

ROMANIA

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Law on Land Resources

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The Parliament of Romania adopts the present law.

Chapter I

General Provisions

Article 1. Land of any kind, independently of its use, of the title in which it is held, or of the public or private domain to which it belongs, composes Romania's land resources.

Article 2. Depending on its purpose, land is:

- a) Land for agricultural use, namely: productive agricultural land -- arable, vineyards, orchards, vine and fruit tree nurseries, hops and bean fields, pastures, hay fields, greenhouses, hothouses, and others, forest vegetation land that does not belong to forestry installations, forested pastures, land occupied by agricultural and animal raising constructions and installations, fish facilities and land improvement installations, agricultural service and production roads, storage platforms and areas that serve the needs of agricultural production, and nonproductive land that can be improved and used for agricultural production;
- b) Land for forestry use, namely: forested land or land that serves forestry cultivation, production, or management, land intended for forest planting, and nonproductive land -- rocks, cliffs, boulders, precipices, ravines, and torrents -- if it is included in forestry management;
- c) Land that is permanently underwater, namely: minor beds of waterways, lake basins at maximum retention levels, bottoms of interior seawater bodies and of territorial seas;
- d) Inhabited land associated with urban and rural localities, on which are located constructions and other improvements, including agricultural and forest land;
- e) Land used for special purposes, such as road, railway, naval, and air transportation with its associated constructions, hydraulic and thermal technology constructions and installations, electric power, natural gas, and telecommunication transportation facilities, mining and oil exploitations, quarries and waste dumps, defense facilities, beaches, natural reservations and monuments, archeological and historical constructions and sites, and for other similar purposes.

Article 3. In the sense of the present law, land owners are understood to be those holding property rights and other real rights to the land, or those who according to civil law, have the status of temporary owners or holders.

Article 4. Land can be the object of private property rights or other real rights, whose holders are physical or legal entities, or it can belong to the public domain or the private domain.

Public domain can be of national interest, in which case its public right ownership belongs to the state, or it can be of local interest, in which case ownership, also as public right, belongs to communes, cities, municipalities, or counties.

National public domain interests are administered by organs stipulated by law, and local public interest domains are administered by mayors or by prefectures depending on circumstances.

Public domain land is the land designated for public use.

Article 5. The public domain consists of land occupied by public interest constructions, markets, communication lines, streets and public parks, ports and airports, land for forestry use, creek and river beds, basins of public interest lakes, the bottom of interior maritime waters and of the territorial sea, the shore of the Black Sea including beaches, natural reservations and national parks, monuments, archeological and historical constructions and sites, natural monuments, land used for defense or for other purposes which according to law are in the public domain, or which by their nature are of public use or interest.

Land that is part of the public domain is withdrawn from civilian ownership unless otherwise stipulated by law. Property right to this land is inalienable.

Article 6. The private domain of the state, communes, cities, municipalities, and counties consists of land -- other than that stipulated in article 5 -- that is or that becomes their property through ways and means stipulated by law. It is subject to common law provisions, unless otherwise stipulated by law.

Article 7. Land resources and corresponding property rights and other real rights, must be recorded in the public land record and housing documents stipulated by law.

Chapter II

Establishment of the Private Property Right to Land

Article 8. Under the present law, private property right to land owned by agricultural production cooperatives is established by gaining or regaining that property right.

Beneficiaries of the law are cooperative members who have transferred land to the cooperative, or whose land was acquired by the cooperative in any manner and under civil law, their heirs, cooperative members who did not contribute land to the cooperative, and other specifically designated persons.

Property right is established on request by obtaining a property title to a minimum area of 0.5 hectare of equivalent arable land for each person entitled to land according to the present law, and to a maximum area of 10 hectares for a family.

Family is understood to mean spouses and unmarried children if they farm together with their parents.

Article 9. Persons whose property right is gained or regained according to the present law, cannot be allocated a property of more than 10 hectares of equivalent arable land per family, even if the property right is gained or regained in several localities.

The persons stipulated in paragraph 1 will append a signed declaration to their request, reporting the land area they own or which they are entitled to receive under the conditions of the present law.

Article 10. The land area transferred to the cooperative is determined from the cooperative's records, enrolment requests, agricultural records on the date of enrolment into the cooperative, property deeds and land card, or in their absence, from any other evidence, including declarations from witnesses.

The provisions of the preceding paragraph equally apply to the land areas appropriated by cooperatives either on the basis of special laws, or without any title, or in any other manner.

Property right is established on request, based on the land held by the cooperative on 1 January 1990 and recorded in the general land cadastre or in agricultural records, updated by the transfers performed by the cooperative until the effective date of the law.

Requests to establish property rights are entered and recorded at a town hall within 30 days from the effective date of the present law.

The establishment of property rights will be concluded within at most 90 days from the publishing date of the present law.

Article 11. To establish property rights by gaining or regaining them, to allocate land to those entitled to it, and to issue property titles, a commission led by a mayor is formed in each commune, city, or municipality by decision of the prefecture.

Commune, city, or municipality commissions will operate under the guidance of a country commission named by decision of the prefecture and led by the prefect.

The procedure for forming the commissions and the model and manner for issuing the new property rights, will be established by government decision within 15 days after the publication of the present law. The commissions will be composed of citizens from all entitled categories, specialists, and public officials, as designated by the community. In communes composed of several villages, the citizens will be designated in proportion to the number of inhabitants in each village.

Country commissions are qualified to resolve disputes and to validate or invalidate the measures taken by their subordinated commissions.

Those dissatisfied with county commission decisions can lodge complaints with the court in whose jurisdiction the land is located, within 30 days after obtaining the resolution of a county commission.

A complaint suspends execution.

The court will set a date for the plaintiff and will ask the county commission to designate one of its members to appear on the court date to provide explanations.

Judicial control is limited exclusively to the correct application of the imperative decisions of the present law regarding the right to obtain property rights, the land area that is due, and if

necessary, the exact reduction in this area, according to law.

Two judges of the court will judge the complaint.

The decision of the court is final. The county commission which has issued the title will modify, replace, or cancel it based on the decision of the court.

Article 12. Qualification as heir is established by an inheritance certificate, or by a final court decision, or failing these, by any other evidence that shows acceptance of the inheritance.

