JPRS-EER-92-024-S
3 MARCH 1992

JPRS Report
Supplement

East Europe

Recent Legislation

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JPRS-EER-92-024-S *3 March 1992*

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Law on Amnesty for Political Prisoners

92P20123A Tirana GAZETA ZYRTARE in Albanian Oct 91 pp 323-327

[Law on the exoneration, amnesty, and rehabilitation of persons who were sentenced and persecuted for political crimes]

[Text] For a period of 45 years, many Albanian citizens were accused, judged, sentenced, imprisoned, interned, or persecuted for transgressions of a political nature, thus violating their civil, social, moral, and economic rights.

The first pluralistic parliament of the Republic of Albania has decided to create a just and honest juridical system, which would correspond completely to the laws and regulations which protect basic human rights. A program of national reconciliation has been adopted and is being consolidated. By means of this program, all Albanian citizens are given the guarantee that they will be able to exercise their civil rights through legal means, as the basis for the restoration of a free and democratic society. For this reason, the People's Assembly exonerates former political prisoners and politically persecuted persons and considers it an honor, as the highest representative of the people, in the name of the law-governed state, to seek the pardon of these people for the political sentences and sufferings which they endured in the past.

The government will take all necessary measures to compensate and rehabilitate all persons who have been unjustly accused of the violations mentioned in this law and to ensure for them, on a priority basis, the material and moral assistance to reintegrate completely into society.

On the basis of Article 16, point 6, of Law No. 7491, dated 29 April 1991, "On the Main Constitutional Provisions," upon recommendation of the Council of Ministers,

The People's Assembly of the Republic of Albania resolves:

Article 1—All persons who have been sentenced for agitation and propaganda against the state, for escaping, for sabotage, for creating or participating in political organizations, for failing to report crimes against the state, as well as those who have been sentenced for slandering and insulting the highest organs of the state and party, for violating Decree No. 7459, of 22 February 1991, "On Respecting and Protecting Monuments Associated with National History and State Symbols," as well as for violating Decree No. 7408, of 31 July 1990, "On Meetings, Gatherings, and Demonstrations of Citizens in Public Places" are not guilty and are declared never to have been sentenced, with political, social, and economic effects.

Article 2—All Albanian citizens who escaped from Albania during the war or after the liberation of the country up until 8 May 1990, because of their convictions or because of their political activity, are exonerated, with the exception of those who committed terrorist acts and sabotage, when these actions resulted in deaths or other serious consequences. The others are amnestied.

Article 3—Soldiers who, illegally crossing the state border, committed the crime of absence without official leave and desertion from military service also benefit from this law.

Article 4—All persons sentenced for crimes against the state and for supporting and failing to report these crimes are amnestied, with the exception of those who have committed acts of terrorism and sabotage, when these acts resulted in deaths or other serious consequences.

Penal prosecutions for the penal acts stipulated by this article and by the aforementioned articles of this law, in regard to all investigative cases, cases not examined by the courts, and all depositions made before the competent organs in regard to these penal acts, are suspended as of the date this law goes into effect.

Article 5—The persons benefiting from Article 1 of this law will have the following rights:

a) The period of the deprivation of freedom and of internment as a supplementary penal sentence is credited to the person's seniority in work or service. Even persons who were unemployed before the initiation of the penal prosecution are given credit for work time during the execution of the penal sentence. In the calculation of pensions, persons who have been sentenced have the right to choose between the average monthly wages received during three consecutive years in the past 10 years of employment, before or after the penal proceedings, or the wages received by a worker who has worked under the same working conditions as those experienced by the convict during his sentence. When this choice cannot be made for various reasons, they are given the average pension.

b) Honorary titles and decorations which have been taken away by decision of the court or by decree of the Presidium of the People's Assembly are returned to the recipients.

c) The former prisoners are assured the right to return to the area where they lived before the penal prosecution or internment; they are assured of work in their profession on a priority basis, within or outside the country, and are given preference in housing.

ch) The right to study in schools of higher education is restored to those from whom this right was taken away because of the penal proceedings or is given to persons close to them and education within or outside the country is provided as soon as possible.

d) They are compensated for the damages caused and are given a specified subsistence allowance, according to regulations which will be set by special provisions based

on international criteria. The right to restoration of or compensation for confiscated property is recognized.

dh) Compensation for damages is also given to the families or legitimate heirs of former political prisoners who have died and of those who were executed without a trial or who died without being sentenced by the court.

e) Family members of persons executed or sentenced without a trial, of prisoners who died in jail, or of those who died in jail without being sentenced by a court, receive a pension, in accordance with the provisions on family pensions.

The executive committees of the districts and regions are charged with carrying out the tasks stipulated in letters "c" and "ch" of this article.

The Council of Ministers takes into consideration the demands of former prisoners and of political prisoners when the conditions stated in point "c" of this article are not satisfied.

Article 6—Persons who are deported or imprisoned for political reasons also benefit from the rights recognized in Article 5 of this law.

Article 7—All the rights recognized in this law for political prisoners are also recognized for families of persons who died during the investigation process or who were executed without a trial.

Article 8—The Council of Ministers, the Ministry of Public Order, the Ministry of Justice, the Office of the Public Prosecutor, the Ministry of Finance and the executive committees of the districts and regions are charged with the implementation of this law.

Article 9—A commission is created to examine and expose political crimes of the state, with the participation of deputies, members of the government, workers in judicial organs, and members of the Association of Former Political Prisoners.

This commission is charged with monitoring and implementing this law.

Article 10—This law goes into effect immediately.

Tirana, 30 September 1991

Law No. 7514

Proclaimed by Decree No. 43, of 1 October 1991, of the President of the Republic of Albania, Ramiz Alia

Regulation on Commission for Protection of Competition

92BA0166A Sofia DURZHAVEN VESTNIK in Bulgarian No 94, 15 Nov 91 pp 11-13

["Text" of Regulation on the Structure and Activities of the Commission for the Protection of Competition, issued by the Commission for the Protection of Competition and signed by Chairman St. Neshev]

[Text]

Regulation on the Structure and Activities of the Commission for the Protection of Competition

Section I

General Stipulations

Article 1. (1) The Commission for the Protection of Competition is an independent state institution created on the basis of Article 2, Paragraph 1 of the Law on the Protection of Competition (DURZHAVEN VESTNIK No. 39, 1991).

(2) The KZK [Commission for the Protection of Competition] is a juridical person supported by the budget, with headquarters in Sofia.

Article 2. The Commission consists of a chairman, two deputy chairmen, and eight members, who are appointed and dismissed by the National Assembly and whose terms of service are five years each.

Section II

Basic Functions and Activities

Article 3. The KZK has the following basic functions:

1. To prevent any restricting of competition in the country;

2. To apply the steps stipulated in the laws against restricting competition and disloyal competition;

3. To ensure protection against monopolistic abuses in the market or other actions that could restrict competition.

Article 4. In the course of the implementation of its basic functions, the Commission:

1. Suggests, in accordance with proper procedures, the annulment of administrative acts passed by state authorities, issued in violation of the Law on the Protection of Competition;

2. Determines monopolistic abuses and suggests to the Council of Ministers or to its authorized agencies the setting of maximum and/or minimum prices mandatory for entities allowed to be monopolies;

3. Participates in the formulation of draft legal acts related to the protection of competition or expresses opinions on them;

4. Submits to the courts claims on proving, terminating, or eliminating violations of this law as well as claims relative to the imposition of property penalties as per Article 23 of the Law on the Protection of Competition;

5. Files claims in court should it be proved that the interests of the state or the public have been harmed as a result of violations of the Law on the Protection of Competition;

6. Draws up reports on violations of the Law on the Protection of Competition for which property penalties are levied as per Article 23 of the law;

7. Keeps records and watches the behavior of entities that, in accordance with the law, enjoy the exclusive right to engage in economic activities of a specific nature;

8. Keeps files on and observes the behavior of entities that, separately or jointly with other independent entities, hold a share of the market in excess of 35 percent in activities stipulated in Article 3, Item 1 of the law;

9. Controls the prevention of opening public enterprises by state management and township council authorities should they be monopolies or should their establishment actually result in a monopoly, thus substantially restricting the freedom of competition or free price-setting;

10. Supervises the merger, unification, and combination of dependent enterprises and the ownership of shares or stock that make such enterprises dependent;

11. Issues permits for the purchase of stock and shares in competing enterprises whose status is that of a branch;

12. Allows individuals holding a monopoly to show restraint in or to limit increased production, sale, capital investments, or technological development;

13. Allows the conclusion of agreements for the application of standardized contracts relative to sales, manufacturing, services, transportation, loans, and so forth that do not hinder free price-setting, restrict competition, or harm the interests of consumers;

14. Formulates and implements ways of explaining legislation that protects competition and publicizes through the information media the practical application of such legislation.

Article 5. The KZK gathers and processes information on monopolistic abuse and disloyal competition in the individual economic sectors, applying in the course of its work and, if necessary, assigning such rights to competent authorities.

Article 6. The KZK implements and coordinates international coordination in the field of the protection of competition by:

1. Representing the country in its dealings with international organizations in that area;

2. Engaging in international cooperation with state authorities and organizations in other countries;

3. Participating in the drafting of international treaties.

Article 7. The KZK may assign the drafting of projects for the protection of competition to scientific organizations and individual specialists.

Article 8. The KZK publishes an information bulletin in which basic resolutions are made public.

Section III

Management

Article 9. The Commission implements its authorities assigned to it by virtue of the Law on the Protection of Competition through resolutions passed at its sessions. On an exceptional basis and in urgent cases, resolutions may be formulated in writing without a session, provided that all of the members of the Commission have been informed of the fact and the majority of members have subscribed to that resolution.

Article 10. (1) The Commission shall meet regularly every first and third Monday of every month at 1500 hours.

(2) Emergency meetings may be held by the Commission chairman or at the request of no fewer than three Commission members as well as by decision of the Commission itself.

Article 11. (1) The agenda of the Commission's sessions is submitted by the chairman and adopted at the meeting. However, other issues may also be discussed, if deemed urgent.

(2) The suggested items for the agenda must be submitted to the Commission members at least five days before the session. A speaker—a Commission member—is assigned to report on each item on the agenda.

Article 12. (1) The Commission's sessions are considered legal if attended by no fewer than seven members.

(2) The meetings of the Commission are chaired by the chairman or, in his absence, by a deputy chairman appointed by him.

(3) Interested parties and other representative, as assessed by the Commission, may be invited to attend the Commission's sessions and be heard by it.

Article 13. The Commission's decisions are made by open vote and the simple majority of members present.

Article 14. (1) Minutes are kept for each session of the Commission, signed by the attending members.

(2) The Commission's resolutions are reported to the interested individuals and resolution transcripts are issued to the Commission's members.

Article 15. In addition to the matters that, in accordance with the Law on the Protection of Competition, fall within the exclusive competence of the Commission, the Commission:

1. Determines its own structure;

2. Adopts a plan and program for its work;

3. Discusses the draft budget;

4. Adopts an annual report on its activities.

Article 16. The Commission's chairman assigns, organizes, and controls the implementation of the Commission's resolutions by its individual members. The chairman:

1. Represents the Commission and authorizes Commission representatives;

2. Appoints and dismisses the KZK personnel;

3. Requests of the National Assembly, on the basis of the Commission's resolutions, the appointment or release of the Commission's leadership and members;

4. Executes the budget.

Article 17. The deputy chairmen assist the chairman in the execution of his assignments and the Commission's resolutions.

Article 18. The Commission organizes teams of specialists, experts, consultants, correspondents, and other personnel to work on labor or civil contracts, thus ensuring the efficient implementation of the Commission's resolutions and assisting the Commission in its activities.

Article 19. The Commission sets up a secretariat and technical services, headed by the chief secretary, to provide the necessary administrative-economic services to the KZK. The chief secretary attends the Commission's meetings.

Section IV

Relations With State Agencies, Local Self-Government Agencies, and Juridical and Physical Persons

Article 20. The KZK conducts its activities in close cooperation and interaction with the central and local state administration authorities, the local self-government authorities, the law-enforcement authorities, the chambers of commerce and other chambers, and branch and other associations of producers and merchants, associations of consumers and employers, trade unions, and other public organizations interested in matters relative to the protection of competition. In this connection, the Commission:

1. Participates in joint developments and investigations and in the drafting of legal acts;

2. Supplies and receives information on competition protection issues;

3. If invited, participates with its representatives in meetings of other agencies in discussions pertaining to the protection of competition;

4. At the request of pertinent state authorities, issues views on matters related to the protection of competition;

5. Organizes and implements, together with interested agencies and individuals, observations on the behavior of producers and consumers on the market;

6. Participates in joint investigations of reports and suggestions.

Article 21. The KZK follows critical and other data related to matters within its jurisdiction that become public knowledge through the mass media and, if necessary, takes whatever steps are necessary.

Section V

Administrative-Penal Stipulations

Article 22. (1) Reports drawn on administrative violations as per Article 24 of the Law on the Protection of Competition are based on the resolution of the Commission and drafted by permanent or recruited officials as determined by the chairman, acting on behalf of the commission. Such reports are drawn up in accordance with the Law on Administrative Violations and Penalties (DURZHAVEN VESTNIK No. 92, 1969; amended, No. 54, 1978; No. 28, 1982; Nos. 28 and 101, 1983; No. 89, 1986; No. 24, 1987; and No. 94, 1990).

(2) Penal resolutions on established violations are issued by the chairman or deputy chairmen of the Commission as per the stipulations of Article 25, Paragraph 2, Item 3 of the provisional and concluding stipulations of the Law on the Protection of the Constitution, in connection with Article 47 of the Law on Administrative Violations and Penalties. The respective stipulations in the Law on Administrative Violations and Penalties apply in cases of administrative penalties, appeals, supervisory reviews, executions of penal resolutions, and court rulings.

Concluding Stipulation

The present regulation is issued on the basis of Item 2 of the Provisional and Concluding Stipulations of the Law on the Protection of Competition (DURZHAVEN VESTNIK No. 39, 1991).

Law on Protection of Environment

92BA0285A Sofia DURZHAVEN VESTNIK in Bulgarian No 86, 18 Oct 92 pp 5-12

["Text" on Law on Protection of the Environment, adopted by the Grand National Assembly on 2 October 1991 and signed by Nikolay Todorov, chairman of the Grand National Assembly]

[Text]

Ukase No. 326
of President of the Republic Zhelyu Zhelev
issued in Sofia on 11 October 1991
and sealed with the state seal

On the basis of Article 98, Item 4 of the Constitution of the Republic of Bulgaria, I hereby decree that the Law on Protection of the Environment, adopted by the Grand National Assembly on 2 October 1991, be published in DURZHAVEN VESTNIK.

LAW ON PROTECTION OF THE ENVIRONMENT

Chapter 1

General Stipulations

Article 1. The present law regulates the following:

1. The collection and submission of information on the condition of the environment;

2. The exercise of control over the state of the environment;

3. The evaluation of influences affecting the environment;

4. The programming and implementation of measures for the protection of the environment;

5. The rights and obligations of the state, the townships, and juridical and physical persons relative to environmental protection.

Article 2. The risk to human health and the environment and its relation to sustained damages and lost benefits are the foundation for the Formulation of the rules and standards operating in the country, making use of the best accessible technologies, scientific degrees, methods, expert evaluations, and international practices.

Article 3. (1) Individuals who pollute the environment and who use natural resources pay fees for the pollution and the utilization of the resources. The fees are based on a legal act promulgated by the Council of Ministers.

(2) The funds as per Paragraph 1 are deposited to the account of the township on whose territory the polluter or the user is located.

(3) The thus-deposited funds are allocated as follows: 50 percent to the township environmental protection funds; 40 percent added to the funds of the rayon environmental protection inspectorates; 10 percent to the national environmental protection fund.

Article 4. Once every year, the Council of Ministers drafts and submits to the National Assembly a report on the condition of the environment and, after its acceptance, publishes said report as a *Yearbook on the Condition of the Environment.*

Article 5. Should the quality of the environment be worsened, those responsible for the damage must restore the quality in accordance with the stipulations of the specialized control and township authorities.

Article 6. The norms and standards included in agreements and treaties to which the Republic of Bulgaria is a party or, if no such documents exist, the norms and standards applied by the members of the European Community apply if pollution is caused to a foreign country.

Article 7. (1) It is forbidden to introduce dangerous substances and refuse into the country with a view to their storage, dumping, or destruction, or to import technologies that harm the environment.

(2) The hauling of dangerous substances in transit through the territory and the maritime space of the Republic of Bulgaria is allowed—in each case by permission of the minister of the environment—if so stipulated in the international treaty to which Bulgaria is a signatory and in accordance with safety measures.

(3) It is forbidden to build and operate enterprises for the production of goods and services without treatment installations, should they be necessary.

Chapter 2

Information on the Condition of the Environment

Article 8. Information on the state of the environment covers the following:

1. Data pertaining to the condition of the components of the environment;

2. Data on the consequences of actions that lead or could lead to the pollution or harming of the environment or its components;

3. Data on activities and actions taken for the protection and restoration of the environment.

Article 9. All individuals and state and township authorities have the right of access to the available information on the condition of the environment.

Article 10. Any information that is made public or is submitted must be accompanied by explanations on the possible consequences to human health and the environment and by recommendations on the behavior of the citizens in the event of expected adverse influences.

Article 11. (1) Information on the condition of the environment is gathered by the specialized bodies of the Ministry of the Environment, the Ministry of Health, the Ministry of Agriculture and Food Industry, and individuals and township authorities authorized by them.

(2) Juridical and physical persons who produce goods and services must submit to the authorities named in Paragraph 1 the data stipulated in Article 8, Item 2.

(3) The authorities as per Paragraph 1 must submit and make public the information through the mass information media or by any other means in a form accessible to the citizens and, if possible, on a steady basis, should it include data on changes in the condition of the environment.

Article 12. (1) On demand, state and township authorities and juridical and physical persons and producers of goods and services must provide information on the anticipated influence on the environment, before the final decision to undertake activities and actions or before undertaking them as per the procedure outlined in Chapter 4 of the present law and the attached Appendix No. 1.

(2) The authorities and individuals as per Paragraph 1 must satisfy the prepared requirements within two weeks after a request is made, unless the requirements justify a longer period of time. Failure to submit information within the time set in this paragraph is considered a refusal.

(3) If the information as per Article 8, Item 2 and the preceding paragraphs is not subject to dissemination in accordance with current legislation, such is provided in writing without a right to dissemination.

Article 13. In cases of pollution or damage to the environment, including natural disasters, industrial accidents, and fires, the authorities and individuals as per Article 12, Paragraph 1 must immediately inform the population of the changes that occurred in the environment, the steps taken to limit and eliminate them, and the requirements governing the behavior of the citizens with a view to protecting their health and safety.

Article 14. Producers of goods and services, their brokers, and merchants, including those dealing in agricultural and comestible goods, must, along with the sale or service they provide, submit to the purchaser or the consumer written or, in obviously minor cases, verbal information on the makeup of the goods and services that may be harmful, as well as any possible negative effect from the provided services.

