

DISPOSITION no. 4300 of November 3rd 2005 concerning some measures for improving the endorsement activity

In order to improve the endorsement activity within the National Commission for Historical Monuments, within its specialised sections and within the Regional Commissions for Historical Monuments, the following measures are adopted:

CHAPTER I – GENERAL PROVISIONS

Art. 1

The endorsement sittings shall be organised and shall function according to the attributions and competences of the specialised commissions and decentralised offices of the Ministry of Culture and Religious Affairs, regulated by the stipulations of Law 422/2001 on the protection of historical monuments and by the Organisation and Functioning Regulation of the National Commission for Historical Monuments and of the Regional Commissions for Historical Monuments, approved by order of the Minister of Culture and Religious Affairs no. 2043 published in the Romanian Official Journal no. 360/2002.

Art. 2

The documentations submitted for endorsement to the Ministry of Culture and Religious Affairs and to its Decentralised Offices, through the National Commission for Historical Monuments or through the Regional Commission for Historical Monuments, function of their competences, are the following:

- a) The territorial arrangement plans: the sections concerned with the protection of historical monuments and cultural landscape.
- b) The urban plans stipulated by law: the sections concerned with the protection of historical monuments.
- c) The documentations concerning interventions on the buildings situated within the historical monuments protection areas or within the built protected areas.
- d) The documentations concerning historical monuments restoration, defined according to the law, monuments, complexes or sites, elaborated and / or verified by licensed specialists or experts in the field of historical monuments protection and listed in the registers opened at the Ministry of Culture and Religious Affairs.

Art. 3

The documentations concerning buildings, such as: sites or constructions which are not stated at article 2 and which, as the case may be, fall under the scope of activity of the National Commission for Archaeology, are not subject to the endorsement of the National Commission for Historical Monuments and of the Regional Commission for Historical Monuments.

CHAPTER II – ADMINISTRATIVE PROVISIONS

Art. 4

The registered documentations shall be verified by the specialists in the field of historical monuments of the Office for Historical Monuments and the Ministry of Culture and Religious Affairs or its decentralised offices; for the incomplete documentations, the staff in charge shall notice in writing the applicant, within 10 working days after the registration date, to complete them, also specifying the missing documents or written and drawn items.

Art. 5

The framework content of the documentations concerning the restoration of historical monuments is provided in Appendix 1, which is part and parcel of the present Disposition.

Art. 6

The framework content of the guiding documentations, respectively of the territory arrangement plans and of the documentations establishing regulations in the urban development field, respectively of the urban localities development plans, is the one established by the regulations issued by the Ministry of Transport, Constructions and Tourism, completed with the provisions of art. 35 (1) letter g) of Law 422/2001, provided in appendix 2, which are part and parcel of the present Disposition.

Art. 7

When analysing the town planning documentations, the substantiation of the historical-scientific studies shall be thoroughly examined in order to establish the built heritage protected areas, the archaeological sites areas protected by law, to mark historical monuments complexes and to establish their protection areas, on urban or topographic landmarks, if they are materialised in complexes, as well as their general town planning regulations, according to the legal norms in force.

Art. 8

Technical Project or Building Authorization Project phase documentations, elaborated for volume modifications and architecture details or for erecting new buildings, situated within historical monuments protection areas or within built protected areas, for which the Ministry of Culture and Religious Affairs or its decentralised offices have not issued endorsements for the Zoning Land Use Plan, Zoning Land Use Plan – Protected Areas or at least the Detailed Land Use Plan phases shall not be scheduled for endorsement sittings, in compliance with the law.

Art. 9

No endorsements shall be issued for the Execution Documentation phase or for the technical documentations for which the Ministry of Culture and Religious Affairs or its decentralised offices, as the case may be, did not previously issue endorsements for the Technical Project and Building Authorization Project phases, in compliance with the law.

Art. 10

When verifying and analysing the documentations relative to the historical monuments restoration in order to schedule them for the endorsement sittings, the specialists of the Ministry of Culture and Religious Affairs or of its decentralised offices, function of their technical or scientific competences, such as: historical and architecture study, the historical monument condition preservation history, the geotechnical structure of the ground and the afferent studies, the monument's resistance structure, aspects concerning the building physics, materials and information concerning the historical technical and technological installations, as well as information concerning the archaeological status of the site, of the monument's artistic components, their conservation condition and proposals to rehabilitate them.

Art. 11

Equally, when verifying the historical monuments restoration documentations in order to schedule them for the endorsement sittings, regardless of the project field, the specialists must check whether specialised reports containing proposals of the specialists and / or experts licensed in the submitted documentation object - related restoration fields (archaeological field, artistic components field, historical monument resistance structure) are attached.