Heirs who cannot prove their qualification insofar as the land has not been on the civilian market, are considered to have regained rights to the proportion of land to which they are entitled from the land belonging to their progenitors. They are considered to have accepted the inheritance on the basis of their request to the commission.

The property right is issued for the land area determined in the name of all the heirs, following which they proceed according to common law.

Article 13. Agricultural production cooperative land outside the boundaries of a locality becomes the property of the cooperative members, or depending on circumstances, of their heirs, as a function of the areas contributed to or acquired by the cooperative in any manner.

As a rule, land is effectively allocated according to old property lines in mountain regions, and in the plain, according to boundaries established by the commission and not necessarily according to old property lines, within the current areas of cooperatives.

When differences exist in total area as well as in utilization categories between the land area of agricultural production cooperatives, calculated by adding the land areas contributed by cooperative members or acquired by the cooperative in any manner, and the current land area, the property of cooperative members or their heirs is established by reducing a proportional ratio calculated by subtracting from the total initial area, the area legally used for other purposes relative to existing agricultural utilization categories. Owners of properties smaller than 1 hectare will not be affected.

At the option of its owners, land occupied by orchards, vineyards, greenhouses, fish ponds, fishery facilities, nurseries, animal raising and administrative constructions, as well as fodder management constructions needed for existing animal-raising facilities in cooperatives, can represent contributions to the formation of private affiliations, as legal entities or otherwise.

Article 14. Cooperative members who have either left the cooperative, have not worked in the cooperative, or do not live in the respective locality, as well as their heirs, can receive land outside the boundaries of a locality that was contributed to or acquired by the cooperative in any manner.

The provisions of the preceding paragraph also apply to persons and their heirs whose land entered with or without title into the cooperative's holdings, even if these persons did not become cooperative members.

The provisions of paragraph 2 also apply to holders of the title Knight of the Order Mihai Viteazul, and Mihai Viteazul with Swords, and to their heirs, who have requested and received arable land on the date of property allotment, and who do not own any other land except the one

that was taken from them.

The provisions of article 13, paragraphs 2 and 3, also apply.

On request, those who have totally or partially lost the capability to work as a result of participating in the struggle for victory in the Revolution of December 1989, and the heirs of those who have died in that Revolution, will be awarded properties of 10,000 sq meters of equivalent arable land. These persons are exempt from taxes or fees on that land.

Article 15. If the land area of agricultural production cooperatives also includes the agricultural land of private owners, and if the latter have not received other land as compensation, the property will be restituted upon request to them or to their heirs, in areas of equivalent proportions, from fields established by the commission.

The provisions of article 13, paragraphs 2 and 3, also apply.

Article 16. In localities with Romanian citizens of German minority, or in those with persons who have been deported or relocated, and who were dispossessed of land through regulations issued after 1944, land will be allocated as a priority on request from these persons or their heirs, from land at the disposal of the commission, or by following the procedures of article 36.

The allocation will take into consideration the land area owned by these persons, but will not exceed 10 ha of equivalent arable land per family.

Article 17. Land outside the boundaries of a locality that has been contributed to or acquired by the cooperative in any manner from cooperative members or any other persons who have died without heirs, as well as land without requests for restitution, remains at the disposal of the commission.

All cooperative land that is not allocated according to articles 13-16, as well as state land outside the boundaries of a locality, and that is being used by a cooperative, also remains at the disposal of the commission, to be allocated to those entitled to it according to the provisions of the present law.

Unallocated land that remains at the disposal of the commission is transferred to the state private domain, to be placed at the disposal of those who want to establish or develop agricultural uses, through rental, lease, or sale, according to law.

During 1991, the persons indicated in paragraph 3 can be allocated without payment, the land transferred to the state private domain, according to the provisions of the law.

To administer this land, the Agency for Rural Development and Improvement will be established by law.

Until the land comes under the administration of the Agency, it will be administered by town halls.

Article 18. Active cooperative members who have not contributed land to the cooperative, or who have contributed less than 5000 sq meters, as well as those who have worked for a cooperative or cooperative association as employees during the past three years without being cooperative members, can be allocated as property the land stipulated in article 17, if they are

established or expect to be established in the locality and have no land in other localities. The area allocated to them as property will be determined by considering the area of the land, the number of requestors, and the areas allocated to those who have contributed land to the cooperative.

The provisions of paragraph 1 also apply to those who have been deported and who do not benefit from the provisions of articles 13-15.

On request, up to 5000 sq meters of equivalent arable land per family can be allocated for agricultural use to specialized personnel in commune public services, during the time they work in the locality, if they or members of the family to which they belong have no property in that locality. Property rights to that land belongs to the commune, city, or municipality, depending on circumstances.

Upon leaving the locality, the persons indicated in paragraph 3 are entitled to reimbursement for their investments, if they have first obtained consent from the owner and if the investments are useful for the allocated area.

Article 19. When agricultural cooperatives no longer have land available for minimum area allocation as provided in article 8, or for those stipulated in articles 16 and 18 paragraphs 1 and 2, the commission will determine a quota reduction proportional to the area being allocated, so as to allocate land property to those categories as well.

Article 20. In localities with surplus agricultural land and with shortages of agricultural manpower, up to 10 ha of equivalent arable land can be allocated from the land stipulated in article 17, to all families that request it in writing and undertake the obligation to work that area.

Upon written request, families without land, or with little land in other localities, can receive as property as much as 10 ha of equivalent arable land, with the obligation to establish residence in the commune, city, or municipality, and to cultivate the land received, relinquishing property outside the boundaries of their own locality.

Article 21. Upon request from parish commissions or from other representative organs of local rural religious communities, the commission will allocate as agricultural land property, an area of up to 5 ha of equivalent arable land to each parish or flock belonging to religions recognized by law, or up to 10 ha of equivalent arable land for monasteries, to the extent to which these groups owned agricultural land that was acquired by agricultural production cooperatives and currently do not have similar land or have small land areas. In areas that were not converted to cooperatives, on proposal from town halls and with the decision of the prefecture, property rights will be restored from land under state ownership and administered by town halls.

The provisions of article 9, paragraph 2, also apply.

Article 22. Independently of their occupation or residence, cooperative members or their heirs have and will retain private ownership of the land covered by their houses and household buildings, as well as by the yard and garden surrounding them, determined according to article 8 of the Decree-Law No. 42/1990 regarding Measures to Encourage the Peasantry.