Article 15. An authority or individual as per Article 9, who finds that his request for access to information has been groundlessly denied or that his right to access to such information has been restricted illegally or, again, that the information obtained is inaccurate, has the right to demand the protection of his rights through administrative channels or through the courts.

Chapter 3

Control Over the State of the Environment

Article 16. (1) Control over the state of the environment implies observing the quality of the elements of the environment and recording any changes in them, as well as observing the sources of such changes.

(2) The rules stipulated in Chapter 2 of this law apply to the data gathered as a result of said control.

Article 17. (1) Controlling the state of the environment and the sources of pollution is the duty of the authorities as per Article 11, Paragraph 1.

(2) Such control is permanent and is consistent with the features of the observed parameters and the sources of pollution. If the implementation of their obligations as per Paragraph 1 is impossible, on the basis of their jurisdictional rights as per Article 27, the authorities will make the reasons for this public, through the information media.

(3) The individual parameters of the environment, which are subject to control, must be defined in accordance with the control methods formulated by the minister of the environment.

Article 18. (1) Differentiated state control, based on the source of pollution, is instituted as follows:

1. By decision of the state authorities;

2. By request of affected or presumed affected citizens and their organizations, on the basis of pollution they have noticed.

(2) The proven polluter pays for the controlling activities.

Chapter 4

Assessing the Influence on the Environment

Article 19. (1) All activities of physical and juridical persons and state and township authorities may be subject to an evaluation of their impact on the environment.

(2) The following are subject to mandatory evaluation of their impact on the environment, provided by competent state authorities:

1. National and regional development programs, and territorial and urban structural plans and their amendments;

2. Plants and projects as per the list in Appendixes Nos. 1 and 2;

3. Plans for the reconstruction and expansion of existing projects as per the preceding items;

4. Plans for the construction of projects for provision of services and other needs, as assessed by the township authorities.

(3) The authority of the agencies assessing the impact on the environment is based on the stipulations of Article 27.

(4) The list of projects and plans as per Appendixes Nos. 1 and 2 is kept by the minister of the environment, who may request an evaluation of the impact on the environment in the case of projects not included on the list but considered significant in terms of their impact.

(5) In the case of major projects, an assessment of their impact on the environment is made periodically, as stipulated by the minister of the environment, at least once every five years.

(6) The procedure and conditions for the mandatory assessment are defined by the minister of the environment along with the minister of construction, architecture, and urban works.

Article 20. (1) All interested physical and juridical persons have the right to participate in the discussion on the results of the assessment of the impact on the environment as per Article 19, Paragraph 2.

(2) The individuals as per Paragraph 1 must be informed of any assessment being made on the impact on the environment through the mass media on the national or local level or via any other suitable means no later than one month before the initiation of the assessment.

(3) The assessment on the impact on the environment is assigned by the competent authorities to independent experts who:

1. Are professionally competent;

2. Declare that they do not have contractual relations with the investor in the project, the executor, or any other directly interested individuals;

3. Submit their conclusion, guided by the requirements of Article 2 and the country's norms and standards relative to the admissible pollution of the environment.

Article 21. The author of a project or initiator of activities as per Article 19, Paragraph 2 must submit the following documentation, which is required for making an assessment of the impact on the environment:

1. Project annotation;

2. Description of the environment—the presumed target of the impact;

3. Projection concerning the presumed impact;

4. Description of the possible means of implementing the project, including its rejection;

5. List of the parties that may be affected by the future functioning of the project in the described environment;

6. Conclusions;

7. Other elements as deemed necessary by the minister of the environment.

Article 22. (1) The competent authority issues its own conclusion on the basis of the expert conclusion, after hearing the views of the individuals involved in the production process.

(2) The length of time granted for the conclusion by the competent authority is determined by the specific nature of the project. The specific duration of the project must be substantiated. The township councils or the Ministry of the Environment inform the interested individuals of their conclusions in writing.

(3) On the basis of the assessment of the impact on the environment, the operation of a production facility may be stopped should the competent authority note the "absence of any significant ecological impact." After the authority has issued its conclusions, the interested individuals may appeal the decision in accordance with the stipulated procedure, within two weeks in the case of local projects and four weeks in the case of projects of national significance.

(4) The ratified conclusion in the assessment of the impact on the environment is valid for a period of one year, unless the execution of the project has been started. The cost of assessing the impact on the environment is borne by the investor.

Article 23. The competent authority forbids or halts the activities or the implementation of projects for which the

assessment of the environmental impact has been negative or for which the mandatory assessment has not been made, or which have not been equipped with the necessary treatment facilities.

Chapter 5

Rights and Obligations of State and Township Authorities

Article 24. (1) The minister of the environment:

1. Develops, together with the respective ministers, the strategy of the government in the field of environmental protection;

2. Allocates funds for scientific research, projects, and financial aid for significant measures related to environmental protection, including aid to physical and juridical persons who are installing ecologically clean technologies;

3. Controls the state of the environment on the territory of the country and the maritime area of the Republic of Bulgaria;

4. Coordinates the control functions of the other ministries and departments;

5. Drafts the annual report on the state of the environment as per Article 4;

6. Informs the public of its activities through the information media, its specialized publications, or other available means;

7. Formulates, together with the minister of health and the minister of agriculture and food industry and the other competent state authorities:

a. Standards for emission and concentration of harmful substances by rayon, environmental component, and type of pollutant, as well as the utilization of renewable and nonrenewable natural resources;

b. Statutes and systems for areas with an endangered environment, and projects and measures for the restoration of the normal qualities of the environment within them, which are submitted for the approval of the Council of Ministers;

c. Instructions on labeling goods in accordance with the stipulations of Article 14;

d. Tables on fees charged for the use of natural resources and admissible pollution;

e. Instructions on the transportation, storing, utilization, and dumping of dangerous substances;

8. Together with the other state authorities, keeps a list of endangered vegetal and animal species and controls the preservation of the variety of species and ecological systems;

9. Manages and allocates central fund assets collected from the relevant share of fees collected for admissible pollution and from other financing sources related to environmental protection;

10. Issues and publicizes methods for the control and evaluation of the impact on the environment as per Chapters 3 and 4; maintains a national system for observation and control of the state of the environment; contracts for activities as per Chapters 2, 3, and 4 and issues licenses for such activities;

11. Represents the country in dealing with intergovernmental organizations and meetings related to environmental protection.

(2) The rights and obligations of the minister of the environment, not specified in this law, as well as those as per Items 7 and 9 of Paragraph 1 are defined by an act of the Council of Ministers.

Article 25. (1) The minister of the environment organizes rayon environmental inspectorates as the ministry's agencies. Their territorial jurisdiction may not mandatorily coincide with the administrative-territorial division of the country.

(2) Within the limits of its territorial jurisdiction, and inasmuch as it is not limited by the jurisdiction of a superior state authority, the rayon inspectorate exercises the rights authorized as per Items 1, 2, 3, 6, 8, and 9 of Article 24, Paragraph 1.

(3) In the course of implementing the stipulations of Paragraph 2, the rayon inspectorates serve the townships that lack the required equipment and personnel for environmental protection.

(4) In the exercise of its authority, the rayon inspectorate issues written prescriptions and orders.

Article 26. The township authorities:

1. Formulate their programs for environmental protection, coordinated with the competent authorities of the Ministry of the Environment and, if necessary, with the Ministry of Health and the Ministry of Agriculture and Food Industry;

2. Inform the population on the condition of the environment and on actions and activities that have been taken and are subject to an assessment of their influence on the environment;

3. Control the dumping of refuse and dangerous substances on their territory;

4. Build, maintain, and operate systems for the treatment of residential sewer waters;

5. Control the collection and treatment of household refuse;

7. Manage and allocate the local fund formed from the share of the fees collected for the admissible pollution and from other possible sources of financing related to environmental protection.

Article 27. (1) If the result of the activities of physical and juridical persons and state and township authorities occur or could occur on the territory of a township, the township authorities are authorized to take the necessary actions and activities as stipulated in the law.

(2) In all other cases, it is the rayon environmental inspectorate on whose territory the townships as per Paragraph 1 are located that is the authority. If the townships are located on the territories of different rayon environmental inspectorates, the authority is the Ministry of the Environment.

(3) Jurisdictional arguments among different agencies are resolved by the minister of the environment.

(4) The rayon environmental inspectorate is the superior administrative authority in the sense of the Law on Administrative Production, Concerning the Township Authorities; the minister of the environment is the superior authority of the rayon inspectorates.

Article 28. (1) In the case of any already committed or any possible commission of harm to the environment noted as a result of an assessment of the impact, the authority with jurisdiction as per Article 27 may:

1. Stop production and other activities until the violation has been eliminated;

2. Stop production and other activities that cause or could cause irreparable damage to the environment and to human health;

3. Issue prescriptions on the correction of damaging consequences.

(2) The minister of the environment may halt the implementation of acts on the part of ministries and township authorities that conflict with the stipulations of this law.

Chapter 6

Liabilities

Article 29. Anyone guilty of causing someone else harm as a result of polluting or harming the environment must compensate for the damage.

Article 30. (1) Individuals harmed as per Article 29 may file a demand requiring the violator to stop the violation and to correct the consequences of the pollution.

(2) Claims for terminating violations and eliminating the consequences of pollution may also be filed by township authorities, not-for-profit associations of citizens, and private citizens.

Article 31. Repairing the damages caused by the pollution of the environment abroad is based on an international treaty to which the Republic of Bulgaria is a signatory or, if no such treaty exists, on the basis of the general rules of international law.

Article 32. (1) For violations of this law, not qualified as a crime, the violators may be fined from 200 to 15,000 leva.

(2) In the case of repeated administrative violations or a violations by an official, the fine is 2,000-30,000 leva.

(3) For obviously minor violations, the fine may not exceed 200 leva.

Article 33. An independent expert who violates Article 20, Paragraph 3, Item 3 in assessing the influence on the environment shall be punished with a fine ranging from 1,000 to 10,000 leva, unless the action entails a more severe punishment.

Article 34. (1) For violations of Articles 7 and 14 and failure to implement the prescriptions as per Article 23, companies and enterprises may be fined from 5,000 to 250,000 leva.

(2) Fines from 20,000 to 2 million leva are levied in the following cases:

1. A repeated violation;

2. Violations that are significant and have caused irreparable harm to the environment and to human health;

3. Activities that have been forbidden by court decision.

(3) In minor cases as per Paragraph 1, the fines range from 1,000 to 10,000 leva.

Article 35. The legal acts relative to determining a violation as per the present law are drawn up in accordance with the Law on Administrative Violations and Penalties by the competent authority as per Article 27, while the penal resolutions are issued by the minister of the environment.

Additional Stipulation

Section 1. In the sense of this law:

1. The "environment" is a set of natural and anthropogenic factors and elements that are in a state of interdependence and that influence the ecological balance and the quality of life, human health, the cultural and historical legacy, and the landscape.

2. "Protection of the environment" is an activity aimed at preventing the degradation of the environment and promoting its restoration, preservation, and improvement and includes the gathering of information, the supervision of the condition, and the making of a preliminary assessment of the impact on the environment of planned activities.

3. "Natural resources" are parts of organic and inorganic nature that are used or could be used by man for the satisfaction of his needs.

4. "Renewable resources" are those that are naturally restored or that could be entirely or partially restored through special activities and for which it is considered proved that they are being restored at a pace comparable with the pace of their exploitation. All other resources are considered nonrenewable.

5. "Environmental pollution" means changes in the qualities of the environment as a result of the appearance or introduction of physical, chemical, or biological factors of natural or anthropogenic source in the country or outside the country, regardless of whether the standards adopted by the country are being exceeded.

6. "Harming the environment" means the type of environmental pollution that disrupts or could irreversibly disrupt the balance of the ecosystems beyond the limits of existing norms and standards.

7. "Dangerous substances" are those the production, transportation, storing, use, or dumping of which harm or could harm human health, the quality of the environment, the flora and fauna, the biological systems, and the biotopes as a result of their features.

Provisional and Concluding Stipulations

Section 2. (1) All programs, plans, and projects drafted prior to the enactment of this law, as well as existing sources of pollution that continue regardless of their influence on the environment or, in the case of noted pollution, as per the stipulations of Chapters 3 and 4 of the present law, are subject to assessment of their environmental impact.

(2) In the case of a negative assessment of the environmental impact, as assessed by the minister of health, an assessment is also made of the health condition of the involved personnel and the population.

(3) In accordance with the stipulations of Article 19, pollution sources that have been confirmed and whose environmental impact have been evaluated must make their activities consistent with the admissible standards within the time stipulated by the minister of the environment, but not to exceed five years of the enactment of this law.

(4) The expiration of the term as per Paragraph 3 does not invalidate the stipulations of this law.

Section 3. The following amendments and supplements are made to the Penal Code (published in DURZHAVEN VESTNIK, No. 26, 1968; amended No. 29, 1968; amended and supplemented No. 92, 1969, Nos. 26 and 27, 1973, No. 89, 1974, No. 95, 1975, No. 3, 1977, No. 54, 1978, No. 89, 1979, No. 28, 1982; amended No. 31, 1982; amended and supplemented No. 44, 1984, Nos. 41 and 79, 1985; amended No. 80, 1985; amended No. 90, 1986; amended Nos. 37, 91, and 99, 1989, Nos. 10, 31, and 81, 1990, and No. 1, 1991):

1. Article 221a is amended to read as follows:

"Article 221a. (1) Anyone who issues an instruction or, in violation of his obligations, allows for construction or other nonagricultural requirements the appropriation and use of farmland or pastureland that has been condemned or not delivered in accordance with the stipulated procedure shall be punished by deprivation of freedom for no more than three years and a fine ranging from 1,000 to 10,000 leva.

"(2) Anyone who pursues, orders or, in violation of his obligations, allows the continuation of construction or any other nonagricultural use of land as per the preceding paragraph after the construction and any other type of use that has been stopped by the proper authorities in accordance with stipulated procedure shall be punished with deprivation of freedom for no more than five years and a fine ranging from 2,000 to 10,000 leva."

2. In Article 235, Paragraph 1, the figure "200" is amended to read "2,000."

3. In Article 236, the figure "500" is amended to read "5,000."

4. In Article 237, Paragraph 1, the figures "200 to 1,000" are amended to read "500 to 5,000."

5. In Article 237, Paragraph 2, the figure "500" is amended to read "5,000."

6. In Article 238, Paragraph 1, the words "in severe cases" are amended to read "in important cases" and the words "or a fine not to exceed 1,000 leva" are amended to read "and a fine not to exceed 5,000 leva."

7. In Article 239, Paragraph 1, the word "firm" is added to the word "enterprise" and the words "or a fine not to exceed 1,000 leva" are amended to read "as well as a fine not to exceed 5,000 leva."

8. In Article 278a, Paragraph 1, the words "and thus causing substantial damage" are deleted; the words "as well as a fine from 500 to 5,000 leva" are added to the words "collective labor."

9. In Article 278a, Paragraph 2 is amended to read:

"(2) For minor violations as per the preceding paragraph, the penalty is a fine not to exceed 1,000 leva, imposed administratively."

10. In Article 278a, Paragraph 3, the figure "5,000" is amended to read "10,000."

11. In Article 352, Paragraph 1, the words "no more than 3,000" are amended to read "from 5,000 to 250,000."

12. In Article 352a, Paragraph 1, the figure "100,000" is amended to read "1 million."

13. In Article 353, Paragraph 1, the figures "300 to 3,000" are amended to read "5,000 to 50,000."

14. A new Article 353a is added to read as follows:

"Article 353a. Any official who, in the course of his official duties, conceals information or spreads untruthful information on the condition of the environment and its components—the air, water, soil, or maritime space—resulting in causing major harm to the environment and to human life and human, is punishable with deprivation of freedom for no more than five years and a fine of 5,000 to 50,000 leva."

Section 4. The following amendments are made in the Law on the Defense of Nature (DURZHAVEN VESTNIK, No. 47, 1967; amended and supplemented in No. 3, 1977, No. 28, 1982, and No. 26, 1988):

1. Throughout the text, "Committee for the Preservation of the Environment" should read "Ministry of the Environment."

2. Articles 1 and 28-34 are deleted.

Section 5. Article 24 of the Law on the Preservation of the Air, Waters, and Soil From Pollution (DURZHAVEN VESTNIK, No. 84, 1963; amended and supplemented in No. 26, 1968, No. 29, 1969, No. 95, 1975, No. 3, 1977, No. 1, 1978, and No. 26, 1988) is deleted.

Section 6. The execution of this law is assigned to the Council of Ministers.

Appendix No. 1

Projects of International Significance Subject to Evaluation of Their Impact on the Environment as Per Chapter 4

1. Petroleum refineries (with the exception of enterprises producing lubricants and fuel oil) and installations for gasification and liquefaction of a minimum of 500 tons of coal or containing pitch shale.

2. Thermoelectric power plants and other installations for combustion, with a thermal capacity of a minimum of 300 megawatts, and nuclear power plants and other nuclear reactors (with the exception of scientific research reactors used for the production and processing of substances through atomic fission, the power of which does not exceed one kilowatt of steady thermal stress).

3. Equipment whose sole purpose is the final storing or final elimination and/or processing of radioactive waste.

4. Integrated metallurgical plants for the production of cast iron and raw steel.

5. Installations for the production of asbestos and the processing and treatment of asbestos and asbestos products; asbestos-cement production facilities with an annual finished output in excess of 20,000 tons, as well as production facilities for other consumer purposes using asbestos in excess of 200 tons annually.

6. Petroleum and gas extraction installations.

7. Integrated chemical installations.

8. Construction of highways and speedways,[1] international railroad sectors, and airfields[2] with a length of runways for takeoff and landing in excess of 2,100 meters.

9. Maritime commercial lanes and inland waterways and ports accessible to ships in excess of 1,350 gross registered tons.

10. Installations for the destruction of waste through burning, chemical processing, or surface and underground dumping of toxic and dangerous waste.

Appendix No. 2

Projects of National and Regional Significance Subject to Assessment of Their Environmental Impact as Per Chapter 4

1. Agriculture:

a. Land consolidation plans;

b. Plans for the use of uncultivated or semineglected land for intensive agricultural use and plans for the use of farmland damaged as a result of the functioning of industrial installations;

c. Hydraulic and reclamation projects in agriculture;

d. Plans for primary afforestation, should they have ecologically adverse consequences, and plans for deforestation with a view to the use of the land for agricultural or other purposes;

e. Plans for poultry farms (for more than 2,000 birds);

f. Plans for livestock farms (in excess of 50 head of cattle, 100 hogs, or 200 sheep);

g. Plans for fish-breeding farms;

h. Plans for draining land from the sea and swamps.

