EMERGENCY ORDINANCE no. 118 of December 2006 on the Establishment, Organisation and Functioning of Cultural Institutions
(on May 26th 2007 the act was approved by Law 143/2007)

Taking into account the continuous degradation of the Romanian rural cultural environment in the last years, against the background of reducing the financial support granted for this field both from the public budget and from private financers, taking into account that most of the culture houses, cultural centres, other cultural establishments can only offer citizens minimal cultural services and most of the time of doubtful quality or ceased their activity because the purpose of their headquarters changed or because they decayed in such a measure that they are totally inadequate for cultural activities,

with a view to preparing the cultural field for the European integration, by allocating, in the following two years, important financial resources for the cultural establishments in the rural area to be rehabilitated,

with a view to creating a legal framework for the development and financing, of emergency, of a national program for rehabilitating the cultural infrastructure, as well as supplying the necessary equipment for cultural activities to the cultural establishments within the rural area with, with a view to strengthening the role of the cultural establishments and turning them into community centres of access to information and culture and of social cohesion, for varying the cultural offer in order to enhance the access and participation of the rural population to the cultural life,

taking into account the fact that after accession to E. U., the objectives of the National Program for Rehabilitating cultural establishments and institutions within the rural area shall be put into effect within appendix no. 3 “Life Quality in rural areas and rural economy diversity” of the National Program for Rural Development, including measures relative to the “Conservation of the Natural, Cultural and Architectural Heritage” and “Village Restoration”, thus ensuring that the two programs, also financed from other sources available at the moment of Romania’s accession to U.E., are complementary, on the basis of article 115 paragraph (4) of the Romanian Constitution, codified, the Romanian Government passes the following emergency ordinance.

CHAPTER I: General Provisions

Art. 1
The present emergency ordinance regulates the legal framework for the establishment, organisation and functioning of cultural establishments.

Art. 2
(1) For the purpose of the present emergency ordinance, cultural establishments are private or public legal bodies, regardless of the organisation of financing status, developing activities in the field of culture, information, continuous training; these activities are public use cultural services whose role is to ensure social cohesion and access to information.
(on May 26th 2007 Chapter I, article 2, paragraph (1) amended by article 1, paragraph 1 of Law 143/2007)
(2) Cultural establishments include: culture houses, cultural centres, popular universities, popular schools of art and crafts, professional bands or ensembles for promoting traditional culture, local centres for adult education, centres for the conservation and promotion of traditional culture and others alike.

(3) As an exception from the stipulations of paragraph (1), cultural establishments or artistic ensembles or bands, regardless of the presented genre, workshop or cultural clubs, art galleries or others alike, may be organised and function as bodies without legal personality.

Art. 3

(1) The local public administration authorities may approve the functioning of the public cultural establishments as host institutions for shows and / or concerts, ensuring the following:
   a) a building disposing of the necessary technical – administrative facilities for the artistic performance;
   b) the necessary budget for functioning and covering the expenses afferent to the artistic performance.

(2) Artistic performances are shows and / or concerts defined according to the stipulations of Government Ordinance no. 21/2007 on the performance or concert institutions and companies, as well as on the artistic entrepreneurship activities.

(3) With a view to achieving the objectives stated at paragraph (2), cultural establishments may also organise activities such as:
   a) cultural events with education and / or entertainment role: festivals, contests, fairs, seminars and others;
b) presenting temporary or permanent exhibitions, elaborating monographs, publishing technical – scientific and cultural books and local interest publications;

c) promoting cultural tourism of local interest;

d) preserving, researching and enhancing crafts, customs and traditions;

(on May 26th 2007 Chapter I, article 4, paragraph (3), completed by article 1, paragraph 5 of Law 143/2007)

e) organising civil education, continuous education and continuous professional training courses;

f) organising artistic residences;

(on May 26th 2007 Chapter I, article 4, paragraph (3), completed by article 1, paragraph 5 of Law 143/2007)

(4) Cultural establishments may associate in order to develop cultural activities such as the ones stated at paragraph (3).

(5) The procedure for authorising the cultural establishments to develop continuous professional training activities is stipulated in Government Ordinance no. 129/2000 on adults’ continuous training, codified, with the subsequent amendments and completions.

CHAPTER II: Establishment, Organisation and Functioning of Cultural Establishments

Art. 5

(1) Public cultural establishments function and are established as subordinated to the local or central public administration authorities.

(2) Public cultural establishments may establish subsidiaries within the administrative-territorial area covered by the local public administration authority to which they are subordinated, with its endorsement.