The provisions of the preceding paragraph also apply to those who were not cooperative members in areas converted to cooperatives.

Article 23. Land inside the boundaries of a locality, that was allocated by cooperatives to cooperative members or other persons entitled according to law, for the construction of housing and household buildings, remains and is recorded as the property of the current holders, even if it was allocated from land obtained in any manner from its former owners.

The former owners will be compensated with an equivalent area of land inside the boundaries of a locality, or failing that, with land outside the boundaries of a locality in the immediate vicinity.

Article 24. When an agricultural production cooperative has allocated land for the use of cooperative members in the gardens of former owners within the boundaries of a locality, this land rightfully belongs to its initial owners.

Those who received land under the conditions of the preceding paragraph, and who invested in it, are entitled to remuneration equal to the value of the investment if the latter cannot be removed.

Article 25. Land located within the boundaries of a locality, belonging to cooperative members or other persons who have died without heirs, is transferred to the ownership of the commune, city, or municipality, and under the administration of the town hall, to be sold, leased, or used by those who request to build housing and have no land, or to erect sociocultural or production facilities according to law, or for the compensations stipulated in article 23.

Until the operations stipulated in paragraph 1 are implemented, the land will be recorded and used according to its current condition.

Article 26. Property titles to their land areas will be issued to those qualified to receive land according to the present law, keeping in mind in each case their option to use the land individually or in various forms of private affiliation, in whole or in part, so that possession of the land is accepted on that basis.

Liquidation commissions constituted within 15 days from the effective date of the present law, on proposal from town halls and decision of prefectures, will proceed to dissolve agricultural production cooperatives, and within 9 months from dissolution will sell off their assets and pay their debts under conditions stipulated by law.

Article 27. The liquidation commissions stipulated in article 26 have the obligation to observe and confirm any violation of the law, to take steps to recover damages according to law, and if necessary, to notify the appropriate judicial forums.

The amounts recovered under the conditions of the preceding paragraph constitute liquidated assets and are used as stipulated in article 26.

On expiration of the period stipulated in article 26, the commissions will present the liquidation accounts and final detailed reports to the specialized organ of prefectures or of the Bucharest Municipality City Hall, which is responsible for financial control according to law.

The findings of debts to the state and to other legal entities, remaining after completion of the liquidation operations undertaken by the commission, will be recorded and collected by the Minister of Finances, after which the government will present them to Parliament with proposals for resolution.

Article 28. Agricultural and animal raising constructions, small industry shops, machinery, tools, and other fixed assets that belonged to dissolved production cooperatives, the land on which they are located and the land that is necessary for their normal utilization, as well as vineyards, orchards, and animals, become the property of members of private associations that are legal entities if the latter are established.

The rights of former cooperative members of the goods stipulated in paragraph 1 will be established as share values proportional to the land area contributed or acquired by the cooperative in any manner and to the amount of work performed. Association members will consider these rights as contributions in kind to the new association.

Former cooperative members who do not become members of these associations will be entitled to credits proportional to the share value that they are owed from the cooperative's holdings, if these rights are not covered in another manner. The credits will be paid by the association in kind or in money, according to the decision of the liquidation commission.

If no associations have been formed, the goods and animals stipulated in paragraph 1 will be sold at public auction to individuals or legal entities, and the money collected will be used to pay all the types of debts of the former cooperative. Excepted are bovines and ovines, as well as vineyards and orchards, which will be allocated to former cooperative members.

The monetary rights due to each former cooperative member will be established by the liquidation commission formed according to article 26, paragraph 2, within nine months from the dissolution of the cooperative.

Former cooperative members will receive their share from the auction sale of common goods, in proportion to the equivalent arable land area contributed to the cooperative and to the value of the work performed.

Goods stipulated in paragraph 1, that are not sold within one year from the dissolution of the cooperative, become the private property of the commune, city, or municipality in which it is located, without any remuneration and under the administration of the town hall.

It is forbidden to dismantle agriculture or animal raising constructions, maintenance shops, household installations and additions, and small industry shops that are the subject of paragraph 1. Exceptionally, they can be removed with town hall authorization if they are in poor condition or cannot be used for any reason, and the materials can be sold by the town hall, with the money being added to the liquidation proceeds.

Constructions used for social or cultural purposes are transferred without payment, as public right, to the ownership of a commune, city, or municipality and under the administration of a town hall.

Article 29. An intercooperative, state, or any type of cooperative association can be reorganized as a commercial company with shares, within 90 days from the publication of the law.

Land and other goods contributed by the cooperative to the association, as well as goods acquired by the latter, become the property of the company, and cooperative members and other persons entitled to regain their property from the land belonging to the company, as well as its employees, can become shareholders according to law.

When some cooperative members or other entitled persons stipulated in paragraph 2 do not choose to become shareholders of the commercial company, they will be given ownership right to land that was not contributed by the cooperative to the association, according to the provisions of articles 13 and 14 of the present law.

In localities where these possibilities do not exist, it will be possible to dissolve inefficient farms of the association. The decision in this regard is adopted by the county commission on proposal from commune, city, or municipality commissions, depending on circumstances.

The provisions of article 33 also apply.

Article 30. State property land being used by cooperatives is at the disposal of the commissions stipulated in article 11, to be allocated as property to those who are entitled according to law.

Unallocated land remaining at the disposal of the commission, will be transferred to the town hall for rental or leasing to those who want to utilize it.

Article 31. Land allocated under article 18, paragraph 1, and articles 20 and 39, cannot be transferred through living deed for 10 years beginning with the year following the one in which the property was recorded, under sanction of complete annulment of the transfer proceedings.

Determination of the annulment can be requested in court by the town hall, prefecture, district attorney, as well as by any interested party.

Article 32. Land from former village commons -- pastures and arable land -- that was used by an agricultural production cooperative, is transferred to the private ownership of a commune, city, or municipality and under the administration of the town hall, to be used as communal pasture and for the production of fodder and seed for fodder crops.

Article 33. Individuals receiving under the conditions of the present law, land that is planted with vineyards or orchards, will reimburse the credit difference to be paid as a function of the area received. The reimbursement can be in money or agricultural products, within the reimbursement deadline obligations of the agricultural production cooperative.