2. Mining:

a. Peat extraction plants;

b. Plans for deep drilling (with the exception of drilling for seismological research), with a view to the following:

Extracting thermal energy from the ground;

Burying radioactive waste;

Supplying water;

c. Plans for the extraction of quarry materials, such as marble, sand, gravel, shale, salt, phosphates, and potash;

d. Plans for the extraction of coal from surface and ground mines;

e. Petroleum extraction plants;

f. Natural gas extraction plants;

g. Plans for the extraction and processing of ores;

h. Plans for the extraction of asphalt-containing shale;

i. Plans for the extraction of nonenergy materials as per Item "c" from open works;

j. Plans for surface equipment for the extraction of petroleum, natural gas, and ores;

k. Plans for coke plants and the dry distillation of coal;

l. Plans for the production of cement and other construction materials and goods.

3. Power facilities:

a. Plans for industrial equipment for generating electricity, steam, and hot water, not included in Appendix No. 1;

b. Plans for industrial installations for the transportation of gas, steam, and hot water, as well as surface electric carriers;

c. Plans for surface storing of natural gas;

d. Plans for storing explosive and combustive gases in ground storage facilities;

e. Plans for industrial coal compression;

f. Plans for surface storing of fossil fuels;

g. Plans for installations for the extraction and concentration of nuclear fuel;

h. Plans for installations for the processing of irradiated nuclear fuel materials and for storing and processing radioactive waste not included in Appendix No. 1;

i. Plans for equipment for the hydroelectric production of energy.

4. Metal processing, machine building, and electronics:

a. Plans for metallurgical and steel manufacturing plants, including casting, forging, and rolling shops not included in Appendix No. 1;

b. Plans for the extraction, smelting, purification, extrusion, and rolling of nonferrous metals, with the exception of precious metals;

c. Plans for the production of pressed, extruded, and stamped goods;

d. Plans for surface lining and the mechanical processing of metals;

e. Plans for the production of boilers, containers, tanks, and other storage vessels made of corrugated steel;

f. Plans for plants for the production and assembling of motor vehicles and their engines;

g. Plans for the construction of shipbuilding yards;

h. Plans for the production and maintenance of aircraft;

i. Plans for the production of railroad equipment;

j. Plans for earth removal projects using explosives;

k. Plans for equipment for ore roasting and synthesizing;

l. Plans for the production of batteries;

m. Plans for the production of electric installation materials.

5. Plans related to the production of glass, faience, and porcelain goods.

6. Chemical industry:

a. Plans for the treatment of intermediary chemical products and the production of chemicals not included in Appendix No. 1;

b. Plans for the manufacturing of preparations for plant protection and the struggle against pests, pharmaceuticals and cosmetic products, dyes, house painting materials, elastomers, and peroxides;

c. Plans for production based on biotechnological processes;

d. Plans for the storing of petroleum and petrochemical and chemical products.

7. Food industry:

a. Plans for the production of vegetal and animal fats;

b. Plans for the canning industry for meat, fruit, and vegetables;

c. Plans for the production of dairy products;

d. Plans for breweries and malt enterprises;

e. Plans for the production of sugar-based goods, syrups, and alcoholic beverages;

f. Plans for the construction of slaughterhouses;

g. Plans for industrial starch production;

h. Plans for factories for fishmeal and oil;

i. Plans for sugar refineries;

j. Plans for the production of alcohol and bread yeast;

k. Plans for the processing of vegetal raw materials and the production of mixed fodder, flour, and tobacco goods.

8. Textile, leather, timber processing, and paper industries:

a. Plans for installations for the washing, fat removal, and bleaching of wool;

b. Plans for the production of wood surfaces made of shavings and wood fibers and plywood;

c. Plans for the production of wood pulp, paper, and cardboard;

d. Plans for factories for fiber dyeing;

e. Plans for the production and processing of cellulose;

f. Plans for leather-treatment shops.

9. Plans related to the processing of rubber and the production and processing of elastomers.

10. Infrastructure:

a. Structure plans;

b. Plans for the building of roads, interurban railroad sectors, ports, including river ports, and airfields, including those for agricultural aviation not included in Appendix No. 1;

c. Plans for mountain climbing and other kinds of ropes;

d. Plans for channeling and correcting riverbeds;

e. Plans for dams and other equipment for the collection and durable retention of water;

f. Plans for streetcar tracks, fast urban subways, and surface tracks, hanging lines, railroads for special purposes, and similar railroads for passenger transportation;

g. Plans for laying petroleum and gas pipelines;

h. Plans for water pipes;

i. Plans for yacht ports.

11. Other plans:

a. Structural plants and projects in areas of recreation and tourism complexes;

b. Plans for competition tracks and tracks for testing automobiles and motorcycles;

c. Equipment for the processing, treatment, and storage of industrial and household refuse not included in Appendix No. 1;

d. Plans for treatment equipment;

e. Plans for sludge dumping;

f. Plans for storing iron pellets;

g. Plans for testing engines, turbines, or reactors;

h. Plans for the production of artificial mineral staples;

i. Plans for the production, packaging, loading, or stuffing (in cartridges) of gunpowder and explosives;

j. Incinerators;

k. Radio and television transmitters and other electromagnetic field radiation devices.

12. Plans for amending projects for the application of Appendixes Nos. 1 and 2, exclusively or mainly serving the development and testing of new methods or products, valid for more than one year.

Footnotes

1. In this law, the term "speedways" refers to the high-speed highways as defined in the European accord on main international highways of 15 November 1975.

2. In this law, the term "airfields" refers to the airfields as defined in the 1944 Chicago accord on the establishment of the International Civil Aviation Organization (Appendix No. 14).

Law on Wages and Salaries

92CH0283A Prague HOSPODARSKE NOVINY (supplement) in Czech 31 Dec 91 pp 11-17

["Text" of law on wages, salaries, and remuneration for being on call, and on average earnings]

[Text]

Law of 10 December 1991

The Federal Assembly of the Czech and Slovak Federal Republic has approved the following law:

PART ONE

The Sphere of Operation of the Law

Section 1

This law regulates the provision of wages, salaries, and remuneration for being on call, as well as the ensurance and use of average earnings for labor law purposes.

This law does not apply to the provision of wages, salaries, and remuneration for being on call to employees of an employer who is:

a) A budget supported organization.[1]

b) A self-supported organization[1] if a special law so stipulates.

Section 3 [as published]

For the purposes of this law, an employee is understood to be a worker in a working relationship or a member of a cooperative whose membership entails a working relationship and, in regard to determining and using average earnings, this also includes an employee in a similar working relationship.[2]

PART TWO

Wages, Salaries, and Remuneration for Being On Call

Section 4

General Provisions

(1) An employee is entitled to a wage for all work he has performed.

(2) A wage is understood to be a cash payment or a payment in cash value (in-kind wage) provided by the employer to the employee for work. Payments provided on the basis of special regulations in relation to employment are not considered to be wages; in particular this includes wage compensation, severance pay, reimbursements for travel expenses, returns from capital shares (stocks) or bonds, and remuneration for being on call.

(3) Wages will primarily be agreed in an employment contract or in another contract[3] (hereinafter called "employment contract") or in a collective labor contract.

(4) Wages will be due, at least, in an amount no lower than and under the conditions stipulated by this law. Wages may not be lower than the minimum wage. The government of the Czech and Slovak Federal Republic will stipulate the amount, and/or the conditions, for determining the minimum wage and its amount in a decree. A minimum wage which is higher than the amount stipulated in the decree according to the previous sentence may be agreed in a collective labor contract.

(5) An employment contract, which agrees to a lower wage than is due in accordance with a collective labor contract or in accordance with this law is invalid in this Part.

Section 5

Wages for Overtime

(1) An employee is entitled to his attained wage increased by an amount that is no less than 25 percent of the average earnings for overtime[4] unless the employer agreed with the employee to the provision of compensatory time instead of an increase in wages. If the employer does not provide the employee with compensatory time within three calendar months from the date when the work was performed or within a different agreed time period, the employee will be entitled to wages increased by the amount stipulated in the first sentence.

(2) If wages were agreed in a collective labor contract or in an employment contract already allowing for possible overtime, neither the increase in wages nor compensatory time in accordance with paragraph 1 are applicable.

Section 6

Wages and Wage Compensation on Holidays

(1) An employee is entitled to his attained wage increased by an amount that is no less than 50 percent of the average earnings for work performed on a holiday unless the employer agreed with the employee to the provision of compensatory time. The provisions in Section 5, para. 1, sentence two, apply analogously in this case.

(2) An employee who did not work because the holiday fell on one of his normal working days is entitled to wage compensation in the amount of the average earnings if he forfeited his income as a result of the holiday. An employee is also entitled to wage compensation in this amount for a day on which he was provided with compensatory time for work on a holiday.

(3) An employee is not entitled to wage compensation for a holiday if he inexcusably missed a shift immediately preceding the holiday or immediately following it, or a shift scheduled by the employer for a holiday, and/or a part of any one of such shifts.

Section 7

Wages for Work Performed in an Averse Environment or an Environment That Is Harmful to Health and for Work at Night

(1) An employee is entitled to increased wages in an amount and under the conditions agreed in a collective labor contract for work in an adverse environment or an environment that is harmful to health and for work at night.

(2) The government of the Czech and Slovak Federal Republic will issue a decree which will set the increased wage for work in an adverse environment or an environment that is harmful to health and for work at night for those instances where a collective labor contract was not concluded or the wage was not agreed in the collective labor contract.

Section 8

Wages for the Performance of Other Work

(1) If an employee is transferred to other work that pays a lower wage for the following reasons:

a) The threat of occupational disease;

b) Quarantine precautions imposed on him in accordance with regulations on the care and health of people;

c) The prevention of an uncontrollable incident or other threat of accident, or to mitigate their immediate effects;

He is entitled to an additional payment to his wage, equal to no less than the average earnings, for the period during which he is transferred but for no longer than 12 consecutive months from the day on which he was transferred. The number of above-mentioned reasons may be increased in the collective labor contract, and a different amount and length of time during which the additional payment will be provided may be agreed.

(2) The additional payment in accordance with 1 (a) is due even if the employee is transferred to another employer because his former employer has no other suitable work for him. The additional payment will be provided to the employee by the employer who is employing him during the time for which the additional payment is due; the employer in whose employ the threat of occupational disease arose will reimburse this additional payment to the employer who paid it.

(3) The government of the Czech Republic and the government of the Slovak Republic will stipulate in a decree the conditions under which the authorized state administration agency will reimburse the additional payment in accordance with paragraph 1 (b) to the employer who provided it.

Section 9

Wages for Defective Work

If the employee is guilty of making a defective product (a reject) as a result of his defective work, he is not entitled to a wage for it. If the defective product can be repaired, and if the employee himself executes the repair, he is entitled to wages for the work on this product but not to wages for repairing it. If the employee did not cause the defective product, he is entitled to the same wage as for a product in perfect condition. He will be entitled to this wage even if he is not instructed to stop work after being notified of the defect. The procedure in relation to installation, repairs, adjustments, and construction work is analogous to that in relation to defective products.

Section 10

Due Date of Wages

(1) Wages are due retroactively for the last monthly period, no later than during the following calendar month unless agreed otherwise in the employment or collective labor contract.

(2) On the request of the employee, wages due during a vacation at a spa, must be paid to him before he starts his vacation.

(3) If employment is terminated, the employer must pay the employee on his request the wages due for the monthly period on the day on which employment ends if the wage calculations methods so permit.

Section 11

Payment of Wages

(1) Wages must be paid to the employee in cash. Wages may be paid in currency other than Czech currency only if this law so permits.

(2) Wages must be paid during work time at the work place unless otherwise agreed in the collective labor contract. If the employee cannot collect his wage payment for good reason, and/or he is working in a place that is far away, the employer must send him his wages on the day stipulated for payment or no later than on the following business day, at his own cost and risk, unless agreed otherwise.

(3) When calculating the monthly wages, the employer is obligated to issue a written document to the employee containing information on the individual components of the wages and the deductions applied. On the request of the employee, the employer must provide the documents used to calculate the wage for his inspection.

(4) The employee may provide a written authorization for another person to accept his wages. Wages may be paid out to a spouse exclusively on the basis of a written authorization. Wages may be paid to a person other than the employee without written authorization only if the law so permits.[5]

(5) On the request of the employee, when paying wages and/or other cash payments to the employee, after applying possible deductions from wages in accordance with the appropriate legal regulations, the employer is obligated to remit an amount specified by the employee to his account at a Czechoslovak financial institution.

Section 12

Wage Deductions

(1) Wage deductions may only be applied on the basis of an agreement on wage deductions. Otherwise the employer may only deduct the following from wages:

a) The tax on wages.

b) Wage deposits which the employee is obligated to return due to noncompliance with conditions that would entitle him to these wages.

c) Amounts affected by the execution of a decision decreed by the court or other state administration agency.

d) Amounts forfeited to the state as a result of a juridically imposed corrective action and cash penalties (fines), as well as damages imposed on the employee by an executive decision of authorized agencies.

e) Overpayments of health insurance benefits if the employee is obligated to return them due to an executive decision in accordance with legal regulations on health insurance.

f) Social security benefits that were accepted without justification if the employee is obligated to return them due to an executive decision in accordance with legal regulations on social security.

g) A nonaccounted deposit for the reimbursement of travel, moving, and other expenses.

h) Recruitment and other contributions and reimbursement for moving expenses which were paid to the employee during the recruitment and which the employee is obligated to return in accordance with labor law regulations.

i) Compensation for vacation at a spa to which the employee is no longer entitled and/or to which he did not become entitled.

j) Family allowances, which the employee is obligated to return due to an executive decision in accordance with the law on family allowances.

k) Unemployment benefits that were accepted without justification or and increase in them, or security benefits provided in advance if the employee is obligated to return them due to an executive decision in accordance with the law on employment.

(2) The government of the Czech and Slovak Federal Republic will establish the sequence of deductions in a decree.

Section 13

In-Kind Wages

(1) A portion of the wages, with the exception of the minimum wage, may be provided to the employee in kind. The employer may only provide in-kind wages with the agreement of the employee and under the conditions agreed with him.

(2) Products, commodities, labor, and services may be provided as in-kind wages. The provision of in-kind wages in the form of alcohol or other addictive substances is prohibited. Travel expenses (fare reductions) are not considered to be in-kind wages for an employee in transportation services.

(3) The amount of the in-kind wages will be expressed in monetary value at the sales price for the end consumer in accordance with price and tax regulations.[6]

Section 14

Minimum Wage Rates

(1) If no collective labor contract has been concluded, or if wages were not agreed in the collective labor contract, the wages may not be lower than the appropriate minimum wage rate.

(2) The minimum wage rates, scaled according to the complexity, responsibility, and strenuousness of the work and expressed in rate categories, will be set by the government of the Czech and Slovak Federal Republic in a decree.

Section 15

Remuneration for Being On Call

If remuneration for being on call[7] is not agreed in a collective labor or employment contract, the employee is entitled to this remuneration per hour of being on call in an amount equal to at least one-tenth of the hourly minimum wage.

PART THREE

Standardization of Work

Section 16

(1) The employer may set standards for work consumption; in so doing, he must take into consideration the pace of work commensurate with physiological and neuropsychic capabilities, regulations on safety and health protection on the job, and time for natural needs, food, and rest.

(2) The employer is obligated to ensure that the prerequisites for implementing the standards are created before the work begins. Employees must always be notified of the standards of work consumption and their amendments before the work begins, and the standards may not be implemented retroactively.

(3) The introduction and amendments of the standards of work consumption will be executed by the employer following talks with the appropriate union agency unless such regulations are included in the collective labor contract.

PART FOUR

Average Earnings

Section 17

Average Earnings for Labor Law Purposes

(1) The employer will determine average earnings for labor law purposes from the gross wages accounted as payment to the employee during the determining period and from the time that was worked during the determining period. Wages that are partly or totally exempt from the tax on wages will not be included in the gross wages; this does not apply to wages that are exempt from the tax on wages:

a) In accordance with international agreements on prevention of double taxation.

b) Because they do not reach a taxable level.

c) Provided to blind employees or to members of rescue teams established in accordance with special regulations for high-risk work places for their activities during a rescue mission.

(2) Unless stipulated otherwise, the determining period will be the preceding calendar quarter; the average earnings will be determined for the first day of the following calendar month.

(3) If employment commenced during the preceding calendar quarter, the determining period will be the time from the commencement of employment to the end of the calendar quarter.

(4) If the employee did not work a minimum of 22 days during the determining period, probable earnings will be used instead of average earnings. Probable earnings will be determined from the gross wages that the employee received from the beginning of the determining period and/or from the gross wages that he apparently would have received.

(5) Average earnings are ensured as average hourly earnings and/or average daily (shift) earnings. If, in accordance with labor law regulations, the average monthly earnings are used as the basis, the average earnings determined in accordance with the first sentence will be converted to one month according to the average number of working hours (days) that fall to one month during the year.

(6) If the employee's average earnings are lower than the minimum wage to which the employee would be entitled during the calendar month in which the need to use average earnings arose, the average earnings will be increased to correspond with this minimum wage; this applies analogously when using probable earnings.

(7) If, in accordance with labor-legal regulations, average earnings are used in connection with compensation for damages for pupils or students or for citizens with altered work abilities who are not employed and whose training for an occupation (activity) is implemented in accordance with special regulations, the basis used will be the amount of the average earnings stipulated in accordance with paragraph 6.

(8) If, during the determining period, the wages (a portion of the wages) accounted to be paid to an employee are provided for a period longer than one calendar quarter, a prorated portion corresponding to one quarter will be used to determine the average earnings; the remaining portions of these wages will be included in the gross wages when determining the average earnings for the subsequent period.

(9) More detailed regulations on determining the average earnings may be stipulated in the collective labor contract.

(10) Remuneration or other income provided to the employee for work in his job that is performed in a different working relationship than employment are considered to be wages for the purpose of determining average earnings.

(11) If the employee performs work in several working relationships for the same employer, the wages in each working relationship will be considered independently.

PART FIVE

Joint, Temporary, and Closing Provisions

Section 18

(1) If the wages are not agreed in a collective labor or employment contract, the employer is obligated to discuss the wages provided with the authorized union agency.[8]

(2) The employer is obligated to notify the employee in advance of any changes in the method of remuneration, the amount of the wage, and the conditions for its provision; if he issued in-house wage regulations, he is obligated to enable the employees to inspect them.

Section 19

The provisions in Section 10 to Section 12 apply analogously to wage compensation and remuneration for being on call in relation to their due date, payment, and application of deductions.

Section 20

(1) Employees whose place of employment according to their employment contract is abroad may, with their consent, be paid in a currency other than the Czech currency. The conversion of the wage in Czech korunas [Kcs] will be executed in accordance with the rates on the foreign exchange market given in the Exchange Rate Quotation List of the Czechoslovak State Bank.

(2) Employees who do not work in the employer's work place but, in accordance with terms agreed in the employment contract, perform agreed tasks for the employer at home according to their own work schedule (home employees), are not entitled to increased wages for overtime (Section 5), increased wages for work on a holiday (Section 6), and/or further portions of wages excluded by the collective labor contract. For the purpose of this law, an hour worked by a home employee is considered to be an hour of work derived in accordance with the work consumption standards stipulated by the employer.