(3) Public cultural establishments may borrow the name of one of the local or national historic or cultural personality; the name shall be ascribed in compliance with the legislation in force.

(on May 26th 2007 Chapter II, article 5, paragraph (3), amended by article 1, paragraph 6 of Law 143/2007)

Art. 6

(1) The public administration authorities to which the public cultural establishments are subordinated, approves for these, in conformity with the stipulations of the present ordinance:

a) the internal organisation and functioning regulation;

b) the number of positions;

c) the function chart;

d) the income and expenditure budget.

(2) Any amendment of the organisation and functioning of the public cultural establishments shall be approved by the act of the central public administration authority, respectively by decision of the local council or of the county council, as
the case may be, adopted by the vote of two thirds of the total number of counsellors.

(3) For the cultural establishments subordinated to the local public administration authorities, the prefect supervises the way the stipulations of paragraph (2) are observed, in compliance with the law.

(on May 26th 2007 Chapter II, article 6, amended by article 1, paragraph 7 of Law 143/2007)

Art.7
The local public administration authorities may organise, with the specialised support of the county libraries and within the public cultural establishments, documentation and community information offices.

Art. 8
At least one cultural establishment shall be organised and shall function at the level of each county as public institution subordinate to the county council, which can methodologically support the activity of the cultural establishment, at the community level.

(on May 26th 2007 Chapter II, article 8, amended by article 1, paragraph 7 of Law 143/2007)

Art. 9
(1) The National Centre for the Conservation and Promotion of Traditional Culture shall be established and shall function as subordinated to the Ministry of Culture and Religious Affairs, as public institution of culture with legal personality, financed from its own incomes and subsidies granted from the state budget.

(2) The organisation and functioning of the National Centre for the Conservation and Promotion of Traditional Culture shall be approved by Government decision, at the proposal of the Ministry of Culture and Religious Affairs.

Art. 10
Private cultural establishments shall be established by natural and / or legal bodies, in compliance with the law.

Art. 11
(1) The cultural establishments without legal personality shall be established and shall function within private or public legal bodies.

(2) The cultural establishments stated at paragraph (1) may only function if the legal body within which it was established ensures human, material and financial resources.

CHAPTER III: The Staff and the Management of the Public Cultural Establishments

Art. 12
(1) The functioning of the public cultural establishments shall be ensured by the activity of the staff employed with individual work contract, on an indeterminate or determinate period, in specialised positions, in technical and administrative positions, as well as by the activity of certain persons participating at developing cultural programs and projects on the basis of the contracts concluded in compliance with the legal stipulations on copyright and connected rights or on the basis of some conventions regulated by the Civil Code.

(2) The staff with individual work contract on an indeterminate period shall be employed on the basis of a contest or exam, in compliance with the law.

(3) As an exception from the stipulations of paragraph (2), for the staff employed on a determined period, during the development of a program or project, the work contract may also be concluded directly, by agreement of the parties.

Art. 13

(1) The specialised staff developing artistic activities within public cultural establishments, employed with individual work contracts shall be hired and paid according to their professional education, in compliance with the legislation in force on budgetary staff.

(2) The specialised staff developing continuous education activities within public cultural establishments, employed with individual work contracts shall be hired and paid according to their professional education, in compliance with the legislation;

(3) For the teaching staff within the undergraduate and university education system, developing continuous education activities within public cultural establishments, the wage level shall be established in compliance with the stipulations of Law 128/1997 Regulating Teaching Staff Statute, with the subsequent amendments and completions.

Art. 14

(1) The management of the public cultural establishments is ensured by the general manager or, as the case may be, the manager.

(2) The general manager or, as the case may be, the manager of the public cultural establishments shall be hired on the basis of a management projects contest whose winners conclude a management contract, in compliance with the law.

(3) The management contract shall contain the minimal programs and projects the general manager or, as the case may be, the manager is bound to carry out, in compliance with the law.

CHAPTER IV: Cultural Establishments Financing

Art. 15

Public cultural establishments shall be financed of their own incomes and subsidies allocated from the state budget or from the local budgets, as the case may be, from other sources, in compliance with the provisions of the present ordinance.

Art. 16
(1) Public cultural establishments may set, in compliance with the law, prices and tariffs for the activities developed in compliance with the provisions of article 4, paragraph (3) and the amounts thus raised become own incomes.

(2) The own incomes may only be used for financing cultural projects and programs.