Land improvements on the land received, including associated protection zones, become the property of units specialized in the utilization of such land projects, under the conditions of the law.

Chapter III

Provisions Regarding State-Owned Land and Special Provisions.

Article 34. State-owned land is the area that became state property according to the legal provisions existing until 1 January 1990, and entered as such in the general land cadastre and in forest resources.

State-owned land administered by institutes and scientific research stations, or intended for research and production of superior biological seeds and seed materials, and for pure breed animals, belongs in the public domain and remains under their administration.

The provisions of the preceding paragraph also apply to state-owned land used on the date of the

present law by agricultural or forestry education units, and which falls under their administration.

Article 35. State-owned land located within the boundaries of a locality and which falls under the administration of a town hall on the date of the present law, becomes the property of a commune, city, or municipality, consistent with the legal land management conditions stipulated in article 25.

State-owned land located within the boundaries of a locality and allocated according to law in perpetuity or for the duration of the construction, for personal property housing construction, or upon state purchase of such housing, becomes on request, the property of their present owners, fully or in proportion to the share they have in the construction, depending on circumstances.

Land allocated to the acquirers of constructions to be used for the duration of the constructions, resulting from acquisition of the land associated with the constructions, under the provisions of article 30 of Law No. 58/1974 regarding the Systematization of the Territory and of Urban and Rural Localities, becomes the property of those who presently have the right to use the land, owners of the houses.

The provisions of article 22 remain applicable.

Land without constructions that is not affected by systematization details, within the boundaries of a locality, under the administration of a town hall, considered state property through the provisions of Decree No. 712/1966, is returned to its former owners or their heirs, on request.

The land stipulated in paragraphs 2-5 is allocated for ownership by decision of the prefecture, on proposal of the town hall, based on verification of the legal condition of the land.

Article 36. Persons whose agricultural land was transferred to state ownership as a result of special laws other than expropriation, and which is under the administration of state agricultural units, become on request shareholders of the commercial companies established by Law No. 15/1990 from state agricultural units. The heirs of these persons benefit from the same provisions.

Requests are made within 30 days from the effective date of the present law, at the town hall in whose area the land is located.

The number of shares received will be proportional to the equivalent arable land area transferred to state ownership, but will not exceed 10 ha of equivalent arable land per family.

The provisions of this article do not apply to persons whose land was confiscated as a result of penal convictions, except for those stipulated in the Decree-Law No. 118 of 30 March 1990, regarding the granting of rights to persons persecuted for political reasons by the dictatorship that took power beginning on 6 March 1945.

Article 37. Agricultural land without constructions, installations, or public interest improvements, that came under state ownership and under the administration of a town hall on the date of the present law, will be returned to its former owners or their heirs, but will not exceed 10 ha of equivalent arable land per family.

The land is restituted on request, under the conditions of article 10 of the present law, by decision of the prefecture, on proposal from the town hall.

The provisions of article 36, last paragraph, also apply.

Article 38. In localities with a land shortage, where the land of former owners is now state property, when the former owners do not exercise the options of article 36 and the minimum land area stipulated by the present law cannot be allocated to them or their heirs, the country commission will on request, allocate 5000 sq meters of equivalent arable land per family from state property.

The provisions of article 36 apply to the difference of land to which former owners or their heirs are entitled according to the present law.

Land areas on which investments other than land improvements have been made, cannot be allocated.

Vineyards or orchards can be used in such cases only when land of any other category is not available for ownership allocation.

Article 39. In mountain zones with unfavorable natural factors such as climate, altitude, slope, and isolation, an area of 10 ha of equivalent arable land can be allocated to young peasant families which come from a mountain agriculture environment, which have the necessary skills, and which undertake an obligation in writing to create households, to raise animals, and to use the land rationally for this purpose.

The land stipulated in the previous paragraph is allocated from land resources at the disposal for town halls.

Ownership of the land is assigned by decision of prefectures upon proposal from town halls.

Article 40. Land derived from former commons transferred to state units, and which is currently used for pasture, fodder crops, and arable land, will be restored to the ownership of a commune, city, or municipality and under the administration of a town hall, to be used as common pasture and to produce fodder or fodder crop seed. Excepted are areas covered by vineyards, orchards, fodder seed plots, fisheries, lakes, or those intended for the production of vegetable, fruits, raw materials for canned goods plants, rice plots, and experimental fields for agricultural research, which will be reimbursed in equivalent value by the Ministry of Agriculture and Food.

Article 41. Wooded land, forests, riverbank copses, shrubberies, and wooded pastures, which have belonged to private individuals, and which as a result of special laws were transferred to state ownership, are returned upon demand to their former owners or their heirs, as an area equal to the one transferred to state property but not to exceed 1 ha. The provisions of articles 42 and 47 also apply.

If the land to be allocated under the provisions of the preceding paragraph contains constructions or forest improvement installations that are completed or under construction or design, other land will be allocated while respecting the same conditions.

The land allocated under the conditions of paragraph 1, together with the equivalent arable land area restored according to the present law, cannot exceed 10 ha per family.

The land stipulated in paragraph 1 can be farmed and used as forest land according to the law.

These areas will be allocated from isolated lots or at the edge of the forest.

Article 42. Romanian citizens living abroad and former Romanian citizens who regain Romanian citizenship, can benefit from the provisions of the present law upon request, if they establish residence in Romania.

Individuals stipulated in paragraph 1 who did not formulate requests for gain or regain of property rights under the provisions of article 10, can address themselves to the Agency for Rural Development and Improvement to rent, lease, or buy land.

Article 43. Persons who have obtained property rights to agricultural land have the obligation to fully respect the conditions stipulated in articles 18, 20, and 39 of the present law, regarding the establishment of residence and the formation of new households.

Failure to respect these conditions results in the loss of property rights to the land and to any construction on that land. No reimbursement will be made for the land, and the owner will receive a reimbursement equal to the real value of the constructions.

The organ authorized to determine these situations is the Agency for Rural Development and Improvement, under whose administration is transferred the respective land and constructions.

Article 44. The territorial definition of the new properties created by the present law is based on the present territorial organization, and is conducted on the basis of subdivision projects undertaken by specialized agencies.

Chapter IV

Legal Distribution of the Land

Article 45. Private property land is and remains on the civilian market independently of its owners. It can be bought and sold through any of the modes established by civil law, respecting the provisions of the present law.

