the protection of historical monuments with at least a sum equal to the historical monuments stamp, are exempt from paying that stamp tax.

Art. 52

(1) The funds obtained from collecting the historical monuments stamp tax shall be used by the National Office for Historical Monuments, exclusively for:

- a) granting credits under the conditions of art. 28, paragraph (3) letters b) and c), in priority for emergency intervention works on historical monuments, function of the historical monuments protection strategy.
- b) financing the elaboration of technical-economic regulations, norms and methodologies on elaborating specific documentations, performing works, acquisitions, contracting and refunding works related to historical monuments;
- c) financing the preparation of historical monuments for free visiting, as well as for cultural programs or projects.

(2) the value of the historical monuments stamp tax shall be established by governmental decision and updated, annually, by order of the minister of culture and cults.

TITLE VI: Sanctions

Art.53

Any infringement of the stipulations of the present law entails civil, administrative, material, disciplinary, contravention or penal liability.

Art. 54

(1) Unauthorised destruction, partially or total loss, expropriation without having obtained the endorsement of the Ministry of Culture and Religious Affairs, damaging, as well as misusing historical objects are considered to be infractions and shall be punished according to the present law.

(2) In all the cases mentioned at paragraph (1), the doer is compelled to recover the damaged object and remember the monument or the damaged parts of the monument, in accordance with the endorsements stated in the present law.

Art. 55

(1) The following deeds are considered to be offences against the historical monuments protection policy, unless, according to the law, they are infractions:

- a) performing works on a building after the classification procedure was initiated or on a historical monument, without the endorsement of the Ministry of Culture and Religious Affairs;
- b) infringing upon the obligations stipulated in art. 36 – the owner or the holder of the administration right over a historical monument;
- c) not paying the historical monuments stamp tax, as well as the tariffs stated in the present law;
- d) organising the manifestations mentioned at art. 9 paragraphs (5) and (6), without having obtained the approval of the competent authority;
- e) not mentioning in the town-planning certificate the need to obtain the endorsement of the Ministry of Culture and Religious Affairs or of its decentred services for the works proposed on the historical monuments, within their protection area or within the protected areas;
- f) issuing the construction or demolishing permits for works on the historical monuments situated within protection areas, within the endorsement of the Ministry of Culture and Religious Affairs or of the decentred services, if the case may be.

(2) The offences stipulated at paragraph (1) letters a), e) and f) shall be fined with 4.000 lei to 8.000lei.

(3) The offences to the historical monuments protection policy shall be prescribed 3 years after they were committed.

Art.56

The value of the fines stipulated at art. 55 may be updated by the Government's decision.

Art. 57

(1) The offences shall be ascertained and the fines shall be enforced by the specialists of the county and Bucharest offices for culture, cults and the national cultural heritage, by the delegates of the Ministry of Culture and Religious Affairs, by territorial inspectors of the State Construction Inspectorate or by the inspectors of the Ministry of Public Finances, if the case may be.

(2) For the offences stipulated at art. 55 paragraph (1) letters a) and b), the mayor, the president of the county council and their delegates or the police force, if the case may be, may ascertain the offences and enforce the fines.

Art. 58

The stipulations of the Governmental Ordinance no. 2/2001 on legal status of offences, approved with amendments and completions by Law no. 180/2002, with the subsequent amendments, may be applied to the offences listed in art. 55.

TITLE VII: Transitory and final dispositions

Art. 59

Until establishing the protection area of each historical monument, according to art. 9, the surface or 100 m around the object, in towns or cities, 200 m in rural localities and 500 m outside localities, measured from the exterior limit, shall be taken to be protection area of the historical monument.

Art. 60

(1) The list of the monuments, ensembles and historical sites, approved by the National Commission of Historical Monuments, ensembles and Sites between 1991 and 1992, with the subsequent amendments and completions, remains in force. Within 3 years after the present law comes into force, the National Institute of Historical Monuments shall update the List of Historical Monuments, in conformity with the attributions stated in art. 27 paragraph (3).

(2) the decentred public services of the Ministry of Culture and Religious Affairs shall notify, in writing, the owners or the holders of real rights over the historical monuments about the special legal status of the respective buildings and inform them about the obligation concerning the use of the historical monument.

Art. 61

When the present law comes into force, paragraph (2) of art. 10 of Law no. 112/1995 on the regulating the legal status of the buildings intended for living in, having become state property, published in the Romanian Official Journal, Part. I, no. 279 of the 29th of November 1995, shall be amended as follows:

“(2) The dwellings that were used as guest houses, for protocol, as well as those used as residences for the former and current high officials are exempt of sale.”

Art. 62

When the present law comes into force, the Governmental Emergency Ordinance no. 288/24th of November 2000 on the protection of historical monuments, published in the Romanian Official Journal, Part. I, no.616 of the 30th of November 2000, as well as other contrary provisions, shall be abrogated.

NOTE:

1. We reproduce here below the stipulations of art. III and IV of Law no. 259/2006 for the amendment and completion of Law no. 422/2001 on the protection of historical monuments, which are not included in the codification of Law no. 422/2001 and which are still applied as dispositions of Law no. 295/2006.

"Art. III

Within 3 months after the present law comes into force, within the General Inspectorate of the Romanian Police of the Ministry of Administration and Interior, specialised structures for the prevention, discovering and monitoring illegal actions concerning the historical monuments, their protection areas, as well as the protected construction area, will be established.

Art IV

Within 3 months after the present law comes into force, the local and central public administration authorities communicates to the Ministry of Culture and Religious Affairs the historical monuments and the protection areas they propose to be declared as representing local or national public interest monuments/areas, in compliance with the present law."

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