Art. 12

The documentations concerning historical monuments restoration which do not include the information stated at article 10 and 11, cannot be scheduled for the endorsement sittings of the National Commission for Historical Monuments, of their specialised sections or of the Regional Commissions for Historical Monuments

Art. 13

After the specialists of the Ministry of Culture and Religious Affairs or of its competent decentralised offices verify the historical monuments restoration documentations, in case the information stated at article 10 and 11 is missing, on the basis of the stipulations of article 12, they will require that, within the term stipulated at article 4 of the present Disposition, the documentation be completed, with a view to ensuring the necessary conditions for being scheduled for the endorsement sittings.

Art. 14

At the date when it is ascertained that, as far as the framework content is concerned, the documentation is complete, it shall be scheduled in the agenda for the endorsement sittings.

Art. 15

During the endorsement procedure, the National Commission for Historical Monuments, the specialised sections within it or the Regional Commissions for Historical Monuments may require supplementary data from a methodological / conceptual, scientific or technical point of view, may propose favourable endorsement of the documentation, under conditions and recommendations or negative endorsement substantiating the decision.

Art. 16

The conditions proposed by the National Commission for Historical Monuments, by its specialised sections or by the Regional Commissions for Historical Monuments for issuing the endorsements are mandatory while the recommendations are optional.

Art. 17

As far as the endorsement of the historical monuments restoration documentations are concerned, if there are no provisions included in the projects, depending on the item subject to documentation, the mandatory conditions stipulated in the endorsements, are the following:

- a) to ensure specialised archaeological assistance during the excavations for the infrastructure consolidation works;
- b) to ensure specialised assistance for the artistic components for the executing the historical monuments resistance structure consolidation;
- c) to ensure specialised technical assistance for the consolidation, restoration architecture works or artistic components, as the case may be, depending on the work.

CHAPTER III - FINAL PROVISIONS

Art. 18

The documentations shall be registered at the secretariat of the Ministry of Culture and Religious Affairs, of the Office for Historical Monuments or of their decentralised offices, as the case may be, only if they are submitted with the letter / address, signed by the owner or holder, by any title, of the building, or of the public authority, as the case may be.

Art. 19

The elaborators of the documentations may also register at the secretariat of the Ministry of Culture and Religious Affairs, of the Office for Historical Monuments or of their decentralised offices, as the case may be, if they are delegated by the owners / holders of the historical monument building and may prove it.

Art. 20

The framework content, the filling in, elaboration, signing and approval procedure for the endorsements issued by the Ministry of Culture and Religious Affairs or by its decentralised offices, as the case may be, is provided in Appendix 3, which is part and parcel of the present disposition.

Art. 21

The executive directors of the decentralised offices of the Ministry of Culture and Religious Affairs and the head of the Office for Historical Monuments within the Ministry of Culture and Religious Affairs shall take measures for providing in their budgets the necessary funds for covering the Commissions functioning expenses, as follows:

- a) the county or Bucharest Offices for Culture, Cults and the National Cultural Heritage discounts the expenditures for the indemnity for participating to the sitting, transport and accommodation, as the case may be, for each member within its competence territory, assigned as member of the Regional Commission for Historical Monuments.
- b) The Ministry of Culture and Religious Affairs discounts the expenditures for the indemnity for participating to the sitting, transport and accommodation, as the case may be, for the members of the National Commission for Historical Monuments, of its specialised sections and for the presidents of the Regional Commission for Historical Monuments.

Art. 22

In order to prevent authority or influence misuse suspicion situations, stipulated by law, the secretary of the National Commission for Historical Monuments, those of its specialised sections and of the Regional Commissions for Historical Monuments, as well as the specialists of the Office for Historical Monuments, of the decentralised offices of the Ministry of Culture and Religious Affairs shall follow up that the stipulations of Chapter IV of the Order of the Minister of Culture and Religious Affairs no. 2043/2002 on the approval of the Organisation and Functioning Regulation of the National Commission for Historical Monuments and the stipulations of the present disposition are rigorously complied with during the endorsement process.

Art. 23

The secretary of the National Commission for Historical Monuments, those of its specialised sections and of the Regional Commissions for Historical Monuments, as well as the specialists of the Office for Historical Monuments, of the decentralised offices of the Ministry of Culture and Religious Affairs involved in the endorsement process shall inform the President of the Commission / section of the endorsement sittings about the aspects stated at article 22, shall require that the situation is recorded in the minutes and shall also inform the management of the institution, if the ascertained situation is not taken into account when reaching the decision.