Article 46. Land within and outside the boundaries of a locality can be sold independently of its area, through a living deed closed in an legitimate manner.

In all purchases through living deed, the buyer's property cannot exceed 100 ha of equivalent arable agricultural land per family, under penalty of total cancellation of the sales document.

Article 47. Individuals who are not Romanian citizens and do not reside in Romania, as well as legal entities which do not have Romanian nationality and are not headquartered in Romania, cannot buy ownership in any sort of land through a living deed.

Persons stipulated in the preceding paragraph who obtain land through inheritance, must sell it within one year from acquisition date, under penalty of free transfer of the land to state ownership and to the administration of the Agency for Rural Development and Improvement.

Individuals stipulated in paragraph 1 who acquired ownership of land before the effective date of the present law, must sell it within one year from that date, under penalty of free transfer of the land to state ownership and to the administration of the Agency for Rural Development and Improvement.

Article 48. Agricultural land outside the boundaries of a locality can be sold by exercising a preemption right.

Preemption rights for selling any agricultural land outside the boundaries of a locality belongs to co-owners if they exist, and then to neighboring land owners, and is exercised through the Agency for Rural Development and Improvement.

The owner of the land to be sold must advise the Agency for Development and Rural Improvement, which within 15 days from date of notification, will communicate in writing the owner's intention to the persons stipulated in paragraph 2.

Those entitled to preemption rights must declare their position on its exercise within 30 days from receipt of the communication.

After this time has elapsed, the preemption right for co-owners or neighbouring owners is considered void.

The preemption right regarding the sale of land belongs to the state through the Agency for Development and Rural Improvement, which must declare its position within the deadline stipulated in paragraph 4.

If the agency does not make its position known, the land can be freely sold.

Article 49. Sale documents that violate the preemption right stipulated in article 48 are cancelable.

Article 50. Agricultural land outside the boundaries of a locality cannot be the object of forced or voluntary execution except in cases stipulated by law.

Article 51. Individuals can exchange land by mutual agreement, through legitimate documents, applying the provisions of article 46.

Land exchange between legal entities which administer land in which the state owns a majority share, or between these entities and individuals, can take place only with notification of the Ministry of Agriculture and Food or the Ministry of the Environment, depending on circumstances.

In an exchange, the land acquires the legal condition of the land it replaces, while respecting real rights.

Article 52. New ownership according to article 51 paragraph 2 is awarded by a delegate of the county Office for Cadastre and Territorial Organization, in the presence of the interested parties, entering the changes in the land cadastre and the agricultural register.

Chapter V

Land Usage for Agricultural and Forestry Production

Article 53. All owners of agricultural land must assure its cultivation and its soil protection.

Article 54. Land owners who do not fulfill the obligations stipulated in article 53, will be summoned in writing to comply, by the commune, city, or municipality.

Those who do not obey the summons and who through their own fault, do not fulfill their obligations within the time established by the town hall, will be given an annual fine of 5,000 to 10,000 lei per ha, depending on the land's category of use.

The fine is ordered by reasoned decision of the town hall, and the money becomes an income to the local budget.

Article 55. All owners of land allocated for use under the conditions of the present law, who do not fulfill the obligations stipulated by article 53, will be summoned under the conditions of article 54, paragraph 1.

Those who do not obey the summons and do not fulfill their obligations, will be subject to the procedures of article 54, paragraph 2.

They lose right to the use of the land after a period of 2 years.

Article 56. The use category of the arable land of legal entities can be changed into other categories of agricultural utilization with the approval of specialized county agricultural organs, only under the following conditions:

- a) Arable land in hill regions, constituting plots in areas of vineyards and orchards, in designated vineyards or orchards, and established by specialized organs in the Ministry of Agriculture and Food, can be transformed into vineyard and orchard plantations;
- b) Arable land in flat regions, needed to complement vineyards intended for table grapes and raisins, as well as peach and apricot orchards, established by specialized organs in the Ministry of Agriculture and Food, can be transformed into vineyard and orchard plantations;
- c) Arable land with sandy soil can be improved and transformed into vineyards and orchards;
- d) Land registered as arable, located in hill and mountain regions on non-mechanizable slopes prone to surface and depth erosion, or to active or semi-stabilized slides, and which can no longer be improved and maintained as arable, can be improved and transformed for pasture and fodder crops;
- e) Arable land located in river beds and the Danube bed, which cannot be profitably be used for other agricultural purposes, can be improved into fish basins.

Article 57. Changes in the use category of arable land, other than those stipulated in article 56, pastures, fodder fields, vineyards and orchards owned by legal entities and in which the state holds a majority share, will be approved by the Ministry of Agriculture and Food.

Changes in the category of forest utilization for forests, willow woods, and tree farms, owned by legal entities, is approved by the Ministry of the Environment.

Changes in the category of agricultural land that forms protection zones for monuments is effected with the agreement of the National Commission for Monuments and for Historical Collections and Sites.

Article 58. The soil is protected and improved through projects to prevent and control soil destruction and pollution resulting from natural phenomena or from economic and social activities.

Soil protection and improvement work is based on studies and projects undertaken at the request of specialized research and design organs, together with territorial improvement and organization agencies, and is executed by land owners, or through them, by units specializing in such work.

The state supports the performance of soil protection and improvement projects, partially or totally underwriting expenses to the extent of approved budget allocations, based on plans formulated by research and design units, adopted by specialized county agricultural organs, and approved by the Ministry of Agriculture and Food.

Article 59. Technical-economic and ecologic documentation will be jointly formulated by all interested parties for the coordinated performance of common interest projects aimed at the needs of agriculture, forestry, water management, means of communication, human settlements, or other economic and social objectives. The documentation will establish the contribution of the interested parties and the order of execution of the projects.

Article 60. Projects to control water drainage on slopes and torrents, aimed at protecting and maintaining irrigation installations, dikes, drainages, accumulation ponds, or other hydrotechnical installations, means of communication, as well as economic and social objectives, will be performed concurrently with basic work.

Article 61. Land which has totally or partially lost its production capability for agricultural or forestry crops, will be combined into land improvement zones.

Land parcels that enter into land improvement zones are established by the Ministry of Agriculture and Food and the Ministry of the Environment from proposals based on situations reported by communes, cities, or municipalities.

