

**LAW
on the land resources**

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**LAW
on reconstitution of the property right
over agricultural and forest land
claimed in keeping with the provisions
of Law on land resources No. 18/1991
and Law No. 169/1997**

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**REGULATIONS
regarding the setting up procedure,
the duties and the functioning of the
commissions for the establishing of the
private property right over land, putting
in possession of the owners, of the
model and mode of issuing the property
titles**

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**LAW
on the juridical circulation of the land**

LAW

on the land resources*

CHAPTER I

General provisions

Art. 1. – Land of any kind, regardless of its destination, of the title on whose basis it is held, or of the public or private sector to which it belongs, shall constitute the land resources of Romania.

Art. 2. – Depending on its destination, land shall be:

a) land for agricultural purposes, namely: productive agricultural land – arable land, vineyards, orchards,

* The Law No. 18 of February 18, 1991 was published in the Official Gazette of Romania, Part I, No. 37 of February 20, 1991 and it has been modified by Law No. 29 of March 21, 1991, published in the Official Gazette of Romania, Part I, No. 59 of March 22, 1991, by Government Ordinance No. 23 of August 21, 1992, published in the Official Gazette of Romania, Part I, No. 213 of August 28, 1992 (approved by Law No. 114 of November 18, 1992, published in the Official Gazette of Romania, Part I, No. 311 of November 30, 1992), by Government Ordinance No. 46 of August 12, 1994, published in the Official Gazette of Romania, Part I, No. 241 of August 1994 (approved by Law No. 132 of December 22, 1994, published in the Official Gazette of Romania, Part I, No. 359 of December 23, 1994), by Government Ordinance No. 20 of August 4, 1995, published in the Official Gazette of Romania, Part I, No. 184 of August 15, 1995 (approved by Law No. 104 of November 16, 1995, published in the Official Gazette of România, Part I, No. 270 of November 21, 1995), by Government Ordinance of Urgency No. 5 of August 31, 1996, published in the Official Gazette of Romania, Part I, No. 207 of September 2, 1996 (approved by Law No. 47 of April 4, 1997, published in the Official Gazette of Romania, Part I, No. 58 of April 8, 1997) and by Government Ordinance No. 57 of August 28, 1997, published in the Official Gazette of Romania, Part I, No. 225 of August 30, 1997.

Republished, also, in the Official Gazette of Romania, Part I, No. 1, of January 5, 1998, on the grounds of art. VII in Law No. 169 of October 27, 1997, published in the Official Gazette of Romania, Part I, No. 299 of November 4, 1997, giving the texts a new numbering. We mention that Law No. 169/1997 also contains certain own articles, numbered from II to V, that have not been incorporated in the republished text of Law No. 18/1991 and which are reproduced in the pages 428–430.

viticultural nurseries, fruit-growing nurseries, hop and mulberry plantations, pastures, hay fields, hot houses, solaria, hotbeds and the like —, land with forest vegetation if it does not belong to forest planning, afforested pastures, land occupied by agricultural and zootechnic constructions and installations, fish protection works and those of land reclamation, technological and agricultural operation roads, depositing grounds and platforms serving the needs of agricultural production, as well as unproductive grounds which can be fitted out and used for the agricultural production;

b) land of forest purposes, namely: afforested land or land serving the needs of forest culture, production, or administration, land for the purpose of afforestation and unproductive land — rocky regions, steep lands, blocks, cliffs, ravines, torrents — if they are included in forest planning;

c) land permanently under water, namely: minor river beds, lake basins at maximum retention levels, bottom of interior maritime waters and of the territorial sea;

d) land within the built-up area, appertaining to urban and rural localities on which there are located constructions and other arrangements of the localities, agricultural and forest land inclusive;

e) land used for special purposes, such as land used for road, railway, naval, and air transports, with the corresponding constructions and installations, hydrotechnical and thermic constructions and installations and those for the transport of electricity, natural gas and for telecommunications, land for mining and oil exploitations, pits and waste dumps of any kind, land for defence needs, beaches, reservations, natural monuments, archaeological and historical sites and piles, and suchlike.

Art. 3. — In the sense of the present law, by *land holders* there shall be understood the titulars of the property right, of other real rights on the land, or those who, according to civil law, have the quality of precarious holders or possessors.

Art. 4. — (1) Land may form the object of private property right or of other real rights, having natural or legal persons as titulars, or it may belong to public domain or private domain.

(2) Public domain may be of national interest, in which case the property on it, under public law regime, belongs to the State, or it may be of local interest, in which case the property, under public law regime, too, belongs to communes, towns, municipalities, or counties.

