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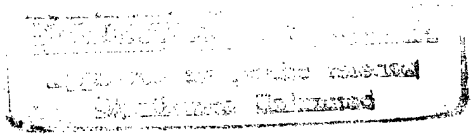

East Europe

Recent Legislation

East Europe
SUPPLEMENT
Recent Legislation

JPRS-EER-92-006-S *15 January 1992*

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Amendment to Law on Electing President, Vice President

92BA0280A Sofia DURZHAVEN VESTNIK in Bulgarian No 98, 28 Nov 91 pp 1-3

["Text" of Law on Amending and Supplementing the Law on Electing the President and the Vice President of the Republic, adopted by the 36th National Assembly on 27 November 1991 and signed by Snezhana Botusharova for the chairman of the National Assembly; for the text of the Law on Electing the President and the Vice President, see JPRS EER-91-181-S, 24 December 1991, Recent Legislation, pages 1-2]

[Text]

Ukase No. 346
of President of the Republic Zhelyu Zhelev
issued in Sofia on 27 November 1991
and sealed with the state seal

In accordance with Article 98, Item 4 of the Constitution of the Republic of Bulgaria, I hereby decree that the Law on Amending and Supplementing the Law on the Election of President and Vice President of the Republic, adopted by the National Assembly on 27 November 1991, be published in DURZHAVEN VESTNIK.

1. Amendments to Article 6:

1. Paragraph 2 is amended to read as follows:

"(2) Candidates for president and vice president must be registered no later than 35 days before election day."

2. Paragraph 3 is amended to read as follows:

"(3) Together with the registration of the candidates, the parties and the party coalitions must register with the Central Electoral Commission the ballots for their respective tickets. The colors of the ballots are white, orange, blue, green, and red. Other than those colors, white ballots must be used, marked with one to three color stripes. No combinations of the national tricolor flag are allowed in the choice of colors."

3. A new paragraph 4 is added to read as follows:

"(4) Parties and party coalitions that submit candidates have the right to retain the colors of the ballot with which they participated in the elections for national representatives, township council members, and mayors."

2. Article 8 is amended to read as follows:

"Article 8. The Central Electoral Commission must publish in DURZHAVEN VESTNIK, at least 25 days before election day, the lists of candidates, giving their names, dates of birth, residences, parties, party coalitions, or initiative committees that have nominated them."

3. New Articles 10a, 10b, 10c, 10d, 10e, 10f, 10g, and 10h are added to read as follows:

"Article 10a. The elections for president and vice president shall be based on voter lists.

"Article 10b.

"(1) The voter lists will be compiled by the township councils and mayoralties that keep the population records and will be signed by the mayor and the secretary of the respective body.

"(2) The voter lists of military conscripts shall be drawn up by the respective military unit under the control of the commanding officer, who must sign them and direct them to the township council or the mayoralty on the territory of which the unit is located, at least 35 days before election day.

"(3) The names of generals, admirals, officers, career sergeants, master sergeants, and civilian employees and workers of the Armed Forces of the Republic of Bulgaria must be entered on the voter lists according to their places of residence, based on their registered addresses before election day.

"(4) To be included on the voter lists, voters who are temporary residents of a given township territory, the township council must be informed of their permanent places of residence so that their names may be deleted from the respective voter lists.

"Article 10c.

"(1) Voter lists are drawn up separately for each electoral section.

"(2) A voter list includes the names of the voters residing permanently or temporarily in the territory of the township or the mayoralty. These lists include the names of citizens with the right to vote on election day.

"(3) A voter list will include the full names, places and dates of birth, and the uniform civil number of the voters listed according to their addresses. If the name of the settlement, street, district, house complex, or house number has been changed in the six months before the election, the voter list must include the old names and numbers.

"(4) A voter may be included on only one voter list.

"(5) The names of citizens who have lost their right to vote or who died before election day must be stricken from the voter list.

"Article 10d.

"(1) A voter who, within the period from the publication of the voter list and election day, has changed his residence 10 days or more before the election, has the right to request of the township council or the mayoralty where he is registered a certificate allowing him to vote elsewhere.

"(2) The name of a voter who has received a certificate entitling him to vote elsewhere must be deleted from the voter list in which he was initially entered and entered by the sectional electoral commission at his place of residence on the day of elections in a separate list, which must be signed by the commission chairman and the secretary. Such registration is based on the certificate for voting elsewhere and an identity document, as per Article 66,

Paragraph 1 of the Law on the Election of National Representatives, Township Council Members, and Mayors.

"(3) No certificate to vote elsewhere may be issued on election day.

"(4) Separate records are kept by the township councils and mayoralties on issued certificates. The recipients of certificates to vote elsewhere must state in writing that they shall vote in one place only.

"Article 10e.

"(1) The voter lists must be published by the township councils and mayoralties at least 30 days before election day.

"(2) The township councils and the mayoralties shall grant on demand, for payment, copies of the voter lists to the political parties and initiative committees that nominated candidates for president and vice president.

"Article 10f.

"(1) A voter may request a change in the voter list by including or deleting a voter's name or a correction of other errors or incomplete entries in the list.

"(2) The declaration as per Paragraph 1 must be submitted orally or in writing to the township council or the mayoralty that, within the next three days, must conduct an investigation, consider a petition, and issue a ruling giving an explanation of its findings.

"(3) Within three days of a ruling issued by the authorities or the expiration of the term as per Paragraph 2, the petitioner may appeal the ruling to the rayon court, which, within three days, at an open session, in the presence of the petitioner and a representative of the township council or mayoralty, must consider the petition and issue a ruling that must be announced immediately. The court's ruling may not be appealed.

"(4) Changes in the voter list must be made public immediately.

"Article 10g. The original voter lists and the other electoral documents must be kept by the township council until the next elections.

"Article 10h. Voter lists in hospitals, maternity homes, sanatoriums, rest homes, old people's homes, and other similar establishments, as well as on vessels sailing under the Bulgarian flag, must be drawn up by the head of the respective establishment or captain of the vessel, on the basis of an identity document (personal passport). The head of the respective establishment or the captain of the vessel must inform the township council or mayoralty of the place of residence of the individuals so that their names may be deleted from the voter lists. The names of individuals who enter such institutions on election day cannot be entered on the voter lists, and those individuals do not vote."

4. Article 12 is amended to read as follows:

"Article 12.

"(1) The total amount of money used to finance the electoral campaign may not exceed 1 million leva per candidate ticket.

"(2) Candidates for president and vice president may receive contributions to finance their electoral campaigns; no contribution may exceed 50,000 leva. The electoral campaign may not be financed by foreign countries, foreign physical and juridical persons, or states and joint enterprises.

"(3) As much as 50 percent of the budget funds allocated for the financing of the electoral campaign may be divided among candidates of parties and coalitions that have garnered no less than 4 percent of all valid votes in the elections for national representatives or township council members and mayors. Candidates of other parties and coalitions and independent candidates may obtain funds as short-term, interest-free loans from the budget appropriations for the financing of the electoral campaign. Such funds must be obtained on the basis of the submission of guarantees. The candidates for president and vice president, in proportion to the votes they have garnered in the elections, shall be granted additional funds or shall repay the amounts received in accordance with a procedure defined by the Council of Ministers."

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

"Article 14a. After the voting, the chairman of the sectional electoral commission records the voting in the individual passport of the voter as follows: 'Voted for president' and the date of the vote."

6. Paragraph 1 of Article 15 is amended to read as follows:

"Article 15.

"(1) The Central Electoral Commission shall announce the results of an election immediately after they have been determined, but no later than 48 hours after the end of the election."

7. Article 19 is amended to read as follows:

"Article 19. Within one month of an election, all candidates for president and vice president must declare to the National Assembly their sources of financing and the expenditures they incurred in the course of the electoral campaign."

8. The present law is enacted on the day of its publication in DURZHAVEN VESTNIK.

Decision on Presidential Election Campaign Financing

92BA0322A Sofia DURZHAVEN VESTNIK in Bulgarian No 105, 19 Dec 91 p 14

["Text" of Resolution on Electoral Campaign Financing, adopted by the Council of Ministers on 17 December 1991 and signed by Prime Minister Filip Dimitrov and Konstantin Mukhovski, chief secretary of the Council of Ministers]

[Text]

**Resolution No. 436
of 17 December 1991
on Financing the Electoral Campaign for the
Election of President and Vice President
of the Republic of Bulgaria**

The Council of Ministers hereby resolves:

1. To appropriate the amount of 6 million leva for financing the electoral campaign of candidates for president and vice president, registered in accordance with the stipulated procedure, to be provided by the Ministry of Finance by 8 December 1991, within the limits of the updated 1991 state budget.

2. That candidates for president and vice president of parties and coalitions who have garnered at least 4 percent of the valid votes in the elections for national representatives, township council members, and mayors held on 13 October 1991 may obtain interest-free loans not to exceed 50 percent of the overall amount stipulated in Article 12, Paragraph 1 of the Law on the Election of President and Vice President of the Republic.

3. That candidates for president and vice president of parties and coalitions who do not meet the conditions set in the preceding item, and candidates nominated by initiative committeess, may obtain short-term, interest-free loans not to exceed 250,000 leva.

4. That requests for funds as per Items 2 and 3 must be submitted to the Ministry of Finance no later than 24 December 1991.

A request must be accompanied by the following:

a. A transcript of the resolution of the Central Electoral Commission on the registration of the candidates' ticket;

b. A bank guarantee or other legal security covering the amount of the requested funds.

The request must include the number of the bank account to which the sums will be transferred.

Requests that do not meet the stipulated requirements will not be considered.

5. That the funds shall be granted on the basis of a contract concluded with the candidates for president and vice president or their legally authorized representatives.

The interest earned on such funds shall be considered state budget revenue.

6. That the banks shall allow withdrawals of funds by the candidates not to exceed 50,000 leva. Any cash withdrawal of funds, with the exception of the first one, shall be authorized after the candidates have submitted expenditure receipts for an amount no less than the fund obtained in the previous cash withdrawal. Any unused funds shall be deducted from the amount of the next cash withdrawal.

This procedure does not apply to cashless payments drawn on the accounts of the candidates, based on attached expenditure receipts.

The receipts proving expenditures, whether cash and cashless, may consist of bills, cash notes, vouchers, and so forth, indicating that the sums were paid by the candidates.

7. That the interest-free loans obtained as per Items 2 and 3 must be repaid within seven days of the expiration of the term as per Article 19 of the Law on the Election of President and Vice President of the Republic, but no later than 31 March 1992.

The amount per ballot cast for a candidate is computed as the quotient of the sum as per Item 1 and the total number of valid election ballots.

Additional funds shall be granted not to exceed the amount of expenditures but no more than the amount of the loan obtained.

8. That candidates of parties and coalitions who have failed to refund to the state budget the moneys obtained for financing the electoral campaign for the 13 October 1991 elections for national representatives may not make use of said moneys as per the present resolution.

9. That the funds obtained from the budget for financing the electoral campaign for a candidate's ticket and funds from donations may not exceed the amount stipulated in Article 12, Paragraph 1 of the Law on the Election of President and Vice President of the Republic.

Concluding Stipulations

1. This resolution is based on Article 12 of the Law on the Election of President and Vice President of the Republic.

2. The execution of the present resolution is assigned to the minister of finance.

Decree on Functions of Defense Ministry Main Administration

92BA0113A Sofia DURZHAVEN VESTNIK in Bulgarian No 68, 20 Aug 91 pp 1-2

["Text" of Decree on Main Administration for Economic Management of Defense and State Reserve Stocks, signed by Prime Minister Dimitur Popov and Ivan Minev, chief secretary of the Council of Ministers]

[Text]

**Decree No. 154
of 5 August 1991
on Functions of the Main Administration
for Economic Management of Defense
and State Reserve Stocks**

The Council of Ministers decrees that:

Article 1. (1) The Council of Ministers hereby defines the principal functions and missions of the Main Administration for Economic Management of Defense and State Reserve Stocks in accordance with the Appendix.

(2) The chief of the Main Administration for Economic Management of Defense and State Reserve Stocks shall approve the regulations for the setup and operation of the Administration.

(3) The chief of the Main Administration for Economic Management of Defense and State Reserve Stocks shall, in coordination with the finance minister and the minister of labor and social welfare, determine the number and the headquarters of regional departments of state reserve stocks, as well as total personnel strength and means for support of elements within the Main Administration.

Article 2. (1) Ministries, departments, obshtina people's councils, and enterprises shall, on request of the Main Administration for Management Economic of Defense and State Reserve Stocks, submit their wartime plans.

(2) The National Statistical Institute shall make available to the Main Administration for Management of Defense and State Reserve Stocks the information needed for formulating the wartime plan, for updating it and maintaining it in readiness to be put into effect.

Article 3. (1) The Main Administration for Economic Management of Defense and State Reserve Stocks shall perform its activity in its own bases and in outside depositories.

(2) The outside-depository firms and enterprises shall, on request of the Main Administration for Economic Management of Defense and State Reserve Stocks, submit forecasts of the needs of raw and other materials on the schedule of state reserve stocks.

Final Provisions

Single paragraph. The chief of the Main Administration for Economic Management of Defense and State Reserve Stocks shall, by 31 August 1991, submit to the Council of Ministers a draft order on the formation, storage, and use of state reserve stocks and mobilization equipment and supplies.

Appendix to Article 1, Paragraph 1

Principal Functions and Missions of Main Administration for Economic Management of Defense and State Reserve Stocks

Article 1. The Main Administration for Economic Management of Defense and State Reserve Stocks, hereinafter called "Main Administration" for the sake of brevity, is a specialized body of the Council of Ministers for the implementation of economic policy as regards preparation of the national economy for defense and as regards the formation, storage, and use of state reserve stocks and mobilization equipment and supplies.

Article 2. In preparing the national economy for defense, the Main Administration shall conduct its operations on the basis of the positions, analyses, and forecasts formulated by the General State of the Bulgarian Army, the Ministry of Internal Affairs, and other ministries and departments on meeting the basic materiel needs of the armed forces, security agencies, and the population.

Article 3. In preparing the national economy for operation in wartime, the Main Administration shall do the following:

1. Jointly with the ministries, departments, and local bodies of executive authority, formulate methods of drawing up wartime plans of the structures in the production of nonproduction spheres.

2. Formulate a wartime production plan and submit it for approval by the Council of Ministers.

3. Formulate and submit for approval by the Council of Ministers directives for bringing military items into production and for creating mobilization production capacities.

4. Jointly with the Finance Ministry, work out the calculations and allocate the necessary budgetary resources for accomplishment of mobilization and for creation and maintenance of mobilization equipment and supplies.

5. Jointly with the Defense Ministry and the Ministry of Labor and Social Welfare, propose to the Council of Ministers control figures for deferment from call-up into the armed forces of specialists especially important in wartime.

6. Prepare and submit to the Council of Ministers reports on the readiness of ministries, other departments, enterprises, institutions, firms, and administrative and territorial units for operation in wartime.

7. Perform methods guidance for special elements in ministries, departments, and local bodies of executive authority.

Article 4. In forming and storing state reserve stocks and mobilization equipment and supplies, the Main Administration shall do the following:

1. Make a study of the needs and formulate a schedule and norms for buildup of state reserve stocks and mobilization equipment and supplies.

2. Negotiate with the firms the quantities, specifications, prices, and terms for delivery, clearance, storing, and updating of state reserve stocks and mobilization equipment and supplies.

3. Organize the handling of, accounting for, and storage of state reserve stocks and mobilization equipment and supplies in its own bases and in outside depositories.

4. Make proposals to the Council of Ministers regarding the release of raw and other materials from state reserve stocks and from mobilization equipment and supplies on request of the interested ministries, other departments, or firms and see to implementation of the Council of Ministers' decisions in connection therewith.

5. See to the development and adoption of technologies for long-term storage of state reserve stocks and mobilization equipment and supplies.

6. Organize and implement the construction, operation, and maintenance of depot capacities for storage of state reserve stocks and mobilization equipment and supplies.

7. Formulate its own draft budget and allocate the resources granted to it for the support of the system's entire operation.

Article 5. In respect of international cooperation, the Main Administration shall do the following:

1. Jointly with the Defense Ministry, the Ministry of Industry, Trade and Services, and the Ministry of Foreign Economic Relations coordinate with other countries the deliveries of raw and other materials, fuels, and so forth for implementation of the wartime plan; with the Defense Ministry, the Transportation Ministry, and the Communications and Informatics Committee, it shall work out the details of reciprocal shipments and the use of communication channels in wartime.

2. Jointly with the Defense Ministry, the Ministry of Industry, Trade and Services, and the Ministry of Foreign Economic Relations establish and maintain contacts with the specialized bodies of other countries.

3. See to exploration of the possibilities of using patents and licenses, transferring modern technologies bearing on full utilization of military hardware, providing long-term storage of raw and other materials, and propose appropriate decisions.

4. Make a study of the possibilities for exchange of physical commodities with the national stockpile bodies of other countries and submit pertinent determinations to the Council of Ministers.

Article 6. The Main Administration shall also perform other functions with which it is entrusted by law or by act of the Council of Ministers.

Decree on Determining Service Ranks, Official Titles in Ministry of Internal Affairs

92BA0051A Sofia DURZHAVEN VESTNIK in Bulgarian No 83, 8 Oct 91 pp 2-3

["Text" of Decree Determining Service Ranks and Positions in the Ministry of Internal Affairs, adopted by the Council of Ministers on 27 September 1991 and signed by Prime Minister Dimitur Popov and Ivan Minev, chief secretary of the Council of Ministers]

[Text]

Decree No. 191 of 27 September 1991 on Determining Service Ranks and Positions in the Ministry of Internal Affairs

The Council of Ministers hereby resolves that:

Article 1. The services within the central administration of the Ministry of Internal Affairs are given the status of "independent departments."

Article 2. A classification of positions by grade, education, and levels of administration within the services of the Ministry of Internal Affairs is hereby approved, in accordance with the appendix.

Article 3. By 30 September 1991, the minister of internal affairs must submit to the Council of Ministers for its approval the list of positions to which personnel will be appointed as per Article 57, Paragraph 1, Items 2-4 of the Law on the Ministry of Internal Affairs.

Provisional and Concluding Stipulations

1. This resolution is issued on the basis of Article 35, Paragraph 2 of the Law on the Ministry of Internal Affairs (DURZHAVEN VESTNIK No. 57, 1991) and in accordance with Resolution No. 129 of the Council of Ministers of 1991 on the conversion to wage contracting (DURZHAVEN VESTNIK No. 55, 1991).

2. The following Council of Ministers acts are hereby rescinded:

1. Ruling No. 3 of 1990 on amendments in the administrative structures of the Ministry of Internal Affairs (unpublished).

2. Item 2 of Resolution No. 52 of 1990 on changes in the Ministry of Internal Affairs (unpublished).

3. Resolution No. 64 of 1990 on changes in the Ministry of Internal Affairs (unpublished).

4. Item 3 of Ruling No. 34 of 1990 on changes in the structure of the Ministry of Internal Affairs (unpublished).

5. Article 3, Paragraph 1, Items 1-4 of Resolution No. 20 of 1991, defining the basic functions, structure, and number of personnel in the central administration of the Ministry of Internal Affairs (DURZHAVEN VESTNIK No. 15, 1991).

3. The funds for wage changes as per the present resolution must not exceed the limits of the approved updated budget of the Ministry of Internal Affairs for 1991.

Appendix to Article 2

Classification of Positions by Grade, Education, and Level of Administration in the Services of the Ministry of Internal Affairs

Table 1
Officers

Number	Position	Grade	Education
1	2	3	4
I	National Services: National Security Service, National Police, National Fire Prevention Service		
1	Deputy Director; Area Chief	IX	Higher

Table 1
Officers

Number	Position	Grade	Education
2	Deputy Chief of Area; Department Chief; Sector Chief; Chief Expert, Chief Legal Council	VII-VIII	Higher
3	Group Chief; Expert, Chief Accountant; Chief Inspector	VI	Higher
4	Senior Inspector	V	Higher
5	Inspector	IV	Higher
II	Central and General Services		
6	Administration Chief; Separate Department Chief	VIII-IX	Higher
7	Administration Deputy Chief; Area Chief	VIII	Higher
8	Department Chief; Sector Chief; Chief Expert, Chief Legal Counsel	VII	Higher
9	Group Chief; Expert; Chief Bookkeeper; Chief Inspector	VI	Higher
10	Senior Inspector	V	Higher
11	Inspector	IV	Higher
12	Secret Service Agent	III	Higher
III	Central Administration Services		
13	Chief of Separate Department	VIII-IX	Higher
14	Area Chief	VIII	Higher
15	Department Chief; Sector Chief; Chief Expert; Chief Legal Counsel	VII	Higher
16	Group Chief; Expert, Chief Accountant; Chief Inspector	VI	Higher
17	Senior Inspector	V	Higher
18	Inspector	IV	Higher
IV	Sofia Internal Affairs Directorate		
19	Director	IX	Higher
20	Deputy Director; Chief of National Security, Police, Fire Prevention Services	VIII	Higher
21	Area Chief; Rayon Police Administration Chief	VII-VIII	Higher
22	Area Deputy Chief; Chief Legal Counsel, Sector Chief	VII	Higher
23	Police Precinct Chief; Group Chief; Chief Inspector	VI	Higher
24	Senior Inspector	V	Higher
25	Inspector; Senior Police Commander	IV	Higher
26	Secret Service Agent; Police Commander; Rayon Inspector; Instructor; Automotive Controller	III	Higher
V	Regional Internal Affairs Directorate		
27	Director	VIII	Higher
28	Chief of National Security, Policy, Fire Prevention Service	VII	Higher
29	Chief of Sector; Chief of Rayon Police Administration; Chief of Rayon Fire Prevention Service; Chief Legal Counsel	VI	Higher
30	Chief of Police Precinct; Group Chief; Chief Accountant; Senior Inspector	V	Higher
31	Inspector; Senior Police Commander	IV	Higher
32	Secret Service Agent; Police Commander; Rayon Inspector; Instructor; Automotive Controller	III	Higher
VI	Traffic Police Territorial Sector		
33	Chief of Traffic Police Sector	VI	Higher
34	Group Chief; Senior Inspector	V	Higher
35	Inspector; Senior Police Commander	IV	Higher
36	Secret Service Agent; Police Commander	III	Higher

Table 2
Sergeants

Number	Position	Education
37.1	Junior Secret Service Agent; Junior Instructor; Junior Rayon Inspector; Junior Automotive Controller First Grade; Section Commander; Chief of Fire Prevention Service; Chief of Duty Shift; Team Commander; Chief Technical Associate	Secondary
37.2	Senior Policeman; Junior Automotive Controller Second Grade; Senior Fire Fighter; Driver of Specialized Motor Vehicle; Senior Commando Member; Senior Border Controller; Senior Security Associate; Senior Technical Associate	Secondary
37.3	Policeman; Junior Automotive Controller Third Grade; Fire Fighter; Commando Member; Border Controller; Security Associate; Technical Associate	Secondary

Remark: In a case where an employee has higher than secondary training, as required for the position as per Items 37.1, 37.2, and 37.3, the stipulations of Article 3, Paragraph 2, Items 2 and 3 of Resolution No. 129 of the Council of Ministers of 1991 shall apply.

Decree on Establishing State Labor Inspectorate

92BA0052A Sofia DURZHAVEN VESTNIK in Bulgarian No 83, 8 Oct 91 pp 5-7

["Text" of Decree Establishing a State Labor Inspectorate of the Ministry of Labor and Social Welfare and Defining Its Rights and Obligations, adopted by the Council of Ministers on 2 October 1991 and signed by Prime Minister Dimitur Popov and Ivan Minev, chief secretary of the Council of Ministers]

[Text]

Decree No. 193
of 2 October 1991
on Establishing a State Labor Inspectorate of the Ministry of Labor and Social Welfare and Defining Its Rights and Obligations

The Council of Ministers hereby decrees that:

Article 1. (1) A State Labor Inspectorate of the Ministry of Labor and Social Welfare is established as of 1 October 1991.

(2) The State Labor Inspectorate is a juridical person with specialized territorial control organs. It is established on the basis of the Labor-Legal Protection Administration, the Chief Labor Safety Inspectorate, the rayon labor safety inspectorates, and the rayon labor safety laboratories of the Ministry of Labor and Social Welfare.

Article 2. The State Labor Inspectorate and its specialized territorial control organs will exercise overall and specialized control over all sectors and activities, regardless of form of ownership, on the observance of labor legislation, including collective labor contracts and labor employment, as well as the implementation of legal safety acts and the application of international conventions, agreements, and other international commitments in the field of labor, assumed by the Republic of Bulgaria.

Article 3. The minister of labor and social welfare shall approve a structure and regulation on the organization and activities of the State Labor Inspectorate and its specialized territorial control organs.

Article 4. The minister of labor and social welfare and the minister of finance shall set the budget of the State Labor Inspectorate and its specialized territorial control organs within the limits of the approved appropriations, and the size of personnel within the system of the Ministry of Labor and Social Welfare for 1991.

Article 5. The State Labor Inspectorate and its specialized territorial control organs have the right:

1. To demand of employers and officials all of the necessary documents, information, and clarifications related to the exercise of their assigned control activities;

2. To visit at any time ministries, departments, companies, production facilities, activities, and other areas where work is being done, as well as premises used by the personnel, regardless of the form of ownership.