Land improvement zones are defined by a specialized commission whose composition and operating regulations are established by the Ministry of Agriculture and Food and the Ministry of the Environment.

The necessary documentation is approved by county agricultural and forestry and environmental protection organs, and is forwarded to the Ministry of Agriculture and Food, which together with interested ministries and departments will establish programs for design, financing, and execution.

Article 62. Owners must make available the land in land improvement zones for implementation of the measures and projects stipulated in the improvement project, retaining their ownership rights.

Any given land in the category mentioned above can be included by the town hall with the owner's agreement. If the owner does not agree, the town hall advances a detailed proposal to the prefecture for its decision.

Article 63. In the interest of torrent correction and water management projects, the state can exchange equivalent land with owners in the zone, when their land is subject to permanent

improvement work. The exchange takes place with the owners' agreement, through legitimate documents recorded in the land cadastre.

Article 64. Damaged and polluted land included in the land improvement zone is exempt from fees and taxes from the state, the county, or the commune for the duration of the improvement projects.

Article 65. Improvement and exploitation projects for damaged land in land improvement zones are performed by units specialized in the specific work.

Work performed to consolidate the land, such as terracing, grading, leveling, soil anchoring, grass planting, foresting, torrent and fence correction, roads, bridges, and permanent crossings, is performed at state expense, in conformance with the improvement project.

Article 66. The state will provide free materials -- grass seed, seedlings, soil additives -- and technical assistance to owners of damaged land, even if it is not included in land improvement zones, who individually or together and at their own initiative, want to plant grass or forests, to correct soil conditions, or perform any other improvements on their land.

Land owners who receive materials for planting grass, trees, or for soil correction, and who do not use it for the purpose for which their request it, must pay their full value.

Article 67. The money needed to research, design, and plan projects to improve, correct, and exploit damaged and polluted land included in land improvement zones, is assured by the Ministry of Agriculture and Food, the Ministry of the Environment, or by other interested ministries, as a function of project specifics, from the improvement fund and from budget allocations.

The necessary funds can be increased through the participation of communes, cities, municipalities, or counties, through the manpower or monetary contribution of all those interested in these projects, of land owners, of residents who can directly or indirectly benefit from these improvements, and from companies or agencies whose art works, roads, bridges, railways, constructions, and so on, benefit from the land improvement and correction projects.

If it is demonstrated that an area has been removed from agricultural or forestry production as a result of soil damage or pollution caused by culpable actions of individuals or legal entities, the owners, the town hall, or the agricultural or forestry organ can request that the expenses required for soil repair and improvement be covered by the guilty party.

Article 68. The Ministry of Agriculture and Food, the Ministry of the Environment, together with the Academy of Agricultural and Forestry Sciences will take measures to develop a national system to monitor, evaluate, forecast, and warn about the condition of agricultural and forestry soils, using a system based on national and county data banks, and will propose the measures needed to protect and improve the land, aimed at maintaining and increasing production capabilities.

Chapter VI

Temporary or Permanent Land Utilization for Purposes Other Than Agricultural and Forestry Production

Article 69. Agricultural and forestry production land is to be temporarily or permanently used for purposes other than agricultural and forestry production, only under conditions stipulated by law.

Article 70. New constructions of any kind are located within the boundaries of a locality.

Exceptionally, some constructions whose nature could cause environmental pollution, can be located outside the boundaries of a locality. In this case, the location will be determined on the basis of ecological studies approved by organs specialized in environmental protection.

Similarly excepted are constructions which by their nature cannot be located within the boundaries of a locality, as well as animal shelters.

Article 71. The location of constructions of any kind on agricultural land of class I and class II quality, on land with improvement facilities, on land planted with vine-yards and orchards, in national parks, in reservations, monuments, archaeological and historic sites, is forbidden.

Excepted from the provisions of the previous paragraph are constructions which serve agricultural activities, military purposes, railways, particularly important highways, high voltage lines, well drilling and equipment, oil and gas exploitation, main conduits for gas and oil transportation, water management installations, and water sources.

Land is permanently removed from agricultural or forestry use with payment of its value from those who approve it, to its owners and to the taxes stipulated in appendixes 1 and 2. These taxes form the "Land Improvement Fund" at the disposal of the Ministry of Agriculture and Food and the Ministry of the Environment.

Land permanently removed from agricultural and forestry use for constructions that serve agricultural and forestry activities, land improvement projects, waterway control, drinking water sources, and meteorological facilities, is not subject to the taxes stipulated in the preceding paragraph.

Article 72. To temporarily remove land from agricultural and forestry production, the receiver of the approval must deposit a monetary guarantee equal to the fee scheduled for permanent removal of land from agricultural use, into the "Land Improvement Fund."

After fulfilling the obligations regarding the return of land to agricultural use, the receiver of the approval will recover the deposited guarantee upon confirmation from county agricultural and forestry organs and from the land owner.

If the receiver of the approval does not execute work of suitable quality and within the time schedule given in the approval documents, the specialized agricultural or forestry organ, based on an inspection of the project, orders to have the work redone and paid from the deposited guarantee.

If the receiver of the approval does not redo the work within a new time schedule and at a quality established by the agricultural or forestry organ, the full guarantee remains in the "Land Improvement Fund."

Article 73. Permanent or temporary use of agricultural land for purposes other than agricultural production is approved as follows:

a) By county agricultural organs through the Office for Cadastre and Territorial Organization of the county or of the Bucharest Municipality, for agricultural land of up to 1 ha. The Ministry of Agriculture and Food approves any expansion of this land area;

b) By the Ministry of Agriculture and Food for agricultural land of up to 100 ha;

c) By the government for agricultural land whose area exceeds 100 ha.

Article 74. Permanent or temporary use of forestry land for purposes other than forestry, is approved by the county forestry organ for up to 1 ha, by the Ministry of the Environment for up to 100 ha, and by the government for areas greater than that.

Article 75. The approval stipulated in articles 73 and 74 requires the approval of the land owners. Similarly, the approvals stipulated in article 73, letters b) and c), and article 74, require approval from county or the Bucharest Municipality agricultural or forestry organs, as the case may be.