(3) The provision of wages to employees in a special form of association[9] may be set differently from this law in the employment contract or the collective labor contract.

Section 21

If it is possible to set wages in a collective labor contract or in an employment contract in accordance with this law, the same may be done for members of a cooperative through a resolution of the members' meeting or in an agreement on working conditions.

Section 22

Unless this law stipulates otherwise, the labor law relations must be guided by the Labor Code; the provisions in Section 95, para. 4, Sections 111 to 123, and Section 267, para. 2 (c) and paras. 5 (a), (b), and (d) of the Labor Code will not be applicable for employees of employers to whom Part Two of this law applies.

Section 23

Rights that arose before this law becomes effective will be judged according to former regulations. The average earnings in accordance with this law must be determined already after the first quarter of 1992.

Section 24

[This section lists five pages of superseded legal provisions.]

Section 25

Validity

This Law goes into force on the day it is made public.

Footnotes

1. Section 24 of Law No. 563/1990 Sb. [Collection of Czechoslovak Laws], on Federal Budgetary Regulations. Section 31 of Czech National Council Law No. 576/1990 Sb., on the Rules of Transacting Business with Budgetary Resources of the Czech Republic and Communities in the Czech Republic (Budgetary Rules of the Republic).

Section 26 of Slovak National Council Law No. 592/1990 Sb., on the Budgetary Rules of the Slovak Republic.

2. For example, Law No. 334/1991 Sb., on the Service Relationship of Policemen in the Federal Police Force and in the Castle Police Force.

3. Section 244 of the Labor Code.

4. Section 96 of the Labor Code.

5. Section 11 of Czech National Council Law No. 37/1989 Sb., on Protection against Alcoholism and Other Drug Addictions.

Section 11 of Slovak National Council Law No. 46/1989 Sb., on Protection against Alcoholism and Other Drug Addictions.

6. Law No. 526/1990 Sb. on Prices.

Law No. 73/1952 Sb. on Sales Tax in the version of Law No. 107/1990 Sb.

7. Section 95 of the Labor Code.

8. Section 272, para. 5, of the Labor Code.

9. Section 267, para. 4, of the Labor Code.

Amendment to Decree Governing State Secrets

92CH0337D Budapest MAGYAR KOZLONY in Hungarian No 5, 16 Jan 92 p 50

[Government Decree No. 7/1992 amending Council of Ministers Decree No. 17/1987 providing for the enforcement of Decree With the Force of Law No. 5/1987 concerning state secrets and official secrets]

[Text] Based on authority granted in Paragraph 12 of Section (1) of Decree With the Force of Law No 5./1987 concerning state secrets and official secrets, the government decrees as follows:

Paragraph 1. Council of Ministers Decree No. 17/1987 providing for the enforcement of Decree With the Force of Law No. 5/1987 concerning state secrets and official secrets shall be amended by adding the following Paragraph 8/A:

"Paragraph 8/A. If the provisions governing the protection of state secrets (Paragraph 6 Section (3) of the Decree With the Force of Law) are violated, the minister of the interior may restrict, condition, or prohibit the flow of documents and the use of the document room of the controlled organ until appropriate protection is provided for the documents. Further, the minister of the interior may obligate the head of the controlled organ to take steps necessary for the protection of state secrets, or, if appropriate results cannot be expected as a result of such direction, the minister of interior may provide for the appropriate protection of the documents under his own authority."

Paragraph 2. This Decree shall take force on the day of its proclamation, simultaneously the partial text "and the national headquarters of social organizations" in Paragraph 7 Section (1) of the implementing Decree shall lose force.

Dr. Jozsef Antall, Prime Minister

Law Transfers MSZMP Archives Into State Property

92CH0337C Budapest MAGYAR KOZLONY in Hungarian No 147, 28 Dec 91 p 3,026

[Law No. 83/1991 amending Decree With the Force of Law No. 27/1969 concerning archives and the protection of archival materials, adopted by the National Assembly at its 12 December 1991 session]

[Text] Decree With the Force of Law No. 27/1969, as amended by Decree With the Force of Law No. 19/1972 (hereinafter: Decree) shall be further amended as follows:

Paragraph 1. (1) The partial texts "New Hungarian Central Archives" in Paragraph 7 Section (2) and "and the New Hungarian Central Archives" in Paragraph 8 shall lose force.

(2) Any reference to "New Hungarian Central Archives" in legal provisions shall be understood to mean the Hungarian National Archives.

Paragraph 2. The Decree shall be amended by adding Section (10/A) as follows: "(10/A) Except for the membership records of the Hungarian Workers Party [MDP] and of the Hungarian Socialist Workers Party [MSZMP] that have functioned between 1948 and 1989, all files of the MDP and the MSZMP shall constitute Hungarian state property. The minister of culture and public education shall provide for records management and for access for research purposes."

Paragraph 3. (1) This law shall take effect upon its proclamation; Section (1) shall take effect on 1 July 1992.

(2) Paragraphs 7/A of the Decree and Paragraph 1 of Decree With the Force of Law No. 19/1972 shall lose force.

Arpad Goncz, President of the Republic
Gyorgy Szabad, President of the National Assembly

1992 Collective Labor Contract Articles

92BA0504A Bucharest ADEVARUL in Romanian 23 Jan 92 pp 3-5

["Text" of Collective Labor Contract at National Level]

[Text]

Contracting Sides

On the basis of Article 8, paragraph 3, and Article 20 of Law No. 13/1991 between

1. Employees, represented in compliance with Article 42 of Law No. 54/1991 by: the Confederation of Independent Trade Unions "Fratia" [Brotherhood], the National Trade Union Confederation "Cartel Alfa," the National Confederation of Free Trade Union of Romania, forming the National Consultative Council of Romanian Trade Unions, on the basis of the mandates issued, and

2. Representatives of national-level management appointed by the Chamber of Commerce and Industry of Romania under authorization No. 223 of 3 December 1991; the following collective labor contract has been signed at the national level:

CHAPTER I

General Provisions

Article 1

The contracting sides, which negotiated this national collective labor contract as fully equal and free sides, pledge to observe its provisions.

Article 2

The provisions of the present collective labor contract is applicable to the branches, groups of enterprises, enterprises, and institutions, regardless of their form of organization, source of capital, method of financing (including the public budget), and the nature of their activity, in which any of the signatory confederations have trade union members.

Article 3

(1) In order to negotiate collective labor contracts at the level of branches and groups of enterprises, in keeping with Annex No. 1, the enterprises and institutions and the signatory trade union confederations [TUC's] are obligated to inform the management representatives in writing about affiliated trade union organizations that are subject to the provisions of the present collective labor contract at a national level.

(2) Failure by the signatory TUC's to observe the provisions of paragraph 1 will release the management from the consequences of delays in signing collective labor contracts at the level of branches, groups of enterprises, enterprises, and institutions.

Article 4

The main purpose of the present collective labor contract at national level is to establish minimum guaranteed rights for the employees and related obligations regarding:

a) Signing, implementing, amending, suspending, and ending individual labor contracts;

b) Labor conditions and protection;

c) Salaries and other employee rights;

d) Working schedule and time off;

e) Certain special employee protection measures and providing employee facilities;

f) Professional training;

g) The rights of the trade unions as organizations and as representatives of the employees.

Article 5

(1) Any request for changes in the present contract is subject to negotiations.

(2) Any request for changes will be communicated in writing to the other side.

(3) The negotiations on changes may not begin later than 15 working days from the date of communication, nor earlier than 48 hours from that date.

(4) Requests for changes will be filed by management representatives with one of the signatory TUC's, and those of the TUC's with the Romanian Chamber of Commerce and Industry.

(5) During the period between the filing of the request for change, plus 10 days from the beginning of negotiations according to paragraph 3, the management pledges not to terminate labor contracts for reasons related to the changes proposed in the present contract that are not imputable to the employees.

Article 6

The changes made in the contract will be as binding as the contract as of the date of their registration.

Article 7

The contract may be suspended and ended in compliance with the law.

Article 8

(1) The contract clauses will be interpreted by consensus.

(2) If a consensus is not reached, clauses will be interpreted in keeping with the rules of common law; if doubts persist even after that, they will be interpreted in the sense more favorable to the employees.

Article 9

(1) Collective labor contracts at the level of branches, groups of enterprises, enterprises, and institutions may

not contain rights that fall below the level of the limits established in the present national collective labor contract.

(2) The provisions of the present collective labor contract will serve as the basis for successively signing collective labor contracts at the level of branches, groups of enterprises, enterprises, and institutions.

Article 10

(1) The employers are obligated to ensure that the present national collective labor contract is posted in the enterprises at the sites decided by the trade union organizations so that the employees can become familiar with its contents.

(2) Additional conditions regarding familiarity with the provisions of the collective labor contract will be established in keeping with the provisions of Chapter VIII.

Article 11

Upon signing individual labor contracts, employees who were not represented when the present national collective labor contract was negotiated may join in its implementation if they have made a declaration, as stipulated in Annex No. 2, and filed it with trade unions affiliated with the signatory TUC.

Article 12

(1) The sides agree to form a mixed commission for the purpose of amicably settling any conflicts that may appear in the implementation, amendment, suspension, or ending of the national collective labor contract.

(2) The makeup, organization, and operation of the mixed commission will be set in keeping with the regulations contained in Annex No. 3 to the present contract.

Article 13

(1) Following the procedure stipulated in Article 12 does not constitute an impediment to appealing to the competent court in keeping with the law.

(2) If the mixed commission has passed a decision in keeping with the conditions featured in Annex No. 3, no court action may be instituted, and if it has been instituted, the case will be closed.

Article 14

Representatives of the management and of the signatory TUC may monitor at enterprises and institutions the observation of the employees' rights and obligations stipulated in the national collective labor contract.

Article 15

(1) The employees' rights stipulated in the present collective labor contract may not serve as a reason to curtail other collective or individual rights previously recognized.

(2) If previous settlements or agreements stipulated more extensive rights for the employees, those settlements or agreements will be implemented, unless the law expressly stipulates otherwise.

(3) In situations in which more favorable legal regulations arise regarding the rights devolving from the present collective labor contract, the latter will be legally viewed as part of the contract.

Article 16

During the period of implementation of the present collective labor contract the sides pledge not to promote and support draft bills apt to curtail the rights stemming from collective labor contracts signed at any level.

Article 17

(1) The present collective labor contract is signed for a period of one year.

(2) At least 60 days before the expiration of the term for which it was signed, the sides will agree to either extend the validity of the contract or to renegotiate its clauses.

CHAPTER II

Signing, Implementing, Amending, Suspending, and Ending Individual Labor Contracts

Article 18

In order to determine the employees' specific rights and obligations, employees will be hired on the basis of individual labor contracts.

Article 19

(1) For the purpose of establishing the rights stemming from the individual labor contract, the employees of enterprises and institutions will be classified in accordance with the nature of the enterprise, the job, and position requirements, as follows:

A. Workers

1. Unskilled

2. Skilled

B. Management and performance positions

1. Jobs involving performance

a) jobs requiring high school or more advanced education

—for administrative positions (typists, clerks, etc.)

—for specialized work (technicians, accountants, etc.)

b) foremen

c) graduates of subengineering or similar schools

d) college graduates.

2. Supervisory positions in operations, production, research, design, and other similar departments (head of a service, office, section, laboratory, etc.)

3. Company managerial positions (director general, director, chief engineer, chief accountant, etc.).

(2) Institutions fully funded from the national public budget will use the classification envisaged in legal regulations.

Article 20

(1) Individual labor contracts will be signed on the basis of the conditions established by law, in compliance with the basic rights of the citizens, and solely on the basis of professional aptitudes and competence.

(2) The management pledges to inform the employees of vacant positions and the conditions for filling them.

(3) If tests are required to fill a given position, and if an employee and a person from outside the enterprise obtain the same results, the employee will have priority.

The provisions of Articles 1-3 are also applicable to the employees of budget institutions, with the exception of cases in which collective labor contracts, signed at other levels, established other criteria, which will have priority.

Article 21

(1) Individual labor contracts are signed for an unspecified period of time.

(2) Individual labor contracts may also be signed for a specific period of time in the situations and manner expressly stipulated by the law.

(3) Individual labor contracts will feature at the least the clauses stipulated in the model given in Annex. No. 4.

(4) Individual labor contracts will be concluded in writing, one copy for each side; the employer will be responsible for the contract signing.

Article 22

(1) The individual labor contract may be amended regarding the nature of the work, the site of the job, and salary rights only with the agreement of the sides, or at the initiative of one of the sides in the cases stipulated by law.

(2) An employee's refusal to accept a change in the clauses regarding the nature of the work, the location of the job, or salary rights does not authorize the employer to unilaterally end the individual labor contract for that reason.

(3) Employees may be dispatched or transferred on duty under conditions stipulated by the law and with the rights stipulated in the present contract.

Article 23

(1) The individual labor contract may be suspended by the sides regarding its effects by agreement or in the cases expressly stipulated by law.

(2) In exceptional cases, when the work is suspended for technical or other reasons, the employees will receive (...), provided they were not responsible for the work interruption and provided they remained on call for the enterprise throughout this time. Negotiations will be conducted at the level of the enterprise or institution to specifically determine how the provision of remaining on call is to be carried out: by physical presence at the enterprise awaiting the resumption of work, or by staying at home and waiting to be summoned by the enterprise.

(3) In the situations featured in paragraph 2, the employees will receive all the other rights stipulated by law for such situations.

Article 24

(1) The individual labor contract may be ended—in compliance with the law—in several ways:

a) By agreement between the sides;

b) At the initiative of one of the sides, in the legal conditions.

(2) In situations in which the enterprise is obligated by law to give notice of ending a labor contract, the term of the notice will be of (...). Longer notice periods may be established by negotiations at the level of branches, groups of enterprises, enterprises, and institutions.

(3) While on notice the employees are entitled to take four hours a day leave of absence from the work schedule for the purpose of seeking another job, with no repercussions on their salary and other rights. The leave of absence may also be taken by accumulation, for which the conditions will be decided by the employer.

(4) A person whose labor contract is ended without being given the notice stipulated in paragraph 2 is entitled to a compensation equal to (...).

Article 25

Individual labor contracts may not be ended by the employer if the law or the collective labor contract stipulates a ban on such procedure.

Article 26

(1) The sides agree that the employees will be compensated if the labor contract is ended at the initiative of the enterprise.

(2) The provisions of paragraph 1 are applicable when the labor contract was ended for the following reasons:

a) The enterprise is reorganizing and cutting down on personnel by eliminating positions such as the one filled by the employee in question;

b) The enterprise is ceasing operation and being dissolved;

c) The enterprise relocates and is in a position to hire personnel locally;

d) The enterprise moves and the employee in question refuses to relocate with it;

e) The employee in question is professionally unsuited for the job for which he was hired for reasons independent of him, and was not offered a transfer to a suitable job;

f) The employee who held the position before the person in question is rehired by a decision of the competent bodies.

CHAPTER III

Working Conditions

Article 27

(1) The sides pledge to make the necessary efforts to institutionalize an organized system designed to continuously improve the working conditions.

(2) Until the objective stipulated in the previous paragraph has been attained, the collective labor contracts will stipulate procedures for mandatory consultations between trade union representatives and employers concerning any measures planned to be taken to improve working conditions.

(3) Upon establishing measures regarding working conditions, the sides involved will take into account the following basic principles:

a) The measures stipulated should primarily be aimed at genuinely improving the working conditions, and only if that is not possible at a given point, should money or other compensations be awarded;

b) The measures stipulated for improving working conditions should be achieved in conjunction with the trade union representatives, so that the latter can be consulted and informed about them, and special annexes to the collective labor contracts are to be signed.

Article 28

Organizing the work by establishging a functional organizational structure, assigning all the employees to positions with precise duties and responsibilities, establishing technically argumented work norms, and supervising the employees in fulfilling their job duties are the exclusive duties of the employer.

Article 29

(1) The work and personnel norms in every case will be featured in special annexes to collective labor contracts at the level of enterprise and institution, and they are to be established with the participation of the trade unions, so as to be conducive to full utilization of the working time while averting excessive physical, intellectual, or nervous strain and exhaustion.

(2) Should the existing work or personnel norms not comply with the provisions of the previous paragraph, they are to be amended at the request of the management or the trade unions without thereby calling for a cut in employees' salaries.

Article 30

(1) Work duties are to be established within the boundaries of the nature of the job to which each employee obligated himself upon signing the individual labor contract.

(2) In order to preempt or eliminate the effects of disasters or other force majeure situations, and in situations dangerous to human life or health, each employee, regardless of his position or job, is obligated to carry out any work and to take all the measures required for the needs of the enterprise.

Article 31

The number of personnel will be established in keeping with the volume of work, the regular work shedule, and work norms, and with a view to not overburdening the employees with duties.

Article 32

(1) In every situation in which the work proceeds at a forced collective or individual pace, the work norms will include strength-restoring breaks.

(2) Where so required by the nature of the work, in order to permit genuine utilization of the strength-restoring breaks, the number of personnel will comprise an appropriate number of replacement employees.

Article 33

The trade unions are obligated to put forth all their observations concerning work norms and job duties.

Article 34

(1) Should differences appear concerning the work or personnel norms, a professional assessment can be requested by either of the sides, to be carried out by experts designated by both sides. The conclusions of the professional assessment are binding for both sides.

(2) The expenses incurred for settling differences concerning the modification of work or personnel norms will be borne by the management the first time the trade unions make a request.

Article 35

(1) Jobs are classified into normal jobs and jobs involving special conditions.

(2) Jobs involving special conditions are those that are difficult, dangerous, harmful, embarrassing, or other similar jobs and are stipulated in collective labor contracts at the level of branches, groups of enterprises, enterprises, and institutions.

Article 36

(1) Employees doing the kind of jobs mentioned in Article 35, paragraph 2 are entitled to increased base pay, shorter work schedules, resistance-building nutrition, free protection gear, hygiene-sanitary material, or additional leave, according to case and as stipulated in

the collective labor contracts at the level of branches, groups of enterprises, enterprises, and institutions; the pension age may also be moved forward as provided by the law.

(2) The categories of employees mentioned in Article 35 (2) will undergo mandatory medical examinations carried out by a labor union medical doctor, under conditions that will be stipulated in the collective labor contract at the level of enterprise and institution, but no less frequently than once every three months.

Article 37

(1) Should the working conditions become normal, the employees will receive (...).

(2) The rights cited in paragraph 1 are also appliccable to employees who change jobs for reasons not imputable to them, if similar rights at the new job are less favorable.

Article 38

Whenever the working conditions deteriorate to the point of requiring a new job classification, the employees will receive the rights stemming from the new classification as of the date when the working conditions changed, regardless of when the new classification was issued by the competent bodies.

Article 39

In addition to the provisions of the general national and departmental labor safety norms, which the sides will view as minimal and obligatory, collective labor contracts at the level of branches, groups of enterprises, enterprises, or institutions will also feature supplementary implementation clauses.