3. To take samples, specimens, and other similar materials for laboratory research and to gather information directly from all participants in the labor process;

4. To investigate and determine reasons and circumstances of breakdowns and labor accidents.

Article 6. The State Labor Inspectorate and its specialized territorial control organs shall apply the following mandatory administrative measures:

1. Issue obligatory directives to employers and officials for the elimination of noted violations of labor legislation, including wages, collective labor contracts, and labor employment, as well as rules and standards of safe and hygienic work;

2. Suspend the approval and implementation of projects that violate the requirements of legal labor safety acts;

3. Suspend the activities of firms, enterprises, production facilities, and projects, including their construction and reconstruction, as well as equipment, installations, machines, and workplaces, should the labor conditions threaten the health and life of the people;

4. Submit proposals to the respective competent authorities on closing down production facilities and activities in which labor conditions are not consistent with the requirements of providing safe and hygienic work and that cannot be made consistent with these requirements;

5. Suspend the production, import, and use of machines, equipment, technological equipment, raw and other materials, means for collective and personal protection, and special work clothing that do not meet the legal labor safety requirements;

6. Suspend the execution of illegal instructions and decisions of employers and other officials relative to labor safety and hygiene conditions;

7. Remove from their jobs workers who are unfamiliar with the rules and standards of labor safety and hygiene, and workers who do not have the capacity to enter into a legal contract;

8. Settle complaints and petitions by the working people related to violations of labor legislation and legal labor safety and hygiene acts.

Article 7. The State Labor Inspectorate and its specialized territorial control organs:

1. Register collective labor contracts at all levels;

2. Issue work permits to people under age 18;

3. Issue permits for the categories of workers and employees who benefit from special protection from dismissal as per the Labor Code;

4. Issue permits for overtime.

Article 8. The State Labor Inspectorate and its territorial organs must:

1. Keep secret any confidential information they have obtained in connection with their control functions;

2. Keep secret any information considered a trade secret as per Article 14 of the Law on the Defense of Competition and other laws;

3. Keep secret the identity of any source who has reported violations of labor legislation or of the rules and standards of labor safety and hygiene.

Article 9. (1) If the obligatory directive as per Item 1 of Article 6 refers to eliminating violations of labor legislation, it could be issued at the request of the worker until the worker has submitted a petition to the respective competent authority that deals with labor disputes, after which the matter must be resolved exclusively by that authority. In such cases, the state labor control authority may issue an obligatory directive if it has been informed through proper channels, within the deadlines stipulated in Article 358 of the Labor Code.

(2) If, in the cases stipulated in Paragraph 1, an obligatory directive has been issued to the state control authority on the same matter and a resolution has been issued by a competent authority concerning the consideration of a conflicting labor dispute, the resolution issued by the authority in charge of reviewing the labor dispute is considered valid.

Article 10. (1) State control labor authorities that in the course of their control functions establish violations of the law that indicate the commission of a crime or any other legal violation must inform the prosecutorial authorities and the Ministry of Internal Affairs.

(2) Authorities who have received information as per Paragraph 1 must review such information within one month and inform the respective control authority of the measures taken.

Article 11. Every employer must keep a record of audits in which the notes and stipulations of the control authorities are recorded. Such book must be bound, numbered, and notarized by the respective specialized territorial labor control authority.

Article 12. (1) The state labor control authorities have the right to call for administrative liability should they note violations in the application of labor legislation and the regulations and standards for labor safety and hygiene, as per Articles 413, 414, and 415 of the Labor Code.

(2) Violations as per Paragraph 1 are noted with legal acts drawn up by the state labor control authorities within the range of their jurisdiction.

(3) Penal resolutions are issued by the minister of labor and social welfare or by officials authorized by the minister.

(4) Violations and the formulation and execution of penal resolutions are based on the procedure described in the Law on Administrative Violations and Penalties.

(5) A violation is considered repeated if it has been committed within one year of the enactment of the penal resolution with which the violator was penalized for the same type of violation.

Article 13. The State Labor Inspectorate shall conduct its activities in cooperation and interaction with state and public control authorities within the range of their jurisdiction.

Concluding Stipulations

1. The present resolution is issued on the basis of Article 400, Paragraph 1 of the Labor Code and shall be effective as of 1 October 1991.

2. The minister of labor and social welfare shall issue instructions on the application of this decree.

Decree on Establishing Taxation Administration

92BA0098A Sofia DURZHAVEN VESTNIK in Bulgarian No 87, 22 Oct 91 pp 1-2

["Text" of Decree Establishing a Taxation Administration, adopted by the Council of Ministers on 11 October 1991 and signed by Prime Minister Dimitur Popov and Ivan Minev, chief secretary of the Council of Ministers]

[Text]

Decree No. 200
of 11 October 1991
on Establishing a Taxation Administration

The Council of Ministers hereby decrees that:

Article 1. (1) In the cases stipulated in the law, the Taxation Administration will levy taxes and collect other state budget revenue.

(2) The Taxation Administration shall be under the authority of the minister of finance.

(3) The Taxation Administration personnel shall consist of 8,000 slots, including no more than 25 percent of auxiliary and servicing personnel.

Article 2. (1) In conducting its activities, the Taxation Administration shall:

1. Organize, manage, levy taxes, and collect other state budget revenue;

2. Organize, implement, and supervise the registration of subjects to taxation;

3. Forecast the state income from taxation;

4. Analyze the financial condition of state enterprises;

5. Organize the interpretation of taxation legislation;

6. Organize and provide systems analysis of taxation practices;

7. Make suggestions on improving tax legislation;

8. Organize the efforts to expose and prevent taxation violations;

9. Supervise the exercise of financial-taxation policy and penalize officials guilty of violations.

(2) A written report is drafted on the results of tax audits.

(3) The Taxation Administration provides information services, for which purpose it organizes the keeping of taxation statistics.

Article 3. (1) The Taxation Administration consists of the Main Administration for Taxes, with territorial taxation administrations, taxation services, and taxation bureaus.

(2) The chief of the territorial administration heads the taxation services and taxation bureaus in his district.

Article 4. (1) The minister of finance determines the structure of the Main Administration for Taxes and the number, centers, structure, and areas of action of the territorial taxation administrations.

(2) The chief of the Main Administration for Taxes determines the number, centers, structure, and areas of action of the taxation services and bureaus.

Article 5. The chief of the Main Administration for Taxes or an authorized official appoints, promotes, demotes, or relieves of their duties the personnel of the territorial taxation administrations, taxation services, and bureaus.

Article 6. The personnel of the Taxation Administration must not make public the circumstances and facts to which they have become privy in the course of, or in relation to, the implementation of their official duties.

Article 7. Officials and private citizens assist the Taxation Administration authorities in the exercise of their assignments.

Article 8. (1) A Material Base and Incentive of Taxation Personnel Fund is being established under the Ministry of Finance.

(2) The assets of this fund will come from a 5-percent withholding from the additional budget revenue established in the course of tax audits, and from concealed income, profits, and property.

(3) The fund assets will be used to develop the material facilities, upgrade the skills, and provide incentives for Taxation Administration personnel.

(4) In coordination with the minister of labor and social welfare, the minister of finance shall approve a regulation on material incentives to taxation personnel. According to this regulation, incentives will be offered also to the financial control authorities for any additional revenue from concealed income, profits, and property they have exposed and contributed to the budget.

Additional Stipulation

1. Concealed and undeclared income, profits, property, and unpaid taxes, fees, and other obligations to the state shall be considered additional budget revenue.

Provisional and Concluding Stipulations

2. The labor legal relations of the personnel of the former municipal people's councils and mayoralties in charge of taxation and collection of other revenue for the state budget shall be terminated in accordance with the stipulations of Article 328, Paragraph 1, Item 1 of the Labor Code.

3. The municipal councils and the mayors shall provide suitable premises and equipment for the normal functioning of the Taxation Administration as per Article 21, Item 3 and Article 44, Paragraph 1, Item 8 of the Law on Local Self-Government and Local Administration.

4. The minister of finance shall adopt a regulation on the organization and activities of the Taxation Administration.

5. This decree is issued on the basis of Article 6, Item 2 of the Law on Legal Acts and Article 21, Paragraph 3 and Articles 37 and 41 of the Law on the Formation and Execution of the State Budget.

6. The implementation of this decree is assigned to the minister of finance.

Order on Guidelines for Execution of State Budget

92EP0088A Warsaw DZIENNIK USTAW in Polish No 76, 28 Aug 91 Item No 333 pp 1,045-1,051

[Executive Order of the Minister of Finance dated 2 August 1991 governing specific guidelines and procedures in the execution of the state budget]

[Text] Pursuant to Article 42, Paragraph 2, and Article 38, Paragraph 3, in connection with Article 36, Paragraph 8, and Article 50, Paragraph 2, of the Budget Law of 5 January 1991 (DZIENNIK USTAW [Dz.U.], No. 4, Item 18, and No. 34, Item 150), the following is hereby ordered:

Chapter 1. General Provisions

Paragraph 1.1. This executive order defines in detail the guidelines and procedures for drafting the financial plans of state budget units and the guidelines for collecting receipts for the state budget and making outlays therefrom.

1.2. The provisions of this executive order apply to the organizational units of the gminas [local governments] implementing the objectives assigned thereto by the general government administration insofar as these objectives are concerned.

Paragraph 2. Whenever this executive order refers to:

1) Ministers, this is also construed as referring to directors of central and national agencies of the state administration and other budgetary resource allocators identified in discrete parts of the state budget.

2) Budgetary resource allocators, this is construed as referring to the distributors of the budget outlays specified in given parts of the state budget.

3) State budget units, this is construed as referring to the state organizational units whose outlays are offset directly from the state budget and which transfer their revenues to that budget.

4) Off-budget economy, this is construed as the special departments, subsidiaries, and special resources of budget units that are excluded from the budget totals,

5) Off-budget funds, this is construed as the funds of the off-budget economy and targeted state funds.

6) Budget objectives, this construed as missions and programs categorized under a uniform functional classification arraying various organizational units and individuals according to the purpose served.

7) Budget Law, this is construed as the Budget Law of 5 January 1981 (Dz.U., No. 4, Item 18, and No. 34, Item 150).

8) Executive formulation of the state budget, this is construed as a detailed annual plan with breakdown by parts of the budget, comprising budget receipts and outlays as detailed in Article 36, Paragraph 4, and pursuant to Article 36, Paragraph 5, of the Budget Law.

9) Financial plan, this is construed as a planning document representing a compilation of the receipts and outlays of the state budget unit, budget objectives, or the receipts and outlays of the off-budget economy and targeted state funds.

10) Budget outlays, this is construed as the commitment of funds to the implementation of the objectives defined in the financial plan of the budget unit.

11) Budgetary spending limits, this is construed as the permissible upper limits, as specified pursuant to separate regulations, of specified expenditures in the plan and in the execution.

Chapter 2. Budgetary Resource Allocators

Paragraph 3.1. State budget unit heads are the principal as well as second-level and third-level budgetary resource allocators apportioning state budget funds.

3.2. The principal budgetary resource allocators are the state budget units listed under separate parts of the state budget, the voivodes, or other organizational units vested with the powers of principal budgetary resource allocators by the minister of finance.

3.3. Second-level budgetary resource allocators are the state budget units under the immediate jurisdiction of the principal budgetary resource allocators; third-level budgetary resource allocators are under the jurisdiction of second-level budgetary resource allocators.

3.4. The third-level budgetary resource allocators are the state budget units under the immediate jurisdiction of second-level or principal budgetary resource allocators which utilize (expend) directly the budget funds they receive, without having the right to pass them on.

Paragraph 4.1. Lower-level budgetary resource allocators are designated by higher-level budgetary resource allocators.

4.2. Principal and second-level budgetary resource allocators may designate as third-level budgetary resource allocators only the units under their jurisdiction, with the proviso that if the principal or second-level allocator is a state budget unit, it may designate as lower-level allocators only the other state budget units under its jurisdiction.

4.3. Upon consulting the minister of finance, principal budgetary resource allocators may designate as their lower-level allocators of state budget funds organizational units which are not state budget units.

Chapter 3. Bank Accounts

Paragraph 5.1. To service the state budget the following bank accounts are maintained:

1) The central current account of the state budget.

2) Current accounts of state budget units.

3) Current accounts of Treasury offices, for depositing budgetary receipts thereinto.

4) Targeted state fund accounts.

5) Investment financing fund accounts.

6) Current accounts of special departments and subsidiaries of state budget units.

7) Subaccounts.

5.2. The accounts mentioned in Subparagraph 1, Points 1-4, are serviced by the National Bank of Poland.

5.3. The accounts mentioned in Subparagraph 1, Points 5-7, can be serviced by any domestic bank.

5.4. Banking services are provided on the basis of bank rules and binding legal norms.

Paragraph 6.1. State budget units may distinguish among funds kept:

1) Under budgetary authority.

2) As deposit fund accounts.

3) As assignation fund accounts.

6.2. The funds mentioned in Subparagraph 1 are kept in a single subaccount.

Paragraph 7.1. The central current account of the state budget serves to:

1) Deposit thereinto the state budget receipts collected by Treasury offices.

2) Deposit thereinto the receipts collected by state budget units and transmitted through the mediation of Treasury offices.

3) Transmit to principal budgetary resource allocators the funds needed to finance their planned outlays and those of their subordinate units.

4) Perform transactions relating to the received and granted domestic and foreign bank credits and to the issuing of Treasury bonds and coupons.

5) Carry forward the balances of current accounts that remain unexpended in a given fiscal year.

6) Transmit subsidies to the gminas.

7.2. The account referred to in Subparagraph 1 may be complemented with receipts subaccounts for major receipts sources, into which Treasury offices deposit the state budget receipts they collect.

7.3. The kinds of subaccounts are agreed upon annually with the National Bank of Poland.

Paragraph 8.1. Current accounts of Treasury offices serve to deposit thereinto the budgetart receipts deriving from:

1) Taxes and nontax payments due to the budget.

2) Operating receipts of state budget units.

8.2. No payments may be disbursed from the current accounts of Treasury offices, with the exception of:

1) refunds of overpayments and of the interest they earn, as defined by separate regulations.

2) Gmina revenues collected by Treasury offices and the gminas' shares in state budget revenues, as referred to in Paragraph 39, Subparagraph 1.

8.3. Subaccounts, whose kinds are determined by the procedure referred to in Paragraph 7, Subparagraph 3, are appended to the current accounts of Treasury offices.

8.4. The receipts accumulated in the current accounts of Treasury offices are transmitted by these offices on the 21st of every month, in the amount established on the 10th of every month, to the central current account of the state budget, upon maintaining the division among the subaccounts referred to in Paragraph 7, Subparagraph 2.

Paragraph 9.1. Current accounts of state budget units serve to perform the financial transactions relating to receipts and outlays.

9.2. Subaccounts serving to keep track of state budget receipts are maintained in addition to the current accounts of state budget units.

9.3. The following kinds of receipts are deposited into the receipts subaccounts linked to the current accounts of state budget units:

1) Receipts of state budget units and payments of surplus funds by units of the off-budget economy.

2) Receipts from refunded outlays, if the refund was received after the expiration of the fiscal year during which the outlays were made.

3) Receipts from interest earned on funds in bank accounts, with the exception of receipts from interest earned on deposits belonging to individuals, who may augment the value of these deposits, and with the exception of interest earned from funds in the accounts of the special departments and subsidiaries of budget units.

9.4. The receipts subaccounts of the current accounts of state budget units serve to fund the following:

1) Refunds of overpayments and of mistakenly collected amounts along with payments of the interest appertaining thereto as prescribed by separate regulations.

2) Transfers of collected receipts to the current accounts of Treasury offices.

9.5. The following are deposited into the current accounts of state budget units:

1) Funds received from higher-level budgetary resource allocators.

2) Refunds of unexpended balances outstanding after the end of the fiscal year by the lower-level budgetary resource allocators.

3) Receipts linked to the refunding of outlays made in the same year in which the expenditures were defrayed, with the exception of the refunding of the expenditures planned as revenues.

9.6. The current accounts of state budget units serve to fund the following:

1) The operating expenses of these units.

2) Payments of program and mission subsidies.

3) Payments of other subsidies included in the budget law.

4) Transmittals of funds to lower-level budgetary resource allocators immediately after these funds are received from higher-level budgetary resource allocators.

5) Refunding of unexpended balances remaining after the end of the fiscal year to the higher-level budget unit.

Paragraph 10. State budget units transfer the collected receipts as of their amount on the last day of each month by the 10th day of the following month to the current accounts of the appropriate local Treasury offices.

Paragraph 11.1. State budget units and targeted state funds having offices outside the voivodship capital may, upon consulting the National Bank of Poland, avail themselves of substitute banking services at the nearest branches of domestic banks.

11.2. Cash disbursements are based on issuing checks signed in accordance with a card of sample signatures confirmed by the branch of the National Bank of Poland at which the current accounts of the budget units referred to in Subparagraph 1 are held.

11.3. Noncash transactions (e.g., transfer orders) are ordered by the units referred to in Subparagraph 1, which have offices outside the voivodship capital, directly from the branch of the National Bank of Poland at which their current accounts are held.

11.4. The Treasury offices located outside the voivodship capital may avail themselves of substitute banking services (cash deposits) at the nearest branches of domestic banks as regards the cash deposits relating to tax receipts and nontax payments due to the budget.

Paragraph 12.1. Records of receipts and outlays from the current accounts referred to in Paragraph 5, Subparagraph 1, Points 1-3, linked to the execution of the receipts and outlays of the state budget, should be based on budgetary classification into categories, with the proviso of Subparagraphs 3 and 4.

12.2. Budgetary classification into categories is defined in the Executive Order of 18 April 1991 of the Minister of Finance Concerning the Classification of Budgetary Revenues and Expenditures and Other Receipts and Outlays (Dz.U., No. 39, Item 169).

12.3. Records of the payments linked to the transfer of the receipts referred to in Paragraph 8, Subparagraph 4, should specify the code 99-10-1000-91 in the space reserved for categories of budgetary classification.

12.4. Records of the payments linked to the transfer of the receipts referred to in Paragraph 10 should specify the code 99-10-1000-93 in the space reserved for categories of budgetary classification.

Paragraph 13. The basis for opening a bank account for a targeted state fund is the notification of the bank by a budget unit; said notification should specify the law on under which that fund was established.

Paragraph 14. Investment financing fund accounts serve for depositing thereinto the investment-financing funds mentioned in Article 26, Paragraph 1, of the Budget Law.

Paragraph 15.1. Current accounts into which are deposited the funds of the special departments and subsidiaries of budget units serve to deposit funds with which to defray their operating expenses.

15.2. A state budget unit maintains a single current account for the transactions referred to in Subparagraph 1.

15.3. Special departments and subsidiaries of state budget units keep in their current accounts funds on deposit [see Paragraph 17] and assignation funds [see Paragraph 18].

Paragraph 16. Budgetary authority—for a specified period of time or until its revocation—serves to finance budget-funded objectives assigned to an organizational entity or an individual commissioned by a state budget unit.

Paragraph 17. Funds on deposit are outside funds kept by state budget units and their subsidiaries, and in particular bail payments, earnest money paid by auction bidders, disputed funds held temporarily while judicial and administrative proceedings are under way, and deposits of foreign exchange which judicial, administrative, and customs agencies transfer for safekeeping to the banks in the form of closed deposit accounts.

Paragraph 18. Assignation funds serve to finance, from the resources of the commissioning agency, objectives assigned for implementation to a budget unit or subsidiary by other organizational entities.

Chapter 4. Activation of Budgetary Resources

Paragraph 19.1. Budgetary resources are activated by transferring funds to the current accounts of the state budget units.

19.2. Bank documents serving to transfer funds among state budget units should specify the code 99-10-1000-91 in the space reserved for categories of budgetary classification.

Paragraph 20.1. The minister of finance transfers funds to the current accounts of the principal budgetary resource allocators in the amount needed to accomplish budget objectives upon specifying the period of time for which they are allocated.

20.2. The principal budgetary resource allocators use the funds thus received to fund their own operations and to make fund transfers to lower-level budgetary resource allocators.

20.3. In addition, the principal budgetary resource allocators transfer to the gminas targeted subsidies for specified purposes.

20.4. Third-level budgetary resource allocators use the received funds to defray their own outlays, without the right to pass on these funds elsewhere.

Paragraph 21. Budgetary subsidies are implemented by transferring budget funds to the bank accounts of the concerned organizational entities or to discrete bank accounts in which are kept funds for financing the investments of state budget units and subsidiaries.

Chapter 5. Executive Formulation of the Budget

Paragraph 22. The executive formulation of the state budget is prepared according to the following classification of receipts and spending:

1) Budgetary receipts, in breakdown by sections and chapters of budgetary classification as well as by the principal receipts sources identified in the Budget Law.

2) Budgetary outlays, in breakdown by sections and chapters as well as by the following paragraphs of budgetary classification or groups thereof:

a) Wages and salaries.

b) Other emoluments.

c) Expenses linked to emoluments.

d) Other current expenses.

e) Subsidies.

f) Outlays on investment financing.

Paragraph 23.1. State budget units draft their financial plans on the basis of the receipt and outlay totals transmitted to them by budgetary resource allocators as ensuing from the concerned parts of the executive formulation of the state budget, as referred to in Article 36, Paragraphs 6 and 7, of the Budget Law.

23.2. State budget units prepare separate financial plans for the budget objectives for which separate chapters are specified in the classification of budgetary receipts and outlays.

23.3. The financial plans referred to in Subparagraphs 1 and 2 comprise receipts and outlays in no less detail than does the executive formulation referred to in Paragraph 22.

23.4. The budget unit director may decide in favor of developing a financial plan in greater detail than that referred to in Subparagraph 3.

23.5. The discrete kinds of receipts and outlays specified in the financial plan should match perfectly their totals transmitted by the budgetary resource allocators.

Paragraph 24. The financial plans referred to in Paragraph 23 are subject to approval by budget unit heads within 10 days from the date of the allocation of budget receipt and outlay totals by the budgetary resource allocator for the given part of the budget.

Paragraph 25. The outlays on wages and salaries and other current expenditures specified in the financial plan do not include payments for work and services relating to investments executed by individuals under contracts for performing or a specified task or work or commission agreements. The related outlays are made from the investment funds kept in a separate bank account.

Chapter 6. Amending the Budget

Paragraph 26.1. The minister of finance notifies the concerned ministers about the decisions taken by the Council of Ministers concerning revisions of the state budget.

26.2. The minister proper for administrative affairs notifies the concerned voivodes about the revisions of the state budget referred to in Subparagraph 1.

26.3. Budgetary resource allocators for given parts of the budget and voivodes notify the concerned units about the changes in the budget ensuing from the decisions referred to in Subparagraph 1, as well as about the changes they themselves decide upon.

26.4. The notices on changes in the budget referred to in Subparagraphs 1-3 should comprise receipts and outlays in the detail referred to in Paragraph 22.

Paragraph 27.1. If the revisions of the budget referred to in Paragraph 26, Subparagraph 1, concern the objectives of general government administration assigned to the gminas, the budgetary resource allocators and voivodes proper for the scope of the assigned objectives notify the gminas about the revisions in the budget.

27.2. The provisions of Paragraph 26, Subparagraphs 2 and 4, apply correspondingly.

Paragraph 28.1. The notices referred to in Paragraph 26 serve as the basis for revising the financial plans of state budget units and the off-budget resource financial plans.

28.2. The heads of state budget units may revise the financial plans of their units on condition that the transmitted receipt and outlay totals ensuing from the executive formulation of the state budget be left intact.

28.3. In the event it becomes necessary to make outlays that are not envisaged in financial plans but that become mandatory by virtue of executive proceedings in administration, the state budget unit should immediately afterward shift correspondingly planned expenditures from other categories of budgetary classification.

28.4. The constraints on the powers of the heads of state budget units mentioned in Subparagraph 2 do not apply to the shifting referred to in Subparagraph 3.

Paragraph 29.1. The utilization of reserves generated in the state budget is based on decisions to transfer specified reserve funds, in accordance with their purpose, to corresponding categories of budgetary spending.

29.2. Budgetary outlays may not be directly offset from budget reserves.

29.3. The decisions referred to in Subparagraph 1 should comprise the higher outlay totals in discrete categories of budgetary classification, and they should be described in the detail referred to in Paragraph 2, Point 2.

Chapter 7. Budget Reporting and Assessment Studies

Paragraph 30.1. The National Bank of Poland prepares reports on the execution of the state budget in two versions:

1) The express version, according to the condition of the current accounts referred to in Paragraph 5, Subparagraph 1, Points 1-3.

2) The monthly version:

a) On the execution of state budget receipts, in the following detail:

—part, section, paragraph for tax and nontax receipts of local Treasury offices;

—total amount of the state budget receipts collected by state budget units.

b) On the execution of state budget outlays, in the following detail: part, section, paragraph, or paragraph group.

3) The annual version, on the execution of state budget receipts, in the detail enumerated in Subparagraph 1, Point 2, Letter a), and on the execution of state budget outlays in the following detail: part, section. paragraph.

30.2. The reports referred to in Subparagraph 1 are transmitted by the National Bank of Poland to the Ministry of Finance.

30.3. The reports referred to in Subparagraph 1, Points 2 and 3, are prepared by the National Bank of Poland before the end of 1991.

30.4. The guidelines and timetable for budgetary reporting are, pursuant to Article 51, Point 1, of the Budget Law, defined by separate regulations.

Paragraph 31.1. The ministers and voivodes who are bound by Article 41, Paragraph 2, of the Budget Law to make periodic assessments of the execution of programs and missions as well as of budget receipts and outlays, by the organizational entities under their jurisdiction, utilize for this purpose chiefly the periodic reports on the execution of the state budget and the findings of auditing bodies.

31.2. The subject matter of the assessment studies referred to in Subparagraph 1 should be, in particular:

1) Consonance between outlays and objectives.

2) Amounts and timetables of subsidies.

3) The evolution of inventories and other assets compared with the norms.

4) Regularity of the pattern of obligations and payments due.

5) Punctuality and regularity of the collection of receipts.

Chapter 8. Collection of Receipts and Execution of Outlays by Budget Units

Paragraph 32.1. The state budget units collecting on-budget and off-budget receipts are obligated to:

1) Determine correctly and promptly the monies due as receipts.

2) Collect receipts and refund overpayments.