Article 76. Government approval must be based on an approval from the Ministry of Agriculture and Food for agricultural land, and from the Ministry of the Environment for forestry and water resources land, and if necessary, from the Ministry of Culture for the protection of monuments.

Article 77. The boundaries of localities are those that existed on 1 January 1990, as shown in the land cadastre; they can be modified only under legal conditions.

Article 78. Land in abandoned river beds that becomes available after the completion of water control projects, will be adapted for agricultural, fish, or forestry production, depending on circumstances, together with the basic projects performed by its owners.

Article 79. Before the construction of facilities, owners of investment or production facilities located on agricultural and forestry land, must take steps to remove the fertile soil cover from the approved locations, and deposit and level it on unproductive or poorly productive land indicated by agricultural or forestry organs, so as to improve the latter.

Soil can be deposited only with the approval of the land owners. The latter will not have to pay anything for the resulting increased value, nor request damages for the time the land is not usable.

Article 80. Owners of investment or production facilities whose land is no longer used for production, such as the land remaining after the excavation of raw materials -- coal, kaolin, clay, gravel, abandoned wells, and similar land -- must take the measures necessary for improvement and leveling, placing it in agricultural use, and if that is not possible, in fish or forestry use.

Those indicated in paragraph 1 will not receive approval for removing any other land from agricultural or forestry use, if they have not complied with the provisions of this article.

The work is performed by specialized units of the Ministry of Agriculture and Food and the Ministry of the Environment, from funds provided by the beneficiaries, under legal conditions.

Article 81. Telecommunication and electric power distribution lines, water, sewage, oil, gas, and similar conduits, will be grouped together and located along and in the immediate vicinity of communication paths -- highways, railways -- of dikes, irrigation and drainage channels, and of

other defined paths, so as not to interfere with the execution of agricultural work.

The use of land in such cases is approved by the county or Bucharest Municipality Office for Cadastre and Territorial Organization, independently of the area involved, with approval from the owners.

Approval under conditions other than those stipulated in paragraph 1 is given by the organs stipulated in articles 73 and 74.

Article 82. Land needed to perform urgent work that can be executed within a 30-day period, to repair damages and to perform maintenance on the facilities stipulated in article 81, will be used with the approval of the land owners, or if they deny it, with the approval of the county prefecture or the City Hall of the Bucharest Municipality.

In all cases, land owners are entitled to remuneration for damages.

Chapter VII

Organization and Improvement of Agricultural Land

Article 83. The organization and improvement of agricultural land is intended to create conditions for better land utilization for agricultural purposes, and is based on studies and projects at the request of owners, solving the following problems:

- a) Correlate agricultural development in the region, with other economic and social activities, establishing measures that will lead to higher agricultural production and overall utilization of the region;
- b) Cluster land together by owners and uses consistent with ownership structures and forms of land cultivation, as a result of associations, establish the boundaries of each property by clustering scattered parcels and correcting irrationally located boundaries;
- c) Formulate studies and projects to organize and improve agricultural facilities;
- d) Establish an agricultural road network to complement the general purpose road network, integrated in the overall organization and improvement of the territory, aimed at transporting production and providing access to the agricultural machinery necessary for production.

Article 84. Studies and projects for agricultural land organization and improvement are formulated by central or county specialized study, planning, and research units, and are discussed with the land owners in the region of interest. If they are adopted by a majority vote from those who own two-thirds of the area, and are approved by county agricultural organs, the implementation of the stipulated measures and projects becomes compulsory for all land owners.

Chapter VIII

Penalties

Article 85. Violations of the provisions of the present law result in civil, contravention, or penal responsibility, as the case may be.

Article 86. Damage to agricultural and forestry land, its surroundings, destruction and damage of agricultural crops, of land improvement installations, of topographic or geodesic fiducials and signs, of historical monuments and archeological sites, or interference with measures to conserve these items, as well as the removal of such facilities, are destructive infractions and are punished according to the provisions of the Penal Code.

Article 87. Full or partial occupation of any sort of land, installation or relocation of boundary markers and fiducials without approval under legal conditions, are disturbances of ownership infractions and are punished according to the provisions of the Penal Code.

Article 88. The following actions constitute contraventions of regulations of evidence, protection, utilization, and improvement of agricultural or forestry land, unless they are performed under conditions that classify them as infractions under penal law:

- a) Changing land and changing the use of land from a superior to an inferior category, as well as permanent or temporary use of agricultural and forestry land for purposes other than agricultural or forestry production;
- b) Failure on the part of owners to declare to county land cadastre organs, within 30 days from approval, land changes and changes in land use category, as well as data regarding areas and their use category;
- c) Failure on the part of land owners and persons authorized to maintain geodesic and topographic fiducials, metal level markers, pyramids and markers for geodesic references, to maintain them in good condition, as well as wilfully damaging and destroying them;
- d) Failure on the part of investment users to remove fertile soil covers before situating facilities, failure to deposit this soil cover on areas established by agricultural organs, as well as failure to improve and level the areas left behind after the excavation of coal, kaolin, clay, gravel, or at abandoned wells and so on;
- e) Situating facilities of any kind, except for those stipulated in article 71 of the present law, on land located outside the boundaries of a locality, without the notification and approvals stipulated by law;
- f) Occupying and using land approved for permanent or temporary removal from agricultural production, before it has been defined, fenced, and transferred;
- g) Damaging land and crops by depositing materials or wastes of gravel, mud, sand, prefabricated items, metal constructions, residues, household waste, garbage, and so on;
- h) Failure on the part of legal entities or persons to take appropriate steps to protect neighboring land against the effects of any type of residue drainage from production activities.

Article 89. The contraventions stipulated in article 88 of the present law are penalized as follows:

- a) Those of letters a) through c), with a fine of 10,000 to 20,000 lei.
- b) Those of letters d) through h), with a fine of 20,000 to 50,000 lei.

Article 90. Penalties can also be applied to legal entities.

In addition to the circumstances stipulated by the law, penalties will also consider the area, the use category, and the fertility class of the land in question.

Article 91. Contraventions are determined and penalties are applied by specialists authorized for the purpose by the Ministry of Agriculture and Food and the Ministry of the Environment, by deputies of prefectures and of county and the Bucharest Municipality agricultural and forestry organs, as well as by mayors.

The determination of the contravention reestablishes the previous situation and support of damages by guilty parties.