Art. 24

The stipulations of the present Disposition shall be put into practice by the persons in charge with the historical monuments protection field within the Office for Historical Monuments and the decentralised offices of the Ministry of Culture and Religious Affairs, depending on their competence area, on the managers of the decentralised offices of the Ministry of Culture and Religious Affairs, of the head of the Office for Historical Monuments within the Ministry of Culture and Religious Affairs, of the presidents of the National Commission for Historical Monuments, of its specialised sections, of the Regional Commissions for Historical Monuments or of the sittings presidents, as the case may be, who are all liable.

Dr. Virgil Stefan NITULESCU
STATE SECRETARY

APPENDIX 1

OF DISPOSITION No
OF THE MINISTRY OF CULTURE AND RELIGIOUS AFFAIRS

FRAMEWORK CONTENT
of the historical monuments restoration documentations

Besides the joint Order of the Ministry of Public Finances and of the Ministry of Transport, Construction and Tourism no. 1013/2001, published in the Romanian Official Journal no. 340/2001 on the approval of the structure, content and use of the standard documentation for elaborating and presenting the offer for the public acquisition of services, or other legal regulations in force, the framework content of the documentations on historical monuments restoration, regardless of the classification group in the Historical Monuments List, is the following:

Chapter I: The Project Phases

1. Historical monuments restoration or capital repairs / consolidation documentations project phases are those stated in Section III of the Joint Order of the Ministry of Public Finances and of the Ministry of Transport, Construction and Tourism no. 1013/2001, published in the Romanian Official Journal no. 340/2001.

These are as follows:

- a) The Pre-feasibility Study which includes the Project Theme, with or without the preliminary technical report / expertise;
 - b) The Feasibility Study which also includes the Project Theme, with or without the Technical Expertise;
 - c) The Technical Project and the Tender Book for executing the works;
 - d) Execution Details.
2. The Preliminary Technical Report / Expertise or the technical expertise may be part and parcel of the Pre-feasibility Study or of the Feasibility Study or may constitute distinct elaboration phases, as the case may be.

Chapter II: The Content of the Documentation

3. Submission letter:

The documentation submission letter, signed by the owner / holder by any title of the historical monument building, or by its elaborator, if it was delegated by the owner / holder of the historical monument and may prove it.

4. Title page:

- a) the name of the objective and the code, according to the updated Historical Monuments List and the address;

- b) the name of the owner / beneficiary / holder of the building, by any title, regardless of its legal status;
- c) the name of the project;
- d) the number of the project / contract / year;
- e) the project phase.

5. Elaboration team

- a) the name and coordinates of the general projector, of the complex project foreman, of the specialised projectors and the name, profession, quality / responsibility they had in elaborating the documentation;
- b) the names of the specialists / experts licensed by the Ministry of Culture and Religious Affairs, elaborators, consultants or control executives of the documentation, their signature and stamp in the original.

6. Documents included in the documentations:

- a) town planning certificate;
- b) copy of the documents certifying the ownership right, as the case may be;
- c) the land book, as the case may be;
- d) copies of the endorsements of the Ministry of Culture and Religious Affairs or of its decentralised offices, previously issued for the same historical monument, for other project phases, having as project the same elaboration field as the one presented for endorsement or for connected fields;
- e) other necessary documents, as the case may be.

7. The framework content on project phases:

- a) The general framework content of the documentations on project phases is the one provided in Section III of the Joint Order of the Ministry of Public Finances and of the Ministry of Transport, Construction and Tourism no. 1013/2001.

8. The framework content of the technical expertises:

- a) The framework content of the technical expertises is the one stipulated in Government Decision no. 1364/27.12.2001, published in the Romanian Official Journal no. 100/05.02.2002, for the approval of the "Methodological Norms for enforcing the stipulations of Government Ordinance no. 20/1994, on reducing the earthquake risk for the existing buildings";
- b) The Technical Expertises, for the historical monuments buildings, as the case may be, depending on the complexity of damage degree, shall be preceded by studies and / or specialised research conducted on the basis of some "technical documentations for preliminary research works in order to elaborate technical expertises" previously endorsed;
- c) For the historical monuments consolidation field, the elaboration team of the Technical Expertises, is made up of:
 - engineering technical expert, licensed by the Ministry of Transport, Construction and Tourism and by the Ministry of Culture and Religious Affairs;

- expert in the architecture restoration field, for the monuments classified in group “A” or expert / specialist for the monuments classified in group “B”, licensed by the Ministry of Culture and Religious Affairs;
 - expert in the artistic components restoration field, for the monuments classified in group “A” or expert / specialist for the monuments classified in group “B”, licensed by the Ministry of Culture and Religious Affairs.
- d) The conclusions of the Technical Expertises shall develop a unitary concept for intervention on historical monuments, shall provide maximal and minimal options of intervention and shall establish the work priorities.