3) Keep records of receipts by kind and amount.

4) Send promptly notices demanding payment or invoices for services performed.

5) Send promptly reminders and, as the need arises, start executive proceedings in administration against payment delinquents.

6) Annul and write off noncollectible obligations, by the powers vested in these units, or submit corresponding requests for annulment or write-offs.

32.2. Budgetary receipts should be credited to the current account—the receipts subaccount of the state budget unit assessing, collecting, and recording the payments due in question.

Paragraph 33.1. The state budget units which collect receipts through the mediation of banks or of the postal service are obligated to transmit these receipts, on the day they are received, to the appropriate current account—receipts subaccount. In justified cases, depending on the size of the cash receipts and their proper securing, the state budget unit may decide on the frequency with which cash may be transmitted to the bank.

33.2. The provisions of Subparagraph 1 do not apply to the permanent contingency cash fund for current expenses.

Paragraph 34.1. Receipts unnecessarily paid-in (collected) or adjudged to be refundable are overpayments.

34.2. Unless detailed regulations specify otherwise, the state budget unit credits overpayments to other payments due from the same debtor or, in the event of absence of such payments due, refunds them to the authorized person or entity.

34.3. Overpayments of budgetary receipts during both the current and the previous fiscal years are refunded from the receipts category in which the germane current receipts are classified.

34.4. The grounds for refunding an overpayment are a written refund order signed by the head and the chief accountant of the state budget unit. The order should contain a rationale for the refund and specify the date on which the refund is to be paid. If the budget unit making the refund keeps records of the receipts whose collection resulted in the overpayment, a notation about the refund should be entered in those records, along with the date and the pertinent line item.

34.5. The payment of interest on delays in refunding the overpayments related to waivers or changes of rulings fixing the amount of the tax obligation reduces the budgetary receipts correspondingly.

34.6. Payments of fees for postal money orders used in refunding overpayments are debited to the budgetary outlays of the budget unit making the refunds.

Paragraph 35.1. A state budget unit may contract obligations relating to the execution of its program or mission up to the limit of its outlays specified in the approved financial plan.

35.2. Obligations relating to multiyear agreements may be contracted only in the event that these agreements are justified by the appropriate programs of activities. Obligations relating to agreements whose implementation in the

following year is needed to assure continuity of operation of the budget unit, such as advance subscriptions to periodicals, food purchases, fuel purchases, etc., also may be contracted.

Paragraph 36.1. Advance payments may be disbursed:

1) To employees, for expenses of official travel or relocation and for petty expenses.

2) To organizational entities and individuals performing objectives financed from assignation fund accounts or under budget authority, to defray the expenses of accomplishing the objectives.

3) In other cases defined in separate regulations.

36.2. Employees who are constantly on official trips as well as employees whose official duties entail the direct payment of petty recurrent expenses may be allocated regular advance payments for an entire fiscal year or for a shorter period, but in an amount not exceeding the average total of expenses for one and a half months. The total owed to the employees is disbursed to them on the basis of verified expense records; this rule applies correspondingly to budgetary authority.

Paragraph 37.1. Advance payments should be cleared immediately after the objective is accomplished. Regular advance payments should be refunded after the period of their validity expires, prior to the termination of employment, and prior to the end of the fiscal year, with the exception of the cases referred to in Subparagraph 2.

37.2. Advance payments from budgetary resources, when granted before year end, may be cleared by 8 January of the following year. Refunds of unspent advance payments are credited to the budgetary outlays for the year in which these payments were disbursed.

37.3. Employees who receive advance payments provide the state budget unit with a declaration of consent to deduct the uncleared advance payments from their salaries. The declaration is not needed if, on the basis of separate regulations, the budget unit has the right to deduct from these salaries the advance payments that were not cleared on time.

37.4. If an advance payment disbursed to an employee is not cleared within the specified period of time;, it is deducted from the employee's next few salary payments. Until this is cleared, no further advance payments may be made to the employee.

37.5. The totals of advance payments made from budgetary resources but not spent by the end of the fiscal year should be deposited in the bank not later than on the penultimate day of the fiscal year. The outstanding balances of the advance payments granted for the traveling, delegation, or relocation expenses that were initiated in the fiscal year but completed after that year should be refunded after the travel, delegation, or relocation is completed.

37.6. In the event that the employee is transferred in line of duty to another workplace, any advance payments collected by the employee should be, with the exception of advance payments for relocation expenses, completely cleared before the transfer to a new workplace.

Paragraph 38.1. To assure proper materials management, budget unit heads determine maximum norms of material inventories in accordance with the directives of ministries or superior agencies.

38.2. Special and seasonal material inventories are not covered by the norms.

Chapter 9. Settlements of Accounts With the Gminas

Paragraph 39.1. The taxes and fees collected by local Treasury offices which constitute, pursuant to Article 1 of the Law of 14 December 1990 on Gmina Revenues and the Guidelines for Subsidizing Them in 1991 and on Amendments to the Law on Local Governments (Dz.U., No. 89, Item 518), gmina revenues and the share of gminas in state budget revenues as referred to in Article 3 of the abovementioned law, are transmitted by the Treasury offices directly to the accounts of discrete gminas within 10 days from the day on which these receipts are deposited into the current accounts of the Treasury offices.

39.2. The interest referred to in Article 8, Paragraph 3, of the law mentioned in Subparagraph 1, is paid to the gminas by the Treasury offices upon debiting it to the current receipts of the state budget.

Paragraph 40.1. A Treasury office determines the amount of the share due the gmina in the taxes constituting the revenues of the state budget in such a manner that each gmina receives:

1) Five percent of the receipts from the income tax collected from the legal entities located in the gmina.

2) Thirty percent of the receipts from the wage, remuneration, and equalization taxes.

3) Fifty percent of the receipts from the income tax collected from regular taxpayers.

40.2. The provisions of Subparagraph 1, Point 1, and of Point 2 in the part concerning the wage tax, apply upon observing the proviso of Article 26 of the law mentioned in Paragraph 39.

Paragraph 41.1. The minister or voivode notifies, within 14 days from the date the budget law is published, discrete gminas about the targeted subsidies planned in a given part of the budget for financing the programs of general government administration assigned for execution to the gminas.

41.2. The gmina board develops a separate annual financial plan comprising the receipt and outlay totals for all the programs of the general government administration assigned for execution to the gminas.

41.3. The plan referred to in Subparagraph 2 is developed in a breakdown into sections, chapters, and paragraphs corresponding to the classification of the state budget.

41.4. The basis for developing the financial plan referred to in Subparagraph 2 is the amounts of targeted subsidies transmitted to the gmina under Subparagraph 1 which are planned as receipts, and the outlays in the corresponding sections, chapters, and paragraphs are planned at the same level.

41.5. The financial plan referred to in Subparagraph 2 is approved by the village head or the burgomaster within 30 days from the date the budget law is announced.

41.6. If the execution of programs of the general government administration by the gminas entails specific revenues which are included in the state budget as revenues collected by the gmina on behalf of the state budget, the minister or voivode mentioned in Subparagraph 1 notifies the discrete gminas about these planned revenues.

41.7. If a program of the general government administration assigned to a gmina is not executed by that gmina but by another discrete organizational entity, the gmina board should develop a separate financial plan for that program or order the said entity to develop such a plan.

Paragraph 42.1. The ministers and voivodes who assign to gminas programs of the general government administration for execution include in the budget the corresponding amounts of targeted subsidies specified in the proper sections and chapters of the budgetary classification.

42.2. The subsidies referred to in Subparagraph 1 are transmitted to the gminas by discrete allocators of state budgetary resources at monthly intervals in accordance with the degree of execution of programs in individual months.

42.3. If the programs referred to in Subparagraph 1 entail collecting specific budgetary receipts the ministers and voivodes take them into account in the budget within the proper categories of budgetary classification.

42.4. If the organizational units of the gminas implementing the assigned programs of the general government administration collect the receipts referred to in Subparagraph 3, they record them in complete accordance with the categories of budgetary classification and transmit them at monthly intervals to the current accounts—receipts subaccounts of the ministers or voivodes who assigned these programs.

Chapter 10. Settlements of Accounts in the Interim Period (After the Ending of the Fiscal Year)

Paragraph 43.1. With the object of crediting or debiting the transactions performed at the end of the fiscal year to the accounts for the proper fiscal year, an interim period for bank account transactions after the end of the fiscal year is hereby introduced.

43.2. During the period until 8 January, or, if that day is not a business day, until the first business day following that date, the following are credited or debited to the bank accounts for the previous year:

1) Receipts collected until 31 December by the cashier's offices of budget units and by collectors.

2) Budgetary receipts deposited by payers until 31 December into banks and postal offices.

3) Tax payments due transmitted or collected by the payer's bank until 31 December.

4) Payments by enterprises and other financially autonomous units transmitted or collected by the payer's bank until 31 December.

5) Surplus operating and special funds of subsidiaries and special departments of budget units transmitted by 31 December.

6) Cleared budgetary receipts in the budgetary-classification paragraph "Receipts To Be Elucidated."

7) Budget outlays on the clearing checks accepted until 31 December by banks, post offices, financial institutions, and commercial establishments.

8) Refunds of budget outlays made from outlays for the previous year.

9) Refunds of funds improperly credited to the current accounts of state budget units.

43.3. By 15 January of the year following the budget year the following bank account transactions are performed for the previous year:

1) State budget units transmit the collected state budget receipts to the current accounts of the local Treasury offices.

2) State budget units which are third-level budgetary resource allocators transmit the balance of unexpended budgetary resources to the current accounts of higher-level allocators.

3) Local Treasury offices transmit payments and revenue shares due to the gminas.

43.4. By 20 January after the fiscal year the state budget units classified as second-level allocators transmit the balance of unexpended budgetary resources to the current accounts of principal allocators for the previous year.

43.5. By 25 January after the fiscal year the following bank account transactions for the previous year are performed:

1) Treasury offices transmit the budgetary receipts of state budget units to the central current account of the state budget.

2) Treasury offices transmit the budgetary receipts from tax and non-tax payments to the central current account of the state budget.

3) Principal budgetary resource allocators transmit unexpended fund balances to the central current account of the state budget.

4) Gminas refund targeted subsidies if, under Article 32, Paragraph 1, Point 8, of the Budget Law, the obligation of refunding unexpended targeted subsidies exists.

Chapter 11. Provisional Regulations

Paragraph 44.1. The financial resources accumulated by 31 December 1990 in the bank accounts of resources for the general repair and renovation of budget units, hereinafter referred to as "resources for general repair and renovation," may remain in these accounts until their full utilization, with the proviso of Subparagraphs 3 and 4.

44.2. The resources for general repair and renovation may be in 1991 assigned for financing obligations concerning repair and renovation performed prior to 1991 and the cost of repair and renovation performed in 1991.

44.3. The unexpended balance of resources for general repair and renovation is subject to transmittal, not later than by 31 December 1991, to the receipts of:

1) The state budget, if the bank account belongs to a state budget unit.

2) The gmina budget, if the bank account belongs to a gmina budget unit.

44.4. The bank account referred to in Subparagraph 1 is subject to closing by the bank on the request of the budget unit presented after the account balance is spent on general repair and renovation or within the period of time specified in Subparagraph 3.

Paragraph 45. In 1991:

1) Spending by state budget units is permitted up to the limits established for discrete budget parts by the Ministry of Finance in accordance with the size of the bank accounts ensuing from the express reporting referred to in Paragraph 30, Subparagraph 1, Point 1.

2) Gminas are authorized to collect directly from the central account of the state budget the amounts of subsidies established by the minister of finance for individual months.

Chapter 12. Final Provisions

Paragraph 46. As specified in this executive order, the guidelines and procedure for executing the state budget apply to the budgetary resources for financing science, unless otherwise specified in separate regulations.

Paragraph 47. This executive order takes effect on the day of its publication.

For the minister of finance: A. Podsiadlo

Order on Disposition of State Funds for Science

92EP0088B Warsaw DZIENNIK USTAW in Polish No 76, 28 Aug 91 Item No 334 pp 1,051-1,052

[Executive Order of the Minister of Finance dated 7 August 1991 Item No. 334 governing specific guidelines for the disposition of monies from the state budget intended for science]

[Text] Pursuant to Article 17 of the Law of 12 January 1991 on Establishing the Committee for Scientific Research (DZIENNIK USTAW [Dz.U.], No. 8, Item 28), the following is hereby ordered:

Paragraph 1. This executive order defines the specific rules for managing the resources allocated for science under the state budget, as earmarked for the purposes mentioned in Article 14, Paragraph 2, of the Law of 12 January 1991 on Establishing the Committee for Scientific Research (Dz.U., No. 8, Item 28), hereinafter referred to as "the law."

Paragraph 2. Whenever this executive order mentions:

1) The committee, this refers to the Committee for Scientific Research.

2) The unit, this refers to the scientific and R&D units defined in Article 3, Points 2 and 3, of the law.

Paragraph 3.1. The budgetary resources for regular or supplementary financing of the statutory activities of the units as well as for the research performed at institutions of higher education themselves are allocated as subsidies from the state budget.

3.2. The allocation of the subsidies referred to in Subparagraph 1 is the basis for revising the material-financial plan.

Paragraph 4. The subsidies referred to in Paragraph 3 do not comprise:

1) Investments.

2) Foreign scientific and scientific-technical cooperation subject to intergovernmental agreements.

Paragraph 5.1. The unexpended balances of the subsidy funds of the units in a given fiscal year are carried over to the next year in order to be expended on financing the statutory activities of these units.

5.2. The resources earmarked for science in the state budget are governed by the provisions of the Budget Law.

Paragraph 6.1. The regular or supplementary financing of investments serving the needs of scientific research or R&D work comprises:

1) Construction investments.

2) Investments consisting in the acquisition of the scientific research equipment counted among fixed assets under separate regulations, except the investments relating to the instructional activities of higher educational institutions and professional training.

6.2. Scientific research equipment that was acquired or developed with the object of accomplishing a particular scientific or R&D project is not considered to be an investment. The expenses of acquiring or developing such equipment are, regardless of its unit value and intended period of utilization, entirely debited to operating costs.

6.3. If a scientific or R&R project is performed on the basis of an agreement for performing it, the subsequent utilization of the equipment referred to in Subparagraph 2 upon completion of the project is defined in the agreement by the parties thereto.

Paragraph 7.1. The resources for the regular or supplementary financing of the investments referred to in Paragraph 6, Subparagraph 1, are allocated in the form of subsidies by the state budget.

7.2. The subsidy is provided through a transfer of budgetary resources to the account of the given entity from which the investment is financed.

Paragraph 8. The financing of foreign scientific and scientific-technical cooperation subject to international agreements comprises:

1) Exchange of personnel, relating to the scientific research and R&D projects underway.

2) Sponsorship of the international conferences held in this country.

3) Contributions to international organizations.

Paragraph 9.1. The financial resources for the purposes referred to in Paragraph 8, Points 1 and 2, are transmitted to the domestic organizations identified in the international agreements or in the protocols to these agreements, on the basis of an agreement concluded between the committee and the concerned domestic organization.

9.2. The financial resources referred to in Paragraph 8, Point 3, are transmitted by the committee directly to the account of the concerned institution.

Paragraph 10. The committee performs a detailed distribution of financial resources earmarked for science in the state budget within 14 days from the publication of the budget act.

Paragraph 11. The transfer of financial resources for the abovementioned purposes is performed at monthly intervals in accordance with the degree of completion of objectives during individual months, unless the agreement concluded with the committee specifies otherwise.

Paragraph 12. The committee chairman in his/her capacity as the allocator of budgetary resources for science, supervises and monitors the utilization of the resources allocated to the units in accordance with the provisions of the Budget Law.

Paragraph 13. This executive order takes effect on 1 January 1992.

For the minister of finance: A. Podsiadlo.

Sejm Resolution on Economic Situation

92EP0083A Warsaw MONITOR POLSKI in Polish No 26, 19 Aug 91 Item No 178 pp 212-213

[Resolution of the Sejm of the Republic of Poland dated 27 July 1991 concerning the current economic situation and the direction of economic policy in 1991]

[Text] The Sejm of the Republic of Poland appreciates the results of the current economic policy of the government: the reduction in store queues and market shortages, the introduction of a convertible currency, the advances in building the legal and efficient institutional infrastructure of a market economy, and the fundamental improvements in the price system needed to take correct decisions and initiate ownership transformations.

The government's actions intended to reduce the foreign debt should be positively evaluated.

At the same time, however, the Sejm of the Republic of Poland is greatly disturbed to find that the last few months have brought a deterioration in the economic situation. The decline in output has been compounded. The decline in the revenues of the state budget makes it impossible to finance even the most urgent needs of the state. The material situation of the society, and primarily of state-sector employees and farmers, remains extremely difficult.

The Sejm finds that the present situation is a consequence of not only objective foreign events (especially the perturbation in trade with the USSR) and the process of the adaptation of enterprises to new economic conditions but also a consequence of major mistakes in the government's policy. The government's assumptions in drafting the state budget were inaccurate. The difficult financial situation of the enterprises was not adequately considered. The policy on incomes and on money supply and credit was unduly restrictive. An active microeconomic policy which could effectively promote structural transformations and stimulate economic growth was absent. Insufficient steps were taken to utilize the foreign loans granted to Poland. There were insufficient measures to counteract crime and corruption such as, in particular, the shirking of customs duties and taxes. Rapid and flexible responses to the emerging dangers were absent.

The Sejm believes that it is necessary to introduce a prohibition against holding government offices while at the same time being a partner in a private company and engaging in business, including trade. In view of the acute economic crisis, maximum thrift and slashing of expenditures in government offices are needed.

The Sejm finds that energetic measures to prevent the further deterioration of the economic situation are needed. The Sejm's position is that combatting the recession and the threat of a budgetary collapse should become the priority objective of the economic policy of the state.

Of special importance will be measures to counteract mass bankruptcies of large state enterprises, which should not mean rescuing the worst of them at any price. This requires emergency measures, but also the speediest possible conditions for equal treatment of all enterprises regardless of whether they are state-owned or private or cooperative.

Such changes cannot and should not impede the actual ownership transformations in the Polish economy. This process should take place as rapidly as possible by means of, among other things, sales of the assets of state enterprises at market prices. The value of the assets sold should, however, be adapted to realistically determined dimensions of the demand.

Sales of state property should be based on clear financial principles so as to prevent the possible rise of abuses.

In the Sejm's opinion, the draft program of economic restructuring presented by the government provides for a series of measures whose implementation may promote desirable economic trends. The anticipated adoption of a proactive microeconomic policy reflects the Sejm's numerous suggestions. We find, however, that the program for microeconomic measures has not been concretely formulated.

The intention to outline a concise program for privatization is to be welcomed. But the government should also carry out model calculations of the cost of privatization and its timetable.

The Sejm believes that the following measures, among others, should be taken in order to put a halt to negative economic processes:

1) The situation of the bankruptcy-threatened large enterprises should be subjected to a thorough analysis. An assessment of the longterm consequences of the eventual bankruptcies of these enterprises is indispensable. The possibility of debt conversion, and in extreme cases even of a conditional debt forgiveness, should be considered.

2) Steps should be taken to revive investment processes—both investments by enterprises and by individuals. A program for utilizing the foreign credit granted to Poland should be urgently drafted, and domestic investment credit should be stimulated. Every possibility of preserving exports to the USSR, including the expediency of granting credit support, should be considered.

3) State enterprises should be afforded the possibility of transferring irregularly utilized assets and having their payments to the state correspondingly reduced. A gradual reduction in the historically bloated burden of outlays on employee social services and welfare resting on state enterprises is also necessary.

4) In the present situation selective raises in duty rates on imported consumer goods, especially on high-grade durable consumer goods, are indispensable.

5) The principal requirement for improving the situation in agriculture is to break the back of the general economic recession and thereby stimulate the demand for foodstuffs. Measures to combat the recession should be based on a deliberate and gradually revised policy of import quotas and duties serving to protect domestic farm output to the extent adequate to the adaptive potential of Polish agriculture.

6) The introduction of a system of central government procurements, chiefly for products used on a broad scale within the system of government-supported services, is indispensable. These orders should be based on a bidding procedure.

7) The severity of the tax on wage increases should be gradually and carefully alleviated. In particular, the tax ceilings should be reduced and the indexation coefficient slightly increased. In this connection, the mandatory scope of the notification of treasury offices by producers about price increases should be expanded.

8) The guidelines for eligibility for unemployment benefits should be revised. Such benefits should also be extended to the farm population. Emphasis should be placed on broadening employment in various kinds of public works. At the same time the conditions in which refusal to accept employment in public works may be grounds for suspending unemployment benefits should be defined.

9) A program for restructuring the regions with considerable danger of structural unemployment should be worked out. An active information policy of the government, promoting the restructuring of the Polish economy, is needed.

For the Speaker of the Sejm: T. Fiszbach.

Executive Order on Land Use Management Law

92EP0086A Warsaw DZIENNIK USTAW in Polish No 72, 19 Aug 91 Item No 311 pp 993-997

[Executive Order of the Council of Ministers dated 16 July 1991 concerning the execution of certain regulations of the law on land use management and expropriation of real estate]

[Text] Pursuant to Article 21, Paragraph 10; Article 31, Paragraph 5; Article 37; Article 40, Paragraph 5; Article 41, Paragraph 3; and Article 45, Paragraph 2, of the Law of 29 April 1985 on Land Use Management and Expropriation of Real Estate (DZIENNIK USTAW [Dz.U.], No. 30, Item 127, 1991), the following is hereby ordered:

Chapter 1. General Provisions

Paragraph 1. The articles referred to in this executive order denote, unless otherwise specified, articles in the Law of 29 April 1985 on Land Use Management and Expropriation of Real Estate (Dz.U., No. 30, Item 127, 1991).

Paragraph 2. Whenever this executive order refers to:

1) A district office, this means a district office of the general government administration.

2) The real estate owner, this means either the State Treasury in whose behalf the district office of the general government administration is acting, or the gmina [local government] in whose behalf the gmina governing board is acting.

Chapter 2. Sale or Release for Perpetual Usufruct of Real Estate Owned by the State Treasury or by a Gmina

Paragraph 3.1. Built-up land, land set aside for build-up, and buildings and premises may be subject to sale if the sale results in making them a separate object of ownership—separate from land.

3.2. Built-up land or land set aside for build-up may be released for perpetual usufruct.

Paragraph 4.1. The sale or release for perpetual usufruct of the real estate referred to in Paragraph 3 takes place either by means of an auction or in the absence of an auction.

4.2. The procedure for selling real estate or releasing it for perpetual usufruct by means of an auction is governed by separate regulations.

4.3. The sale of real estate or its release for perpetual usufruct without an auction takes place in the cases specified in Article 4, Paragraphs 2, 6, 7, and 9; Article 6; Article 21, Paragraph 7; Article 23, Paragraph 4; Article 24, Paragraph 3; Article 61; Article 69; Article 80, Paragraph 2; Article 82, Paragraph 2; Article 83, Paragraph 2; and Article 88, Paragraph 1.

4.4. In cases of the sale of real estate or its release for perpetual usufruct without an auction, the list referred to in Article 23, Paragraph 1, specifies the deadline after whose expiration the price specified in the list ceases to be binding.

Paragraph 5.1. In the event that built-up land is released for perpetual usufruct, the real estate owner and the potential purchaser engage in negotiations in the course of which they reach agreement on the terms of the contract concerning the matters referred to in Article 23, Paragraph 2, as well as in Articles 239 and 240 of the Civil Code.

5.2. Once all the terms negotiated are agreed upon and set forth in writing, this is regarded as determining the purchaser as construed by Article 24, Paragraph 4. The written record is the basis for concluding the agreement in the form of a notarial act.

Paragraph 6. Single-family houses and dwelling units in apartment buildings may be designated for sale regardless of their size if their remodeling is technically infeasible or inexpedient.

Paragraph 7. A single-family house or a dwelling unit in an apartment building occupied by two or more tenants may be sold as co-owned property.

Paragraph 8. In the event of the remodeling, addition of one or more floors, or other expansion of the building referred to in Article 21, Paragraph 3, resulting in the addition of a separate dwelling unit, the surface area of that dwelling unit is excluded from the surface area of the part of the building constituting the common property of discrete apartment owners.

Paragraph 9.1. The following outlays are, upon the recommendation of the buyer, debited to the sale price of a building or a dwelling unit:

1) Major renovation of the building or dwelling unit.

2) Remodeling of attic or other premises into a dwelling unit for sale.

3) Addition of a new floor or other expansion of a building with the object of adding another dwelling unit.

9.2 When determining the amount of the outlays referred to in Subparagraph 1, allowance is made for the extent of the actually executed operations on taking their value as of the day on which the record referred to in Paragraph 5, Subparagraph 2, is prepared.

Paragraph 10.1. In the event of sale of real estate to its perpetual usufructuary the first annual usufruct fee is credited to the purchase price, upon reappraising the worth of that fee on the day the agreement is signed.

10.2. In the event of sale of real estate to its perpetual usufructuary who had paid a lump-sum fee for the entire or partial period of the usufruct, the part of that fee corresponding to the utilized period of perpetual usufruct is credited to the purchase price, upon reappraising the worth of said part on the day the agreement is signed.

Paragraph 11.1. The sale price or the first fee paid for the perpetual usufruct of the real estate should be paid by the purchaser not later than on the day the agreement is concluded, with the proviso of Subparagraph 2.

11.2 In the event of the sale or lease for perpetual usufruct of real estate without an auction, the payment of the sale price may be, on the request of the purchaser, made in annual installments over a period of up to 10 years. The related claims of the State Treasury or a gmina are subject to securing by means of mortgage insurance.

11.3. In the event the sale price is paid in installments, the interest payable is subject to an agreement between the parties.

11.4. The installments and interest referred to in Subparagraphs 2 and 3 are payable in advance not later than by 31 March of each year.

