

LAW no. 120 of 4th May, 2006 on public monuments

The Parliament of Romania passes the present law.

Article 1

The present law regulates the general legal framework for creating, placing and administering public monuments.

Article 2

(1) For the purpose of the present law, public monuments are immovable goods, fine art works, monumental art, non-utilitarian constructions or edifices, which are decorative, commemorative and signaling in nature, are placed in public locations, in a protection area, on grounds belonging to the public or private domain of the state or of administrative and territorial units.

(2) Public monuments may be classified as historic monuments, and they will thus follow the general legal regime established for the latter.

Article 3

Under the present law, the immovable goods enumerated in Article 2(1) are or gain the status of public monuments, as the case might be. Furthermore, when the present law comes into force, they have to be located in public areas, on grounds belonging to the public or private domain of the state or of administrative and territorial units, and they must also meet one of the following conditions:

a) they have been placed there based on a construction authorization issued in compliance with the legal regulations that are into force on the placement date;

b) their existence is noted or attested as known, until the present law comes into force, through scientific publications, tourist guides or other prints designed to inform the public, or through the records of the authorities or public institutions and services.

Article 4

Public monuments may be created as follows:

a) as an investment objective stipulated in the budgets of the authorities or public institutions and services;

b) within cultural programmes and projects, from funds allotted from the state budget and / or local budgets, in accordance with the legal provisions that are into force;

c) within partnerships between authorities and / or public institutions that are subordinated to them and natural or legal persons pertaining to the Private

Law, with a view to support fine art or monumental art programmes or projects;

d) within cultural programmes or projects promoted and supported exclusively from private funds, by natural or legal persons pertaining to the Private Law, with the agreement of the local public administration authorities that have the appropriate territorial jurisdiction.

Article 5

Public monuments will be located in compliance with all the legal provisions that are into force and concern urbanism and the authorization to construct new buildings, as well as with the approval on the artistic characteristics of the public monument, issued by the Ministry of Culture and Religious Affairs or, as the case might be, by its decentralized services, based on the analysis conducted by the National Commission for Public Monuments or by the regional commissions for public monuments, respectively.

Article 6

(1) The National Commission for Public Monuments is established and functions as a specialized body of the Ministry of Culture and Religious Affairs, in the domain of public monuments.

(2) The National Commission for Public Monuments is made up of 11 members, artists, architects, urbanism or visual arts specialists and / or art critics who are recognized for their professionalism and morality.

(3) In order to avoid conflicts of interests, each member of the National Commission for Public Monuments will sign an impartiality declaration, in accordance with the Annex to this law.

(4) The members of the National Commission for Public Monuments are appointed from among the nominations made by the Romanian Academy, the relevant professional associations, the relevant higher education institutions and the relevant public institutions, by order of the Minister of Culture and Religious Affairs, for a three-year term of office, which may be renewed, consecutively, one single time.

(5) The National Commission for Public Monuments is chaired by a chairman that has been elected from among its members, through a majority vote.

(6) The main responsibilities of the National Commission for Public Monuments are the following:

a) it submits the public monuments strategy to the Ministry of Culture and Religious Affairs, for approval;

b) it analyses the public monument projects submitted for approval and proposes, as the case might be:

1. the approval of the projects;

2. the revision of the projects and recommendations, with a view to a subsequent analysis;

3. the rejection of the projects;

c) it establishes the protection area for the approved public monuments.

(7) Any other responsibilities of the National Commission for Public Monuments are established through the regulations governing the organization and functioning of this body, which are approved by order of the Minister of Culture and Religious Affairs.

(8) The secretary of the National Commission for Public Monuments is a civil servant within the relevant department of the Ministry of Culture and Religious Affairs, who is appointed by order of the Minister of Culture and Religious Affairs.

(9) The members of the National Commission for Public Monuments receive a monthly remuneration for the months when the commission assembles, which represents 20 percent of a secretary of state's monthly salary, to which the reimbursement for the expenses on the participation in the commission's meetings is added.