Article 92. To the extent to which the present law does not stipulate otherwise, the contraventions indicated in article 88 are not subject to the provisions of Law No. 32/1968 regarding the Determination and Penalization of Contraventions.

Chapter IX

Transitional and Final Provisions

Article 93. Within 30 days from the effective date of the present law, commune, city, and municipal commissions formed according to article 11, will perform the work and operations assigned to them by law, forwarding all documents to county commissions for issuing property titles for the situations stipulated in articles 8, 14, 15, 16, article 18, paragraphs 1 and 2, articles 20, 21, 22, 23, 24, 25, 28, 32, 35, 38, 39, 40, 41, and 95, as well as the operations necessary to deliver possession of the land.

At the same time, for the situations stipulated in article 18, paragraph 3, commune, city, and municipal commissions will establish the areas to be allocated for use, and town halls will issue decisions in that respect.

In the cases stipulated in article 16, article 29, paragraph 2, and article 36, county commissions at the proposal of commune, city, and municipal commissions, will issue decisions for those entitled in order to establish their rights to shares.

Decisions of county commissions will be transmitted to interested persons and commercial companies within the deadline stipulated in paragraph 1.

Commune, city, and municipal commissions cease their activities by prefecture decision, while county commissions and the Bucharest Municipality commission cease their activities by government decision.

Article 94. During the operation period of commune, city, and municipal commissions, and of liquidation commissions, members of these commissions who are employed through work contracts are considered delegates, and other commission members are paid at a rate to be established by the law's application regulation.

Article 95. The specialized personnel stipulated in article 8 of the Decree-Law No. 43/1990 regarding Measures to Encourage the Peasantry and the Economic Activities of Cooperative and State Agricultural Units, who has conducted its activities in cooperative agricultural units that have been eliminated or reorganized into commercial companies, receive priority to the

provisions of article 18, paragraph 1, or article 20 of the present law.

Article 96. Historical monuments, archeological relics and objects, and treasures that are discovered on the surface of the ground or underground, fall under the protection of the law.

Land owners and holders must assure the integrity of the land, notify state organs, and allow the pursuit of research and conservation work.

Land owners will be reimbursed with money or with equivalent land, for damages and for land acquired into the public domain.

Article 97. Individuals who have gained or regained property rights under the provisions of the present law, as well as private associations that will be formed according to article 28, paragraph 1 of this law, are exempt from agricultural land taxes for a period of three years, beginning with 1991.

The system of taxes, credits, as well as other advantages obtained by individuals or legal entities which have been given property rights under the conditions of the present law, as well as the pensions of former members of agricultural production cooperatives, will be regulated through special laws.

The time worked by former cooperative members in agricultural production cooperatives is considered work seniority for pension and for other social security purposes.

Article 98. Within 60 days from the effective date of this law, the government will present to Parliament a draft law regarding the General Land Cadastre and Housing Publicity, as well as the draft laws stipulated in article 97, paragraph 2.

Until the new law becomes effective, current regulations will apply regarding the land cadastre and housing publicity.

Article 99. Production expenses for 1991, spent on land allocated according to the present law until the date of possession, will be supported by the new land owners, or by the land users, depending on circumstances.

Article 100. General land cadastre activities, geodesic, photogrammetry, and territorial organization projects, as well as the data banks associated with them at county or national level, will be financed from the budget.

Article 101. Appendixes 1 and 2 are an integral part of the present law.

Article 102. The present law becomes effective on the date of its publication in MONITORUL OFICIAL AL ROMANIEI.

On the effective date of this law, the following are canceled:

Articles 1-36 and 51-79 of Law No. 59/1974 regarding the Land Fund, published in BULETINUL OFICIAL No. 138 of 5 November 1974.

Decree-Law No. 42/1990 regarding Measures to Encourage the Peasantry, published in MONITORUL OFICIAL No. 17 of 30 January 1990, except for articles 8-11.

Law No. 9/1990 regarding a Temporary Ban on Land Transfers by Living Deed, published in MONITORUL OFICIAL No. 95 of 1 August 1990, except for article 2.

HCM (Decision of the Council of Ministers) No. 665/1975 to Establish and Penalize Contraventions to Regulations Regarding the Recording, Utilization, Protection, and Improvement of Agricultural Land, published in BULETINUL OFICIAL No. 74 of 16 July 1975.

Decree No. 115/1959 to Eliminate the Remains of Any Form of Exploitation of Man By Man in Agriculture, With the Aim of Steadily Improving the Material and Cultural Standard of Living of the Working Peasants, and for Developing the Socialist Construction, published in BULETINUL OFICIAL OF THE GREAT NATIONAL ASSEMBLY OF THE ROMANIAN SOCIALIST REPUBLIC, No. 10 of 30 March 1959.

Any other provisions contrary to the provisions of the present law.

This law was adopted by the Senate at its 14 February 1991 session.

President of the Senate Academy Member, Alexandru Birladeanu

This law was adopted by Assembly of Deputies at its 14 February 1991 session.

President of the Assembly of Deputies, Martian Dan

Based on article 82, letter m) of the Decree-Law No. 92/1990 to Elect the Parliament and the President of Romania,

We announce the Law on Land Resources and order its publication in MONITORUL OFICIAL AL ROMANIEI.

President of Romania, Ion Iliescu

Bucharest, 19 February 1991

Appendix 1

Tax due for permanent removal of land outside the boundaries of a locality from agricultural use.

Percent tax applied to sale price [figures as published]:

Agricultural class 1: 800

Agricultural class 2: 800

Agricultural class 3: 700

Agricultural class 4: 600

Agricultural class 5: 500

Note: The percentage applies to the land value declared as price by the parties in the transfer contract.

If the value declared by the parties is lower than the normal market value of the land, calculated by multiplying by 25 the taxable annual income derived from the land, the percentage is calculated on the value thus established.

The tax is calculated in the same manner if the land had not been transferred.

Appendix 2

Tax due for permanent use of forestry land for purposes other than forestry production and forest clearing

Percent tax applied to sale price [figures as published]:

Quality class 1: 600

Quality class 2: 550

Quality class 3: 500

Quality class 4: 400

Quality class 5: 300

The percentage applies to the income value established for the volume achieved from exploitation of the basic species of the region, considered as the goal variety, established by improvement or compared to it.