Article 40

(1) The sides agree that no labor safety measure is effective unless it is known, accepted, and consciously implemented by the employees.

(2) The management will ensure, at its expense, the necessary organizational framework for training, testing, and providing advanced professional training for the employees regarding labor safety norms and instructions. The collective labor contract will feature specific measures, periodic inspections, monitoring methodology, obligations, and responsibilities in the area of labor safety, in compliance with the regulations established by the Labor Safety Department of the Ministry of Labor and Social Protection. The time earmarked for such activities will be included in the work schedule and will count toward the salary.

(3) When an employee is hired or when his job or the nature of his work changes, he will be instructed and effectively tested regarding the risks inherent in his new job and the labor safety norms that he is obligated to know and respect in his work.

(4) Should changes occur in the work requiring the implementation of new labor safety norms, the employees will be instructed in the conditions mentioned in the previous paragraph.

Article 41

(1) The cost of the (...) safety equipment will be borne entirely by the employer.

(2) Collective labor contracts at the level of enterprise or institution will set down the microenvironmental parameters to be pursued at every work place, with a view to taking specific labor safety measures, as well as programs to monitor the implementation of the measures established.

Article 42

(1)In order to preserve and improve working conditions on the job, the employers will take at least the following measures:

a) Ergonomic outfitting of the work place;

b) Ensure environmental conditions (light, microclimate, noise, vibrations, temperature, airing, humidity);

c) Provide social facilities for the work places (changing rooms, rest rooms, sanitary facilities, common rooms, cafeterias);

d) Reduce polluting emissions down to zero.

(2) Specific measures along the line of the provisions of paragraph 1 will be established in the collective labor contracts of enterprises and institutions.

(3) The employees are obligated to preserve the facilities provided by the employer in good condition, not to damage or dismantle them, and not to take away any of the component parts.

Article 43

(1) The management undertakes to organize free medical exams for the employees at the time of hiring, and subsequently at least once a year, for the purpose of determining whether they are fit to do the work for which they are hired or which they are doing, and in order to preempt professional ailments.

(2) The employees are obligated to take the medical exams in keeping with the provisions of paragraph 1.

(3) Should special legal provisions or collective labor contract provisions stipulate more frequent medical exams because of special conditions on the job, those provisions shall be implemented.

(4) An employee's refusal to take the medical exam as stipulated in paragraphs 1 and 3 constitutes a breach of discipline.

Article 44

At the request of one of the sides, labor union safety physicians and inspectors will be mandatorily consulted about reducing the work schedule and awarding additional leave.

Article 45

(1) The sides pledge to ensure special labor protection conditions for women and youth under 18 years of age, at least at the level of the specific rights regulated by the labor legislation and by the provisions of the present contract, which will be viewed as minimal.

(2) Additional specific rights or increments in the rights stipulated by labor legislation may be established under collective labor contracts at other levels.

Article 46

(1) The management pledges not to refuse to hire or keep in its employ handicapped persons if they are fit to carry out the job duties involved in available positions.

(2) The employees, represented by trade union organizations, will support the hiring and employment of handicapped persons under the conditions stipulated in the previous paragraph.

CHAPTER IV

Pay and Other Salary Rights

Article 47

(1) For work carried out under the conditions stipulated in the individual labor contract, each employee is entitled to a salary, agreed upon at the signing of the labor contract, regardless of the nature of the enterprise in which he is employed.

(2) At enterprises which produce agricultural products the pay may also be in kind. The payment in nature established by negotiations at the enterprise level may not exceed 50 percent of the salary.

Article 50 [as published]

(1) In order to pay salaries and implement the other rights stipulated in the present contract for the personnel of institutions funded from the national public budget, the contracting sides may conduct negotiations to establish the funds required for that category of personnel and their sources of financing before the law of the national public budget is passed, and later to modify it.

(2) On the basis of the funds approved under the conditions stipulated in paragraph 1, the sides will negotiate the utilization of those funds with a view to deciding salaries and other rights at institutions financed from the national public budget.

(3) The clauses of the present collective labor contract at national level regarding salaries and other personnel rights will be applied to the employees of institutions funded from the national public budget as per paragraphs 1 and 2.

Article 51

(1) Increments for special work conditions, calculated on the base pay, are as follows:

a) Increment for work hardships (...)

b) Increment for dangerous conditions (...)

c) Increment for harmful conditions (...)

d) Increment for embarrassing conditions (...)

(2) Increments will also be awarded for:

a) Overtime worked in excess of the normal daily schedule agreed upon (...)

b) Work done on Saturday, Sunday, legal holidays, or on other legal nonworking days, regardless of the nature of the work schedule (...)

c) For carrying out duties related to another position—50 percent of the base pay for the position whose duties were carried out for the time required to carry out the additional job;

d) Length of service (calculated for the overall length of service)—minimum 5 percent for over three years of service; up to a maximum 25 percent in keeping with collective labor contracts at the level of branches, groups of enterprises, enterprises, and institutions (with the exception of institutions funded entirely from the public national budget).

e) Night duty—25 percent.

(3) For other work conditions not stipulated in the present collective labor contract the increments will be negotiated under the collective labor contract at the level of branches, groups of enterprises, enterprises, and institutions.

Article 52

(1) The supplements to the base pay are:

a) Pay supplements representing contract increments;

b) Bonuses awarded from the bonus fund, calculated in proportion of (...) of the monthly and cumulated payroll;

c) A share of (...) of the profits distributed among the employees;

d) Other supplements.

(2) Contract increments or subtractions, as the case may be, will be established in accordance with the form of payment applicable to each employee hired under one of the contract forms stipulated in Article 53, paragraph 2.

(3) The share of the profits distributed among the employees will be established under the collective labor contract at the branch, group of enterprises, enterprise, or institution level if the latter carry out profit activities.

(4) Conditions for assigning different size shares, reducing, or cancelling profit-sharing or bonuses and the time interval at which profit shares are distributed to the employees—which may not be longer than one year—are established under the collective labor contract at enterprise or institution level, as the case may be.

Article 53

(1) The forms of work organization and remuneration that may be applied are:

a) piecemeal or by the hour;

b) by job contract;

c) on the basis of tariffs or of a percentage of the revenue earned;

d) on the basis of indexes.

(2) The work organization and contract pay may take the following forms:

a) direct contract;

b) progressive contract;

c) indirect contract.

(3) The direct, progressive, or indirect contract may be individual or collective.

(4) The form of work organization and payment slated to be adopted for each job and work place will be established under collective labor contracts at branch, group of enterprises, enterprise, or institution level.

Article 54

(1) The management pledges to ensure the necessary conditions for each employee to fulfill his tasks of the daily work schedule.

(2) If the employer is incapable of ensuring throughout the day all or some of the conditions necessary to fulfill the job duties, he is obligated to pay the employees the base salary for the time during which work was interrupted.

Article 55

(1) The indexing will be done on the basis of the indexing coefficients established by the National Indexing Commission.

(2) In the wake of indexation, the management is obligated to recalculate the tariffs or payments per unit of products or cost, in accordance with the form of employment and payment practiced by the enterprise.

Article 56

Salaries will be paid regularly on the dates established under the collective labor contract of the enterprise or institution.

Article 57

(1) All the money rights due to the employees will be paid before any other money obligations of the enterprise or institution.

(2) In the case of bankruptcy or legal liquidation, the employees are treated as privileged creditors and their money rights constitute preferred debts that will be paid in full before the other creditors claim their share.

Article 58

The employers are obligated to keep books showing the activities carried out on the basis of individual labor contracts and the rights received by the employees, and to issue certificates to that effect.

CHAPTER V

Working and Free Time

Article 59

(1) Normal duration of work time is eight hours per day and 40 hours per week.

(2) The normal working time stipulated in paragraph 1 is the five-day workweek.

(3) At work places where the normal working time cannot be observed because of the nature of the activity, specific forms of organization of the working time will be established, according to case, in shifts, continual shift, or split schedule.

(4) The work places slated to practice the specific forms of working time organization stipulated in paragraph 3 and their particular methods of organization and labor bookkeeping will be established under the collective labor contract at branch, group of enterprises, enterprise, or institution level.

Article 60

(1) For certain activities, work places, and categories of personnel stipulated in the collective labor contract of enterprises and institutions, part-time schedules can be established corresponding to a given fraction of the norm, for six, four, or two hours a day. The rights of employees on such schedules will be calculated in proportion to the time worked.

(2) Women employed on six or four-hour part-time schedules will accumulate the length of service due to full-time employees for as long as they are raising children under the age of six.

Article 61

(1) Employees working in special conditions will be put on reduced, less than eight-hours a day schedules, in accordance with the law.

(2) The reduced working day at work places entailing special conditions will not affect the salary and length of service due for a normal work schedule.

(3) Working time reductions and the categories of personnel that qualify for them will be established under the collective labor contract at branch, group of enterprises, enterprise, and institution level.

Article 62

(1) The start and end of the work day are established under internal regulations decided by the enterprise management with the agreement of the trade union representatives.

(2) Whenever possible, the employers and the trade unions will conduct negotiations to establish flexible working schedules and means of implementing them.

(3) The establishment of flexible working schedules may not lead to increased service duties in excess of those established according to Articles 29 and 30, poorer working conditions, or lower salary income.

Article 63

The collective labor contracts at the other levels may decree additional nonworking days to those stipulated by law, specific of the respective area of activity.

Article 64

Employees may be summoned to work overtime only with their consent. Anything in excess of 120 hours per year per person requires the agreement of the enterprise or institution trade unions.

Article 65

Overtime will be compensated by compensatory leave or pay increments, as agreed between the sides.

Article 66

(1) For employees who work nights, the working time is shorter by one hour than during the day, with no effect on the base pay or length of service.

(2) The provisions of paragraph 1 are not applicable to personnel employed in special conditions, where the working day is shorter than eight hours.

(3) At enterprises at which work never stops or where the specific working conditions require it, the night schedule may be the same as the day schedule. Night work under this kind of schedule commands a 25 percent increment over the base pay, provided at least half of the working schedule is worked at night; this increment will also be paid to personnel employed in special conditions where the working schedule is shorter than eight hours a day.

(4) Work done between 2100-0700 is viewed as night work; this interval may be varied by one hour later or earlier in justified cases.

Article 67

(1) As a rule, each week an employee is entitled to two consecutive days of weekly rest.

(2) The weekly rest is as a rule taken on Saturday and Sunday.

(3) Where the work place requires that work not be interrupted for Saturday and Sunday, the collective labor contract of the respective enterprise or institution will stipulate conditions in which the weekly rest can be taken on other days of the week or consolidated over a longer time span. The provisions of Article 65 and Article 51, paragraph 2, subparagraph 1 will be applied accordingly.

Article 68

Employees are entitled to paid leave for a minimum of 21 working days each calendar year.

Article 69

(1) Employees classified as invalids grade I and II and handicapped persons are entitled to additional leave of absence as stipulated by the law, but not less than six days a year.

(2) Personnel employed in special conditions will receive at least three additional days of leave a year. More supplementary leave may be negotiated under labor contracts at branch, group of enterprises, enterprise, or institution level (with the exception of those funded from the national budget).

Article 70

The collective labor contracts at the other levels will establish the criteria for giving employees annual and supplementary leave.

Article 71

(1) The factors serving as the basis for calculating the allowance due to employees for their annual leave will be stipulated in the collective labor contracts at the other levels.

(2) If the allowance calculated according to paragraph 1 is smaller than the base pay for the month in which the leave is to start, the allowance paid will be equal to the base pay, prorated for the length of the leave.

(3) The collective labor contracts at the other levels may establish that, depending on the economic and financial resources of the enterprise or institution, a vacation bonus may be paid in addition to the leave allowance.

(4) The leave allocation, and where applicable vacation bonus, will be paid before the employee goes on leave.

Article 72

(1) The employees are entitled to paid free days on special family events that are listed in Annex No. 5.

(2) Employees are entitled to unpaid leave for the purpose of dealing with personal situations.

(3) The collective labor contracts at the other levels may also stipulate additional situations in which employees will be entitled to paid leave, and the number of such days of leave.

CHAPTER VI

Measures of Special Employee Protection and Advantages

Article 73

(1) Whenever the competent bodies of enterprises or institutions approve measures to cut back on work or to reorganize the production process apt to lead to the

termination of labor contracts, the management is obligated to inform the trade union organizations in writing of the overall number of positions slated to be cut and their structure; the announcement must be made 30 calendar days prior to the beginning of the notice term stipulated in Article 24, paragraph 2 of the present contract.

(2) During the period stipulated in paragraph 1 the management is obligated to simultaneously take the following actions:

a) Identify and utilize any opportunities for reassigning the employees within the enterprise or institution;

b) Identify means of shortening the work schedule so as to preempt the need for personnel cuts or to reduce the number of employees whose work contract is to be ended;

c) If they organize retraining or professional training courses, they must give priority to employees whose work contract is to be ended.

(3) If the management has ended the work contracts before the expiration of the period stipulated in paragraph 1, then it must pay a) and b) to those affected.

Article 74

If the termination of the labor contract cannot be avoided, the management is obligated to communicate to each employee in writing:

a) The notice period, in keeping with the terms of the present collective labor contract;

b) Whether the employee will or will not be offered another position, or whether he will be incorporated in some form of retraining.

Article 75

(1) At the time of actual implementation of the personnel cuts, after vacancies of the nature of those eliminated have been cut, the measures will affect the following, in the order listed:

a) The work contracts of employees who fill two or more positions, and of those who receive a pension in addition to their salary;

b) The work contracts of employees who qualify for retirement at the request of the enterprise;

c) The work contracts of employees who qualify for retirement at their own request.

(2) The following minimum criteria will be taken into account for terminating work contracts in the wake of cuts:

a) If the measure affects two spouses employed at the same enterprise or institution, the contract of the spouse receiving the lower salary will be ended, without thereby ending the work contract of a person filling a position not slated to be cut;

b) That the measure affect first those employees who are not responsible for the upkeep of children;

c) That the last to be affected by the cuts are women raising children, divorced or widowed males with children, and employees, men or women, who have at most three years before they can retire at their own request.

(3) If the measure calling for ending work contracts should affect an employee who attended some form of training or advanced professional classes and signed a contract with the business in addition to the work contract under which he undertook to serve in a certain position for a certain period of time, the management may not demand damages from him for the time left to fulfill the contract.

Article 76

The trade unions are entitled to supervise the implementation of Articles 73-75 and to take any legal or conventional step to ensure their implementation.

Article 77

(1) The enterprise or institution that will expand or resume operation within 12 months of ending the work contracts for any of the reasons mentioned in Article 73 is obligated to inform the trade unions in writing accordingly and to announce it in the press. The enterprise or institution is obligated to rehire the employees whose work contract was ended for the reasons given in Article 73, who have the necessary skills to fill the vacancies, and who called within 15 days of the publication of the announcement.

(2) The employers are financially responsible for the damages incurred by persons in the wake of failure to observe the provisions of paragraph 1.

Article 78

Employees who retire for age reasons will receive a bonus equal to at least the base pay of the month in which they retired.

Article 79

In addition to the legal assistance to which they are entitled, the employees will also receive the following:

a) (...) for the birth of a child or the death of an immediate family member or spouse;

b) (...), if the deceased is the employee; if the death occurred because of an accident on the job, a work-related accident, or a professional disease, the assistance extended to the family will be of (...).

Article 80

(...) in compensation for temporary incapacitation.

Article 81

(1) If the employee is temporarily incapacitated because of an accident on the job or a work-related accident, or because of a professional ailment, throughout the period

of incapacitation the employer will pay him a compensation equal to the difference between the base pay at the time of the incapacitation and the assistance he received.

(2) Payment of the compensation envisaged in the preceding paragraph does not eliminate or replace the employee's legal right to damages in accordance with the law.

Article 82

The cost of spa vouchers given to employees for the treatment of professional ailments will be borne in full by the enterprise in question, including the cost of a second class railway ticket, or where not practicable, the cost of public transportation fare.

Article 83

Housing of any kind, with the exception of service housing, will be allocated to employees of enterprises or institutions by a mixed management-trade union commission, in accordance with the criteria set down in the collective labor contract of the enterprise or institution.

Article 84

Enterprise or institution employees sent on a trip inside the country will be entitled to the following:

a) Transportation and accommodation expenses in accordance with the terms stipulated in individual labor contracts at other levels;

b) A travel per diem of 65 percent of the base daily salary.

Article 85

Employees of enterprises or institutions sent on temporary duty are entitled to the travel rights stipulated in Article 84. If the temporary assignment exceeds 30 days, the per diem will be replaced by an allowance equal to 50 percent of the daily base pay. This allowance will be prorated to the number of days in excess of an uninterrupted 30 days period.

Article 86

The persons on temporary assignment will continue to enjoy all the rights they had at the time of assignment, with the exception of those regarding labor hygiene and safety, even if the same rights are not available at the work place to which they were assigned. If at the work place of assignment the above rights are greater, or if additional rights are given, the persons on temporary duty will be entitled to them, too.

Article 87

In the case of employees sent abroad by an enterprise or institution, the rights to which they are entitled in the country and abroad will be established in the collective labor contracts signed at other levels.

Article 88

(1) When a female employee is on maternity leave, the enterprise or institution will pay for a certain period of time the difference between the individual base salary and the legal allowance to which she is entitled.

(2) The period for which the compensation is awarded will be established by the collective labor contracts of the respective enterprise or institution, however (...)

Article 89

(1) Aside from the legal paid leave authorized for caring for children under one year of age, a mother employee may claim another one year of unpaid leave.

(2) While the employee is on leave as per paragraph 1, her work contract may not be terminated and replacements may be hired only under a limited time contract.

Article 90

In the case of a mother's death, the child's father may request and receive:

a) The compensation stipulated under Article 88;

b) The unpaid leave not used by the mother at the time of death, including the rights stipulated in Article 89, paragraph 2.

Article 91

A female employee who forgoes the legal leave of absence to attend to a child of under one year of age, may have her daily work schedule shortened by two hours without any reduction in her base pay or length of service.

Article 92

The provisions of Articles 89-90 are applicable only at the birth of the first and second child.

Article 93

Employees who are five-months pregnant and more and nursing mothers may not be assigned to night duty.

Article 94

(1) Enterprises and institutions will establish a social fund to be used mainly for:

a); b); c); d);

e) Financing the cost of:

—Reduced vouchers for convalescence treatment or rest at spas, allocated by the trade unions for employees and their family members, by 50 percent of the base salary and season;

—The full cost of second class railway travel or, where this is not possible, of public transportation for the employee awarded the recovery treatment and rest voucher, and 50 percent of the cost of transportation of the family members;

f); g); h); k.

(2) The amount of the social fund, which may not be less than (...), the method of distribution, and the monitoring of its utilization will be established under the collective labor contract at the enterprise or institution level.

(3) The social fund earmarked for the uses envisaged in paragraph 1 will be run by the management with the agreement of the trade unions.