Paragraph 12.1. The owner who has transferred title to the real estate to the State Treasury or to a gmina in accordance with Article 29 is entitled to the payment of compensation in an amount corresponding to the price of the real estate as reappraised in terms of its value on the day title to its ownership is transferred, provided it is not higher than the compensation for expropriating that real estate would be.

12.2. As a result of the termination of an agreement for perpetual usufruct of real estate, the person with whom the agreement was terminated is entitled to a refund of the reappraised first annual fee he had paid as well as to the payments referred to in Article 242 of the Civil Code; he is likewise entitled to a refund of the annual fees for the unutilized period of perpetual usufruct if such fees had been paid in accordance with the regulations in force.

Chapter 3. Administration of the Real Estate Owned by the State Treasury or by a Gmina

Paragraph 13.1. An administrator may be appointed for real estate on the request of a state or communal organizational unit lacking legal entity status.

13.2. The request referred to in Subparagraph 1 should contain information about the location and surface area of the real estate and the purpose for which it is to be utilized.

13.3. The request referred to in Subparagraph 1 should be accompanied by:

1) An extract from a map of the locality.

2) Information on the purpose of the real estate in the local land use plan.

3) With respect to a registered architectural landmark—the opinion of the voivodship landmark curator.

Paragraph 14.1. The decision to appoint an administrator for real estate should contain:

1) The designation of the administrator.

2) The designation of the real estate according to the land registry and land and building records.

3) Purpose of real estate as specified in the local land use plan, purpose for which the administrator is appointed, and the method for utilizing the real estate, inclusive of the build-up schedule.

4) Price and fees associated with the administration of real estate, with allowance for prices of land, buildings, facilities, or premises.

5) Information on possible revision of price of the real estate and the related revision of administrative fees.

6) Duration of administration.

14.2. The transfer of real estate for administration in accordance with the decision referred to in Subparagraph 1 is based on a transfer protocol. This provision applies correspondingly once the period of administration expires.

Paragraph 15.1. In the event that the administration is terminated on the request of the administrator and upon the transfer of the real estate to administration by another organizational unit, the settlement of accounts for buildings, facilities, premises, and investments initiated, takes place between these units.

15.2. In the event that the administration is terminated without transferring it to another organizational unit, the settlement of accounts takes place between the real estate owner and the administrator.

Paragraph 16.1. The agreement for the transfer of real estate between state or communal organizational units lacking legal entity status is correspondingly governed by the provisions of the Civil Code concerning obligations.

16.2. The transfer of real estate for administration is based on the signing of a transfer-and-receipt document.

Paragraph 17. Unless separate regulations specify otherwise, facilities not needed by the unit to which the real estate is transferred are, insofar as such facilities can be separated from land, transferred for use to another organizational unit with the consent of the real estate owner.

Paragraph 18. The agreement for the transfer of real estate specifies:

1) The parties to the agreement.

2) The district office or gmina board granting the permit for the conclusion of the agreement.

3) The parameters of the real estate according to land and building records and the land registry.

4) The purpose of the real estate as stated in the local land use plan, the purpose for which the real estate had previously been transferred for administration, and the method of using the real estate, including also the build-up schedule.

5) The price and administrative fees for the transferred real estate, with allowance for the prices of land, structures, facilities, or premises.

6) Possibility of reappraising the price of the real estate and hence also the administrative fees.

7) Duration of administration of real estate within the framework of the period of time specified for the transferring unit.

8) Schedule for preparing the transfer-and-receipt document.

Paragraph 19.1. The transfer of real estate between state or communal organizational units which lack legal entity status takes place in return for a monetary consideration.

19.2. The value of the buildings, facilities, and premises included in the agreement is taken as the basis for figuring the payments in the cases referred to in Subparagraph 1. Administrative fees as of the day on which the agreement is concluded are credited to that value. In the calculations allowance is also made for the part of administrative fee not utilized in a given year by the transferring unit.

Paragraph 20. The expenses incurred in acquiring the administration of the real estate referred to in Article 9, Paragraph 2, are borne by the state or communal organizational units acquiring the administration.

Paragraph 21. The dissolution of a state or communal organizational unit that lacks legal entity status causes the expiration of the administration of the real estate entrusted to that unit.

Chapter 4. Determining the Fees for Perpetual Usufruct and Administration of Real Estate

Paragraph 22.1. The district office, with respect to land owned by the State Treasury, and the gmina board with respect to gmina-owned land, determines the annual fee for the usufruct of land or administration of real estate in accordance with the price determined under Article 39.

22.2. In the event of the price reappraisal referred to in Article 43, Paragraph 1, the established price of the land under perpetual usufruct or for real estate under administration may not be higher than the value of the land or real estate determined according to Article 38.

Paragraph 23. In the event of administration of built-up land, the administrative fee is determined with allowance for the combined price of the land and of the structures, facilities, and premises standing thereon.

Paragraph 24.1. The annual fee for usufruct from land designated for housing construction and from built-up residential-zoned land is reduced by 50 perent if the monthly income per family member of the person obligated to pay that fee does not exceed 50 percent of the

nationwide average monthly income. This discount is not available for persons who already availed themselves of the discount mentioned in Article 41, Paragraph 2.

24.2. In the event that the right to perpetual usufruct of land is transferred to a third party, the eligibility for the discount granted under Subparagraph 1 is transferred to that person.

24.3. The annual fee for the land under perpetual usufruct that is used, or to be used, for the construction of the following structures is reduced to 0.3 percent of the price of land determined in accordance with Article 39:

1) Places of worship, with the accompanying buildings.

2) Accommodations for [teaching the Roman Catholic] catechism.

3) Vicarages in diocesan and monastic parishes.

4) Diocesan archival buildings and museums.

5) Theological seminaries.

6) Monastery buildings.

7) Offices of the chief officers of churches and other denominational unions.

Paragraph 25.1. Pensioners and annuitants and other persons who are members of a housing cooperative and are eligible for the privileges referred to in Article 41, Paragraph 2, and in Paragraph 24, Subparagraph 1 above, avail themselves of these privileges by being granted discounts of fees for their share of the operating costs of buildings, with the extent of the discount corresponding to that of the reduction in the annual fee payable by the cooperative for perpetual usufruct of land.

25.2. The reduction in the annual fee for perpetual usufruct of land is granted by the district office with respect to land owned by the State Treasury and by the gmina board with respect to gmina-owned land, proportionately to the surface area of the dwelling units occupied by the pensioners and annuitants referred to in Subparagraph 1.

Paragraph 26. The annual fees mentioned in this executive order are not collected from the perpetual usufructuaries who had previously, on the basis of previously binding regulations, made a lump-sum payment for the entire period of perpetual usufruct. Perpetual usufructuaries who had paid a fee for a period of time shorter than the period of validity of their right to perpetual usufruct pay the remaining fees due in accordance with the present executive order following the expiration of that period.

Paragraph 27.1. The first fee for the perpetual usufruct of land is paid not later than on the day the agreement referred to in Article 19 is concluded, and the first fee for administration of real estate is paid within 30 days from the day on which the ruling to transfer the real estate for administration becomes final. The annual fee is payable in advance by 31 March of each year, unless the parties to the agreement agree upon another deadline, which however may not be later than during the calendar year in question.

27.2. Organizational units which acquired the administration of real estate under an agreement, do not pay the first administrative fee.

Chapter 5. Guidelines and Procedure for Determining Additional Fees for the Failure To Build Up or Utilize Land Within Specified Periods of Time

Paragraph 28.1. The amount of the additional annual fee referred to in Article 45, Paragraph 1, hereinafter referred to as "the fee," is 10 percent of the price of land for the first year after the expiration of the deadline for building up or otherwise exploiting the land under the land use plan, agreement, or ruling.

28.2. For every subsequent year after the expiration of the deadline referred to in Subparagraph 1 the fee is augmented by an additional 10 percent of the price of land.

28.3. The price of the land referred to in Subparagraphs 1 and 2 equals the price on the basis of which annual fees for perpetual or regular usufruct from land or administration of that land are determined.

Paragraph 29.1. The additional fees are paid by perpetual usufructuaries, administrators, or usufructuaries of land.

29.2. The additional fees are not charged in the event of:

1) Failure to develop the land in question if the State Treasury or a gmina was obligated to develop it and if the absence of that development renders impossible the utilization of the structures erected on that land in accordance with a land use plan, an agrement, or a ruling.

2) Presentation by the administrators or usufructuaries, to the district office of the general government administration in case of land owned by the State Treasury or to the gmina board in case of gmina-owned land, of a request for taking over the land which became unnecessary to them.

Paragraph 30. The additional fees are specified in rulings issued by the district office of the general government administration in case of land owned by the State Treasury and by the gmina board in case of gmina-owned land. The rulings also specify thedeadlines for payment of fees.

Paragraph 31.1. The obligation to pay the additional fees arises on the 1st day of January in the year following the ineffective expiration of deadlines for building up or otherwise utilizing land, which deadlines are specified in the land use plan, the agreement, or the ruling.

31.2. The fees are payable not later than by 31 March of each year.

Paragraph 32. The utilization referred to in Paragraph 28, Subparagraph 3, and in Paragraph 29, Subparagraph 1, is construed to mean utilization established as a fact prior to 5 December 1990.

Chapter 6. Responsibilities of State Organizational Units or Gminas Concerning the Administration of Housing

Paragraph 33.1. The responsibilities of the administrator of a residential building that is co-owned by the State

Treasury or a gmina and individuals include the proper maintenance of the premises and facilities designed for common use and the performance of repairs as the need arises. Special obligations in this respect are defined in separate regulations.

33.2. The administrators of the buildings referred to in Subparagraph 1 are obligated to perform in the dwelling units constituting discrete real estate:

1) Repairs and replacements of central heating facilities together with heaters (with the exception of single-floor heating), water supply facilities, natural gas and hot water systems, plumbing facilities, electrical facilities, telephone facilities, and the collective television antenna, with the exception of appliances.

2) Replacement of worn window and door joinery, floorings and floor tiles, and also wall plaster, if also done in other apartments as part of a major renovation.

33.3. The provisions of Subparagraph 2 do not apply to office or store space constituting separate real estate; the responsibilities of the building administrator concerning repair of such units and the installation of utilities therein should be defined by the parties in an agreement.

Paragraph 34.1. Owners of dwelling units in buildings co-owned by individuals and the State Treasury or a gmina pay every month their share of the cost of the maintenance and repair of these buildings in an amount prorated according to the binding rental or lease rates for dwelling units, as calculated on the basis of Article 15, Paragraph 4, of the Dwelling Unit Law of 10 April 1974 (Dz.U., No. 30, Item 165, 1987; No. 10, Item 57, 1989; No. 20, Item 108, 1989; No. 34, Item 178, 1989; No. 35, Item 192, 1989; and No. 4, Item 19, 1990; No. 82, Item 190, 1990; and No. 34, Item 198, 1990), without applying raises for norm-exceeding dwelling area.

34.2. The share in the repair and maintenance cost referred to in Subparagraph 1 as well as fees for the supply of cold and hot water and for the use of central heating and the collective television antenna are payable by the 10th day of every month for the previous month.

Paragraph 35.1. The existing administration of a building co-owned by he State Treasury or a gmina and individuals continues until all the dwelling units in the building are sold, unless it is eliminated earlier by all the dwelling unit owners.

35.2. In the event a contract for the sale of the last dweling unit in the building referred to in Subparagraph 1 is concluded, the existing administrator calls upon the co-owners of the building to designate a new administrator within three months.

35.3. If the co-owners fail to designate a new administrator within the time limit specified in Subparagraph 2, and if they do not either apply to a court of law, under the provisions of the Civil Code, to designate a new administrator, the current administrator notifies them that he ceases to administer the building at a specified deadline and conveys to them a written record describing the real estate and the rights and responsibilities appertaining thereto.

35.4. The procedure for transferring the administration to a new administrator appointed by the co-owners of the building or by the court of law, and the attendant responsibilities of the parties to the agreementk including the financing of repairs in arrears, is determined in said agreement.

Chapter 7. Interim and Final Provisions

Paragraph 36. Owners of buildings or dwelling units acquired on the basis of a sale contract concluded prior to the effective date of the present executive order pay the sale price in the amount and on the terms defined in such contract.

Paragraph 37.1. The annual fee for the perpetual usufruct from land designated for housing construction or built-up residential areas, as established in connection with the reappraisal of land prices performed after 5 December 1990, is reduced by:

1) 50 percent in 1991.

2) 40 percent in 1992.

3) 30 percent in 1993.

4) 20 percent in 1994.

5) 10 percent in 1995.

37.2. The overall reduction in the fee for perpetual usufruct, granted pursuant to Subparagraph 1 and Article 41, Paragraph 2, and (in the present executive order) Paragraph 24, Subparagraph 1, may not exceed 50 percent of the annual fee.

Paragraph 38.1. In the event of a delay in payment of the fees referred to in the present executive order, interest on these fees is charged under the provisions of the Civil Code.

38.2. The reappraisal refered to in Paragraphs 10 and 12 is performed on the basis of the indicators defined in Paragraph 6 of the Executive Order of 16 July 1991 of the Council of Ministers Concerning the Guidelines and Procedure for Settling Accounts in the Event of the Return of Expropriated Real Estate (Dz.U., No. 72, Item 315).

Paragraph 39. The following are hereby null and void:

1) Executive Order of 16 September 1985 of the Council of Ministers Concering the Detailed Guidelines and Procedure for Leasing Land for Perpetual Usufruct and Selling State-Owned Real Estate, the Related Expenses and Account Settlements, and the Management of the Real Estate Sold (Dz.U., No. 14, Item 75, 1989).

2) Executive Order of 16 September 1985 of the Council of Ministers Concerning the Detailed Principles and Procedure for the Transfer of the Management and Utilization of State-Owned Real Estate, Its Transfer Between State

Organizational Units, and the Settlement of the Related Accounts (Dz.U., No. 47, Item 240, 1985; and No. 33, Item 244, 1988).

3) Executive Order of 16 September 1985 of the Council of Ministers Concerning the Guidelines and Procedure for Determining Fees Charged for the Perpetual Usufruct from Land Management and Utilization (Dz.U., No. 14, Item 78, 1989).

4) Executive Order of 16 September 1985 of the Council of Ministers Concerning the Guidelines and Procedure for Determining Annual Fees for the Failure To Utilize Land in Accordance With Its Purpose (Dz.U., No. 47, Item 242, 1985; and No. 33, Item 246, 1988).

Paragraph 40. The present executive order takes effect after 14 days from the date of its publication.

Chairman of the Council of Ministers: J.K. Bielecki.

Sejm Resolution on 1990 Funding Issues

92EP0081C Warsaw MONITOR POLSKI in Polish No 28, 4 Sep 91 Item No 199 pp 235-236

[Resolution of the Sejm of the Republic of Poland dated 22 August 1991 concerning the acceptance of reports on the implementation of the state budget for the period from 1 January to 31 December 1990, on the balance of payments of the Republic of Poland for 1990, on the management of the resources of the Central Science and Technology Development Fund in 1990, on the implementation of the Cultural Development Fund for 1990, and on granting the government a vote of acceptance of the reports]

[Text] I. The Sejm of the Republic of Poland accepts the:

—Report on the Implementation of the State Budget for the Period from 1 January until 31 December 1990.

—Balance of Payments of the Republic of Poland for 1990.

—Report on the Management of the Resources of the Central Science and Technology Development Fund for 1990.

—Report on the Implementation of the Cultural Development Fund for 1990.

II. The Sejm of the Republic of Poland grants the government a vote of acceptance of the reports for the period from 1 January to 31 December 1990.

III. The Sejm of the Republic of Poland finds, however, that:

1. The performance of the economy in 1990 fundamentally and unfavorably diverges from the assumptions concerning the gross national product, real wages, unemployment, etc., contained in the program which was submitted by the government in October 1989 and taken notice of by the Sejm. Despite these discrepancies the government has not presented [proposals for] correcting that program in the course of the year. Among other things, the government did not present a motion for revising the Sejm's resolution concerning the balance of payments, although it has evolved in a direction totally opposite [from that intended] as early as starting in the first few months of 1990.

2. The principal negative trend of 1990 was the extremely deep recession. Despite the resolution adopted by the Sejm on 11 October 1990 the government has not taken major steps that would promote reducing the scale of the recession.

3. The government has not implemented certain Sejm resolutions concerning economic matters. In particular, it has not submitted to the Sejm a draft law on a tax on the consumption of raw and other materials which pollute the environment, and neither has it presented a program for liquidating the privileges of various socio-occupational groups. Likewise, the government has not fulfilled its obligation to present a program for restructuring the economy in connection with an industrial policy.

4. The changes introduced by Resolution No. 96/90 of the Council of Ministers in the revenues and expenditures of the budget, while substantively not dubious, have exceeded the limits of the powers ensuing from the budget law.

5. The volume of foreign trade in transfer rubles has not been adequately controlled, so that as a result the positive balance of trade reckoned in transfer rubles has increased excessively. This is only partially justifiable by the policy of promoting exports of Polish products. A substantial proportion of the high positive balance of trade was due to the re-exportation of products imported from the countries with which Poland has been trading on the basis of convertible currencies.

6. Despite the generally positive assessment of the manner in which the resources of the Cultural Development Fund have been spent, highly disturbing regressive trends have appeared in this domain.

7. The government has not taken sufficient steps to enable the budget to receive the revenues due it from taxes and other payments. In particular, it should be emphasized that:

a) Trading in imported medicines has been largely uncontrolled, so that as a result the budgetary expenditures on financing the purchases of imported medicines have been much higher than needed.

b) Energetic measures were not taken to tax street vendors. As a result the state budget forfeited substantial potential revenues. What is more, the absence of adequate measures to control street vendors has resulted in sanitation problems.

c) As regards customs policy, legislative initiatives making it easier to counteract import purchases performed without paying customs duties and taxes were not adopted in time. Despite the extensive changes in the proportions between imports and exports (chiefly due to the rapid growth in imports of consumer goods), the government failed to take steps to raise customs tariffs from their extremely low level in the second half of 1990. This policy

placed certain industrial subsectors and agriculture in an unprecedentedly difficult situation, and moreover it was disadvantageous to the state budget and balance of payments.

d) Owing to tax loopholes as regards the taxation of imports handled by civil-law companies, the state budget lost considerable potential revenues and these companies for no rational reason gained a more advantageous standing than other kinds of economic entities.

e) Considerable disproportions have arisen as regards imports of alcohol, and especially its taxation. For this reason, too, the losses to the state budget have been extremely high.

f) Serious irregularities turned out to beset the taxation of gambling casinos; in this case too the state budget has lost potential revenues.

g) Owing to the inadequate supervision of the operations of private currency exchange offices, these operations have gone unrecorded to a large extent, thus resulting in lower revenues from the income tax and turnover tax levied on these entities.

h) Given a deficit budget, it was a mistake to abandon the partial collection of income tax on differences in the currency exchange rates. This decision has markedly straitened the revenues of the state budget.

8. The Sejm of the Republic of Poland is alarmed to note that in 1990, despite the extensive institutional changes, economic activity slowed down markedly an there was a major decline in consumption and a decrease in the social safety net. The revenues of the state budget were not collected in a manner assuring equal treatment of the entities belonging to different (state, private) sectors.

Mistakes in tax policy and neglect in collecting arrears due resulted in restricting the revenues of the state budget.

The Sejm of the Republic of Poland expects of the Supreme Chamber of Control that it broaden its current research so as to investigate in particular the issues mentioned in Points 6, 7 (a, b, c, d) and present a corresponding report to the Sejm.

Speaker of the Sejm: M. Kozakiewicz.

Executive Order on Financing Higher Education

92EP0090A Warsaw DZIENNIK USTAW in Polish No 84, 26 Sep 91 Item No 380 pp 1,177-1,180

[Executive Order of the Council of Ministers dated 27 August 1991 governing the guidelines of financing universities and institutions of higher education]

[Text] Pursuant to Article 30 of the Law of 12 September 1990 on Higher Education (DZIENNIK USTAW [Dz.U.], No. 65, Item 385), the following is hereby ordered:

Chapter 1. General Provisions

Section 1.1. The executive order defines the guidelines of financing universities and institutions of higher education and the principles and procedures by which state universities and institutions of higher education obtain revenues from fees for didactic work.

1.2. Whenever there is mention in the executive order about:

1) A law—it is understood to mean the law of 12 September 1990 on higher education (Dz.U., No. 65, Item 385).

2) The appropriate minister—it us understood to mean the minister (central organ of state administration) exercising supervision over the operations of the university or institution.

3) Didactic work—it is understood to mean the education of students and the training and development of teaching cadre, as well as the scientific work and creative artistic work indispensable to the conduct of the didactic process and the training and development of cadre.

4) Research activity—it is understood to mean the conduct of scientific research or research and development work within the framework of the financial-services plan and on contract, not included in didactic work.

5) Budget subsidy—it is understood to mean a subsidy out of the state treasury.

Section 2.1. The university or institution manages its finances independently within the limits of the funds derived from a budget subsidy, receipts obtained by virtue of activities conducted for a fee, and from other sources, on the basis of a financial-services plan which takes into account the directions of activity.

2.2. The rector submits to the senate of the university or institution, in the report on the activities referred to in Article 48, Paragraph 1, Point 9, of the law, an annual report on the execution of the financial-services plan.

2.3. The university or institution makes the information contained in its financial-services plan available to the appropriate minister, and also, according to the proposals submitted, to the chairman of the committee for scientific research, the financing bank, and the treasury office.

2.4. The university or institution keeps accounts in accordance with the principles applied by the economic organizations described in separate regulations.

Section 3. Agricultural and forestry experimental plants of the university or institution are financially separate organizational units, which conduct financial management and settle accounts by virtue of taxes and budget subsidies according to the principles established for agricultural and forestry enterprises, with the following changes:

1) They are not required to compute and pay a dividend.

2) They take into account in their financial-management plans tasks defined by the university or institution in the area of research and didactic work, and the dissemination of the results of the research work within the limits of the funds granted by the university or institution.

3) They submit to the rector of the university or institution annual and long-term financial-management plans and report on their implementation, for approval.

Section 4.1. The construction investment of the university or institution, with the exception of the institutional investments referred to in Section 3, approved by the appropriate minister, are financed or additionally financed out of the budget subsidy referred to in Article 24, Paragraph 1, Point 2, of the law.

4.2. The university or institution can implement investments other than those described in Paragraph 1, including construction, if it provides full financial coverage out of its own funds. The university or institution can also implement investments jointly with other organizational units.

4.3. Investments of a university or institution which are connected with the needs of scientific research or research and development work, can be financed out of a budget subsidy granted in accordance with separate regulations, or from other sources.

4.4. The social and housing investments of a university or institution are financed according to principles defined in separate regulations.

Section 5.1. The fixed assets of a university or institution and the nonmaterial and legal values, with the exception of buildings and structures and the nonmaterial and legal values connected with them, institutional dwellings, and the nonmaterial and legal values connected with them, are subject to depreciation deductions and amortization according to the principles defined in separate regulations.

5.2. Depreciation deductions, with the exception of deductions from the fixed assets of an institution's social activity and used within the framework of the apportioned activity conducted in accordance with Section 14, Paragraphs 2 and 3, are subject to centralization on a centralized account of the appropriate ministry, according to the following principles:

1) The percentage of centralized deductions is determined by the appropriate minister, but he cannot exceed 25 percent of their amount.

2) The funds accumulated in the centralized account of the ministry are designated for financing the investment purchases of the university or institution, whose prime funds for this purpose turn out to be insufficient.

3) The centralized depreciation deductions are transferred to the account of the appropriate ministry by the 15th day of the month of the final quarter.

5.3. The provisions of Paragraph 2 do not apply to non-state universities or institutions.

5.4. The principles of computing and utilizing the depreciation deductions on fixed assets serving the institution's social activity and the nonmaterial and legal values connected with them are defined in separate regulations.

Chapter 2. Financing Didactic Work and Research Activity

Section 6.1. The university or institution covers the costs of didactic work from the budgetary subsidy referred to in Article 24, Paragraph 1, Point 1 of the law, granted by the appropriate minister—with the proviso of Section 23—and from receipts from reimbursements for these activities and from other activities.

6.2. The receipts from didactic work prinicpally include amounts due by virtue of:

1) Fees for didactic work.

2) Fees for teaching persons who are not Polish citizens.

3) Receipts from sales of the university or institution's own publications.

4) Charges for rental of accommodations and making available other property serving this activity.

5) Charges for cultural and service activity performed by students and employees within culture and art groups, scientific circles and other groups functioning at the university or institution.

6) Charges for work connected with didactic work.

7) Charges for use of the teaching assistants' hotel.

6.3. Receipts from didactic work also include donations, bequests, inheritances, and public contributions, also from abroad.

6.4. Costs of didactic work include all costs relating to:

1) The didactic process.

2) The training and development of scientific cadre.

3) Research indispensable to the conduct of the didactic process and the training and development of scientific cadre.

4) The maintenance of universities and institutions, together with the repair of buildings and structures which are not student dormitories, cafeterias or snack-bars.

5) The maintenance of academic health service facilities.

6) The conduct of activity referred to in Paragraph 2, Point 5.

Section 7. The university or institution covers the cost of research activity out of:

1) Budgetary subsidies granted in accordance with separate regulations and in accordance with separate principles.

2) Receipts from research work performed on a contract basis.

3) Other receipts.

Chapter 3. Fees for Didactic Work in State Universities or Institutions

Section 8. Fees for the didactic work referred to in Article 23, Paragraph 2, Point 2, of the law, may be collected for:

1) Day lessons when they are repeated due to poor grades.

2) Correspondence, evening and extern studies.

3) Postgraduate studies and other forms of teaching.

Section 9.1. The basis for establishing the reimbursement is the planned cost of didactic work.

9.2. The kinds of work for which fees are collected and the size of the fees are determined by the rector.

Section 10. The fees should be paid before the work is begun, and if it lasts longer than one semester—before the beginning of each semester.