(on May 26th 2007 Chapter IV, article 16, amended by article 1, paragraph 9 of Law 143/2007)

Art. 17
Cultural establishments may benefit of donations and sponsorships, in compliance with the legal stipulations; any type of freedoms may only be accepted if they do not hinder the fulfillment of the conditions or assignments necessary for the institution’s autonomy or if they are not contrary to the nature of its activity.

Art. 18
(1) The continuous professional training and individuals’ social inclusion activities shall be developed by the cultural establishments, in compliance with the stipulations of Government Ordinance no. 129/2000, codified, with the subsequent amendments and completions.

(2) In order to finance the continuous training system through the intermediary of the public cultural establishments, additional financing sources from local taxes and fees may be established at territorial level.

Art. 19
The additional financing sources for financing continuous professional training activities may be used for:

a) organising certain local interest cultural-educative events;

b) activities organised in collaboration with other institutions from Romania or from abroad.

Art. 20
The Ministry of Culture and Religious Affairs, other central public administration authorities, as well as the local public administration authorities may support materially or financially, as sole organises or in partnership, certain programs and projects of the public cultural establishments regardless of their subordination, as well as of the private cultural establishments, in compliance with the law.

CHAPTER V: Transitory and Final Provisions

Art. 21
(1) The Ministry of Culture and Religious Affairs, the Ministry of Agriculture and Rural Development and the Ministry of Development, Public Works and Housing may finance from funds allocated from the state budget, from non-reimbursable external funds and from other sources, in compliance with the law, the National Priority Program for building headquarters for the cultural establishments in the localities where such institutions do not exist, as well as for rehabilitating,
modernizing, equipping and finishing the building works on the public cultural establishments in the rural and small towns area, further referred to as Program.

(on June 29th 2007 Chapter V, article 21, paragraph (1) amended by article 1, paragraph 1 of the Emergency Ordinance 65/2007)

(2) For the purpose of the present emergency ordinance, small towns are the III degree urban localities, as defined in Law no. 351/2001 on the approval of the National Territory Arrangement Plan – section IV – Localities Network, with the subsequent amendments and completions.

(3) The main objectives of the Program are:
   a) to design and build headquarters for the cultural establishments in the localities where there are no such institutions, within the rural and small towns environment;
   b) to rehabilitate, modernize cultural infrastructure and equip the cultural establishments of the rural areas;
   c) to finish the building works on the cultural establishments within the rural and small towns environment.

(on June 29th 2007 Chapter V, article 21, paragraph (3) amended by article 1, paragraph 2 of the Emergency Ordinance 65/2007)

(31) The objective stated at paragraph (3) letter a) shall be achieved by the Ministry of Development, Public Works and Housing through the intermediary of the National Investment Company, subordinated to the above mentioned ministry, as stipulated in Government Ordinance no. 25/2001 on the establishment of the National Investment Company, approved with amendments and completions by Law no. 117/2002, with the subsequent amendments and completions.

(on June 29th 2007 Chapter V, article 21, paragraph (31) amended by article 1, paragraph 3 of the Emergency Ordinance 65/2007)

(32) The objective stated at paragraph (3) letter b) shall be achieved by the National Program for Rural Development, financed by the European Agrarian Fund for Rural Development whose management authority is the Ministry of Agriculture and Rural Development.

(33) The objective stated at paragraph (3) letter c) shall be achieved by the Ministry of Culture and Religious Affairs from the amounts allocated from transfers to the local budgets.

(34) In compliance with the stipulations of paragraph (3), the cultural establishments from the rural area shall be supplied with equipment fit for cultural activities, in order to:
   a) strengthen the role of the cultural establishments and turning them community centres for access to cultural information and of social cohesion;
   b) diversify the cultural offer;
   c) enhance rural population’s access and participation to the cultural life.

(on June 29th 2007 Chapter V, article 21, paragraph (34) amended by article 1, paragraph 4 of the Emergency Ordinance 65/2007)

(4) The program shall be implemented from 2007 and it shall be developed during a 3 year period.

(on May 26th 2007 Chapter V, article 21, paragraph (4) amended by article 1, paragraph 12 of the Law no. 143/2007)
Art. 22

(1) In order to obtain funds within the Program, according to the stipulations of article 21 paragraphs (3\(^1\)) and (3\(^3\)), the local public administration authorities, as sole concerned institutions or in partnership with other public authorities or with non-governmental organisations from Romania or from abroad, shall elaborate and propose, on the basis of a justifying documentation, projects that must be attached to cultural projects and programs to be developed over a three year period at least, as well as to the guarantee to ensure financing from their own incomes or investments, of at least 10 % of the overall value of the building, rehabilitation, modernising, supplying and / or finishing the works on a cultural establishment project.