(4) Any funds not utilized in one year will be carried to the next year.

Article 95

The receivers of spa treatment and recovery employed in public institutions will support a money contribution whose size will depend on their base salary and on season, and which will be calculated in accordance with the table approved by the Ministry of Labor and Social Protection. The difference will be paid out of the social security budget.

CHAPTER VII

Professional, Economic, Social, and Trade Union Training

Article 96

(1) The sides agree to use the term "professional training" to designate any procedure by which an employee acquires a trade or profession or a new profession, and any procedure by which an employee acquires a specialty or advanced qualifications, thereby obtaining a certificate or diploma to that effect.

(2) The professional training discussed in paragraph 1 also includes advanced training in the areas of labor relations, the right to association, and trade union freedoms.

Article 97

When collective labor contracts are signed at the level of groups of enterprises, enterprises, or institutions, the following or more extensive criteria will be taken into account regarding professional training:

a) The professional training requirements mentioned in Article 96, paragraph 1 will be established by the management, while those of Article 96, paragraph 2 will be established by the management together with the trade unions;

b) The cost of professional training for employees will be borne by the entrprises and institutions;

c) Through its representatives the trade union will participate in any form of examination organized to graduate a professional training course within the enterprise or institution;

d) Employees who have signed other contracts in addition to the individual labor contract for the purpose of professional training can be obligated to bear the cost of the training, with the exception of the situations mentioned in Article 75, paragraph 3, if they leave the enterprise for reasons of their own before the completion of three years of the course graduation.

CHAPTER VIII

The Rights of the Trade Unions as Employee Organizations and Representatives

Article 98

(1) The contracting sides recognize the freedom of opinion for each side and for the employees in general.

(2) The management will adopt a neutral and impartial position toward the trade union organizations and their representatives in enterprises and institutions.

Article 99

The collective labor contracts signed at enterprises and institutions will establish the specific procedures by which the trade union representatives can attend the meetings of the boards of management.

Article 100

The management pledges to allow the trade unions access to the documents required for argumenting the actions stipulated in Article 29, paragraph 2 of Law No. 54/1991.

Article 101

(1) A trade union leader who has the status of a legal person and is employed in the enterprise or institution is entitled to have his monthly work schedule shortened by five days for the purpose of trade union activities.

(2) Regarding the other elected trade union leadership members, the collective labor contracts at other levels will establish how many are entitled to reduced monthly schedules, by how many days their monthly schedule is to be reduced, and how those days are to be taken, singly or accumulated.

Article 102

(1) In order to allow the federations and confederations to offer joint services concerning labor relations to enterprises and institutions, such as the services mentioned in Annex 6, the collective labor contracts signed at those levels will establish the dues that are to be paid by the enterprises and institutions into trade union funds.

(2) Simultaneously with the dues cited in paragraph 1, the contracts will also set down the mandatory quota of the fees that is to be remitted by the trade unions to the federations and confederations to which they are affiliated; the quota may not be lower than 75 percent.

Article 103

(1) The enterprises and institutions will provide the trade unions with free space and furnishings; the collective labor contracts will establish the conditions for access to the material resources of the enterprise or institution.

(2) Material resources earmarked for cultural and sports activities belonging to the enterprises or institutions or to their trade unions may be utilized, free of cost, for activities organized by the trade unions or the management in compliance with the conditions stipulated in the collective labor contract.

Article 104

(1) In 1992 the signatory TUC will organize up to 15 days training for at the most 4,500 members of trade unions from all the branches in matters of trade union actions and labor relations.

(2) The management will allow employees to attend the training classes mentioned in paragraph 1 in the conditions set down in the collective labor contracts signed at other levels.

Article 105

The employers, in conjunction with the trade unions in enterprises and institutions and with the personnel employed in positions related to salary payment, will decide the conditions in which the latter will collect the trade union dues and pay them into the trade union account, on the basis of monthly lists of dues presented by the trade unions.

Article 106

The enterprises and institutions may not initiate terminating employees' individual labor contracts for reasons connected to trade union activities.

CHAPTER IX

Final Provisions

Article 107

(1) On the basis of the provisions of the present collective labor contract at national level, collective labor contracts will be signed at the level of branches, groups of enterprises, enterprises, and institutions, only with the organizations listed in accordance to Article 3 (1).

(2) The branches and groups of enterprises where collective labor contracts will be signed are stipulated in Annex No. 7.

(3) The provisions of the present national collective labor contract are to be viewed as minimal and as the basis from which negotiations will begin for collective labor contracts at other levels.

(4) If no collective labor contracts are signed at the level of branches or groups of enterprises, the provisions of the present national collective labor contract are to be viewed as minimum levels at which to begin negotiating collective labor contracts at the level of enterprises and institutions. Once collective labor contracts have been signed at branch or group level, the collective labor contracts of enterprises and institutions will be brought in line with them.

Article 108

Individual labor contracts may not feature clauses contrary to the provisions of the collective labor contracts at national, branch, group, enterprise, and institution level, or rights that fall short of the minimum limits stipulated in Article 107.

Article 109

The provisions of individual labor contracts in existence on the date of enactment of the collective contracts will be brought into line with the provisions of the latter.

Article 110

(1) The provisions of the present collective labor contract are applicable to all the persons mentioned in Articles 2, 3, 4 of Law No. 54/1991 and to all the employees listed in Article 11 of this contract.

(2) The management is obligated to implement the provisions of the present collective labor contract and the collective labor contracts signed on the basis of it only in relations to employees who are members of trade unions affiliated to one of the signatory TUC's, and to employees who joined in accordance with Article 11 and Annex No. 2.

Article 111

Whenever enterprises or institutions are reorganized or privatized, the rights and obligations stipulated in the present collective labor contract will be transferred to the new legal entities resulting from such legal operations.

Article 112

The present collective labor contract will come into effect on the date on which one of the sides registers it, in keeping with the terms stipulated in Article 12, paragraph 3 of Law No. 3/1191.

Signatories:

Representatives of the management designated by the Chamber of Commerce and Industry

Mediator

Representatives of the following trade unions:

—National Confederation of Free Trade Unions of Romania

—National Trade Union Confederation "Cartel Alfa"

—"Fratia" Confederation of Independent Trade Unions

ANNEX NO. 1

Signing Collective Labor Contracts at Branch, Group, Enterprise, and Institution Level on the Basis of the Collective Labor Contract at National Level

1. Within three working days of the enactment of the present contract, the signatory TUC will communicate in writing to the Romanian Chamber of Commerce and

Industry the names of the trade union organizations that will negotiate collective labor contracts at branch or group levels.

2. Within three working days of the receipt of the communication, the Chamber of Commerce and Industry will designate the management representatives who will negotiate at branch or group level and will convey their names to the confederations.

3. Negotiations for collective labor contracts at branch or group level will begin within at most 10 working days after the enactment of the present contract only with the trade union organizatins listed in accordance to paragraph 1 of this annex.

4. Negotiations for collective labor contracts at enterprise or institution level will begin within maximum 10 working days of the enactment of the collective labor contracts at branch or group level.

5. The provisions of individual labor contracts will be aligned to the provisions of the collective labor contracts at the higher level, within maximum 10 working days of the latter's enactment.

ANNEX NO. 2

Joining Statement

The undersigned, ... residing in ..... str ..... county ..... ID No. ..... series ..... issued by ..... on ..... employed at ..... as ..... intend to take advantage of the clauses of the national collective labor contract negotiated by the confederations belonging to the National Consultative Council of Romanian Trade Unions for the purpose of negotiating my individual labor contract in accordance with Article 11 of the national contract.

I agree to have a monthly contribution of 1 percent of my salary withheld and claimed in accordance with Article 106 of the national collective labor contract.

Signature .....

Date .....

ANNEX NO. 3

Regulations

for the organization and operation of the National Mixed Commission

1. The National Mixed Commission will be made up of one representative of each of the signatory TUC's and an equal number of representatives of the management designated for this purpose for the period of implementation of the contract, within 10 days of the enactment of the present contract.

The members of the joint commission will be designated by the signatory TUC and the Romanian Chamber of Commerce and Industry respectively.

2. The commission will meet at the request of any of its members, within maximum five working days of the request, and will pass decisions, valid by consensus, in the presence of three-quarters of the total number of members.

3. The commission will be chaired, in rotation, by one representative of each side elected at the respective meeting.

4. Decisions adopted as per paragraph 2 are binding to all the contracting sides.

5. The secretarial duties for the commission will be ensured by the management.

ANNEX NO. 4

Individual Labor Contract

The individual labor contract No. ..... was signed on the basis of the collective labor contract signed between ..... and registered under No. .....

Between:

The enterprise (institution) ..... with offices in ..... represented by ..... as ..... and Mr. (Mrs.) ..... address ..... ID series ..... No. ..... issued by ..... on ..... aged ..... and with a length of service of ....., by profession ..... The present labor contract is signed in the following terms:

1. The labor contract is signed for an unlimited, limited duration, beginning on ..... and ending on .....

2. Mr. (Mrs.) ..... will fill the position of .....

3. The job location is in .....

4. Terms of employment: hired for (full time, part-time) .....

5. The working conditions are classified as: (difficult, dangerous, harmful, embarrassing, normal).....

6. The gross monthly salary is .....

The salary rights will be paid in two-week payments as follows:

a) First two-week pay period on .....

b) Second two-week pay period on .....

7. Overtime will be paid in accordance with the collective labor contract.

8. Mr. (Mrs.) ..... will receive the following increments .....

And the following cash allocations:

9. The sides agree that some of the employee's money rights will be paid out directly through the financial-accounting department of the enterprise, as follows:

10. The annual leave will be of .....

Similarlly, Mr. (Mrs.) ..... is entitled to an additional leave of .....

The annual leave will be taken by agreement between the sides.

11. The sides bear the following general obligations:

The employer mainly pledges to:

—provide the employee with appropriate working conditions and with all the equipment required to carry out his job duties in accordance with the specific requirements of the work;

—give the employee all the rights to which he is entitled by law;

—respect and fulfill the provisions of the collective labor contract;

—other obligations (according to the specific nature of the enterprise).

The employee pledges to:

—carry out his duties and the tasks specified in the position description attached to the individual labor contract;

—respect the terms of the collective labor contract and the internal order regulations;

—..... (other obligations related to the respective job).

The present contract is signed in two copies, one of which will be kept at the enterprise and the other by the employee.

Employer.....

Employee.....

The present contract was amended on ..... by ..... on the basis of .....

Employer.....

Employee.....

Following completion of the legal procedures on ..... the present contract ends by ..... for the following reasons ..... based on (decision, decree) ..... on the basis of article .....

Employer.....

ANNEX NO. 5

*Situations in Which Days of Paid Leave Are Granted and Number of Such Days

*1) Death of spouse, child, parents, parents-in-law

*2) Death of grandparents, siblings, nephews (second grade relatives)

*3) Birth of a child

*4) Wedding of a child

*5) Wedding of parents, siblings

*6) Employee's wedding

*7) Moving to a new home in the same locality

The protocol drafted on 21 January 1992 featured, among other things:

1. The rereading of the unabridged text of the collective labor contract at national level for 1992, negotiated between:

—The employees, represented in accordance with Article 42 of Law No. 54/1991, by: "Fratia" Confederation of Independent Trade Unions; the National Confederation of Free Trade Unions of Romania; The "Cartel Alfa" National Trade Union Confederation, joined together in the National Council of Romanian Trade Unions, on the basis of the mandates issued, and

—Representatives of the management, designated by the Romanian Chamber of Commerce and Industry under authorization No. 223/3 December 1991.

2. The valid form of the text is that which bears on each page the signatures: Victor Ciorbea, Liviu Pop, and Gheorghe Brehoi.

3. The sides agree with the following notations:

a) The following were not negotiated:

—clauses concerning the minimum base pay (Articles 48 and 49); Article 94, paragraph 1, subparagraph g; the text included in Article 110, paragraph 2; the contents of Annexes Nos. 6 and 7; the contents of the chapter regarding employees' obligations.

b) Preliminary negotiations were held on the articles marked by an asterisk (or .....), with the exception of Article 94, paragraphs 1, subparagraph e;

c) All the other articles have been negotiated in final form.

4. On 21 January 1992 at the Labor and Social Protection Ministry, all sides will receive a complete set of the five normative acts regarding wage policy for 1992 passed by the Government.

5. On 21 and 22 January 1992, at the Labor and Social Protection Ministry, management representatives will receive from competent organs data needed to make economic computations of financial resources necessary for the purpose of resuming negotiations on point 3 letters a and b above. Signatory union confederations will also receive this data.

6. On 27 January 1992 at 9 AM, the sides will meet to resume negotiations to finalize the conditions stipulated in point 3 letters a and b of the current proceedings.

7. The sides agreed to publish the collective labor contract at national level in the form agreed upon today and signed by Messrs. Victor Ciorbea and Liviu Pop.

8. The sides agree to register the collective labor contract at national level for 1992 only with the clauses negotiated in their final form, and with the fact that the effects of the registration will operate only in connection with those finally negotiated clauses.

9. In the conditions envisaged under paragraphs 1-6 and 8 above, the collective labor contract at national level for 1992 was signed in the above form and contents.

Government Decisions on Wage Indexation

92BA0505A Bucharest DIMINEATA in Romanian 23 Jan 92 p 3

["Text" of Romanian Government decisions on wage indexation issued in Bucharest on 18 January 1992]

[Text]

Decision on the Indexation of Certain Individual Incomes on 1 January 1992

The Romanian Government decrees:

Article 1

As of 1 January 1992 the following individual incomes will be indexed by 11.1 percent:

a) State social security pensions, military pensions, IOVR [war invalids, orphans, and widows] pension, and health-care allowances for grade one retired invalids;

b) Social benefits granted on the basis of the pension legislation;

c) The pensions of persons who have completely or partially lost their ability to work and of the survivors of those who died in fighting for victory in the December 1989 revolution; caretaker allowances for persons classified as grade I invalids; monthly allowances for the mothers of the martyr heroes as stipulated in Law No. 42/1990 and later amendments;

d) The increments and allowances awarded to war invalids, veterans, and widows as stipulated in Law. No. 49/1991;

e) The quarterly relief payments awarded in keeping with Decree-Law No. 70/1990;

f) Aid for the spouses of conscripted soldiers;

g) Occasional relief granted as per Council of Ministers Decision 454/1957;

h) Upkeep payments for minors placed with foster families or individuals;

i) Monthly cash allowances established in keeping with Article 14 of Law No. 23/1969;

j) Unemployment relief for the unemployed on the payroll on 1 January 1992.

Article 2

State children allowances will be indexed by 80 lei a month for each child.

Article 3

The amount of the monthly allocation for each year of detention, internment, house arrest, or exile, awarded on the basis of Decree-Law No. 118/1990 and later amendments, is set at 560 lei.

Article 4

The aid legally awarded upon the death of a wage-earner or pensioner is set at 4,000 lei, and at 3,000 lei on the death of a family member.

Article 5

Food allocations for collective catering in state social units will be fully indexed to increases in food prices, as given in Annex No. 1.

Article 6

The amounts of scholarships awarded to school children and college students, calculated after indexation according to the present decision, are stipulated in Annex No. 2.

Article 7

Social aid for medication used in ambulatory treatment will continue to be provided in keeping with the regulations contained in Government Decision No. 219/1991.

Article 8

The benefits due to persons who on the date of the indexation or subsequently were temporarily incapacitated, on maternity leave, on leave for caring for a sick child or for a child under one year of age, or in other situations in which benefits are legally established on the basis of the base pay, will further be calculated on the new base pay.

Article 9

(1) As of 1 January 1992 the amounts resulting from the indexation will be included into the respective benefits, which will make up the new amounts of those benefits.

(2) The amounts resulting from the indexation will be paid out of the same funds as the indexed payments.

(3) The amounts resulting from indexation in keeping with the present decision; those representing the indexation and compensation stipulated in Government Decisions No. 219/1991 and 780/1991; and the pension increments granted under Government Decision No. 526/1991 will not be included in the income calculation that serves as the basis for setting rents for state housing, state children allowances, the contributions paid by those legally in charge of persons confined to social institutions, quarterly and occasional benefits, the discounts given to pensioners for prostheses and dentures, and the right to eat at social welfare canteens.

(4) The ceilings regulated under Government Decision No. 360/1991, which serve as basis for determining parents' contribution to the upkeep of children in nurseries and kindergardens are stipulated in Annex No. 3.

Article 10

The cost of the warm meals and food allowances awarded in keeping with the regulations in force to the

employees of certain autonomous managements and economic enterprises in which the state holds the majority capital, which are funded from the production expenses established by negotiation upon the signing of collective labor contracts, will be increased within the limits of the forecast growth index of food prices.

Article 11

The Ministry of Labor and Social Protection and the Ministry of Economy and Finance will issue specifications on establishing and paying the benefits arising from the implementation of the present decision.

Article 12

The National Commission for Statistics will publish the monthly and quarterly indexes of consumer price increases by the 15th of the following month.

Article 13

The enterprises with majority private capital, cooperative and public enterprises, and social security systems—other than state social security—are advised to implement the social protection measures envisaged in the present decision.

Article 14

Failure to observe the provisions of the present decision will incur disciplinary, material, or penal punishment in compliance with the law.

Prime Minister
Theodor Stolojan

ANNEX NO. 1

Daily Food Allocation for Collective Catering in State Social Units

	Lei Per Day
Education	
Children in extended day kindergartens	94
Children in weekly kindergartens	105
Children in homes for preschoolers and special kindergartens	129
Children and students in special homes and schools for curable and partially curable deficiencies, and in vocational or retraining centers for the mentally deficient and handicapped	137
Children in special reeducation schools	94
Elementary and intermediate school children	94
High school students	96
Vocational school children	99
Students in auxiliary and trade schools	94
Students in post-high school schools	101
College students	115
Students suffering from stabilized forms of tuberculosis, in special schools	137
Professional, cultural, and artistic competitions for school and college students at the county level, the regional level, and the national level, and during the period of training for the participants in international Olympic games	115
Children in camps, vacation camps, and on trips	115
Children in international camps	137
Health	
Adult hospitalized patients	137
Ambulatory day patients	69
Premature babies in maternities, hospital wards, or other departments (for breast-fed babies, the mother may claim the baby's food allocation)	22
Hospitalized children up to age three	69
Hospitalized 3-16 year olds	115
Children in day nurseries	69
Children in weekly nurseries	105
Children in baby-care programs	105

Daily Food Allocation for Collective Catering in State Social Units (Continued)

	Lei Per Day
Hospitalized victims of burns	181
Institutionalized lepers	230
Companions to hospitalized patients	137
Allocation for a 0.5 liter milk ration at milk kitchens	15
Blood donors	232
Foreign patients at the National Institute for Gerontology and Geriatrics (distributed only to the interested units)	461
Social Welfare	
Homes for the elderly and the retired	105
Medical homes for adults	129
Homes for handicapped minors and reception centers for minors	137
Social welfare kitchens	94
Sports Activities	
The amounts of daily food allowances will be indexed by 46.3 percent of the October 1991 allowances.	
Note: Allocations of food will commence on the date of publication of this decision in MONITORUL OFICIAL.	