Section 11. In justified cases the rector, at the application of the student and commented on by the university student self-government organ, can exempt the student from the payment of fees in whole or in part.

Chapter 4. Financing Material Assistance for Students

Section 12.1. The university operates student dormitories, cafeterias, and snack-bars as part of the material assistance for students.

12.2. The university can contract the operation of student dormitories, cafeterias, and snack-bars to other economic units, including student organizations.

Section 13.1. Material assistance for students is financed out of the material assistance funds for students, hereinafter called the "assistance fund."

13.2. The assistance fund is created from:

1) Funds referred to in Article 152, Paragraph 1 of the law, granted to the university in the form of a subsidy—with the proviso of Section 23—by the appropriate minister.

2) Charges for use of dormitories.

3) Charges for use of cafeterias and snack-bars.

4) Other receipts, including charges for rental of premises in student dormitories and cafeterias.

13.3. The assistance fund is designated for:

1) Payment of scholarships and pecuniary aid.

2) Maintenance costs, including repair of student dormitories, cafeterias and snack-bars.

13.4. Money in the assistance fund which is not used is carried over to the following year.

Chapter 5. Financing Other Types of Activity

Section 14.1. In addition to the activities listed in Chapter 2, the university or institution may conduct economic activity.

14.2. The activity referred to in Paragraph 1, with the exception of the activity mentioned in Article 23, Paragraph 2, Point 1 of the law, is conducted in an allocated form, if the university's statute so provides.

14.3. Allocated economic activity is activity:

1) Conducted by a separate organizational unit of the university.

2) The costs of which are covered from the receipts obtained.

3) Which is subject, in accordance with the provisions of Article 27, Paragraph 2 of the law, to taxation on the basis of separate regulations.

14.4. Charges for services for the university's own needs are computed according to its own costs.

Chapter 6. Financing Remuneration and Calculating the Costs of the University's Activities

Section 15.1. The university or institution apportions in the financial-services plan within the limits of the funds possessed and within the boundaries permitted in separate regulations, the amount of the funds for remuneration in the division for remuneration of personnel, remuneration of nonpersonnel, honoraria and other types of remuneration, according to the classification of remunerations in effect.

15.2. A non-State university or institution establishes, in the financial-services plan, the amount of the funds for remuneration in the division referred to in Paragraph 1.

15.3. An increase in the amount of funds for remuneration, apportioned in accordance with Paragraph 1, occurs on the basis of separate regulations.

15.4. The university's senate may increase the amount of the funds for remuneration in the division for types of remuneration, over the amount established on the basis of Paragraphs 1 and 3, if the university obtains money for this purpose from sources other than those specified in Article 24, Paragraph 1, Point 1 and Article 152, Paragraph 1 of the law, including funds obtained by virtue of conducting the activity mentioned in Article 23, Paragraph 2, Point 1 of the law.

15.5. Exceeding the amount of funds for remuneration, apportioned in accordance with Paragraph 1, taking into account the provisions of Paragraph 3, may not form the basis for applying for an additional subsidy (funds), referred to in Article 24, Paragraph 1, Point 1 and in Article 152, Paragraph 1 of the law.

Section 16.1. Costs of the university's activities, as well as the costs of remuneration and actual costs which cannot be included in the direct costs of the specified types of acivities, are treated, according to the particular organizational units, as departmental costs. Joint costs for various types of activities which cannot be included in direct or departmental costs, constitute the general costs of the university.

16.2. Costs of remuneration together with secondary costs are included in the direct costs of the particular types of activity proportionally to the working time used in the particular types of activities.

16.3. The bases for the qualification of costs of remuneration as direct costs of particular types of activities are determined by the rector of the university or institution.

16.4. Departmental and general costs are computed proportionally to the costs of the particular types of activity, with the exception of special scientific-research apparatus.

16.5. The provision of Paragraph 4 also applies in establishing the surcharges to the general costs relating to student dormitories, cafeterias and snack-bars.

16.6. The detailed principles for the calculated costs referred to in Paragraph 4, are determined by the rector of the university or institution.

Chapter 7. The Financial Result and Its Division

Section 17.1. The university's financial result is the difference between receipts and the costs of obtaining them, corrected by the balance of extraordinary losses and profits, and the taxes which the university is required to pay.

17.2. A favorable financial statement is the university's net profit for division, and an unfavorable balance statement is the net loss which is an encumbrance on the basic fund.

17.3. The university's net profit remains at its disposal and may be designated for:

1) Augmentation of the basic fund.

2) Augmentation of the university's own scholarship fund.

3) The university's prize fund.

4) Other purposes.

17.4. The university's senate determines the amount of the deduction from the net profit for the university's basic fund, except that the deduction for this fund cannot be less than 80 percent of the net profit.

Chapter 8. University or Institution Funds

Section 18.1. The university or institution has a basic fund which reflects the value of its assets.

18.2. The basic fund increases principally by:

1) Deductions from net profit.

2) Depreciation deductions remaining in the university.

3) The sum of the increase in the value of the university's assets due to reappraisal of the value of the fixed assets, made on the basis of separate regulations.

18.3. The basic fund decreases principally by:

1) The university or institution's losses.

2) The freezing of fixed assets and nonmaterial and legal values.

3) The sum of the increase in the value of the university's assets due to reappraisal of the value of the fixed assets, made on the basis of separate regulations.

18.4. The following also flow into the basic fund:

1) Subsidies for investments.

2) Shares in joint investments.

3) Money from the centralized account referred to in Section 5, Paragraph 2.

4) Money from other sources.

Section 19.1. In addition to the basic fund and the assistance fund, the university creates the following funds:

1) An institutional social fund

2) An institutional housing fund

3) An institutional prize fund.

19.2. The university or institution may also create:

1) Its own scholarship fund.

2) A university prize fund.

3) An applicatons fund.

19.3. The funds mentioned in Paragraph 1, Points 1 and 2, are created on the principles cited in Article 122, Paragraphs 1 and 2 of the law. The use of these funds is described in separate regulatons.

19.4. Annual prizes from the institution's prize fund are charged against the costs of activities in the year in which they are paid out.

19.5. The university's own scholarship fund is created out of a deduction from net profit and contributions from physical and legal persons designated for this fund.

19.6. The university's own scholarship fund is designated for scholarships for employees and students, including persons referred to in Article 151 of the law, on the principles described in the university's statute.

19.7. The university's prize fund is created out of the deduction from net profit. This fund is designated for payment of individual and group prizes (together with derivatives) for employees and students for achievements in scientific research and other activities. The detailed principles and procedures for using these prizes are defined in a regulation approved by the rector after obtaining the opinion of the senate.

19.8. The applications fund is created from the payments designated for prizes of economic organizations, made on the basis of agreements pertaining to the application of new technical or organizational solutions which are the result of the university's research work. The principles and procedures for paying the prizes are defined in a regulation established by the rector of the university or institution.

Section 20. Funds not used in a given calendar year carry over to the following year.

Chapter 9. Sources of Financing of Foreign Cooperation

Section 21. The university or institution has foreign exchange funds:

1) Accumulated as a result of the activity conducted.

2) Obtained from gifts, bequests, inheritances and public donations obtained in Poland and from abroad.

3) Derived from other types of receipts defined in separate regulations.

Chapter 10. Final Provisions

Paragraph 22. The following are transferred:

1) The balance of the statutory fund in fixed assets, the turnover fund and the development fund, to the basic fund.

2) The balance of the scholarship fund to the material assistance fund for students.

3) The balance of the incentive-applications fund to the applications fund—no later than 31 December 1991.

Paragraph 23. A budget subsidy for a non-State university or institution can be granted by the minister of national education in accordance with Article 25 of the law.

Paragraph 24. As part of the changes in funds now being made, part of the development fund, no more than 1 percent, can in 1991 be designated for the creation of an institution's own scholarship fund.

Paragraph 25. Provisions of the budgetary law apply to matters not regulated in the executive order.

Paragraph 26. This executive order takes effect on the date of its publication and will be in force until 1 April 1991 [as published].

—Chairman of the Council of Ministers: J.K. Bielecki

Executive Order on Requests for Customs Clearance

92EP0087A Warsaw MONITOR POLSKI in Polish No 29, 17 Sep 91 Item No 214 pp 241-244

[Executive Order of the Chairman of the Main Customs Office dated 19 August 1991 governing documents required to file a request for customs clearance]

[Text] Pursuant to Article 50, Paragraphs 3 and 5 of the Customs Law of 28 December 1989 (DZIENNIK USTAW [Dz.U.], No. 75, Item 445, 1989; and No. 60, Item 253, and No. 73, Item 320, 1991), the following is hereby ordered.

Paragraph 1. The application for customs clearance should be, irrespective of the documents defined in Article 50, Paragraph 3, of the Customs Law and those required by separate regulations, accompanied by:

1) A declaration of dutiable value, according to the sample form presented in Appendix No. 1 to this executive order.

2) An original invoice or other document serving to determine the dutiable value.

3) A certificate of origin of the merchandise; the data to be contained in this certificate and the cases in which it may not be required are defined in Appendix No. 2; in the event that preferential rates are applied, the provisions of the Agreement of 5 June 1980 on Uniform Guidelines for Determining the Origin of Merchandise from the Developing Countries with the Object of Granting Duty Preferences as Part of a General System of Preferences (Dz.U., No. 15, Item 116, 1982) apply.

Paragraph 2.1. The "other document" referred to in Paragraph 1, Point 2), is considered to be a copy of the invoice bearing the features of the original (including a computer-printed copy), provided that it contains all the elements of the original invoice.

2.2. With the object of the importation of live animals or perishable goods, the "other document" referred to in Paragraph 1, Point 2), can be a photocopy of a properly issued invoice, even if it is transmitted via telefax or printed by a computer.

2.3. If the merchandise is not dutiable (zero tariff or duty suspended entirely) the documents referred to in Subparagraph two suffice for the final customs clearance.

Paragraph 3. This executive order takes effect on the day of its publication.

Chairman of the Main Customs Office

Appendix No. 1 to the Executive Order of 19 August 1991 of the Chairman of the Main Customs Office (Item No. 214)

[Editor's note: below is full textual translation but not in the table format given in the original.]

Declaration of Dutiable Value (DWC)—Part I

1. Importer/Recipient—Purchaser

2. Exporter/Consignor—Vendor

3. Number and date of bill

4. Number of contract

[Space for Office Use Only stamp/notation]

5. Terms of delivery according to the codes in the Supplement to the Customs Declaration, e.g., fob, cif [expansion unknown]

6. Number and date of previous customs rulings concerning Items 7 through 9

7(a). Are the purchaser and the vendor interrelated [1] under Article 26, Paragraph 2, of the Customs Law? Yes [or] No

If not, go on to Item 8.

7(b). Has the relationship affected the price of the merchandise in question? Yes [or] No

8(a). Is the buyer under any constraint as regards disposing of or using the merchandise, other than the constraints:

—Required by law;

—Concerning the territory in which the merchandise may be sold;

—That do not result in a marked reduction in the value of the merchandise. Yes [or] No

8(b). Is the sale or price of the merchandise contingent on meeting a requirement or providing a service whose value cannot be determined? Yes [or] No

The nature of the restrictions, requirements, or services should be explained. If the value of the merchandise appraised according to Item 8(b) can be determined, it should be specified in Item 11(b).

9(a). Does the buyer pay directly or indirectly licensing fees for the merchandise in question, in accordance with the terms of the contract? Yes [or] No

9(b). Does the transaction result in a profit or other direct or indirect advantages to the vendor from the resale, utilization or other disposition of the merchandise? Yes [or] No

If the answer to either or both of the above questions is "Yes," the value of the profit or other advantages should be specified—if that is possible—in Items 15 and 16.

10. I certify that the information contained in this declaration of dutiable value is true.

Place, Date, Signature, Person declaring dutiable value.

Footnotes

The persons or entities are considered interrelated if:

a) One of the persons (entities) is a director or member of a governing or supervising body of the other;

b) The director or member of the governing or supervising body of one entity is at the same time a director or member of the governing or supervising body of the other entity;

c) They are partners;

d) One of the persons (entities) is the employer of the other;

e) One of the persons (entities) owns or controls, directly or indirectly, at least 5 percent of the voting rights in or at least 5 percent of the capital stock of the other entity;

f) The two persons (entities) are directly or indirectly under the control of a third person (entity);

g) The two persons (entities) jointly control, directly or indirectly, a third person (entity);

h) The two persons are related by blood ties or ties of marriage to the second degree.

Declaration of Dutiable Value (DWC)—Part II

		Merchandise	Merchandise	Merchandise[1]
A. Basis for calculations	11(a). The net price in the currency in which the bill is specified, exclusive of the cost of transportation and insurance (price paid or to be paid—transaction value)			
	11(b). Indirect payments referred to in Item 8(b). (rates of exchange of hard currencies as quoted by the National Bank of Poland (NBP), NBP Table No., Rate of exchange applied			
	12. Sum total of Point A in Polish zlotys			
B. Charges debited to transaction price but not included in it (charges in Polish zlotys not contained in Point A)	13. Charges billed to the buyer: 13(a). Sales commission			
	13(b). Packaging of merchandise (cost of materials and labor) if specified together with merchandise			
	14. Cost of provision by the buyer, gratis or at a below-market price, of items or services used in connection with the manufacture or sale of the merchandise:14(a). Materials, components, parts, and similar items constituting a component part or appurtenance of the merchandise			
	14(b). Tools, castings, molds, and similar items used in manufacturing the merchandise			
	14(c). Raw and other materials, dyestuffs, and other items used in the manufacturing process			
	14(d). Engineering, R&D, blueprint, and artistic work as well as sketches and plans needed to manufacture the merchandise			
	15. Licensing fees and dues (See Item 9(a).)			
	16. Income or other benefits from resale (see Item 9(b).)			
	17. Cost of delivery franco Polish border or cif Polish port: 17(a). Cost of transportation of merchandise, including unloading, postal fees, and other fees associated with the transportation			

	17(b). Cost of insuring merchandise			
	B			
	Declared Value (A+B)			
	18. Declared value in the event transaction value is missing (franco Polish border or cif Polish port)			
	19. Value determined by customs office by the methods specified in Articles 27-30 of the Customs Law in the situations defined in Article 26 of the Customs Law			
	20. Dutiable value of the imported merchandise which had previously been temporarily exported, determined pursuant to Paragraph 10 of the Executive Order of 23 July 1991 of the Council of Ministers Concerning Duties on Imported Merchandise (Dz.U., No. 67, Item 288, and No. 74, Items 325 and 327)			

Footnote 1. In the event of a substantial quantity of merchandise, page 2 of the Declaration of Dutiable Value is additionally filled out.

Appendix No. 2. Information To Be Contained in the Certificate of Origin of Merchandise and Cases in Which That Certificate May Not Be Required

Paragraph 1. The certificate of origin of merchandise should contain the following information:

1) Name and address of exporter or importer.

2) Number of contract.

3) Name of merchandise, adequately reflecting its nature and, insofar as possible, the number of the item on the integrated list of specified and coded merchandise items.

4) Means of transportation used, and in the event of transportation by sea, also name of ship.

5) Statement whether the merchandise covered by certificate of origin is a natural or entirely created or manufactured product in a given country; in the event of processed merchandise, statement whether the costs of labor and materials in the processing country account for at least 50 percent of the overall value of the merchandise.

6) Markings and numbering of packaging, number of units and kind of packaging, and gross and net weight.

7) Place and date of certificate or origin, seal of the office or institution issuing the certificate of origin, and signature of the person issuing the certificate.

Paragraph 2.1. The certificate of origin of merchandise should be issued in the country from which the merchandise originate.

2.2. The certificate of origin of merchandise is issued by:

1) Chambers of industry and commerce.

2) Other institutions known and recognized by the Government of the Republic of Poland.

2.3. The powers of chambers of industry and commerce and other institutions (Subparagraph 2) are subject to verification by the consular or trade missions of the Republic of Poland.

Paragraph 3.1. The certificate of origin of merchandise should be issued in the English or French language, and it additionally may be issued in any other foreign language.

3.2. The customs office may demand translating into Polish the entire certificate of origin of merchandise or only the name of the merchandise. The translation of the certificate may be also done in this country and does not have to be notarized unless the customs office has justified doubts about the accuracy of the translation, especially as regards the name of the merchandise.

Paragraph 4. Corrections made in the certificate of origin of merchandise, especially those concerning the merchandise, the country of origin, and the country of destination, should be discussed with and certified by the office or institution issuing the certificate and signed and affixed with the seal of that office or institution.

Paragraph 5. The certificate of origin of merchandise may not be required if the bills of lading or other documents accompanying the merchandise show that it is imported directly from country of origin or if markings indicating the country of origin are permanently affixed to the merchandise.

Paragraph 6. On the request of the person reporting the merchandise for customs clearance, the customs office may accept a duplicate copy of the certificate of origin of merchandise if the person in question demonstrates credibly that the original cannot be presented because it was lost.

Paragraph 7. The certificate of origin of merchandise should be provided to the customs office when reporting merchandise for clearance.

Paragraph 8. In the event that the quantity of merchandise imported is greater than specified in its certificate of origin, the customs office may apply that certificate only to the quantity specified therein, unless the difference is less than 10 percent of the quantity of merchandise specified therein and determined as a result of customs inspection.

Paragraph 9. The certificate of origin of merchandise should be issued for merchandise comprised in a single customs declaration.

Decision on Organization, Forces of Ministry of Interior

92P20096A Bucharest MONITORUL OFICIAL in Romanian 6 Dec 91 p 2

["Text" of Decision on the Organizational Structure and Forces of the Ministry of Interior]

[Text] The Government of Romania decides:

Article 1

The Ministry of Interior is headed by a minister and four state secretaries, one of whom is the head of the General Inspectorate of the Police.

Article 2

The organizational structure of the Ministry of Interior is given in Attachment 1.

Article 3

The number of positions of officers, petty officers, and noncommissioned officers, active duty military men, and civilian personnel, in peacetime and under mobilization, is specified in attachments 2 and 3 which will be transmitted to the ministries concerned.

Article 4

Attachments 1-3 are an integral part of the present decision.

Article 5

Article 10, Article 19, paragraph 2, and Article 27, as well as attachments 1 and 2 of Government Decision No. 01000 of 3 September 1990 are repealed.

Prime Minister
Theodor Stolojan

Bucharest, 11 November 1991

No. 769

Attachment 1—On the organizational structure of the Ministry of Interior

I. The Ministry of Interior has the following organizational structure:

A. Central Apparatus

1. Directorate for organization, mobilization, and operations;

2. Directorate for personnel and training;

3. Control corps (on a directorate level);

4. Directorate for public relations and secretariat;

5. General directorate for equipment and logistics, with:

—The technical directorate;

—The directorate for communications and data processing;

—The quartermaster directorate;

—The medical directorate;

6. Directorate for finances and accounting;

7. Directorate for information

8. Financial management monitoring department;

9. Legal department.

B. Inspectorates, Commands, General Directorates, Directorates, Departments, and Similar Units

1. The General Inspectorate of the Police, which includes:

—inspectorates, directorates, brigades, and departments;

—territorial police units and inspectorates.

2. The Military Police Troops Command, with large units and other units;

3. The Firefighter Troops Command, with:

—The Bucharest firefighters' brigade;

—The groups of county firefighters;

—The center for firefighting research and experimentation.

4. The General Directorate for Passports and Border Police, with:

—The passport directorate;

—The border police directorate;

—Passport departments or offices;

—Border police stations.

5. The General Directorate of State Archives, with:

—The Directorate for Development, Restoration, and Technical-Material Supply;

—The Central Archives Directorate;

—The county and Bucharest Municipality branches;

—The National Archives School.

6. The "Alexandru loan Cuza" Police Academy

7. The Air Force Unit

8. The Directorate of Culture

II.The Ministry of the Interior has under its jurisdiction military education institutions, medical and psychological testing units, cultural, artistic and cinematography units, specialized publishing houses and publications, information and documentation offices, repair units for technical equipment and constructions, sports clubs, laboratories, and other units. It also coordinates autonomous managements.

The minister of interior determines the organizational structure, by departments, of the units approved by the present Government Decision and can establish, relocate, and dissolve other similar units, institutions, and repair and production workshops, in accordance with the law, within the limits of the approved positions and wage fund.

III.The organizational structure of the units that the Ministry of Interior establishes during conditions of mobilization is set within the limits of the positions allocated for this purpose and in the general framework of the mobilization plan.

IV. In order to provide a flexible and effective structure, in relation to the volume and importance of the tasks, the minister of interior will determine the manner of coordination by the state secretaries of the general inspectorates, the inspectorates, the commands, the general directorates, the directorates, and the units subordinate to them.

Law on Organizing, Holding Public Meetings

92BA0201A Bucharest MONITORUL OFICIAL in Romanian 25 Sep 91 pp 1-4

["Text" of Law No. 60 of 1991 on organizing and holding public meetings]

[Text] The Parliament of Romania hereby ratifies the present law.

CHAPTER I

General Provisions

Article 1

The citizens' freedom to express their political, social, or other opinions, to organize rallies, demonstrations, parades and any other gatherings and to participate in them is guaranteed by law. Such activities must be performed peacefully and without weapons of any kind.

Public meetings (rallies, demonstrations, parades and the like) to be held in marketplaces, on public streets, or in other outdoor places can be organized only after the preliminary declaration provided by the present law is made.

Article 2

Public meetings must be held in a peaceful and civilized manner, with protection for the participants and the environment and without interfering with the normal use of public roads and public transportation, except those authorized, or with the operation of public or private institutions, educational, cultural, and health institutions, or enterprises, and without degenerating into riotous actions that could endanger the public peace and order or the safety, bodily integrity, lives, or property of persons or that of the public domain.

Article 3

Public meetings for purposes of cultural-artistic, athletic, religious, or commemorative demonstrations and those occasioned by official visits or held on the premises of the headquarters or the buildings of public or privage juridical persons need not be declared in advance. If the organizers of such public meetings have information or indications that they could result in disturbances or lead to instances of violence, they are required to request beforehand special support from the local police organs and mayor's offices.

Article 4

The municipal, city, or communal authorities and local police organs are required to provide the necessary conditions for the normal course of public meetings, while their organizers are required to take the necessary measures for their progress in conformity with the provisions of Article 2.

Article 5

It is prohibited to organize and hold public meetings in the immediate neighborhood of railroad stations, ports, airports, metro stations, hospitals, military objectives, and enterprises with installations, equipment, or machines that have a high degree of risk when operating.

It is also prohibited to hold two or more different public meetings at the same time, in the same place or on the same route, regardless of their nature.

CHAPTER II

Preliminary Declaration of Public Meetings

Article 6

The organization of public meetings is declared to the municipal, city, or communal authorities in whose jurisdiction they are to be held.

Article 7

The organizers of public meetings will submit the declarations in writing to the mayor's office at least three days before the meetings are held. In the declarations they must mention the name by which the organizing group is known, the purpose, place, date, starting time and duration of the action, the routes of access and dispersal, the approximate number of participants, the persons authorized to provide and take responsibility for the organizing measures, and the services that they request of the mayor's office and the local police organs, according to the form in the Annex.

Article 8

In justified cases and if the organizers agree, the mayors' offices can change some elements in their preliminary declarations.

Article 9

Public meetings for the following purposes are prohibited:

a. Dissemination of totalitarian ideas of a fascist, communist, racist, or chauvinistic nature, or those of any terrorist-diversionist organizations;

b. Organization of a coup d'etat or other action against national security;

c. Violation of public order, safety, or morality, or the rights and freedoms of the citizens or jeopardizing their health.

Article 10

Upon consultation of the local police organ, mayor's offices can prohibit organization of a public meeting if they have information indicating that holding it would lead to violation of the provisions of Article 2, or if extensive municipal-administrative operations are being performed at the time and place and on the routes where it is to be held.

Article 11

The organizer is notified in writing of a decision to prohibit a public meeting, with indication as to the reasons for the decision, within 48 hours of receipt of the declaration in writing.

CHAPTER III. Obligations in Organizing and Holding Public Meetings

Section I. Obligations of Organizers and Participants in Public Meetings

Article 12

Organizers of public meetings are required:

a. To file declarations for holding public meetings with the police organs in the locality where they are to take place at least 48 hours beforehand;

b. To determine the persons responsible for conducting the public meetings;

c. To provide an adequate unit to keep order, composed of personnel wearing distinctive signs determined jointly with the police organs;

d. To mark off the spaces for holding public meetings by clearly visible signs, and to take measures to limit the traffic space occupied if the meetings are held in motion.

e. To pay in advance the estimated value of the services and arrangements requested of mayor's offices for the normal course of public meetings;

f. To determine the incoming and outgoing routes of the participants and to take measures so that the spaces for holding public meetings will be occupied shortly before the starting time of the activities and will be vacated immediately after the time limit set.

g. To prohibit the participation in public meetings of persons carrying, in sight or concealed, alcoholic beverages, weapons of any kind, explosive or incendiary materials, irritant-lachrymatory or paralyzing substances, or other objects that can be used for violent actions or to disrupt the normal course of the meetings.

h. To take measures to remove participants who disturb the public peace and order by the way they demonstrate, and to report them to the police organs if they do not comply.

i. To stop a public meeting immediately when they find that actions such as those mentioned in Article 2 have taken place.

Article 13

Participants in public meetings are required:

a. To observe the recommendations made by the organizers of public meetings, their authorized representatives, or the organs of law and order;

b. To refrain from actions that could interfere with the normal course of public meetings and not to incite others to such actions by word of mouth, leaflets, or other audio-visual means;

c. Not to bring or possess during public meetings, in sight or concealed, objects such as those specified in Article 12, paragraph g;

d. To leave public meetings or the places where they are held as soon as they are dismissed by the organizers, their authorized representatives, or the police organs.

e. Not to attend public meetings in a state of drunkenness, and not to consume or distribute alcoholic beverages or drugs.