Article 7

(1) At the suggestion of the National Commission for Public Monuments, the Minister of Culture and Religious Affairs establishes, by an order, up to 15 regional commissions for public monuments, which will accomplish, for the villages within their jurisdiction, the responsibilities assigned by the National Commission for Public Monuments.

(2) Within the jurisdiction of a regional commission there may be between two and four counties, depending on the number of and the surface covered by the villages in those counties, as well as on the cultural characteristics of each area, so that equilibrium of the jurisdiction is ensured for each regional commission, in comparison with the other regional commissions.

(3) Each regional commission is made up of 11 members, artists, architects, urbanism or visual arts specialists and / or art critics who are recognized for their professionalism and morality and are representative for that region.

(4) In order to avoid any conflict of interests, each member of the regional commission for public monuments will sign an impartiality declaration, in compliance with the annex.

(5) The members of the regional commissions are appointed by the Minister of Culture and Religious Affairs, by an order, for a three-year term of office, which may be renewed, consecutively, one single time.

(6) The secretary of each regional commission is a civil servant within the decentralized service of the Ministry of Culture and Religious Affairs, appointed by order of the Minister of Culture and Religious Affairs.

(7) For the jurisdiction of the regional commissions, the approval on the artistic characteristics of the public monument is issued, on behalf of the Ministry of Culture and Religious Affairs, by its decentralized service that ensures the functioning of that regional commission.

(8) The members of the regional commissions for public monuments receive a monthly remuneration for the months when the commission assembles, which represents 20 percent of a secretary of state's monthly salary, to which the reimbursement for the expenses on the participation in the commission's meetings is added.

Article 8

(1) Within 60 days since this law enters into force, the public authorities and the public services that are subordinated to them, as the case might be, will transmit to the decentralized public services of the Ministry of Culture and Religious Affairs the situation of the public monuments which they administer and which meet the conditions in Article 3.

(2) Within the interval stipulated in paragraph (1), the local public administration authorities or the public institutions or services that are subordinated to them will identify the constructions or edifices that have public monument characteristics, but which do not meet the conditions in Article 3.

(3) The observations made in compliance with paragraph (2) will be transmitted to the decentralized public services of the Ministry of Culture and Religious Affairs, which will analyze those states of affairs and propose measures for their legalization, as the case might be.

Article 9

(1) Not complying with the stipulations in Article 5 is an offence, if the deed has not been done in such a way as to represent a crime according to the criminal law, and is penalized with a fine ranging from 10.000 lei to 20.000 lei.

(2) The provisions of the Governmental Ordinance no. [2/2001](#) on the judicial regime of contraventions, approved with amendments and supplements

through Law no. [180/2002](#), with its subsequent amendments and supplements, are applicable accordingly.

(3) Charging with and penalizing the offences stipulated in paragraph (1) is done by persons who are authorized by the Ministry of Culture and Religious Affairs and / or by its decentralized public services, as the case might be.

Article 10

(1) The public administration authorities are obliged to ensure that the public monuments which they administer are protected and highlighted.

(2) Destroying or damaging public monuments is penalized in accordance with the provisions of the Penal Code.

Article 11

- The annex comprising the text of the impartiality declaration is part of this law.

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This law has been passed by the Parliament of Romania, in compliance with the provisions of Article 75 and Article 76(2) of the republished Constitution of Romania.

p. PRESIDENT OF THE CHAMBER OF DEPUTIES,
MIRON TUDOR MITREA
PRESIDENT OF THE SENATE
NICOLAE VĂCĂROIU

ANNEX: THE IMPARTIALITY DECLARATION

I, the undersigned, as a member of the National Commission for Public Monuments / Regional Commission, declare on my own responsibility that neither I, nor my relatives or my relations by marriage up to the second degree have any interest in receiving a subsidy with a view to accomplishing a public monument approved by the commission.

I confirm that, in case I discover, during the approval process, that such a situation faces me, I will declare it immediately and withdraw.

On the penalty that is applicable to the crime of wilful misstatement, I assert that I have verified the data in this declaration and, in compliance with the provided information, I declare it complete and correct.

Signature

Date

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