(on June 29\(^{th}\) 2007 Chapter V, article 22, paragraph (1) amended by article 1, paragraph 5 of the Emergency Ordinance no. 65/2007)

(1\(^1\)) Within the Program, for the projects financed according to the stipulations of article 21, paragraph (3\(^2\)), the beneficiaries shall comply with the procedure for implementing the National Program for Rural Development.

(on June 29\(^{th}\) 2007 Chapter V, article 22, paragraph (1) amended by article 1, paragraph 6 of the Emergency Ordinance no. 65/2007)

(2) The maximum value of the sums allocated for achieving the objective stated at article 21, paragraph (3), letter c) shall be established by the Operational Guide.

(on June 29\(^{th}\) 2007 Chapter V, article 22, paragraph (2) amended by article 1, paragraph 7 of the Emergency Ordinance no. 65/2007)

Art. 23

(1) In order to implement the objectives stated at article 21, paragraph (3), letters a) and c), the Commission for Evaluating and Selecting Projects, further referred as Commission shall be established; the Commission is composed of one representative of each of the following institutions: the Ministry of Culture and Religious Affairs, the Ministry of Agriculture and Rural Development, the Ministry of Development, Public Works and Housing, the Communes Associations and the Towns Associations of Romania, assigned by order of the respective ministers or by decision of the president of the association, as the case may be.

(on June 29\(^{th}\) 2007 Chapter V, article 23, paragraph (1) amended by article 1, paragraph 8 of the Emergency Ordinance no. 65/2007)

(2) The presidency of the Commission shall be ensured by the representative of the Ministry of Culture and Religious Affairs, assigned as such by order of the minister of culture and religious affairs.

(3) The works of the Commission shall be ensured by a secretariat composed of specialists assigned by the minister of culture and religious affairs.

(4) In order to achieve the objectives stated at article 21, paragraph (3), letter a), the Ministry of Culture and Religious Affairs together with the Ministry of Development, Public Works and Housing shall elaborate the Operational Guide which will include: evaluation and selection criteria, the organization and functioning of the Commission, which will be approved by joint order of the
minister of culture and religious affairs and minister of development, public works and housing.

(5) The Ministry of Development, Public Works and Housing shall elaborate methodological norms for achieving the objective stated at article 21, paragraph (3), letter a) through the National Investment Company.

(6) In order to achieve the objective stated at article 21, paragraph (3), letter c), the Ministry of Culture and Religious Affairs shall elaborate the Operational Guide which will include: evaluation and selection criteria, the organization and functioning of the Commission, as well as regulations concerning the implementation, monitoring and recording the activities, which will be approved by order of minister of culture and religious affairs.

(7) The Commission established according to paragraph (1) shall select the projects proposed by the authorities of the local public administration which meet the minimal requirements stated at article 22 and approves to finance those who meet the criteria stated in the Operational Guides of each objective.

(8) With a view to achieving the objective stated at article 21, paragraph (3), letter b), at the level of the Ministry of Agriculture and Rural Development shall be established workgroups composed of representatives of the Ministry of Agriculture and Rural Development within the management authority for the National Program for Rural Development, respectively, within the Agency for Payments for Rural Development and Fishing, as well as two representatives of the Ministry of Culture and Religious Affairs, assigned by order of the minister of culture and religious affairs.

Art. 25

(1) In order to monitor the implementation of the Program, a compartment that shall function with a number of 15 positions, in addition to the number of positions within the Ministry of Culture and Religious Affairs shall be established.

Art. 25¹
The local public administration authorities selected and financed within the Program must preserve the cultural establishment profile for at least 15 years.  
(on May 26th 2007 Chapter V, completed by article 1, paragraph 17 of Law no. 143/2007)  
(on June 29th 2007 Chapter V, article 26, abrogated by article 1, paragraph 10 of the Emergency Ordinance no. 65/2007)

Art. 27
The cultural establishments functioning when the present ordinance comes into force shall continue their activity.

Art. 28

****

PRIME MINISTER
CALIN POPESCU-TARICEANU

Countersigns:
Minister of Culture and Religious Affairs,
Adrian Iorgulescu,
Minister of Administration and Interior,
Mircea Nicu Toader,
State secretary
Minister of Labour, Social Solidarity and Family,
Gheorghe Barbu
Minister of Agriculture, Forests and Rural Development,
Dan Stefan Motreanu
Minister of Public Finances,
Sebastian Teodor Gheorghe Vladescu

Romanian Official Journal, Part 1, no. 1038 of December 28th 2006