Article 14

Persons or groups of persons having no connection with organized public meetings are prohibited from infiltrating the ranks of the demonstrators for purposes of disrupting the normal course of the meetings.

Section II. Obligations of Mayor's Offices

Article 15

The municipal, city, or communal mayor's offices are required:

a. To decide upon and bring to public notice, within five days of the publication of the present law, the places to which the provisions of Article 5 apply;

b. To provide, at cost, the technical services and arrangements requested in order to maintain the normal course of public meetings;

c. To prohibit the sale of alcoholic beverages in places of public meetings, in their immediate vicinity or, when they consider it necessary, even throughout the locality for the whole duration of the meetings;

d. To take any other legal measures to secure the peaceful and civilized nature of public meetings;

e. To restore the sums advanced in accordance with Article 12, paragraph e, if the public meeting was prohibited for reasons other than those specified in Article 9 or for reasons that cannot be attributed to the organizers.

CHAPTER IV. Maintenance of Order During Public Meetings

Article 16

The chiefs of local police and military police organs or the persons appointed by them are required to provide protection for the participants and to determine jointly with the

organizers the measures to be taken to hold the declared public meetings in an entirely orderly way.

Article 17

If public meetings lose their peaceful and civilized character, the police and military police troops will intervene to prevent or neutralize demonstrations that seriously disturb the public peace and order, endanger the lives or bodily integrity of the citizens or law enforcement troops, or threaten devastation or destruction of buildings and other property of public or private interest.

Article 18

In the cases specified in Article 17, the law enforcement organs will intervene by using the technical means in their inventory, according to law and the situations created.

Article 19

Intervention in force by law enforcement organs will be decided by the prefect, the mayor, or their deputies in the locality where the public meeting is held, upon the request of the chief of the local police organ or his representative authorized to provide law enforcement measures at the place of the demonstration.

Article 20

The technical means in the inventory will not be used until the participants have been warned and ordered to disperse by the police officer appointed as chief of the law enforcement unit or his superiors. The participants are allowed sufficient time to disperse, depending on their number and the outgoing routes.

The warning and order are not necessary if violence is used against law enforcement organs or if the law enforcement officers are in imminent danger.

Article 21

The warning consists of the use of sound or light signals and notification of the participants, through sound amplifiers, that they must disperse and observe the law.

Article 22

If the participants do not disperse upon warning, the following words will be said over the amplifiers: "First order: Attention! Please leave..., we are going to use force," followed by sound and light signals.

After the necessary time to disperse has elapsed, the police officer will proceed to the final order by saying the words, "Final order: Leave..., force will be used," followed by sound and light signals.

So that all participants will perceive the orders, a light signal in the form of a red-colored flare is emitted before preventive or coercive means are used.

Article 23

In case of absolute necessity, when law enforcement organs must use firearms in accordance with the law, the last warning and the light signal in the form of a red-colored flare are repeated first.

Article 24

Use of preventive or coercive means will cease as soon as the spaces have been cleared, the participants have dispersed, and public order has been restored.

CHAPTER V. Sanctions

Article 25

Violation of the provisions of the present law entails disciplinary, misdemeanor, civil, or criminal liability.

Article 26

The following acts constitute misdemeanors unless they are committed under such circumstances that they comprise elements constituting felonies:

a. Organizing and holding public meetings that are undeclared, not registered, or prohibited;

b. Not observing the hours for holding meetings, their routes, or the place and area assigned to them;

c. Failure of the organizers to take measures to stop a public meeting when they find that actions have taken place such as those specified in Article 2;

d. Participating in public meetings that are undeclared or prohibited, followed by refusal to leave the places where they are held upon warnings and orders given by the law enforcement organs according to law;

e. Bringing or carrying by participants, in places designated for holding public meetings, weapons of any kind, explosive or incendiary materials, irritant-lachrymatory or paralyzing substances, or other objects that can be used for violent actions;

f. Instigating by any means, initiating, or resorting to violent or other actions intended to block public meetings or to disturb them in any way;

g. Violently opposing the organizers or their authorized representatives or preventing them from performing their legal functions in maintaining order in the course of public meetings;

h. Refusing to leave a meeting immediately if the measure was ordered by the leaders of the actions;

i. Organizing or participating in hostile demonstrations held at the same time and in the same place as declared public meetings, regardless of the way they are performed;

j. Bringing or selling alcoholic beverages in the places designated for holding public meetings throughout their duration;

k. Refusing to leave a meeting immediately upon the request, made according to law, of the law enforcement organs.

The misdemeanors specified in paragraphs a-c are punished by misdemeanor imprisonment from one to six months or by a fine of 50,000 to 200,000 lei, and those specified in paragraphs d-k are punished by misdemeanor imprisonment from one to three months or by fine of 10,000 to 50,000 lei.

The organizers or individuals, as the case may be, who are responsible for conducting the public meetings are punished for the misdemeanors in paragraphs a-c.

Article 27

The misdemeanors specified in Article 26 are established by the mayors or their authorized representatives, namely appointees, officers, and noncomissioned officers of the police and military police.

Article 28

As regards misdemeanor imprisonment, the provisions of the present law concerning establishing and punishing misdemeanors are supplemented by those of the Law on Determining and Punishing Misdemeanors and the Law To Punish Actions in Violation of Standards of Social Coexistence and the Public Peace and Order.

CHAPTER VI. Final Provisions

Article 29

The present law takes effect on the date of its publication in MONITORUL OFICIAL AL ROMANIEI.

As of the same date, Decree-Law No. 2 of 1990 on Organization of Public Meetings and Decree-Law No. 39 of 1990 on Measures Concerning Holding Public Meetings are hereby abrogated, as well as any other provisions to the contrary.

This law was ratified by the Senate in its session on 12 September 1991.

President of the Senate
Academician Alexandru Birladeanu

This law was ratified by the Chamber of Deputies in its session on 16 September 1991.

Speaker of the Chamber of Deputies
Martian Dan

On the basis of Article 82, paragraph m of Decree-Law No. 92 of 1990 for Election of Parliament and the President of Romania, we promulgate the Law on Organizing and Holding Public Meetings and order its publication in MONITORUL OFICIAL AL ROMANIEI.

President of Romania
Ion Iliescu
Bucharest 23 September 1991
No. 60

ANNEX

Form for a Preliminary Declaration

Organizer's name

No..... of.....

To..... (mayor's office)

Mr. Mayor:

We notify you that on the day of..... month..... year....., between the hours of..... and....., in the locality of....., county....., place..... a public meeting organized by us will be held.

About..... persons will participate in the meeting.

The routes of access to the place of the meeting and the outgoing ones will be.....

The purpose of the public meeting is a demonstration (approval, adherence, or protest) concerning.....

We assure you that the meeting will be held in a peaceful and civilized way.

The following are authorized by us to provide and be responsible for the measures for the good organization of the meeting so that it will be held in a peaceful and civilized way and will not degenerate into acts of violence: Messrs....., ...*

Personnel designated by us to carry out the measures to keep order throughout the meeting and on the routes will wear the following distinctive sign.....

We request the following measures of the mayor's office and the police organs in support of the good conduct of the meeting.....

Organizer's signature and stamp.....

*The last name, first name, and other identification of the persons authorized to be responsible for organizing the meeting will be indicated.

Law on Local Public Administration

92BA0251A Bucharest MONITORUL OFICIAL in Romanian 28 Nov 91 pp 1-11

["Text" of Law on Local Public Administration issued in Bucharest on 26 November 1991]

[Text] The Romanian Parliament passes the present law.

CHAPTER I. General Provisions

Article 1

The public administration of administrative-territorial divisions is based on the principles of local autonomy, decentralized public services, elected local public administration authorities, and consulting the citizenry about local matters of special interest.

Autonomy refers to both the organization and operation of the local public administration, and to the management of the interests of the collectives it represents, upon its own responsibility.

The implementation of the above principles may not impinge on Romania's character as a united national state.

Article 2

Communes, towns, and counties are administrative-territorial divisions.

Communes may consist of one or several villages and hamlets.

Some towns may be declared municipalities, in compliance with the law. Municipalities may have administration-territorial subdivisions whose limits and organization will be established by law.

Article 3

The limits of communes, towns, and counties are established by law. Any changes in the territorial limits may be made only by law.

Article 4

The communes, towns, and counties are legal entities. They have full powers, own assets, and have the initiative in everything concerning the administration of local public interests, and they legally exercise their authority within the established administrative-territorial limits.

As civil legal entities, they may own private assets, and as public legal entities they are by law the owners of public assets of local interest.

Article 5

The public administration authorities in charge of the local autonomy of communes and towns are the local councils as deliberative bodies, and the mayors as executive authorities. The local councils and the mayors are elected in compliance with the law.

Local public administration authorities may also be established in the administrative-territorial subdivisions of municipalities. They are subordinated to the municipal administrative authorities.

Article 6

The local councils and the mayor operate as autonomous administrative authorities and handle the public affairs of communes and towns in compliance with the law.

Article 7

A county council will be elected in each county; the council will coordinate the activities of local councils for the purpose of performing public county services. The county council will elect a chairman and a permanent delegation from among its members.

Article 8

The relations between the public county administration and local administration will be based on the principles of autonomy, legality, and cooperation in resolving joint issues. There are no relations of subordination between local and county public administration.

Article 9

In order to ensure local autonomy, the public administration authorities in communes, towns, and counties will work out and approve income and expenditure budgets and are entitled to levy and collect local taxes and dues, in compliance with the law.

Article 10

Matters of special interest arising in administrative-territorial divisions may be submitted to civic decision by local referendum, in compliance with the law.

Article 11

The government will appoint a prefect in each county and in the municipality of Bucharest.

The prefect is the representative of the government and he coordinates and oversees the public services of ministries and other central administration authorities in the respective administrative-territorial units.

Article 12

The prefect may challenge the acts of the local public administration authorities in a court of administrative dispute, if he views them as illegal.

The act being challenged is de jure suspended.

CHAPTER II. Local Councils

Section 1. Composition and Establishment of Local Councils

Article 13

The commune and town councils are made up of councillors elected by universal, equal, direct, secret, and free ballot, in compliance with the law on local elections.

Article 14

The number of members of each local council is established in relation to the population existing on 1 January of the year in which the elections are held, as follows:

Number of Commune or Town Inhabitants	Number of Councilors
Up to 3,000	11
3,001-5,000	13
5,001-7,000	15
7,001-10,000	17
10,001-20,000	19
20,001-50,000	21
50,001-100,000	23
100,001-200,000	25
200,001-400,000	31
Over 400,000	35

The Bucharest municipal council is made up of 75 councilors.

Article 15

The position of councillor is incompatible with the positions of:

a) Prefect or subprefect, or any other public position in local and county councils and in the appratus of prefectures, ministries, and other governmental authorities;

b) Mayor;

c) Member of another communal or town council.

Spouses, parents and children, or brothers and sisters may not be members of the same local council.

Article 16

The local councils will be formed within 20 days of the election date. The constitutive meetings of the councils and elected mayors will be convened by the prefect.

The meeting is legal if at least two-thirds of the councillors are present. In the absence of two-thirds of the councillors in attendance, the meeting will be legally held three days later.

The proceedings of the constitutive meeting will be chaired by the eldest councillor assisted by the two youngest.

Article 17

The local councils will elect from among its members a validation commission made up of three to seven councillors, for the duration of its term.

The commission will examine the legality of the election of each councillor and will recommend the validation or nonvalidation of their mandates to the council.

The validation commission may recommend not validating the election of a councillor only if:

a) It finds some incompatibility or violation of eligibility conditions;

b) It finds that the councillor was elected by electoral fraud.

The validation or cancellation of mandates requires a majority of at least half plus one of the total number of councillors. The person whose mandate is subject to validation or cancellation will not participate in the ballot.

The council is legally formed after the mandates of at least two-thirds of its members have been validated.

The decision to validate or cancel councillor mandates may be challenged in court by those involved in accordance with the rules of administrative dispute.

Article 18

Councillors whose mandates were validated will take the following oath:

"I swear to respect the Constitution and the laws of the country and to act in good faith and do everything in my powers and skills to promote the interests of the inhabitants of the commune (town, county) of ....."

Councillors who refuse to take the oath will be viewed as having legally resigned.

After the oath-taking, the councillor who chaired the constitutive meeting will declare the council as legally formed.

Article 19

The councillor's office will be terminated before term in case of resignation, incompatibility, loss of electoral rights, change of residence to another administrative-territorial division, or death.

Article 20

The council may elect commissions from among its members, for the duration of its term in office, for various areas; the duties of the commissions are established by regulations. Mayors and deputy mayors may not be members of such commissions.

Section 2. Duties of Local Councils

Article 21

Local councils initiate and make decisions, in compliance with the law, on matters of local interest, with the exception of those legally assigned to other public authorities.

Local councils have the following main duties:

a) To elect deputy mayors;

b) To pass the statute of the commune or town and the bylaws of the councils, on the basis of the guidelines of the standard statute and bylaws issued by the government;

c) To approve studies, guiding forecasts, and socioeconomic development programs;

d) To establish the personnel statute, organizational structure, and number of personnel, upon the recommendations of the mayor;

e) To pass the local budget, ensure and manage resources, and implement and wield the budget; endorse loan payments and advise on the utilization of budget reserves; approve loans and the closing account of the budget year;

f) To establish local taxes and levies, as well as temporary special taxes, in compliance with the law;

g) To manage the public and private land of the commune or town and exercise the legal rights concerning the autonomous managements it has established;

h) It may establish local institutions and economic enterprises; decides on granting concessions or franchises for public services, on participation in commercial ventures, and on leasing public administration activities or services;

i) To appoint and release the members of the management boards of autonomous managements and the members of the councils of state representatives at entirely state-financed businesses of local interest;

j) To monitor and oversee the activities of the councils of state representatives at local businesses for the duration of their existence, and to receive quarterly reports from them;

k) To establish guiding norms for the autonomous managements or businesses they open;

l) To ensure efficient communal management services, local transportation, and urban facilities;

m) To approve and ensure the implementation of urban organization and development and regional improvement programs, in keeping with local traditions and legal provisions; to ensure the implementation of public works;

n) To provide the necessary conditions for the satisfactory operation of local schools and health, cultural, and youth establishments under its authority;

o) To organize efficient and operative public services;

p) To take measures to create recreational conditions for the public and to ensure scientific, cultural, artistic, athletic, and entertainment activities;

r) [There is no letter q] To act to restore and protect the environment with a view to enhancing the quality of life; contribute to protecting and conserving historical and architectural monuments, and natural parks and reservations;

s) To contribute to implementing social protection measures;

sh) To ensure the freedom of trade and fair competition and encourage entrepreneurship in compliance with the law;

t) To establish and ensure the operation of local charity organizations;

ts) To ensure the protection of public order and the observance of the basic civil rights and liberties;

u) To organize fairs and markets, entertainment parks and sites, and ensure that they operate in good conditions;

v) To award the title of honorary citizen of the commune or town to distinguished Romanian or foreign personalities;

x) [There is no letter w] To decide on forming associations with other local councils and with domestic or foreign economic enterprises for the purpose of achieving and exploiting objectives of common interest;

z) [There is no letter y] To decide on establishing relations of cooperation, collaboration, and twin-cities relations with localities abroad.

The local councils will also discharge other duties established by law or by the statute of the commune or town.

Section 3. Operation of Local Councils

Article 22

The local councils are elected for four-year terms.

The councillors come into office on the date they are sworn in and remain in office until a newly elected council has been installed.

The legally elected council will elect a chairman, by a simple majority, for the duration of one session.

Article 23

The mayor and the local public administration services are obligated to provide the councilors, at their request, with the information they require to fulfill their mission, within at the most 15 days.

Article 24

The local councils will meet in ordinary monthly session at the summons of the mayor.

The council may also meet in extraordinary session whenever necessary, at the request of the mayor or of at least one-third of the number of council members.

The local council will be convened at least five days before ordinary meetings or at least three days before extraordinary meetings.

The summons will be in writing and will be recorded in the minutes of the meeting. The invitation to the meeting will specify the agenda, date, time, and venue of the meeting.

The agenda will be reported to the commune or town inhabitants through the local press or some other means of public information.

Article 25

The meetings of the local council are legal if a majority of the councilors is in attendance.

The councilors' presence at meetings is obligatory. A councilor who is absent twice in a row without justification may be sanctioned in keeping with the council's bylaws.

If the council cannot function because of members' absence, it will be legally dissolved after three consecutive summonses. The dissolution of the council will be communicated to the prefect and new elections will be called.

Article 26

The local council meetings are public, with the exception of cases in which a majority of the councillors decide to hold them in camera.

The proceedings of the meetings will take place in the official state language.

Budget issues will always be discussed in public session.

Article 27

The debates of the council meeting will be recorded in minutes signed by the chairman, secretary, and at least three councillors.

At the beginning of each meeting the council secretary will read the minutes of the previous meeting and submit it to the council for approval. The councillors are entitled to

dispute the minutes and to request that their views expressed at the previous meeting be reported exactly.

The minutes will be entered in a special file of the respective meeting, which will be sealed and signed by the chairman, secretary, and the councillors cited in paragraph 1.

Article 28

The meeting agenda will be approved by the council, at the proposal of the person who, in keeping with Article 24, requested the meeting. The agenda may be changed only for urgent matters.

Article 29

In discharging its duties, the local council will adopt decisions by a majority of at least one half plus one of the number of members present, with the exception of cases in which the law or the council's regulations calls for a different majority. If the votes are equally split, the decision is not passed.

Decisions concerning the local budget, local taxes and levies, the administration of the public and private domain of the commune or town, the organization of urban development, regional improvements, and association with other councils or domestic or foreign economic enterprises, will be adopted by a majority of at least two-thirds of the number of council members.

The council may decide that certain decisions are to be passed by secret ballot. Decisions concerning persons will always be taken by secret ballot.

Draft decisions may be proposed by council members or the mayor.

Article 30

The decisions of the local council will be signed by the chairman of the respective meeting.

Norm-setting decisions will become compulsory on the date on which they are publicly announced, and individual decisions on the date on which they are communicated.

In administrative-territorial divisions in which national minorities make up a considerable number of the population, the decisions will be communicated to the citizens in their language.

Article 31

Barred from attending the discussions on and the passing of decisions are councilors who:

a) Have a material interest in the issue debated by the council, either directly or through their spouse, in-laws, or relatives up to and including four times removed;

b) Are members of the management of the autonomous entities or businesses that are the subject of the discussions.

Decisions taken by a local council in violation of the provisions of paragraph 1 may be repealed in accordance with the law.

Article 32

The items on the agenda of the council meeting may not be discussed if they are not accompanied by an expert report from the competent department of the local public administration.

Article 33

The councillors are jointly and severally responsible for the activities of the council and its decisions. Similarly, each councilor is responsible for his own actions in the exercise of his duties.

Article 34

A local council may be dissolved in the following instances:

a) When the number of councillors has dropped under half and cannot be filled with candidate members to make up two-thirds;

b) Its decisions run against the general interests of the state or violate legal order;

c) When the council deliberately harms the interests of the commune or town.

A council will be dissolved by a government decision at the justified recommendation of the prefect. The dissolution decision will also feature the date of elections for a new local council, which may not be later than 60 days after the dissolution, except in special situations.

The decision to dissolve a council may be challenged by those interested before a court of administrative dispute. In such a case the previous procedure required by law will not be carried out.

Until the election of a new council, the mayor will handle the current affairs of the administrative-territorial division.

Article 35

The councillors are protected by the law in the exercise of their office. If a councillor violates the Constitution and the law in his actions, or deliberately harms the interests of the commune or town, he can be released from his position under a government decision, at the recommendation of the prefect.

The prefect can suspend from his post the person whose release he has requested.

The councillor can appeal this measure in court, in compliance with the conditions of the law on administrative dispute.

Article 36

The proceedings of the council may be attended, without voting rights, by the prefect, the chairman of the county

council, their representatives, Parliament members, and other invited guests whose presence is considered useful.

CHAPTER III. The Mayor

Article 37

Communes and towns have a mayor, and Bucharest Municipality has a general mayor, elected in compliance with the law.

The mayor is entitled to attend the meetings of the local council.

The mayors are assisted by one or several deputy mayors. The number of deputy mayors is decided by a government decision.

Throughout the mayor's and deputy mayor's term in office, their work contracts with autonomous managements and state or budget-financed economic enterprises will be suspended.

Article 38

The mayor's election will be validated withint 20 days of the date of election, in the council room, by a judge designated by the chairman of the court in whose jurisdiction the commune or town are located.

The election of the general mayor of Bucharest will be validated by the Bucharest Municipal Tribunal.

The election of a mayor may be declared void in the cases stipulated in Article 17, paragraph 3.

The result of the validation will be reported at the constitutive meeting of the local council, or, according to case, at an extraordinary meeting, by a magistrate or a delegate of the prefect.

If the mandate of the elected mayor was voided, new elections will be organized within at most 60 days of the date on which it was voided, in keeping with the conditions of the law on local elections.

Article 39

The mayor will take the oath featured in Article 18 before the local council.

A mayor who refuses to take the oath is viewed as having legally resigned.

Article 40

The mayor is elected for a four-year term, which expires when the new mayor is sworn in.

The office will cease before term in case of resignation, loss of electoral rights, the emergence of one of the situations of incompatibility cited in Article 15, paragraph 1, subparagraphs a) and c), death, or release.

Article 41

The mayor may be released for the reasons listed in Article 34, paragraph 1, subparagraphs b) and c) under the conditions stipulated by the same article for the dissolution of the local council.

While the mayor is suspended, or until the election of a new mayor, his duties will be carried out by a deputy mayor designated by the council.

Article 42

The mayor and the general mayor of Bucharest are the heads of the local public administration and are responsible to the council for its satisfactory operation.

The mayor represents the commune or town in relations with domestic or foreign physical or legal persons and in court.

The mayor's symbol is a sash in the colors of the national flag.

The mayors are obligated to wear the sash at ceremonies, receptions, public functions, and weddings they officiate.

The pattern of the sash will be established by a government decision.

Article 43

The mayor's main duties will be to:

a) Ensure the observance of the basic civic rights and freedoms, the provisions of the Constitution and the country's laws, the decrees issued by the president of Romania, government decisions, acts issued by ministries and other central administration authorities, and the decisions of the county council;

b) Ensure the implementation of the local council's decisions. If the mayor should deem that one of the council's decisions is illegal, he will notify the prefect within three days of having learned of it;

c) May recommend to the local council that the public be consulted by referendum on local issues of particular interest and, based on the council's decision, will take measures to organize such a referendum;

d) Present reports to the council, annually or whenever necessary, on the economic and social situation of the commune or town;

e) Draft the local budget and the closing account of the budget year and submit them to the council for approval;

f) Exercise the rights and ensure the fulfillment of the obligations incumbent on the commune or town as a civil legal entity;

g) Act as principal credit manager;

h) Verify, ex-officio or upon request, the collection and outlay of local budget moneys and immediately report his findings to the council;

i) Take measures to prevent and limit the consequences of calamities, disasters, fires, human or livestock epidemics, in conjunction with the specialized state organizations. Can also mobilize the public for that purpose;

j) Ensure public order and peace with the assistance of the police;

k) Guide and oversee the activities of public guardians;

l) Take the measures required by law concerning public assemblies;

m) Take measures to ban or suspend public shows, exhibits, or other manifestations that violate the legal order, are indecent, or threaten public peace and order;

n) Inspect the hygiene and sanitation conditions of public places and food items offered for sale to the public;

o) Take measures to prevent and combat dangers caused by animals;

p) Ensure the drafting of local urban regulations and regional urban and other improvements, and submit them to the local council for approval, in compliance with the law;

r) [There is no letter q] Ensure the maintenance of public roads in the commune or city, the placement of traffic signals, and the smooth operation of road and pedestrian traffic;

s) Oversee fairs and markets, recreation parks and sites, and take effective measures to ensure their proper operation;

sh) Conduct local public services; ensure the operation of civil services and guardianship authorities;

t) Act as magistrate for births, marriages, and deaths;

ts) Issue the notices, permits, and authorizations envisaged by law;

u) Work out the draft personnel statute; recommend the organizational structure, the number of personnel, and its payroll and present them to the local council for approval;

v) Appoint and release the personnel of local public administration services, with the exception of the secretary;

x) [There is no letter w] Oversee the activities of council services personnel;

z) [There is no letter y] Oversee the inventory and management of the assets belonging to the commune or town.

The mayor will also carry out other duties envisaged by law or established by the local council.

Article 44

The mayor may delegate some of his duties to the deputy mayors, the secretary, or other staff employed by council services.

Article 45

In the exercise of his office the mayor issues orders that become due after being communicated to the persons targeted.

The mayor ascertains instances of violation of the law and takes legal measures to eliminate them or, as the case may be, notifies the competent bodies.

The provisions of Article 30, paragraph 3 are duly applicable.

Article 46

The mayors are protected by the law in the exercise of their office. The prefect may suspend the mayor for the duration of a judiciary investigation. The mayor may appeal the measure in court in accordance with the law on administrative disputes.

CHAPTER IV. The Secretary and the Local Public Services

Section 1. The Secretary

Article 47

Each local council has a secretary. The secretary is a public employee and must be a graduate of higher legal or administrative studies. In special cases the prefect may approve the appointment in communes of high school graduates who passed the required exam. The secretary may not be a member of a party or other political group.

Article 48

The secretary of the communal and city council is appointed and released by the prefect. The appointment is based on a legally organized examination. The secretary has tenure and is subject to the regulations of the public employees statute.