ANNEX NO. 2

The Amount of Tuition and Meritory Scholarships for Students

	Lei Per Month
1. Preuniversity Education	
a. Tuition scholarships	3,600
b. Meritory scholarships	1,080
c. Scholarships for students from the Republic of Moldova	4,750
2. University Education	
a. Category I scholarships	5,330
b. Category II scholarships	4,610
c. Category III scholarships	3,890
d. Meritory scholarships	1,440
e. Scholarships for students from the Republic of Moldova	
—Tuition scholarships	5,760
—Scholarships for post-graduate, specialization, or doctorate studies	7,200
f. Scholarships for foreign students, granted by the Romanian State	
—Student scholarships	5,760
—Scholarships for postgraduate studies	7,200

ANNEX NO. 3

Ceilings Determining Parents' Contribution to Children Upkeep in Nurseries and Kindergartens

Ceilings envisaged under Government Decision No. 360/1991	Ceilings indexed as of 1 January 1992
up to 12,000 lei	up to 25,000 lei
12,001-20,000 lei	25,001-36,000 lei
over 20,000 lei	over 36,000 lei

Decision on Establishing the Minimum Nationwide Gross Base Pay and the Salary Indexing Coefficient for the January-April 1992 Period

The Romanian Government decrees:

Chapter I. Nationwide Minimum Gross Base Pay

Article 1

(1) As of 1 January 1992 the nationwide minimum gross base pay will be 8,500 lei a month for a full schedule of 170 hours a month on the average, which breaks down to 50 lei per hour.

(2) Whenever the working schedule is legally shorter than eight hours a day, the minimum hourly gross base pay will be calculated by the enterprises by dividing the

nationwide minimum gross salary stipulated under paragraph 1 by the average monthly number of hours in accordance with the legally approved working schedule.

(3) Legal and physical persons who employ salaried personnel on full-time or part-time schedules may not negotiate and establish individual labor contracts calling for a base pay lower than the nationwide minimum hourly gross pay.

Chapter II. Salary Indexation

Article 2

(1) At economic enterprises with majority state capital and autonomous managements at which salaries are established by negotiation, the wage fund on which additional tax is not paid as stipulated in the system establishing the salaries fund for 1992, will be decided monthly on the basis of the wage fund of reference and a 25 percent indexation coefficient, representing 50 percent of the forecast consumer prices growth in the period November 1991-April 1992 compared to October 1991.

(2) The indexation coefficient stipulated in paragraph (1) may be corrected at the recommendation of the National Indexation Commission formed as specified in Government Decision No. 843/1991.

Article 3

The new categories of taxable monthly individual revenues that will be applicable as of January 1992, established on the basis of the indexation coefficient stipulated in Article 2, are given in the annex.

Article 4

Enterprises with majority private capital, cooperatives, and public units are advised to implement the salary indexation in accordance with the forecast growth of consumer prices in the period January-April 1992.

Article 5

As of 1 January 1992 the provisions of Government Decisions No. 133/1991, 579/1991, and 780/1991 are abrogated.

Prime Minister
Theodor Stolojan

Income Levels

Taxable Revenue Categories and Tax Percentages To Be Implemented Beginning with Salaries Paid for January 1992

Monthly Taxable Revenue (in Lei)	Monthly Income Tax
Up to 1,000	6 percent
1,001-1,200	60 + 10 percent on amount in excess of 1,000 lei
1,201-1,500	80 + 18 percent on amount in excess of 1,200 lei
1,501-2,500	134 + 22 percent on amount in excess of 1,500 lei
2,501-4,100	354 + 23 percent on amount in excess of 2,500 lei
4,101-6,100	722 + 24 percent on amount in excess of 4,100 lei
6,101-10,200	1,202 + 25 percent on amount in excess of 6,100 lei
10,201-14,300	2,227 + 26 percent on amount in excess of 10,200 lei
14,301-20,400	3,293 + 28 percent on amount in excess of 14,300 lei
20,401-30,600	5,001 + 31 percent on amount in excess of 20,400 lei
30,601-40,800	8,163 + 35 percent on amount in excess of 30,600 lei
40,801-51,100	11,733 + 40 percent on amount in excess of 40,800 lei
Over 51,100	15,853 + 45 percent on amount in excess of 51,100 lei

Decision on System Used To Establish the Wage Fund of Economic Enterprises With Majority State Capital in 1992

The Romanian Government decrees:

Article 1

As of 1 January 1992 the economic enterprises with majority state capital will establish salaries and their system of indexation under collective labor contracts or individual labor contracts, as the case may be, in keeping with the terms envisaged in the present decision.

Article 2

The salary negotiations and indexation will be contained within the limits of an overall wage fund established in keeping with the financial resources of each economic enterprise, so that the payment of salaries and benefits may be ensured out of the enterprise's own revenues.

Article 3

Individual salaries will be established under individual labor contracts, without any caps.

Article 4

The salaries of business managers will be established by the bodies empowered to appoint them.

Article 5

In addition to the base salaries, businesses may award supplements and increments, established under the collective labor contract, in relation with their financial resources and specific conditions.

Article 6

(1) The overall wage fund, on which businesses will not pay additional tax, will be established monthly on the basis of the wage fund of reference corrected by a percentage of the consumer price increase over October 1991.

(2) The wage fund of reference will be established in keeping with the provisions of Annex No. 1.

Article 7

(1) The percentage of the consumer price increase over October 1991 that will be calculated into the overall wage fund will be established periodically, in consultation with the trade unions and the management, in keeping with the consumer price evolution and with the development of production at the level of the national economy, so as to ensure that the real salaries remain within the agreed upon limits.

(2) The growth index of the consumer prices that will be taken into calculation at the beginning of the period is the index forecast in comparison with October 1991, whereas at the end of the period the index calculated will be the consumer price growth index actually recorded.

Article 8

The forecast consumer price index established in comparison to October 1991 will be communicated by the Ministry of Economy and Finance and published in MONITORUL OFICIAL.

Article 9

(1) Economic enterprises whose financial resources allow them to utilize an overall wage fund larger than the fund decided in keeping with the provisions of Article 6, will pay an additional monthly tax set in accordance with the size of the excess amount, cumulated since 1 January 1992, as stipulated in Annex No. 2.

(2) The additional tax will be calculated as the difference between the tax levied on the amount in excess of the overall wage fund, cumulated since 1 January 1992, and the tax effectively paid by the respective month.

(3) At businesses where, because of their seasonal nature, the working day schedule is at times longer and the normal working day is calculated on the basis of an average quarterly, half-yearly, or yearly schedule, the additional tax will be calculated and shown on a monthly basis and will be paid at the end of each semester according to the regulations of the present decision.

Article 10

(1) The overall wage fund, established in keeping with the provisions of Article 6, will be recalculated in the course of 1992 in relation to the consumer price index in effect and with the percentage of the price increase established as per Article 7. When necessary, the additional tax will also be duly corrected.

(2) The actual consumer price growth index will be communicated by the National Commission for Statistics by the 20th of the following month and will be published in the MONITORUL OFICIAL.

Article 11

(1) The overall wage fund established in accordance with Article 6 may be increased, if:

a) The businesses expand their activities and need a larger personnel than was calculated when the wage fund of reference was established;

b) The businesses have increased their efficiency in the wake of increased labor productivity.

(2) The conditions in which the wage fund may be increased, in accordance with the provisions of paragraph (1), and the manner of calculating the increse will be established under methodological norms issued by the Ministry of Labor and Social Protection in conjunction with the Ministry of Economy and Finance.

Article 12

(1) The wage fund of reference for economic enterprises which were not operational or did not exist in October 1991 will be established in relation to the number and structure of personnel, the nature of the enterprise, and the average salaries available at similar enterprises.

(2) The wage fund of reference in accordance with paragraph (1) will be established by the Ministry of Economy and Finance in conjunction with the Ministry of Labor and Social Protection, on the basis of the documentation presented by the economic enterprises.

Article 13

(1) Companies may establish an incentive fund for the employees in an amount up to 10 percent of the profit left over after the tax legally owed has been paid.

(2) Up to 50 percent of the fund established as per paragraph (1) may be awarded to employees during the year, and the difference at the end of the year.

(3) The incentives awarded in the course of the year out of the net profit achieved will be added to the monthly wage fund for the purpose of calculating the additional tax owed in relation to the amount in excess of the overall wage fund, established in accordance with Article 6.

(4) At the end of the year, the incentive fund established by applying an up to 10 percent quota on the net profit will be added to the overall wage fund determined in keeping with Article 6, cumulated from the beginning of the year; the result will be the fund on which no additional tax is to be paid for the entire year.

(5) Whenever the wage fund calculated as per paragraph (4) is larger than the wage fund utilized since the beginning of the year, including the incentives paid out of the net profit, the tax withheld during the year will be refunded. Similarly, if the wage fund determined as per paragraph (4) is smaller than the wage fund utilized since the beginning of the year, including the incentives paid out of the net profit, the tax will be recalculated and settled with the tax paid in the course of the year.

Article 14

(1) The provisions of the present decision are also applicable to the autonomous managements, with the exception of the special managements established by the government.

(2) The autonomous managements will form and pay out a profit-sharing fund in compliance with Law No. 15/1990.

Article 15

(1) At economic enterprises with headquarters in Romania, which operate abroad, the salaries of the Romanian personnel will be established in hard currency, by negotiations, within the limits of the amounts earmarked for that purpose when the contract was signed with the foreign partner.

(2) The taxation system featured in Article 9 of the present decision will not be used to establish the hard currency salaries stipulated in paragraph (1).

(3) Collective labor contracts may call for a part of the salary to be paid in the currency of the country in which the job is carried out or paid for, and the remaining to be paid in Romania, in lei, at the official rate of exchange in effect on the date of payment.

Article 16

(1) The Octsober 1991 wage fund of reference and the number of personnel on the payroll on the last day of October will be registered with the county and Bucharest municipal inspectorates for labor and social protection by each economic enterprise, by 31 January 1992.

(2) The county and Bucharest municipal directorates for labor and social protection, jointly with the general public finances inspectorates of the counties and of Bucharest will verify the data presented by the economic enterprises with majority state capital, in keeping with paragraph (1), by the end of the first semester of 1992.

Article 17

The MInistry of Labor and Social Protection and the Ministry of Economy and Finance may issue specifications regarding the implementation of the provisions of the present decision.

Article 18

Failure to observe the provisions of the present decision will incur disciplinary, financial, or penal punishment, depending on the case, in keeping with the law.

Article 19

The present decision will become effective on 1 January 1992. On the same date, Government Decision No. 127/1991, with the exception of point 4 of the Note to Annex No. 3, and any other provisions to the contrary, will cease to be applicable.

Prime Minister
Theodor Stolojan

ANNEX NO. 1

Establishment of the Wage Fund of Reference

The wage fund of reference will be established in the following manner:

1. The base monthly salaries negotiated under individual labor contracts for the personnel on the payroll on the last day of October 1991 will be added up.

a) The base salaries are the salaries including the compensations and price increase indexes effectively paid out by the end of October 1991.

The economic enterprises that were not able to index salaries up to the level stipulated in Government Decision No. 579/1991 will add to the sum of the base salaries the difference between 13.43 percent and the increase actually paid.

b) The number of personnel on the payroll on the last day of October will include all the personnel employed under an unlimited labor contract. The personnel employed under a limited labor contract, with the exception of those hired to replace employees under unlimited labor contracts absent for various reasons, will be subject to the provisions of Article 11 of the decision.

2. To the total of the base salaries established in keeping with paragraph 1 will be added the sum of the increments established in keeping with the provisions of individual labor contracts for October 1991.

3. The supplements and average bonuses achieved over the August-October 1991 period will be calculated as follows:

a) The difference between the amount received in keeping with the form of salary payment applied and the base salary for the time worked on the basis of the respective form of employment, the bonuses established in keeping with Government Decision No. 127/1991, formed and withheld on the basis of the costs, and the amounts paid out as increments for overtime, will be established as the monthly percentage average calculated on the base salaries paid out for the time worked in August, September, and October 1991.

The resulting percentage will be applied to the sum total of the base salaries established as per paragraph 1, and the resulting value will be added to the fund of reference in keeping with paragraphs 1 and 2.

b) The amounts paid in August-October 1991 for previous periods will not be used in calculation of the reference fund.

4. The following will be subtracted from the wage fund of reference established in keeping with the provisions of paragraphs 1-3 above:

—The value of the entire wage fund on which additional tax was due in October 1991, in accordance with Annex No. 1 to Government Decision No. 127/1991;

—The average monthly value of the wage fund in the period August-October 1991, on which additional tax was due in accordance with Annex No. 4 to Government Decision No. 127/1991.

5. The fund resulting in keeping with paragraphs 1-4 is the wage fund of reference.

6. Should the minimum nationwide gross base pay increase more than the increase established for the entire wage fund, the reference fund will be increased by the difference between the wage fund that the economic enterprise is obligated to pay in addition in order to observe the minimum base pay established.

ANNEX NO. 2

Amount of Taxes

Tax Levels Applicable to the Amounts by Which the Overall Wage Fund Established in Keeping With Article 10 of This Decision Was Exceeded

Tax Levels	Steps by Which the Overall Wage Fund Was Exceeded
20 percent	For up to 5-percent fund excess
50 percent	For 5-10 percent fund excess
100 percent	For 10-15 percent fund excess
200 percent	For 15-20 percent fund excess
500 percent	For over 20-percent fund excess

Decision Regarding Measures Concerning the Salaries of Personnel Employed by Budget-Funded Units

The Romanian Government decrees:

Article 1

(1) As of 1 January 1992, the base salaries and other benefits in effect in October 1991 for positions in education, research, and design units; medical and social welfare institutions; data processing; culture and sports, and other units funded from the national public budget, stipulated in Annexes No. 1-11 to Government Decision No. 307/1991, will be set in accordance with the terms of the present decision and will be periodically corrected in line with the forecast consumer price increases in relation to October 1991.

(2) The percentage of the forecast consumer price increase over October 1991 that will be taken into calculation for the purpose of correcting the base salaries and other benefits will be the same percentage as established for the economic enterprises and autonomous managements, in relation to which the latter will establish the wage fund on which no additional tax is owed.

Article 2

The provisions of Article 1 will also be duly applicable to the special autonomous managements whose salaries were approved by government decisions.

Article 3

Persons who are legally entitled to both a pension and a salary and are employed in public institutions may receive the difference between the increase resulting from the application of the provisions of Article 1 to the base figure and the indexes included in the pension on 1 October 1991.

Article 4

The new salary levels at the units cited in Articles 1 and 2 will be calculated and communicated to the units in question by the Ministry of Labor and Social Protection.

Article 5

The benefits of specialized personnel assigned abroad, envisaged in Annex No. 13 to Government Decision 307/1991, will be established in relation to the base salaries and other benefits they had in the last month prior to their departure abroad, and will be updated.

Article 6

The Ministry of Labor and Social Protection, jointly with the Ministry of Economy and Finance, may issue specifications in connection with the implementation of the provisions of the present decision.

Article 7

(1) The present decision will be implemented until 31 March 1992.

(2) Until the date stipulated in paragraph 1, the ministries and other central bodies will work out and present to the government for approval their own draft pay systems for the units under their control, funded from the national public budget, and will specify the financial resources from which they will be covered.

Prime Minister
Theodor Stolojan

Bucharest, 18 January 1992

Law Republished on Veterinary Health System

92BA0483A Bucharest MONITORUL OFICIAL in Romanian 30 Dec 91 pp 1-6

["Text" of republished Veterinary Health Law No. 60/1974]

[Text]

CHAPTER I

General Provisions

Article 1

Protecting the health of livestock and preventing disease transmission from livestock to humans is one of the duties of the state and an ongoing concern for all the enterprises, as well as an obligation for all the country's inhabitants.

Article 2

The managers of state, public, and all other enterprises that have livestock, and of the enterprises that process, store, ship, and utilize animal products, as well as all physical persons who have animals or who process animal products are responsible for implementing and observing to the letter the measures ensuring the health of the animals and the wholesomeness of animal products.

Article 3

The veterinary health activities in Romania are carried out according to a coherent concept and must contribute to increasing the number of livestock by improving birth rates and fertility, increasing their productive potential, and ensuring the wholesomeness of animal products.

Article 4

The state will support activities designed to protect livestock health and prevent diseases that can be transmitted from animals to humans by organizing expert technical assistance, providing the necessary technical-material resources, and establishing compulsory veterinary health norms for all the enterprises and citizens.

CHAPTER II

Duties and Responsibilities of Veterinary Surgeons

Article 5

Veterinary surgeons are responsible for the implementation of livestock health protection measures at all enterprises and private farms that raise livestock, and of measures to ensure the wholesomeness of animal products at processing, storage, shipment, and utilization enterprises located in their respective area.

In order to fulfill these obligations, the veterinary surgeons will have the following duties and responsibilities:

a) To organize the timely and optimal performance of veterinary health operations designed to detect and prevent infectious and parasitic livestock diseases;

b) To organize the detection of livestock with fertility problems and ensure the application of the necessary treatments in order to raise the birth rate;

c) When epizootic diseases are signaled or when disease is suspected, to confirm the diagnosis, establish and supervise the implementation of countermeasures, and report on the disease and on the measures taken within at most 12 hours of ascertaining it, to the hierarchically superior veterinary bodies and other interested units;

d) To provide current veterinary health care for the livestock for whose health they are responsible;

e) To ensure the inspection of animal food products at all the stages of processing, storage, shipment, and utilization, with a view to precluding the penetration of products contaminated by germs transmissible to humans into the food circuit.

Article 6

Veterinary surgeons and medical physicians are jointly responsible for establishing and implementing the most efficient measures to prevent and combat diseases shared by humans and animals and to preclude human toxic infections caused by the consumption of animal products. For this purpose, they are obligated to effectively keep each other informed about any situation that requires joint measures and to take all the actions necessary, each in his own area, in accordance with their obligations.

Article 7

Veterinary surgeons assigned duties by the Ministry of Agriculture and Food Industry as state veterinarians will have free access to livestock enterprises and enterprises that process, store, ship, or utilize animal products.

The state veterinarians will have access to enterprises of the Ministry of National Defense or the Ministry of the Interior according to the terms set by the latter in conjunction with the Ministry of Agriculture and Food Industry.

The state veterinarians may order the destruction of unwholesome animal products and the seizing of products suspected of contamination or damage, with a view to making the necessary tests; they may halt the production activities of slaughter houses or enterprises engaged in processing, storing, shipping, or utilizing animal products until the required sanitary veterinarian conditions have been fulfilled.

Article 8

The measures established by state veterinarians in the exercise of their duties are binding for all enterprises and physical persons in their respective area.