Chapter III: Framework content specifications

Besides the general framework content stated at points 7 and 8 within the historical monuments restoration projects, certain components shall include specific details, as follows:

9. Written items:

- a) The project theme, approved by the user, which will include general data about the historical monument, its technical and conservation condition, for the following components: archaeology, architecture, structure, artistic components, characteristic of the ground, as well as proposals for the necessary studies, researches, investigations and project phases;
- b) The substantiating / general statement shall include mentions concerning the project theme and shall detail all the historical, artistic, architecture, engineering, scientific and technical aspects of the historical monument; previous interventions according to the documentary and archive researches or to the historical monument / building book, present conservation condition, unitary concept and intervention proposals in maximal and minimal options, as well as establishing the execution priorities, as the case may be, function of the project phase;
- c) Specialised technical statements;
- d) Taking into account the fact that in the historical monuments protection field, the documentations are elaborated by pluridisciplinary teams, the projects / documentations shall include:
 - the specialised reports with the signature and stamps of the technical experts licensed by the Ministry of Culture and Religious Affairs and / or the Ministry of Transport, Construction and Tourism, as the case may be function of the project, the studies and researches field;
 - the specialised reports with the signature and stamps of the project control executives licensed by the Ministry of Culture and Religious Affairs and / or the Ministry of Transport, Construction and Tourism, as the case may be, function of the project field and elaboration phase;
 - the specialised reports of some specialists and experts licensed by the Ministry of Culture and Religious Affairs, in fields connected to the field subject to the project, such as: archaeology, architecture, engineering or artistic components field, as the case may be.

10. Drawn items:

- a) Territory framing plan at the scale 1:25.000 or 1:5.000 as the case may be;
- b) Situation plan at the scale 1:200, 1:500 or 1:1.000 as the case may be;
- c) Mappings specific to the field subject to the project, distinctly showing all types of damages;
- d) Plans, sections, facades / sketches at a convenient scale, specific to the field / project elaboration phase, marking the interventions proposals, in compliance with the proposed restoration unitary concept.

11. Other items, function of the project field:

- a) historical, architecture / compared architecture / iconographic / archaeology, historic town planning studies and / or others, as the case may be;
- b) photographic, explaining / commented documentary;
- c) ground studies: topographic, geotechnical and / or others, as the case may be;
- d) physical – chemical, biological, petrography investigations or others, as the case may be.

NOTE:

The project foreman and the specialist of the decentralised offices of the Ministry of Culture and Religious Affairs, the documentation content control executive or the sitting president, at their own risk, as the case may be, depending of the importance of the interventions on the historical monument, of the emergency or immediate intervention necessity on the monument, may decide, if justified, on diminishing or completing the necessary items stated in the present framework content.

APPENDIX 2

OF DISPOSITION No
OF THE MINISTRY OF CULTURE AND RELIGIOUS AFFAIRS

FRAMEWORK CONTENT

of the town planning and territory arrangement documentations, in compliance with the regulations of the Ministry of Transport, Construction and Tourism, completed with the stipulations of article 35, paragraph (1), letter g) of Law 422/2001 on the protection of historical monuments

Regulations of the Ministry of Transport, Construction and Tourism

Order no. 562/2003:

On the approval of the technical regulation “Elaboration methodology and framework content of the town planning documentations for the protected build areas” (Zoning Land Use Plan – Protected Areas);

Order no. 176/N/16.08.2000:

On the approval of the technical regulation “Guide for the elaboration methodology and framework content of the Zoning Land Use Plan” – indicative GM – 010 – 2000;

Order no. 37/N/08.06.2000:

On the approval of the technical regulation “Guide for the elaboration methodology and framework content of the Detailed Land Use Plan” – indicative GH – 009 – 2000;

Order no. 21/N/10.04.2000:

On the approval of the technical regulation “Guide for the elaboration and approval of the Local Town Planning Regulations” – indicative GM – 007 – 2000;

Order no. 13/N/10.03.1999:

On the approval of the technical regulation “Guide for the elaboration methodology and framework content of the General Land Use Plan” – indicative GPO – 38/99;

Order no. 91/25.10.1991:

On the approval of the forms, authorisation procedures and the content of the documentations stated by Law no. 50/1991 with the subsequent amendments and completions – published in the Romanian Official Journal no. 228 of November 14th 1991;

STIPULATIONS OF LAW 422/2001

Law 422/2001, article 35, paragraph (1), letter g)