Article 49

According to law, the secretary will fulfill the following main duties:

a) Attend the meetings of the local council;

b) Advise on the local council's draft decisions;

c) Receive and distribute the correspondence;

d) Ensure the discharge of all secretarial duties;

e) Ensure the convention of the local council;

f) Prepare the issues to be discussed by the local council;

g) Report and submit the acts issued by the local council or the mayor to the authorities and persons interested, within 10 days, unless otherwise stipulated by law;

h) Ensure that decisions and orders of general interest are announced to the public;

i) Issue extracts or copies of any document from the council's archive, with the exception of legally secret documents; release extracts or copies of birth, marriage, and death certificates;

j) Notarize signatures and confirm the authenticity of copies from original documents, with the exception of those issued by the central public authorities.

The secretary also fulfills other duties stipulated by law or established by the local council or the mayor.

Section 2. Public Services of the Local Council

Article 50

The public services of communes or cities are organized by the local council in the main domains of activity, in keeping with local needs and specific requirements, in compliance with legal provisions, and within the limits of its financial means.

Article 51

The personnel of public services will be hired and released by the mayor in compliance with the law.

Article 52

The local council approves the regulations governing the operation and organization of the public services and decides the competencies, duties, and wages of the personnel, in compliance with the law.

Article 53

The conditions regarding the hiring, promotion, and release and the rights and obligations of the public service personnel of local councils are established by law and regulations.

The personnel of local public services and of the council apparatus have the status of public servants. The provisions of Article 47 will be duly applicable.

Article 54

The Romanian language will be used in contacts between the citizens and the authorities of the local public administration.

In their contacts with the local public administration authorities and their services, the national minorities may address them orally or in writing in their mother tongue.

Written applications and documents will be accompanied by a notarized Romanian translation.

An interpreter will be used if the representative or employee of the respective public authority does not understand the language of the minority in question.

CHAPTER V. The County Council

Section 1. Composition and Formation of the County Council

Article 55

The county council is one of the authorities of the county public administration.

The county council is made up of councillors elected in keeping with the provisions of the law on local elections.

Article 56

The number of councillors in each county council will be established in keeping with the county population on 1 January of the year in which the election is held, as follows:

Size of County Population	Number of Councilors
Up to 350,000	37
350,001-500,000	39
Over 500,000	45

Article 57

The county council will be formed within 20 days of its election. The constitutive meeting of the county council will be convened by the prefect.

Article 58

The provisions of Articles 15-20 will be duly applied to the formation of the county council.

Section 2. Duties of the County Council

Article 59

The county council will carry out the following main duties:

a) Coordinate the activities of local councils to ensure public services of interest to the county;

b) Organize and manage the county public services and approve their operating regulations;

c) Examine proposals made by communes and cities for the purpose of making economic forecasts or restoring and protecting the environment;

d) Adopt programs and forecasts of socioeconomic development of the county and monitor their implementation;

e) Adopt the county budget and the closing account of the budget year;

f) Map out general guidelines for the organization and urban development of localities and for regional improvements;

g) Manage the public and private domain of the county;

h) Ensure the building, maintenance, and modernization of county roads and roads leading into neighboring counties;

i) Elect councilors, a chairman, a vice chairman, and the permanent delegation of the county council;

j) Adopt the council's bylaws;

k) Approve the personnel statute for the county public services, their organizational structure, and number of personnel;

l) Establish county taxes and levies, as well as special temporary taxes, in compliance with the law;

m) Decide on the establishment of county institutions and economic enterprises, granting concessions or leases for county public services, participation in economic companies, and leasing the management or services of the county public administration;

n) Appoint and release the members of the boards of economic enterprises who manage assets of the county public domain; oversee and inspect the activities of the boards of such enerprises, for the duration of their life, and examine their quarterly reports;

o) Establish guiding norms for the autonomous managements or economic enterprises they establish;

p) Establish social, cultural, and health facilities and ensure their satisfactory operation;

r) [There is no letter q] Ensure conditions for the organization and unfolding of scientific, cultural-artistic, athletic, and youth activities;

s) Name streets, squares, and points of local interest, in compliance with the law.

The county council also fulfills other duties established by law.

Section 3. County Council Operation

Article 60

The county council remains in office for a four-year term.

The councillors are in office from the date on which they take the oath stipulated in Article 18, until the constitutive meeting of the newly elected council.

Article 61

The county council meets in quarterly ordinary sessions.

The council can meet in special sessions whenever necessary, at the request of the council chairman, at least one-third of the council members, or the permanent delegation.

The county council is convened by its chairman at least 10 days before an ordinary meeting or at least three days before a special meeting.

The provisions of Article 24, paragraph 5; Articles 25, 26, and 28 are to be applied accordingly.

The summonses are sent in writing and noted in the minutes of the meeting. The invitation to the meeting will show the agenda, date, and venue of the meeting.

Article 62

The county council makes decisions in the exercise of its duties.

Article 63

The county council will elect, for the duration of its office, a permanent delegation made up of five to seven councillors, the chairman, and the vice chairman of the council.

The chairman and vice chairmen of the county council are also chairman and vice chairmen of the permanent delegation.

The county council chairman and vice chairmen are elected from among the county councillors by a majority of votes.

Article 64

The permanent delegation of the county council ensures the effective handling of the affairs of the county public administration, implements the decisions of the county council, and carries out its duties, with the exception of those stipulated in Article 59, paragraph 1, subparagraphs d), e), f), i), and j).

The permanent delegation issues decisions in the exercise of its duties. The decisions become due after being communicated to the physical and legal persons involved.

The provisions of Article 30, paragraph 3 are applicable accordingly.

Article 65

The meetings of the permanent delegation may be attended by the prefect or his representative.

Article 66

The chairman of the county council is the head of the county public administration and is responsible for the satisfactory operation of the county administration.

The county council services are subordinated to its chairman.

Article 67

The chairman of the county council legally fulfills the following main duties:

a) Chair the meetings of the county council and the permanent delegation;

b) Ensure the implementation of the decisions of the county council and the permanent delegation;

c) Support the activities of county institutions and autonomous managements;

d) Exercise the duties incumbent on the county as a legal entity;

e) Act as principal credit manager;

f) Work out the county budget and the closing account of the budget year and submit them to the council for approval;

g) Appoint and release the personnel of the county public administration, with the exception of the secretary;

h) Present reports to the council, annually or whenever necessary, on the situation and activities of the county administration and on the socioeconomic state of the county.

The chairman of the county council also fulfills other duties stipulated by the law or established by the county council.

Article 68

The chairman of the county council issues individual decisions. They become due after being communicated to the persons involved.

Article 69

The county council and that of Bucharest Municipality has a secretary appointed by the Department for Local Public Administration on the basis of a legally organized exam. The secretary is a public servant and must have higher legal or administrative studies. The secretary may not be a member in any party or political group.

Article 70

The provisions of the present law regarding the organization and operation of the local councils, and those concerning the mayor, with the exception of those referring to duties, will be applied accordingly to the county council and its chairman. The secretary of the county council is subject to the provisions of the present law regarding local council secretaries.

CHAPTER VI. Assets and Works

Section 1. Assets Management

Article 71

An administrative-territorial division has in its patrimony the real assets and chattels belonging to the local public domain, its private domain, and property rights and obligations.

Article 72

Included in the local or county public domain are all the assets that according to the law or by their nature are assets of public use or interest and have not been declared assets of a national interest.

Article 73

The private domain of an administrative-territorial division is made up of chattels and real assets, other than those stipulasted in Article 72, that came or are in its possession by legal ways and means.

Article 74

The assets belonging to the public domain cannot be transferred, limited, or confiscated.

The private domain is subject to the provisions of common law, unless otherwise envisaged by law.

Donations and legacies of encumbered assets may be accepted only with the approval of the local or county council, as the case may be, by a majority of two-thirds of the councillors.

Article 75

All the assets belonging to the administrative-territorial division are subject to annual inventory. An annual report on their status will be presented to the local and county councils.

Article 76

The local and county councils decide on franchises, leasing, or renting assets belonging to the public or private domain. Similarly, they decide on selling assets from the private domain.

The sale, concession, lease, or franchise are carried out by legally organized public tender.

Removing assets belonging to the private domain of communes, towns, or counties; exchanging plots of land; delimitating or dividing up buildings belonging to the private domain; relinquishing rights or recognizing the rights of third parties will be carried out on the basis of an expert assessment approved by the council.

Article 77

Local and county councils may contract, by agreement or tender, in compliance with the law, for public works and services, within the limit of the moneys approved under the local and county budget or, according to case, the public list achieved.

Article 78

Local and county councils may give buildings belonging to them to charity or public service organizations recognized as legal entities, for temporary use, free of charge, for the purpose of carrying out activities in line with the requirements of the public in the respective administrative-territorial division.

Section 2. Public Works

Article 79

Work involving public construction and repairs will be carried out in communes and cities only on the basis of technical-economic documentation recommended or approved by the local council, in compliance with the law.

Article 80

Documentations for urban development or regional improvements regarding the commune and city will be prepared, examined, and approved in compliance with the law.

Article 81

The projects approved will be contracted out on the basis of public tenders organized in compliance with the law and strictly in accordance with the approved technical-economic specifications.

Article 82

Local and county councils may decide to establish, in compliance with the law, commercial companies, associations, or agencies and may organize other activities designed to carry out local projects, using capital formed by contributions from the councils and other legal or physical persons.

CHAPTER VII. Management of Local Finances

Section 1. Joint Provisions

Article 83

The finances of the communes, cities, and counties will be managed in compliance with the law and in accordance with the principle of local autonomy.

Article 84

The revenues of the local and county public administration consist of the resources collected on their territory and other resources, in keeping with the law.

Article 85

The revenues and expenditures of administrative-territorial divisions are envisaged for each fiscal year in their respective budgets, approved by the local or county council, in compliance with the law.

Section 2. Revenues

Article 86

Local and county councils secure revenues for the communes, towns, and counties by establishing local or county taxes and levies, according to case, and from other sources established according to the law.

Article 87

Local and county councils levy taxes, in keeping with the law, for local and county public services established in the personal interests of the public.

The amount of the taxes is calculated to cover at least the amounts invested and the current maintenance expenses of such services.

Article 88

Special taxes are collected only from residents who use the special services offered.

Regulations approved by the local or county council, as the case may be, will set down the conditions in which special taxes may be levied and endorsed by the interested inhabitants, and the manner of distributing these taxes per person.

The decisions taken by local and county councils in connection with the distribution of special taxes per resident will be immediately posted at their head offices and communicated by any chosen means of information.

Any interested person may appeal within 15 days of the taxes being posted and presented in a report. After the expiration of that term the council that took the decision will meet and deliberate the appeals received.

Section 3. Expenditures

Article 89

Under expenditures, local and county budgets will feature the amounts earmarked for activities financed from those budgets in compliance with the law.

No budget expense may be approved unless sources of financing exist for it.

Article 90

The local and county councils may decide, by a majority of two-thirds of their members, to take out loans, in keeping with the legal conditions. The loans will be featured in the budgets, after being passed by vote, along with the other means of financing and payment.

The councils' decisions regarding loans require the approval of the inhabitants of the respective administrative-territorial divisions.

Decisions regarding loans may be approved only if it is demonstrated that the administrative-territorial division can guarantee the servicing and repayment of the loans.

Article 91

Under expenditures, local and county budgets will also feature the amounts required to pay the salaries of the chairman and vice chairmen of the county council, the mayors, deputy mayors, and secretaries, and to pay meeting fees to councillors, in keeping with the conditions established in the regulations of those councils for paying the personnel of the public services of local and county councils and for representational and protocol expenditures.

Section 4. The Drafting, Approval, and Implementation of Budgets; Account Closing and Approval

Article 92

Each local and county budget will feature a special article envisaging the formation of a treasury fund, out of which

additional loans may be legally approved and used when the credit lines opened under the budget for current necessities are not sufficient.

Article 93

The draft budget, worked out and published, will be deliberated by the respective council at its first meeting after the expiration of 15 days since its publication.

The draft will be accompanied by a report of the mayor or the chairman of the county council, as the case may be, and by the appeals filed within 15 days of its publication.

The council will deliberate and decide on the appeals and will pass the draft budget after a vote has been taken on each article.

Article 94

The mayor and the chairman of the county council will have their services work out the closing account of the budget year, which they will present to the councils for approval.

Article 95

The provisions of this chapter will be supplemented by the provisions of the law on public finances.

CHAPTER VIII. The Prefect

Section 1. County and Bucharest Municipality Prefect

Article 96

The government will appoint a prefect for each county and for the Bucharest Municipality and the Ilfov Agricultural Sector.

The prefect is assisted by a subprefect, and in the Bucharest Municipality by three subprefects.

The appointment and release of the prefects and subprefects are done by government decision.

In order to be appointed to the post, the prefect and subprefects must be university graduates and at least 30 years of age.

Article 97

The prefect and subprefects may not be deputies or senators, members of county or local councils, or mayors, and may not hold any professional representation function at the national level, any other public function, or any paid professional function or activity for autonomous managements, economic businesses, or any profit organizations or units.

Article 98

As government representatives, the prefects ensure that the activities of local and county councils and of mayors are in compliance with the law.

The relations between the prefects on the one side, and the local and county councils and mayors on the other, are not relations of subordination.

Article 99

The prefect serves as head of the public services of ministries and other central administration authorities organized in administrative-territorial divisions.

Article 100

The prefect, as a government representative, will carry out the following main duties:

a) Ensure the realization of national interests, the enforcement of the law, and public order;

b) Monitor the legality of the administrative acts of the local and county public authorities;

c) Make recommendations on the appointment or release of the heads of ministry public services and of the other central administration authorities organized in the counties and in the Bucharest Municipality;

d) Order the adoption of due measures to preempt crime and protect the citizens' rights through the legally formed bodies;

e) Be responsible, in keeping with the legal provisions, for preparing and implementing nonmilitary defense measures; the military authorities and the local bodies of the Ministry of the Interior are obligated to inform the prefect about any problem that may affect the county;

f) Present annual reports to the government on the general economic, social, cultural, and administrative state of the county.

The prefect will also fulfill other duties envisaged by law or tasks given him by the government.

Article 101

In monitoring the legality of the acts adopted and issued by the local and county public administration authorities, with the exception of those of current management, the prefect may challenge their acts, if he views them as illegal, before a court of administrative dispute. The act being challenged will be legally suspended.

The prefect decides on the legality of an act within 15 days of being communicated, which will occur 10 days after its adoption.

Article 102

The prefect will present annual reports to the county council or the Bucharest Municipal Council on the activities carried out by the public services of the ministries and other central administration authorities organized in the county and in the Bucharest Municipality.

Article 103

The prefect will issue legal orders in the exercise of his duties.

Orders containing technical and specialized measures will be issued after consultation with the competent bodies or services, and will be countersigned by the leaders of those bodies.

Article 104

The prefect's order becomes due only after being publicly announced by being posted and published when containing regulations, or in the other cases, on the date of being communicated.

Article 105

The prefecture has a technical specialized apparatus whose structure and duties are established by a government decision.

Section 2. The Administrative Commission

Article 106

Each county and the Bucharest Municipality will organize an administrative commission in conjunction with the prefecture.

The administrative commission is made up of: the prefect as chairman, the chairman of the county council or the general mayor of the Bucharest Municipality, the mayor of the county seat, and the leaders of the ministry public services and the other central administration authorities organized in the county or the Bucharest Municipality.

Article 107

The commission will be convened by the prefect or upon the request of the chairman of the county council or of the Bucharest Municipal Council, or the general mayor of Bucharest Municipality once every quarter and whenever necessary. The commission proceedings may be attended by invited mayors of county localities and any other person whose presence is deemed necessary.

Article 108

The commission will draft an annual program for the main works and activities of the county or Bucharest Municipality, which it will communicate to the local and county public administration authorities and to the public services of the ministries and other central administration authorities organized in the counties and in the Bucharest Municipality.

The administrative commission will support the public services of the ministries and the county public administration.

Article 109

In its activities, the administrative commission will adopt decisions by open vote, which will be signed by the chairman, and are binding for the public services of the ministries and the other central authorities organized in the counties and the Bucharest Municipality.

The projects of the administrative commission are implemented through the prefecture apparatus.

Article 110

Disputes between the public services of ministries and the other central administration authorities organized in the counties and Bucharet Municipality and the authorities of the county public administration will be resolved by the government.

CHAPTER IX. Temporary and Final Provisions

Article 111

The members of the local and county councils and of the permanent delegations of county councils enjoy the legal protection envisaged for public servants.

Article 112

The mayors, Bucharest's general mayor, the chairmen of county councils, the councillors and staff of local and county council services bear material, civil, administrative, or penal responsibility for their acts in the exercise of their duties.

Article 113

Until the law has established the administrative-territorial division and organization of the country, the capital city, municipalities and their subdivisions, and the municipality of Bucharest will form the local public administration authorities stipulated in Article 5, paragraph 1, which will operate in the conditions envisaged in Articles 13-54, Article 59, paragraph 1, subparagraph f), Article 67, and Articles 106-110.

The sectors of the Bucharest municipality, which constitute its subdivisions, will establish the local public administration authorities envisaged in Article 5, paragraph 2, which will operate in the conditions of Articles 13-54, with the exception of those of Article 21, paragraph 2, subparagraphs b), c), f), h), i), j), and m)—first part, t), v), x), and z), and Article 43 paragraph 1, subparagraphs c), l), and m).

The provisions of Articles 71-95, 111, and 112 are applicable to the authorities stipulated in paragraphs 1 and 2.

For the same period, the Ilfov Agricultural Sector and its component localities will operate in the conditions envisaged by the present law for counties, communes, and cities respectively.

The public services of the ministries and other central administration authorities organized in the Bucharest Municipality will also serve the Ilfov Agricultural Sector.

Article 114

Within three months of the promulgation of the present law, the government will present to Parliament a draft bill on local taxes and levies.

Article 115

The breakdown and transfer into the property of communes, towns, or counties of local assets and points of interest from the public and private domain of the state, and the transfer of autonomous managements and economic enterprises with state capital which offer the public

services envisaged in the present law to the authority of local or county councils will be ruled by government decision.

Article 116

The secretaries and other employees of the present town halls and prefectures will remain in post or will be transferred to the local and county councils where they will be confirmed in post or replaced in compliance with the law.

Article 117

In their first year of activity, the specialized services of the county councils will offer free technical assistance to town halls that do not have such services.

Article 118

Law No. 57/1968 regarding the organization and operation of people's councils; Law No. 5/1990 on the administration of counties, municipalities, towns, and communes until the organization of local elections; and Government Decision No. 932/1990 on guidelines for implementing the provisions of Law No. 5/1990, and any other provisions to the contrary will be abrogated on the date of establishment of the new local public administration authorities.

This law was passed by the Senate at its 18 November 1991 session.

Senate President
Academician Alexandru Birladeanu

This law was passed by the Assembly of Deputies at its 18 November 1991 session.

President of the Assembly of Deputies
Dan Martian

On the basis of Article 82, subparagraph m) of the Decree-Law No. 92/1990 concerning the election of Romania's Parliament and president, we promulgate the Law on Local Public Administration and order its publication in MONITORUL OFICIAL of Romania.

President of Romania
Ion Iliescu
Bucharest, 26 November 1991
No. 69

Decision on Issue of Export, Import Licenses

92BA0247A Bucharest MONITORUL OFICIAL in Romanian 6 Nov 91 pp 5-6

["Text" of Romanian Government Decision on the Issue of Export, Import Licenses, issued in Bucharest on 14 October 1991]

[Text] The Government of Romania decrees:

Article 1

The import of goods on Romanian customs territory is liberalized and will be governed by automatic import licenses.

Excepted from the above are imports subject to quantitative restrictions and imports that are controlled in accordance with the provisions of the present decision, which will be governed by a system of nonautomatic licenses.

Article 2

The Ministry of Commerce and Tourism may introduce temporary quantitative import restrictions as follows:

a) Upon the request of the Romanian National Bank, when there is imminent risk of disequilibrium in the balance of foreign payments, or for the purpose of accruing normal foreign currency reserves;

b) Upon the documented request of national economic enterprises or interested associations of national economic enterprises, if the quantity or marketing conditions of certain imports cause or threaten to cause serious prejudice to domestic manufacturers of similar or directly competing products.

Article 3

The establishment of quantity restrictions on imports, the list of commodities under quotas, and the quantity or value of the quotas, as the case may be, of the items in question will be announced in the press or other mass media according to items and countries.

Article 4

In situations in which the quantity or marketing conditions of certain imports cause or threaten to cause serious prejudice to domestic manufacturers of similar or directly competing products, or when there is an imminent risk of disequilibrium in the balance of foreign payments, or for the purpose of accruing normal foreign currency reserves, the Ministry of Economy and Finance, in conjunction with the Ministry of Commerce and Tourism, may introduce temporary customs surcharges on imports.

These surcharges will be practiced until the negative influences flowing from the imports targeted by their establishment have been eliminated, or until the equilibrium of the balance of foreign payments has been restored.

When surcharges are established, the goods in question will not be subjected to other quantity restrictions.

Customs surcharges may be introduced at the documented request of economic enterprises or interested associations of national economic enterprises, or of the Romanian National Bank, as the case may be.

Article 5

The Ministry of Commerce and Tourism may establish measures to control or prohibit imports for the purpose of protecting public morals and health, individual lives, the environment, and the national security.

Article 6

The establishment of customs surcharges on imports, control or prohibitive measures, the products affected, and

the period of implementation will be published in MONITORUL OFICIAL or in the press, according to case.

Article 7

The export of goods from Romania's customs territory is liberalized and is governed by automatic export license.

Excepted from the above are items subject to quantitative restrictions or items controlled in accordance with the provisions of the present decision, which will be governed by a system of nonautomatic licenses.

Article 8

The Ministry of Commerce and Tourism may establish temporary quantitative restrictions and export prohibitions for the purpose of ensuring the general or local equilibrium of the domestic market.

Article 9

The Ministry of Commerce and Tourism may establish measures to control or prohibit the export of certain items for the purpose of protecting general security interests and the national cultural and artistic heritage, conserving finite natural resources, and the gold and silver reserves.

Article 10

The establishment of quantiative restrictions on exports, the list of the items under quantity or value quotas, and the list of items whose export is prohibited or controlled will be announced in the press or other mass media.

Article 11

The issue of automatic import and export licences and those required to manage quotas and the establishment of import and export control and prohibitive measures will be carried out by the Ministry of Commerce and Tourism through the Foreign Trade Department.

Article 12

Import or export licenses will be issued within at most 10 days of the date on which applications were filed with the Ministry of Commerce and Tourism, Foreign Trade Department.

As a rule, import or export licenses will remain valid until the end of the calendar year for which they were issued.

Import or export licenses for items under quotas will be issued for a period designed to preclude blocking the utilization of the quotas.

Article 13

Reasons must be stated for the rejection of applications for import or export licenses.

In situations in which the reasons for the rejection do not comply with the provisions of the present decision, or if the license was not issued on schedule, the dissatisfied applicant may take action in accordance with the provisions of Law No. 29/1990 concerning administrative disputes.

On the date on which the present decision comes into effect, Romanian Government Decision No. 472/7.6.1991 and any other conflicting provisions will be abrogated.

Prime Minister
Petre Roman
Bucharest, 14 October 1991
No. 726

Decision on Application of Import Duties

92BA0247B Bucharest MONITORUL OFICIAL in Romanian 2 Nov 91 pp 1-3

["Text" of Romanian Government Decision on Import Customs Tariffs, issued in Bucharest on 25 September 1991]

[Text] The Romanian Government decrees:

Article 1

Romania's customs tariffs on imports are envisaged in Annex No. 1 to the present decision (which will be made available to those interested by the Ministry of Commerce and Tourism) and will be applied to all imported commodities.

Article 2

The customs duties applied to imports from countries with which we have commercial relations based on international conventions and agreements will be in compliance with their provisions.

Article 3

The customs duties envisaged in the import customs tariffs will be expressed in percentage points and will be calculated on the customs value of the goods. The custom duties will be levied by the customs authorities and paid into the budget of the central state administration.

Article 4

The applicable customs duties are those in effect on the date of registration of the customs declaration for the goods imported.

Article 5

Imports of the following categories of goods are exempted from customs duties:

—Inherited assets, proven by official documents;

—Social, humanitarian, cultural, sports, or educational aid and donations received by humanitarian or cultural organizations or associations, ministries, and other bodies of the state administration, trade unions and political parties, religious organizations, federations, sports federations or clubs, and schools not earmarked for electoral campaigns or activities potentially threatening to the national security;

—Material for tests, experiments, or research;

—Foreign assets that become state property by law;

—Samples without a commercial value and publicity, advertising, and documentation material.

Article 6

The following conditions must be fulfilled for the items listed in the preceding article to be exempted from customs duties:

—Be shipped by the sender to the addressee without any payment obligation;

—Not be intended for later sale;

—Not be utilized for providing paid services to third parties;

—Be incorporated in the property of the respective legal person and recorded in its own bookkeeping.

Goods exempted from customs duties may be used only for the purposes for which they were imported. Upon changing the utilization of the goods the importers are obligated to complete the legal import formalities and pay the import customs duties calculated on the value in customs at the time when the goods entered the country.

The bodies of fiscal control, the Financial Guards, and the bodies of commercial oversight are obligated to monitor the declared utilization of such goods and to notify the customs authorities to take the measures stemming from the correct implementation of the legislation in effect. The taxes thus established will be set and pursued for a period of five years retroactively.

Article 7

Similarly exempt from customs duties is the import of the following categories of goods:

—Goods of Romanian origin;

—Goods repaired or replaced by foreign partners during the guarantee period;

—Goods returned for reasons of erroneous shipment.

Article 8

The customs value of imported goods consists of the import price, made up of the foreign price translated into lei, to which are added:

a) The cost of the shipment of the goods in foreign territory;

b) Loading, unloading, and handling costs related to the shipment of the goods in foreign territory;

c) Insurance cost and other expenses incurred in foreign territory.