CHAPTER III

Obligations of Livestock Owners and Enterprises Employed in the Processing, Storing, Shipping, and Utilization of Animal Products

Article 9

In order to ensure that activites are carried out in compliance with the veterinary health norms, the state, public, and any other enterprises that own livestock, as well as those that process, store, ship, and utilize animal products, will have the following obligations, as the case may be:

a) To implement the veterinary health and livestock hygiene rules for appropriately sheltering, feeding, tending, breeding, and utilizing the livstock, and the measures established by the veterinary health authorities;

b) To carry out veterinary health measures to prevent the introduction of transmissible livestock diseases into their enterprises and to eliminate and prevent the spread of such diseases from contaminated enterprises, ensuring for the purpose all the necessary material and organizational conditions;

c) To send the personnel of livestock enterprises for medical examinations and to bar persons who are ill or are carriers of infectious germs transmissible to animals or apt to contaminate food animal products from working in such enterprises;

d) To strictly observe the veterinary health regulations in the maintenance of the facilities employed in processing, storing, and utilizing animal products; the means of transportation of livestock and animal products; livestock summer shelters; watering stations, and pastures;

e) To report without delay to the veterinary health authority and the local council the incidence or suspicion of any livestock transmissible disease; until the arrival of the veterinary surgeon, to isolate any sick, dead, or emergency slaughtered animals; meat or other products from such animals may not be utilized or sold without the approval of a state veterinary surgeon. Cases of disease induced for the purpose of obtaining biological specimens or for scientific research do not need to be reported.

Article 10

Physical persons who own livestock bear the following obligations for preventing the incidence and spread of epizootic diseases:

a) To report to the local veterinary health authorities, within 24 hours, any purchase of horses, cattle, sheep, goats, or pigs from other localities, and not to introduce such animals into the herds or flocks for at least 15 days;

b) To allow the state veterinary health personnel to examine the health of their livestock and to assist them in carrying out veterinary health measures;

c) To bring the livestock to the site and on the date and time established by the veterinary health authorities for the purpose of veterinary health measures;

d) To immediately report to the veterinary health authority or the local council the incidence of livestock disease, death, or emergency slaughtering, and until the arrival of the veterinary health personnel to isolate the sick animals, corpses, meat, organs, and other products resulting from the slaughter; the meat and other products of such animals may not be used or sold without the approval of a state veterinary surgeon.

Article 11

Any person who in the course of their work comes in contact with livestock is obligated to immediately report to the veterinary health authorities or to the local council any incidence of livestock disease.

Article 12

The officials of the Ministry of National Defense and the Ministry of the Interior are obligated to immediately report to the state veterinary surgeon the location of animals affected by transmissible livestock diseases and the evolution of such diseases, and to have their own veterinary health personnel take measures to combat and prevent the spread of the disease. At enterprises that do not have their own veterinary health personnel, the measures in question will be applied by a state veterinary surgeon.

CHAPTER IV

Prevention and Fighting of Livestock Transmissible Diseases

Article 13

In order to fight and prevent the expansion of epizootic diseases, whenever transmissible livestock diseases are detected or there is a suspicion of such disease, obligatory quarantine measures will be taken, tailored to the seriousness of the disease, the degree of spreading, and the characteristic means of tranmission, in compliance with the regulations established by the Ministry of Agriculture and Food Industry.

If the diseases found are highly contagious and pose a special threat, with the approval of the Ministry of Agriculture and Food Industry, persons may also be

barred from entering or leaving the quarantine area. The damages that may be awarded to people in such situations will be settled by government decision.

Article 14

The quarantine measures will be decreed and lifted in keeping with the spread and danger of spreading of the disease, by the local or county councils or the Bucharest Municipal Council, on the basis of a verification report drafted by a state veterinary surgeon.

At military units the quarantine measures will be decreed and lifted by the unit commander on the basis of the findings of their own veterinary surgeons. At units that do not have a veterinarian, the findings will be ascertained by a state veterinary surgeon.

Article 15

The quarantine measures established by local, county, or Bucharest councils for their territorial-administrative area are binding for all legal and physical persons.

In order to help fight transmissible diseases, by a decision of the local, county, or Bucharest council, antiepizootic task forces may be established, made up of enterprises managers from the respective area and other persons who have duties related to the implementation of the measures handed down by the Ministry of Agriculture and Food Industry for fighting the disease. These task forces will be responsible for the implementation of all the measures designed to prevent and eliminate epidemics.

If the epizootic disease in question presents a special danger for the national economy, with the approval of the government, a central antiepizootic task force will be established, made up of leaders of ministries and other interested central bodies, which will decide the measures to be taken in all the socioeconomic sectors and will be responsible for their implementation in compliance with the law.

At the recommendation of local antiepizootic task forces, the county councils and Bucharest Council may suspend the loading and unloading of livestock, animal products, and fodder at railway stations, automotive loading and unloading facilities, ports, and airports located in the quanrantine area, or decree special veterinary hygiene restrictions as a condition for allowing such operations. The implementation of the measure will be reported to the central bodies in charge of coordinating the transport activities thus affected.

Article 16

At the recommendation of the state veterinary surgeon, the local, county, or Bucharest councils may continue certain restrictions on livestock and products circulation even after the quarantine measures have been lifted.

Article 17

In order to protect the health of livestock in industrial-type livestock enterprises, buildings and installations will be sited, designed, and erected in compliance with the veterinary health regulations established by the Ministry of Agriculture and Food Industry.

Every acceptance commission for such installations will include a veterinary surgeon from the county or Bucharest municipal veterinary health authority.

The Ministry of Agriculture and Food Industry will establish the veterinary health technologies for each type of livestock installation in industrial complexes, norms for installing the equipment and facilities required to prevent and fight epizootic diseases, and regulations for antiepizootic protection gear.

Whenever industrial livestock enterprises are opened, the county or Bucharest veterinary health authorities will designate zones of antiepizootic protection, where special prophylactic measures will be applied.

Article 18

It is forbidden for any person to enter industrial-type livestock enterprises without observing hygiene precaution regulations.

Similarly, it is forbidden to bring in or take out animals, fodder, material, objects, and means of transportation without strictly observing the rules and specific restrictions established for such enterprises.

The managers of the respective enterprises are responsible for the exact implementation of these rules.

Article 19

In cases of particularly important actions taken to quickly eliminate hotbeds of transmissible disease, it may be decided—in compliance with the terms established under government decision—to slaughter or kill animals and to take additional measures in order to prevent the spread of epizootic diseases and protect the health of the livestock.

Damages for the cases envisaged in the preceding paragraph will be paid only for legally insured animals. Livestock owners who did not immediately report the disease and did not isolate the sick animals, and those who did not observe the measures established by the veterinary health authorities are not entitled to damages.

In order to restore the livestock holdings, in entirely special situations that will be established by government decision, damages may be allowed to be paid outside the framework of state insurance agreements from the funds earmarked for combating epizootic diseases.

Article 20

The shipment of livestock and animal products inside the country is subject to state veterinary health inspections.

In order to prevent the spread of transmissible diseases due to the shipment of livestock and animal products, it is forbidden to:

a) Take animals, animal products, vegetable products, or any other products and materials that may be carrying the disease out of areas contaminated by epizootic diseases without the permission of the veterinary health authorities;

b) Ship animals and animal products between cities or take animals out of the commune, town, or municipality without observing the veterinary health regulations established by the Ministry of Agriculture and Food Industry;

c) Load and unload livestock at railway stations, ports, and airports other than those authorized by the county or Bucharest municipal veterinary health authorities;

d) Load livestock not examined by a state veterinary surgeon, or carry out such operations at night, with the exception of situations in which appropriate artificial light is provided to permit satisfactory veterinary health examination;

e) Ship livestock without accompanying personnel instructed in the care and health supervision of the animals;

f) Use means of transportation—automotive, rail, ships, or airplanes—that do not meet all the hygiene and prophylactic conditions envisaged by the Ministry of Agriculture and Food Industry under technical design, manufacture, and utilization regulations;

g) Proceed with the travel without the permission of the state veterinary surgeon if sick animals are detected among the livestock shipment.

Responsible for the implementation of the measures envisaged in the present article are livestock owners, mayors, veterinary health authorities, and in some cases the units of the Interior Ministry or of other ministry or central state administration bodies that have duties related to livestock circulation and transportation.

Article 21

The county or Bucharest municipal veterinary health authorities will issue veterinary health authorizations to stations, ports, and airports only if they are provided with appropriate ramps and meet the prophylactic conditions for loading and unloading livestock.

Enterprises which have means of transportation for livestock and animal products are obligated to organize washing and desinfection stations or points, in compliance with the technical conditions required by the Ministry of Agriculture and Food Industry.

Article 22

Shipping animals affected by transmissible diseases, products derived from such animals, and animal food products unsuitable for human consumption is allowed only to the destination and in compliance with the conditionsties; when handing over the animals or accepting them is not possible and that fact is verified by a state veterinary authority, the corpses are to be destroyed in compliance with the veterinary health conditions established by the Ministry of Agriculture stipulating in the accompanying veterinary certificate issued by a state veterinary surgeon.

Article 23

Livestock owners are obligated to hand over the corpses to the units authorized by the county or Bucharest municipal veterinary health authorie and Food Industry.

The utilization of animal products unsuitable for human consumption and food scraps in livestock feed is permissible only after being sterilized in keeping with the technical conditions established by the Ministry of Agriculture and Food Industry.

Article 24

The import, export, and transit of livestock, animal products, and fodder will be conducted only through the border checkpoints designated for the purpose by the Ministry of Agriculture and Food Industry or under veterinary health conventions with other countries. The Ministry of Agriculture and Food Industry will organize veterinary health inspections at those checkpoints.

The units in charge of the administration of border checkpoint buildings and installations are obligated to take measures to ensure conditions for veterinary health activities, as well as the material resources and manpower required to carry out desinfection and destroy corpses, bad products, and animal waste. At highway border points these duties will be discharged by the county councils.

Article 25

The import and transit of livestock, animal products, and fodder may be carried out only with the prior approval of the Ministry of Agriculture and Food Industry.

Importers are obligated to secure an import license from the Ministry of Agriculture and Food Industry before signing contracts with foreign suppliers.

Article 26

The livestock, animal products, or fodder imported or in transit must be accompanied by veterinary health certificates attesting compliance with the veterinary health conditions established by the Ministry of Agriculture and Food Industry.

Article 27

If transmissible diseases are detected at border checkpoints or if such a suspicion exists, the entire livestock shipment will be sent back across the border; should that measure not be possible, the Ministry of Agriculture and Food Industry may order the livestock immediately slaughtered and specially utilized, or may kill the entire shipment of livestock and destroy any related objects

and material; the Ministry will inform the veterinary health authority of the exporting country about its findings and measures.

Should the veterinary health conventions and agreements signed by Romania with other countries provide otherwise, the provisions in question will be observed.

Article 28

Imported livestock will be obligatorily put under preventive quarantine in specially arranged isolated facilities designated by the county or Bucharest veterinary hygiene authorities, which will authorize the removal of the livestock from those facilities only after ascertaining that all the preparatory conditions have been met.

After the expiration of the period of preventive quarantine, the imported livestock will continue to be under veterinary observation in accordance with the conditions established by the Ministry of Agriculture and Food Industry.

CHAPTER V

Ensuring the Wholesomeness of Animal Products

Article 29

It is forbidden to utilize animal products that do not meet the wholesomeness conditions appropriate to their purpose. The wholesomeness conditions will be established by the Ministry of Agriculture and Food Industry. The conditions regarding animal products designated for human consumption will be established jointly with the Ministry of Health.

Article 30

Slaughter houses, slaughter points, and enterprises that process, store, or utilize animal products are permitted to operate only if they are authorized by the state veterinary health authorities.

The authorization may be withdrawn if the enterprise managers do not observe the hygiene and prophylaxy regulations and the conditions required for optimal veterinary health activities.

CHAPTER VI

Organization and Operation of Veterinary Health Services

Article 31

The Ministry of Agriculture and Food Industry, through the General Veterinary Health Directorate, will establish uniform veterinary health norms which are binding for all physical and legal persons who own lilvestock and those who process, store, ship, and utilize animal products; the Ministry will also participate in drafting projects or making recommendations, in keeping with the law, on international veterinary health conventions and agreements.

Similarly, the Ministry will draft the list of transmissible diseases which call for obligatory prevention and combating measures.

Jointly with the Ministry of Health, it is responsible for organizing and implementing all the necessary measures to prevent and combat diseases common to humans and animals, and to ensure the wholesomeness of animal products. The central specialized bodies of the two ministries will examine, periodically and whenever necessary, the results of the actions taken for that purpose and will decide the measures required.

Article 32

The Ministry of Agriculture and Food Industry will organize and be responsible for the production of biological material required to detect, prevent, and combat livestock diseases; it will authorize the use of biological products, drugs, desinfectants, insecticides, pesticides, and other veterinary products manufactured in the country or imported and will provide state veterinary health control of such products; it will establish veterinary health norms regarding the production, circulation, and use of combined fodder and protein-mineral supplements and, jointly with the Ministry of Health, it will establish norms for the utilization of biostimulators, tranquilizers, hormones, and other fodder additives.

The Ministry of Agriculture and Food Industry, jointly with the Ministry of Industry and other central bodies in charge of enterprises that manufacture products for veterinary use, is responsible for the fulfillment of the programs concerning their production in the necessary quantities and the same quality level as similar international products.

Article 33

The state veterinary health network will be organized as a distinct and autonomous sector within the Ministry of Agriculture and Food Industry and will be coordinated by a minister; its structure will incorporate:

a) The General Veterinary Health Directorate [DGSV];

b) Central specialized institutions;

c) County and Bucharest municipal veterinary health directorates;

d) Regional units and districts.

Article 34

The DGSV will coordinate and supervise all veterinary health activities and will be made up of:

a) An antiepizootic and veterinary health assistance directorate;

b) A directorate for public hygiene and health;

c) The veterinary health police.

The central, county, and Bucharest veterinary health bodies will operate under its technical and administrative subordination.

The DGSV will coordinate and supervise the production of strategic biopreparations, research activities funded from the central administration budget, the supply of products and material for veterinary use, and will authorize and control the production of veterinary drugs.

Article 35

The veterinary health police will monitor the implementation and observance of the provisions of the veterinary health law and the uniform norms issued in all the areas.

Article 36

The veterinary health care teams active in autonomous managements, economic enterprises, and agricultural associations and companies, as well as private veterinary health care services provided by surgeries, clinics, hospitals, pharmacies, and so forth, will carry out their activities with the authorization and under the technical guidance of the state veterinary health network.

The veterinary health teams and services descrsibed in paragraph 1 will be organized and will operate on the basis of regulations issued by the DGSV.

Article 37

The Ministry of the Interior, the Ministry of National Defense, and the other central bodies that control enterprises employing veterinary surgeons will be reponsible for the implementation in those enterprises of the veterinary health norms and measures established by the Ministry of Agriculture and Food Industry for protecting livestock health and ensuring the wholesomeness of animal products.

The veterinary surgeons employed by the Ministries of National Defense and the Interior are a part of the unified state veterinary system and have the same obligations and responsibilities in their units as the state veterinary surgeons.

The Ministry of the Environment, through its local forestry units, will be responsible for the implementation of the measures established by the veterinary health authorities for protecting the health of wild animals and preventing the spread of transmissible diseases from them to livestock, pets, or humans.

Article 38

The Ministry of Agriculture and Food Industry, together with the Ministry of the Interior and all their local units are directly responsible for implementing and supervising compliance with the provisions of the present law regarding the circulation of livestock and animal products, establishing and observing quarantine and other nationwide or local measures required to prevent the spread of disease among animals and from animals to humans.

Article 39

The local, county, or Bucharest councils are responsible for appropriate veterinary health activities in their respective territorial-administrative areas, for which purpose they will fulfill the following main duties:

a) Ensure the necessary funds to finance veterinary health actions whose cost is borne by the local budgets;

b) Issue the necessary documents to attest livestock ownership and the veterinary health conditions in the area, in keeping with the norms of the Ministry of Agriculture and Food Industry;

c) Take measures to maintain and utilize, in keeping with veterinary health rules, pastures, public watering stations, crossing roads for herds, livestack enclosures at fairs, mills, slaughter houses and stations, markets, and enterprises controlled by the local councils which process, store, and utilize animal products;

d) Ensure the collection and destruction of animal corpses that cannot be picked up by enterprises; organize the capture and killing of roaming dogs; outfit and maintain household waste sites in keeping with veterinary health regulations;

e) Fulfill any other duties related to veterinary health activities envisaged in the laws in effect; they are also responsible for the implementation of the measures established by the Ministry of Agriculture and Food Industry to protect the health of animals and ensure wholesome animal products.

CHAPTER VII

Sanctions

Article 40

Violation of the provisions of the present law will incur disciplinary, material, civil, penal, or criminal punishment, according to case.

Article 41

Failure to observe measures concerning the reporting, prevention, or combating of contagious livestock diseases, which leads to the spread of such diseases or other serious consequences, will be punished, in accordance with Article 310 of the Penal Code, by a one-month to one-year prison term or a fine.

If the action has particularly serious consequences, the prison term will be from one to five years.

The same punishments will be pronounced on those who deliberately conceal the incidence of a contagious livestock disease or oppose the implementation of measures to eliminate hotbeds of epizootic disease and to prevent the spread of diseases.

Article 42

Failure to observe the measures concerning the prevention or combating of contagious diseases, if it leads to the spread of such diseases from livestock to humans, will be punished by a one month to two-year prison term.

If the action had particularly serious consequences, the punishment will be a two- to seven-year prison term.

Article 43

The deliberate violation of a veterinary health service duty, committed under the conditions specified in Artocle 248, paragraph 1 of the Penal Code, will be punished by a six-month to five-year prison term; if the deed was committed under conditions specified in Article 248, paragraph 2 of the Penal Code, the punishment will be a five- to 15-year prison term, forfeit of certain rights, and partial confiscation of property.

Article 44

The violation of a veterinary health service duty, committed under conditions specified in Article 249, paragraph 1 of the Penal Code, will be punished by a one month to two-year prison term or a fine; if the deed was committed under conditions specified in Article 249, paragraph 2 of the Penal Code, it will be punished by a two- to 10-year prison term.

Article 45

If the action specified in Articlea 43 and 44 is committed under conditions specified in Article 258 of the Penal Code, the punishment will be determined in compliance with the provisions of that article.

Article 46

The actions that constitute violations of the veterinary health regulations and the persons that may ascertain the existence of a violation and carry out sanctions will be established by government decision. In keeping with the conditions decided by the government, penal sanctions may also be handed down to legal persons.

CHAPTER VIII

Final Provisions

Article 47

The present law will come into effect 90 days after its publication in Romania's BULETINUL OFICIAL (with the exception of the provisions of Article 31, paragraph 1, and Articles 33-36, which were enforced on 16 December 1991).

On the same date, Decree No. 167/1955 regarding the organization of livestock health protection, published in BULETINUL OFICIAL No. 9 of 19 May 1955, will be abrogated.

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