“The historical – scientific substantiating studies for establishing and delimiting built heritage protected areas and the archaeological sites protected by law, as well as the general territory arrangement regulations, in compliance with the legal norms in force”

APPENDIX 3

OF DISPOSITION No
OF THE MINISTRY OF CULTURE AND RELIGIOUS AFFAIRS

ROMANIA
MINISTRY OF CULTURE AND RELIGIOUS AFFAIRS

1)

2)

To,

3)

APPROVED,

4)

To whom it may concern,

5)

ENDORSEMENT,

No. 6)

Concerning 7)

OBJECTIVE: 8)

ADDRESS: 9)

PROJECT: 10)

PROJECT NO.:11)

PHASE: 12)

PROJECTOR / ELABORATOR *): 13) *) in case of studies / researches

.....

BENEFICIARY:14)

Documentation submitted with address / letter no. 15), registered at 16)

with no. 17) includes:

18)

The documentation proposes the following:

19)

The documentation was analyzed during sitting 20) of 21) and on the basis 22) the following endorsement is issued:

Endorsement 23)

With the following 24)

The present endorsement 25)

HEAD OF THE OFFICE FOR HISTORICAL MONUMENTS

26)

Drafted,

27)

DIRECTIONS FOR FILLING IN THE ENDORSEMENT

- 1) The issuing authority, depending on its competence;
- 2) The documentation registration number and the date the document was issued;
- 3) The beneficiary public authority for the Territorial Arrangement Plans or for the Town Planning; the owner/owner for the works on buildings;
- 4) First and last name and the quality of Minister of Culture and Religious Affairs or Manager of the decentralised offices of the Ministry of Culture and Religious Affairs, depending on the approval competence; signature and stamp;
- 5) The name of the concerned offices within the Ministry of Culture and Religious Affairs or of its decentralised offices, of the central or local concerned public authorities, the projector / elaborator, as the case may be;
- 6) The endorsement code / number / the date of the endorsement sitting.
The endorsement codes depending on the documentation content or object are:
 - EM – historical monuments registry;
 - MI – historical monuments; researches, expertises, projects;
 - CA – artistic components: studies, researches, projects;
 - AT – territorial arrangement plans;
 - DU – town planning documentation;
- 7) Brief description of the endorsement object; two lines at most;
- 8) The name of the objective and the code according to the list, for the historical monuments, or the building in the case of other buildings: the locality or county in the case of the town or territory arrangement plans, depending on the situation;
- 9) The address of the objective, in case of the building the locality, commune, county;
- 10) The name of the territory arrangement plan, of the town planning or of the specialised project, as the case may be;
- 11) Project / contract number, date, year;
- 12) The territorial arrangement plans or town planning elaboration phase, the studies / researches, work on buildings projects phase;
- 13) The name of the general projector, of the specialised projectors, as the case may be; the name of the complex project foreman or of the work coordinator; in the case of studies and researches, the name of the expert and / or technical expert, of the specialised project foreman, depending on documentation;
- 14) Owner, holder by any title of the building, regardless of the ownership status, or the beneficiary public authority, for the territorial arrangement plans or town planning;
- 15) Number and date of the owner by any title / beneficiary's submission letter;
- 16) The Ministry of Culture and Religious Affairs, the Office for Historical Monuments or the decentralised office, as the case may be;
- 17) Number and date of the registration at the Ministry of Culture and Religious Affairs, at the Office for Historical Monuments or at the decentralised office, as the case may be;
- 18) Brief description of the documentation:
 - a) written items – enumeration;
 - b) drawn items – enumeration;

c) other documents: town planning certificate, copies of the ownership papers, the owner's written approval in case of leasing, bailment, renting or administration right cases;

19) Brief description of the development directions for the Territorial Arrangement Plans, brief description of the Town Planning regulations, the description of the unitary intervention concept, for the works on historical monuments, as the case may be;

20) Name of the specialised Commission / Section, depending on the endorsement competence;

21) Date of the endorsement sitting;

22) Article, (paragraph), letter, of Law 422/2001 on the protection of historical monuments, with the subsequent amendments and completions;

23) FAVOURABLE or NEGATIVE, as the case may be;

24) Conditions and / or recommendations: without conditions or recommendations; in case of negative endorsement, the substantiated and detailed motivation for the issued endorsement shall be provided;

25) "encloses appendix / appendixes" – appendix / appendixes numbering, as the case may be;

26) Head of the Office for Historical Monuments, profession, name, signature;

27) Position within the Ministry of Culture and Religious Affairs or within the decentralised offices, as the case may be, profession, name, signature.