The customs value must be documented by bills or other documents issued by the exporter, which are to be deposited with the customs authorities.

If the bill does not cover the costs envisaged under paragraphs a), b), and c) or if no documents are presented showing those expenditures, the customs value will be made up of the import price plus a percentage of the price, depending on the means of shipment, established by the Ministry of Economy and Finance and the Ministry of Commerce and Tourism according to methodological norms.

Foreign prices will be translated into lei for the purpose of establishing the customs value at the exchange rate published by the National Bank on the first day of the month in which the customs declaration is registered.

Article 9

The customs authorities will verify the tariff category and the customs duties calculations entered by the importer in his declaration, and will receive the import customs duties at the time of the performance of the customs formalities and in accordance with the law.

Article 10

The cutoms duties will be paid by the importer or the agent entering the declaration at the customs, on the basis of the forms and means of payment established by the banking bodies, crediting the account of the customs point that carried out the customs formalities. This obligation is incumbent on the importer even if the customs duties were guaranteed.

Article 11

The goods are viewed as legally brought into the country on the basis of a written customs release issued after the conditions have been fulfilled and the customs formalities have been completed, including the receipt of the import customs duties.

The customs release may also be issued on a provisional basis, for up to 30 days, if the importer or his representative (agent or attorney) deposits a guarantee equal to the value of the customs duties owed.

If subsequent verification should show that the customs duties were not received in part or in full, the unpaid differences established within one year of the date of the customs formalities will be paid by the importers within five days of the date of the notification.

Any sums paid in excess and noted in the wake of subsequent verifications or complaints, established within one year of the date of the customs formalities, will be returned to the rightful owners within 30 days of the date on which the difference was ascertained.

The reimbursements will be made by the units which received the duties out of their current customs duties receipts or from the budget of the state central administration.

Article 12

Complaints about the application of import customs duties will be filed within 30 days of the economic agent being apprised of it and will be handled by the head of the customs point where the customs formalities were carried out.

The decision may be appealed within 30 days at the General Customs Directorate.

Within 15 days of learning of the decision of the General Customs Directorate, an appeal may be filed with the comptent court. The court decision is final.

Article 13

Operations of provisional receipt of goods from abroad may be carried out only against a guarantee for the payment of customs duties.

Article 14

Payment of the customs duties will be guaranteed by the importer by depositing with the customs point a sum of money equal to the customs duties due for the goods, or by depositing a letter of guarantee under which a bank with head offices in Romania pledges to pay to the customs authorities the amount representing the customs duties.

Article 15

In the case of provisional operations not concluded on schedule and import operations involving provisional customs release, if the duties were not paid by the person in charge of the operation by the date of expiration of the term given, the customs authorities will collect the customs duties ex officio.

In such a case a 1 percent increase will be collected on the customs duties owed for each day by which the term of payment was exceeded.

Article 16

Upon the request of the customs authorities or on their own initiative, importers will deposit technical or laboratory appraisals regarding the kind, nature, or composition of the goods or items for the purpose of establishing the correct customs tariff.

The appraisal cost will be paid by the importer.

Such appraisals may be made only by the organizations or laboratories accepted by the General Customs Directorate.

Article 17

Presenting or depositing customs documents containing false data for the purpose of establishing the customs value constitutes a felony punishable by a fine equal to 50 percent of the value of the goods.

Article 18

The felonies mentioned in Article 17 will incur the procedural provisions envisaged in the Customs Regulations.

Article 19

Upon the recommendation of the Ministry of Economy and Finance and the Ministry of Commerce and Tourism, the government may approve reduced customs duties or exemptions, as well as categories of goods exempted from or liable for reduced customs duties.

In the same conditions, customs surcharges may be established on imports on a temporary basis in cases in which certain imports, due to quantity or marketing conditions, cause or threaten to cause serious prejudice to the domestic manufacturers of similar or directly competing items. Such surcharges will apply until the negative influences targeted by their introduction have been eliminated.

Article 20

The general rules for compliance with the customs lists and those used to establish the origin of the goods are envisaged in Annex No. 2 to the present decision (which will be made available to those interested by the Ministry of Commerce and Tourism).

Article 21

The present decision will come into effect 60 days after its publication in the MONITORUL OFICIAL.

On the date on which the present decision comes into effect, the following will be abrogated:

—Articles 21, 22, 23, 24, 25, 26, 30, 31, and 66 of Romania's Customs Code, approved under Law No. 30/1978;

—State Council Decree No. 395/1976;

—Articles 67, 68, 77, 80, 81, 82, 83, 84, 85, 86, 87, 88, 92, 93, 94, 95, 96, 97, 107, 145, 146, paragraph 2, 147, 148, 150, 236, 237, and Annex No. 6 or the Customs Regulations approved under State Council Decree No. 337/1981.

Also abrogated will be:

—Government Decision No. 1194/1990;

—Article 1 of Government Decision No. 1272/1990.

Prime Minister
Petre Roman
Bucharest, 25 September 1991
No. 673

Decision on Prices, Fees Under Consolidated Exchange Rate

92BA0214A Bucharest TRIBUNA ECONOMICA in Romanian 22 Nov 91 pp 11, 12, 14, 15

["Text" of Government Decision No. 776 of 13 November 1991 on the prices and fees system under the conditions of the consolidation of the exchange rates of the leu]

[Text]

CHAPTER I. Wholesale Prices

Article 1

The autonomous managements and business companies with full or majority state capital will set and adjust the wholesale prices and tariffs of basic raw materials, electrical and thermal power, and certain liquid fuels by negotiations with customers, on their own responsibility, in keeping with the effects of the consolidation of the

exchange rates of the leu and from alignment on the level resulting from prices on the foreign market and wage indexing, and in compliance with the legal regulations.

The prices for domestically produced commodities from the above category, negotiated according to the provisions in the preceding paragraph, may not be higher than the prices prevailing on foreign markets, with comparable delivery conditions and quality parameters, converted into lei according to the legal regulations.

Article 2

Wholesale prices and fees for products and services in intermediary and finished-goods branches will be set and adjusted by the autonomous managements and business companies with full or majority state capital, on their own responsibility, on the basis of the combined action of demand and supply, by negotiation with the end-users, regardless of the latters' form of ownership, taking into consideration the prices and fees of the products and services specified in Article 1 of the present law, the indexing of wages according to legal provisions, and the exchange rate of the leu.

Other factors besides those specified in the preceding paragraph may be taken into consideration in calculating prices only on the basis of government-approved regulations.

The end-users stipulated in the first paragraph will ensure that the prices negotiated take account of the international prices of identical or similar products at the consolidated exchange rate of the leu.

Article 3

In order to preclude black market or monopoly prices, the wholesale prices and fees that will be negotiated in accordance withthe provisions of Articles 1 and 2 for raw materialsand other materials and services that have a decisive impact on the general level of prices and fees in the economy—listed in Annex No. 1 to the present decision—may not exceed those resulting from the application of the indexes specified in the annex to the prices and fees negotiated in compliance with the provisions of Government Decision No. 464/1991.

Article 4

In implementing the provisions of Article 48 of Law No. 15/1990, the wholesale prices and fees for the products and services listed in Annex No. 2 will be set and adjusted, in keeping with the provisions of the present decision, by the autonomous managements and business companies with full or majority state capital by negotiations with the end user and economic agents, and with the approval of the appropriate ministries, the offices of the county prefects, and of the mayor of Bucharest municipality, or the Department for Prices and Competition in the Ministry of Economy and Finance, according to the case.

CHAPTER II. Retail Prices

Article 5

Retail prices for domestically produced consumer goods will be set by enterprises on the basis of the wholesale prices negotiated in keeping with the provisions of the present decision plus the trade markup of the sales companies.

Article 6

In order to curb unjustified retail price increases, the trade markup and commissions will be set and adjusted by each business—regardless of the form of ownership—according to the following criteria: groups and subgroups of products or nature of commodites; form of marketing—wholesale, small bulk, retail, consignment, public catering; category of business personnel; improvements in supply and marketing organization, and marketing overhead. The prices may not exceed the levels in effects on the date of the present decision.

In order to preclude the setting and practicing of black market retail prices, the amount of the declared trade markup—from producer or importer and down to the retail seller—may not exceed 30 percent of the wholesale price of products sold on a retail basis, regardless of the number of intermediary links through which the goods traveled. For this purpose, delivery documents will show the prices that the supplier receives and the producer's wholesale prices.

In exceptional, economically justified cases, the amount of the trade markup may exceed 30 percent at the recommendation of the Ministry of Economy and Finance, Department for Prices and Competition Protection, and the Ministry of Trade and Tourism.

Economic enterprises will declare the trade markups and commission fees to the regional bodies of the Ministry of Economy and Finance, the Department for Prices and Competition Protection, five days prior to putting them in effect. These markups will be posted according to groups and subgroups of commodities or products for the information of the buyer.

Article 7

In accordance with the social protection program, the retail prices and fees of vital consumer products and services, domestic or imported, listed in Annex No. 2 to Government Decision No. 464/1991 and in Government Decision No. 611/1991, marketed by autonomous managements and companies entirely or in the majority state-financed that were in effect on 30 June 1991 will remain unchanged until 30 April 1992.

Increases made in accordance with the present decision in the wholesale prices and fees of the products and services stipulated in the preceding paragraph will be subsidized from the national public budget in compliance with the methodological norms issued for this purpose by the Ministry of Economy and Finance. On 1 May 1992, 25 percent of these subsidies will be eliminated in proportion

to corresponding increases in retail prices and fees. These subsidies will be gradually eliminated by the end of 1993, and simultaneously, new social protection measures will be ensured for categories of the population with low incomes.

Article 8

The retail prices of the products specified in Article 7 of the present decision, produced by economic agents in the private and cooperative sectors and identical to those in the state sector, made of raw materials and other materials obtained from this sector, and the retail prices of such commodities secured from the state sector by private and cooperative economic enterprises for the purpose of reselling, may not exceed the prices in effect in the state sector.

CHAPTER III. Declaring and Registering Prices and Fees

Article 9

By 1 March 1992, businesses—economic agents, juridical persons, regardless of the form of ownership—are obligated to declare and register at the regional bodies of the Ministry of Economy and Finance's Department for Prices and Competition Protection, the prices and tariffs for commodities vital to the national economy and the people's living standard, negotiated according to the provisions of the present decision by 15 February 1992.

Article 10

Depending on the object of the activity of each economic enterprise, the following must be declared and registered:

a) The wholesale prices and fees for products and services executed in the country, with the exception of those specified in Article 3 of Government Decision No. 464/1991, negotiated under the conditions of the present decision by economic enterprises which are juridical persons engaged in production and services;

b) The retail prices and fees for domestic products and services provided by economic enterprises which are juridical persons engaged in retail trade activity, set on the basis of the wholesale prices negotiated;

c) Trade markups and commission fees;

d) The prices used by agricultural producers who are juridical persons, for the sale of their own agricultural producrs from the current year's crops to purchasing businesses, taking into account specific seasonal expenses.

Article 11

For imported commodities, only the commission charged for the import activity will be declared and registered (the importer's margin), as well as the markups for marketing of the commodities wholesale, in small bulk, retail, by consignment, and through public catering units.

Article 12

In cases in which enterprises apply different trade markups or commissions than those declared, the levels that will be registered will be those which were taken into consideration in calculating the retail prices in effect as of 15 February 1992.

Article 13

Enterprises may charge prices, fees, markups, and commissions lower than those registered in compliance with the provisions of the present decision.

Article 14

The prices and fees for new products and services, negotiated after 15 February 1992, will be declared by the economic agents to the bodies listed under Article 9 of the present decision.

The wholesale or retail prices of commodities initially acquired for personal use or sold completely or partially to third parties after 15 February 1992 by economic agents or juridical persons who have possession of them, must also be declared and registered.

Article 15

In order to protect industrial or other consumers and ensure that they can plan strategies for material-technical supply and production in keeping with supplier price changes, and in order to eliminate possible law violations apt to occur when prices and fees are negotiated, especially in situations in which some economic agents still hold dominant positions in the market, and in order to implicitly ensure consumer control over the objective character of the intention to raise prices and prevent black market prices, the following measures are established:

a) Prices and fees may be renegotiated and increases may be made in the trade markups, import margins, and other commission fees negotiated by 15 February 1992 and may be registered in compliance with Article 9 only if the intention to raise them is announced to end users and to the public at least 90 days in advance. Similarly, the intention to raise prices must be announced to the Ministry of Economy and Finance's Department for Prices and Competition Protection, so that its justification can be thoroughly verified.

In the case of consumer goods, the verification will be conducted in conjunction with the Department for the Regulation of Trade and Tourism, the General Directorate for Consumer Protection in the Ministry of Trade and Tourism, and the Ministry's regional bodies, as the case may be.

b) The 90 days term will be extended to six months for enterprises that did not declare and register the negotiated prices in compliance with the provisions of the present decision.

The commodities listed under Article 3 of Government Decision No. 464/1991 are exempted from the provisions of the previous paragraphs.

Article 16

The Ministry of Economy and Finance will issue technical norms for declaring and registering prices and fees.

Article 17

The wholesale prices and fees for military hardware earmarked exclusively for the defense sector, specified in Government Decision No. 826/1990, will be declared and registered, according to the case, at the Ministry of National Defense, the Ministry of Interior, the Romanian Intelligence Service, or the Ministry of Justice.

CHAPTER IV. Final Provisions

Article 18

Private and cooperative businesses will set prices and fees under the conditions set by Article 16 of Government Decision No. 464/1991, by taking into consideration the effects of the consolidation of the exchange rates of the leu and the idexing of wages in accordance with the regulations in effect.

Article 19

In determining the price and fees for new products and services manufactured or offered after the enactment of the present decision, enterprises fully financed by state capital or with a majority of state capital must ensure judicious correlations between the prices and fees which are negotiated and those for existing products or services in the category in question, and achieve an efficiency which satisfies the users.

For the same purpose, the profit calculated into the prices and fees for new products and services may not initially exceed the percentage obtained from the products and services replaced. In the absence of such products or services, the calculations will be based on the profitability resulting from the last balance sheet of the enterprise in question.

The use of prices and fees that have not been negotiated with the customers in compliance with the legal regulations in effect is prohibited.

Article 20

The initial prices for machinery, equipment, installations, and other assets sold on auction will be updated on the basis of the price increases resulting from the implementation of Government Decisions No. 1109/1990, No. 1355/1990, No. 239/1991, and No. 464/1991 and the provisions of the present decision.

The assets of state-financed economic enterprises will be sold in compliance with the provisions of Law No. 58/1991 and the methodological norms issued for its implementation.

Article 21

In implementing the provisions of Article 8 of Government Decision No. 464/1991, the contracting and purchasing prices guaranteed by the state will be set and adjusted by the Ministry of Agriculture and Food Industry on the basis of harvest years, seasons, areas, counties, production regions or localities, for the basic vegetable and animal products listed in Annex No. 3 to the present decision.

Article 22

Disputes in the negotiation of prices and fees between enterprises with state capital—completely or in the majority—and end users will be mediated and settled by the competent ministries or, as the last resort, by the Ministry of Economy and Finance's Department for Prices and the Protection of Competition and its regional bodies, in accordance with their duties.

The Department for Commerce and Tourism Regulation, in the General Directorate for Consumer Protection of the Ministry of Commerce and Tourism and its regional bodies will also participate in resolving disputes concerning prices and fees for consumer goods and services.

Article 23

The wholesale prices and fees set in accordance with the provisions of the present decision will come into effect on the date negotiated by the sides and in keeping with the provisions of Article 15 of the present decision.

Enterprises involved in production or commercial activities, regardless of their form of ownership, are forbidden to stockpile products for the purpose of delivering them at increased prices.

Until new prices have been negotiated, products will be delivered and marketed at the old prices.

Article 24

Enterprises, regardless of their form of ownership, are obligated to inform the customers and the public of their prices by posting catalogues or price lists in stores or at sales or services sites, and by marking, labeling, or inscribing the price on individual products or product lots.

Article 25

The inspection bodies of the Ministry of Economy and Finance, the other ministries, offices of the prefect, and of the mayor of Bucharest Municipality in charge of prices and the protection of competition and of consumers will monitor compliance with the provisions of the present decision and will effectively correct excessive prices, markups, and commission fees, and punish their perpetrators.

The enterprises, regardless of their form of ownership, are obligated to place all the necessary data and information at the disposal of the inspection bodies for the purpose of verifying the manner of setting prices, fees, markups, and commissions.

Article 26

The use of monopoly prices or prices without competition; setting and using prices and fees higher than those

resulting from the implementation of the present decision; refusal to declare and register prices, fees, markups, and commissions; the use of prices and fees for which negotiations with economic end users cannot be proven; producing wrong data in order to justify the amount of the prices and fees offered for negotiation or renegotiation, practiced, or registered, and any other violations of the provisions of the present decision will be punished, according to the case, in accordance with Law No. 12/1990 modified by Law No. 42/1991; Law No. 11/1991; Government Decision No. 211/1991, Article 7, paragraph 1, subparagraph d), and paragraph 2 of the same article.

Article 27

The provisions of the present decision will be implemented as of 15 November 1991.

The following will be repealed as of the same date:

—Government Decision No. 279/1990 on the clearance sale of goods in the state trade network.

—Article 21 of Government Decision No. 1109/1990 on price liberalization and social protection measures.

—Government Decision No. 1190/1990 on establishing wholesale and retail prices for domesticcally produced cigarettes and tobacco products.

—Article 2 of Government Decision No. 211/1991 on some measures in the area of prices and fees.

—Government Decision No. 312/1991 on trade markups.

—Article 2, paragraph 2 of Government Decision No. 383/1991 on the use of the Ministry of Interior's money obtained from services and confiscations as a result of its specific activities.

—Articles 1, 2, 4, 12, 15, 17-20, and 22 of Government Decision No. 464/1991 on price system regulations.

Prime Minister
Theodore Stolojan
Bucharest, 15 November 1991
No. 776

ANNEX NO. 1

List of Maximum Indices for the Modification of Wholesale Prices

Number of Item	Raw Materials or Products	Maximum Index Modification
		Prices as per Government Decision No. 464/91=100 (in percent)
1.	Crude oil, 40-percent white products	300
2.	Natural gas	300
3.	Lignite	300
4.	Brown coal	300
5.	Bituminous coal	300
6.	Anthracite	300
7.	Nonferrous metals (CU, Pb, Zn) in concentrate and concentrate remnants	300
8.	Sulphur in nonferrous concentrates	300
9.	Bauxite, washed, dried, and ground with 55-percent Al2O3 and 4.5-percent SiO2	300
10.	Iron ore, lumps or granules	300
11.	Zirconium concentrate with a 61-63 percent ZrO3 content	142
12.	Ilmenite concentrate with a 45-percent TiO2 content	300
13.	Uranium concentrate	230
14.	Uranium in uranium dioxide	241
15.	Fire clay with a 28-percent Al2O3 content	300
16.	Industrial rock salt and in solution	223
17.	Coking coal semicoke	263
18.	Pig iron	270
19.	Electrolysis copper with 99.97-percent copper	271
20.	Electrolysis lead 99.98-percent Pb	283
21.	Metallurgical zinc 98.5-percent Zn	269
22.	Block aluminum 89.5-percent Al	295
23.	Natural gasoline	300
24.	Electrical power	316.7
25.	Thermal power (produced by "Renel" - R.A. [autonomous management])	313
26.	Rail transportation of freight and passengers	281

27.	Premium gasoline	433
28.	Regular gasoline	423
29.	Normal gasoline	417
30.	Diesel oil	375
31.	Fuel oil	290
32.	Liquid fuel for heating	252
33.	Liquified gas	218
34.	Kerosene	244
35.	Firewood	165

Notes:

—Prices according to qualities and assortments will be set by negotiation between producers and individual end-users, within the limit of the maximum indexes.
—The delivery conditions prevailing on 31 October 1990 remain in effect.
—The price modification indexes will also be used to determine subsidies for multitrip farecards.
—The price of electrical power includes an 800 lei/MWh development tax and a 150 lei/Gcal thermal energy tax.

ANNEX NO. 2

List of Domestic Products and Services Whose Prices and Fees Are Set and Adjusted by Autonomous Managements and Business Companies Financed Completely or in the Majority by State Capital, by Negotiation With End-Users, With the Approval of the Department for Prices and the Protection of Competition in the Ministry of Economy and Finance, the Appropriate Ministries, or the Offices of the County Prefects of Bucharest Municipality

A. With the approval of the Department for Prices and the Protection of Competition in the Ministry of Economy and Finance:

Electrical and Thermal Power Industry
—Electrical power
—Thermal power produced by "Renel" - R.A.

Coal Industry (Basic Varieties)
—Brown coal
—Washed bituminous coal for energy
—Sorted bituminous coal for energy
—Mixed bituminous coal and sludge
—Jiu Valley crude bituminous coal
—Washed bituminous coal for coking coal
—Washed bituminous coal for semicoke
—Anthracite

Petroleum and Gaseous Fuels Industry
—Crude oil
—Natural gas

Ore Extraction and Processing
—Iron ore (basic variety with 55 percent Fe)
—Nonferrous, rare, and precious ores and concentrates (basic varieties)
—Copper, lead, zinc, zirconium, ilmenite concentrates
—Technical sulphur with 99.5 percent S

Metallurgical Industry (Basic Varieties)
—Electrolytic copper
—Electrolytic lead
—Metallurgical zinc
—Block aluminum

Machine-Building and Metal Processing Industry (Basic Types or Varieties)
—Wheeled or caterpillar tractors
—Car chassis
—Highway vehicles
—Electric or Diesel locomotives
—Passenger or freight cars or dump trucks
—Maritime vessels and craft, over 10,000 DWT (all types)
—Ocean fishing vessels with refrigeration facilities and fish processing equipment, self-propelled (all types)
—Aircraft (all types)
—Steam or hydraulic turbines over 50 MW
—Steam and hot water boilers with a capacity of over 500 tons of steam per hour or 100 Gcal an hour
—Multipurpose alternating current generators with a capacity of over 100 kv
—Refrigerators and freezers
—Television sets
—Automatic washing machines
—Custom-made equipment for the machine-building industry at over 100 million lei apiece, for investment projects financed from the national public budget

Chemical and Petrochemical Industry
—Synthetic rubber (basic varieties)
—Type P nonindustrial liquid fuel
—Type M nonindustrial liquid fuel
—Type 3 light liquid fuel
—Liquified petroleum gas
—Chemical fertilizer
—Pesticides
—Veterinary medicines

Wood Exploitation and Processing Industry
—Timber, standing (average price)
—Unprocessed wood (basic varieties, average price)
—Pulpwood (average price)
—Wood for chipboard, fiberboard (average price)
—Firewood

Pulp, Paper, and Cardboard Industry
—Paper and chemical pulp
—Newsprint
—School books and notebooks

Glass and Fine Ceramics Industry
—Medicine vials

Textile, Footwear Industry
—Prostheses and orthopedic products
—Medical wadding

Food Industry
—Bread
—Sugar
—Edible oil
—Milk for drinking, including powdered milk
—Butter
—Meat and meat products
—Chicken eggs
—Fall potatoes

Services
—Housing rent
—Railroad passenger and freight transportation
—River transportation in the Danube Delta and local transportation on the Orsova-Moldova Noua, Braila-Horsova, and Galati-Grindu routes
—Metro transportation
—Multitrip farecards for urban and interurban rail and bus Passengers
—Post and telecommunications services
—Child care in nurseries and kindergartens (except private ones), in accordance with the provisions of Government Decision No. 360/1991)
—Water management products and services

Note: The list of basic varieties will be issued by the Ministry of Industry and other ministries and central bodies with the approval of the Department for Prices and the Protection of Competition in the Ministry of Economy and Finance

B. With the approval of the Ministry of Industry, other appropriate ministries, or, according to the case, of the offices of the county prefects and of the mayor of Bucharest Municipality:

—Thermal power distribution
—Thermal power produced by economic enterprises other than "Renel" S.A.
—Lignite
—Natural gasoline
—Fire clay (basic varieties)
—Bulk industrial rock salt
—Salt in solution
—Ferrous metallurgical products
—Metallurgical products made of nonferrous metals and alloys
—Electrical motors
—Oil and gas extraction pumps
—Cement
—Tires
—Medicines for human use, in accordance with the provisions of Government Decision No. 540/1991
—Products intended for use in production which are temporarily included in the delivery tasks stipulated in the balance sheets
—Recycled or reusable packing materials (prices for sales to and purchase from the public as well as prices recorded in the ledgers of the economic business)
oxix—Bathtubs and cast iron or tin heating elements
—Petroleum products
—Custom-made machine-building equipment costing 25-100 million lei, for investment projects financed from the national budget
—Public transportation on regular urban and interurban routes on the basis of tickets
—Water, sewers, sanitary engineering
—Personal hygiene services, various maintenance and repairs of goods*
—Lodging in hotel units (except for luxury hotels)*
—Medical services, including fees for the services specified in the annex to Government Decision No. 380/1991
—Movie houses, theaters, museums*
—Fees for services legally provided by the Interior Ministry in accordance with Government Decision No. 383/1991
—Mechanized agricultural work
—Fees (taxes) for port activity
—Other products and services carried out by fewer than three economic enterprises (basic types or varieties)

*In localities in which there are not at least three economic enterprises financed by state capital which are engaged in this activity

ANNEX NO. 3

List of Vegetable and Animal Products Whose State-Guaranteed Contracting and Purchasing Prices Are Set and Adjusted by the Ministry of Agriculture and Food

—Wheat
—Rye
—Barley and two-row barley
—Corn
—Brown rice
—Seed beans
—Sunflower seed
—Soybeans
—Sugarbeets
—Fall potatoes
—Tobacco
—Young cattle for slaughter
—Adult cattle for slaughter
—Hogs for slaughter
—Chicken, hens, roosters, and ducks for slaughter
—Cow's milk
—Hen's eggs

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