(3) The administration of the domain of national public interest shall be made by the bodies provided by law, and the administration of the public domain of local interest shall be made by mayoralties or by prefectures, as the case may be.

(4) Land from public domain shall be that appropriated to a public utility.

Art. 5. — (1) To public domain shall belong the land on which there are located constructions of public interest, markets, ways of communications, street networks and public parks, ports and airports, land for forest management, river and stream beds, basins of public interest lakes, the bottom of interior maritime waters and of the territorial sea, the Black Sea coast, beaches inclusive, land for natural reservations and national parks, archaeological and historical monuments, sites and piles, natural monuments, land for defence needs or other uses which, according to the law, belong to public domain or which, by their very nature, are of public use or interest.

(2) The land that is part of the public domain is inalienable, not attachable and imprescriptible. It cannot be introduced in the civil circuit unless if, according to law, it is released from the public domain.

Art. 6. — The state private domain and, respectively, that of the communes, towns, municipalities and counties is made of the land acquired by these through modalities stipulated by law, as well as of the land released, according to law, from the public domain. It is subjected to the provisions of ordinary law, if law does not stipulate it otherwise.

Art. 7. – The land resources and, correspondingly, the property right and other real rights shall be registered into the documents of land records and real-estate publicity provided by law.

CHAPTER II

Establishment of private property right on land

Art. 8. – (1) The establishment of private property right on the land which is in the agricultural production cooperatives' property shall be made under the terms of the present law, by reconstituting the property right or by constituting this right.

(2) By the provisions of the law shall benefit the agricultural production cooperatives' members who brought land in them or from whom land was taken over in any way by them, as well as, in terms of the civil law, their heirs, agricultural production cooperatives' members who brought no land in them, and other precisely specified people.

(3) The establishment of property right shall be made, at request, by issuing a property title within the limit of a minimum area of 0.5 ha for each entitled person, according to the present law, and of a maximum of 10 ha per family, in arable equivalent.

(4) By *family* there shall be understood the spouses and unmarried children, if they manage the homestead together with their parents.

Art. 9. – (1) The persons that were reconstituted the property right within the limit of 10 ha of land per family, in arable equivalent, may request the reconstitution of the property right also for the difference between that area and the one that they have brought in the agricultural production cooperative or that has been taken over in any form by it, up to the limit of area stipulated in art. 3 let. h) in Law No. 187/1945 for the carrying out of the land reform, per family, irrespective whether the reconstitution is to be made in several localities or from different authors.

(2) The persons to whom the property right was reconstituted according to law, within the limit of 10 ha

area of land per family and who it was applied the reduction quota, according to art. 14 para (3) of the law, may formulate an application for the areas of land that constituted that quota. The applications shall be formulated in case the reduction quota exceeded the percentage of 5%.

(3) The application is submitted to the mayoralty of the locality or, as the case may be, to the mayoralties of the localities in the radius of which the land for which the property right is to be reconstituted is located, personally or by post, with acknowledgement of receipt, within 90 days from the date of the present law* coming into force, under the sanction of loss.

(4) The application shall include:

a) the name and surname of the applicant person and its domicile;

b) the capacity of titular or heir of the right to property for which this right has been or is to be reconstituted, according to the present law;

c) the area of land that has been reconstituted and the difference applied for.

(5) Enclosed to the application there shall be:

a) xerox copy from the property title that has been issued or, as the case may be, from the official report or from the putting in possession card;

b) xerox copies from the documents proving the property right for the areas of land requested in addition;

c) a statement in which there shall be mentioned, on own responsibility, the total area of land granted in ownership, by reconstitution or by constitution, per family, according to the present law, even if that has been in several localities or from several authors.

(6) The mayor shall set up a special register, initialed, numbered and sealed, in which the applications submitted by the entitled persons shall be entered chronologically and shall issue, at request, a bill containing the registration number.

* Law No. 169/1997 came into force on November 4, 1997.

(7) For the applications submitted by post, on the acknowledgement of receipt the registration number of the application and the date shall be mentioned.

(8) The mayor or the secretary of the local council is obliged to accept the application and register it, irrespective whether or not this includes all the mentions stipulated in para (4) and is not accompanied by all the documents stipulated in para (5). In such case, the mayor or the secretary is obliged to communicate to the applicant that, within the time limit of 90 days he should submit all the necessary documents mentioned in para (5), under the sanction of its loss of the term.

(9) The non-observance of the obligations stipulated in para (6) by the mayor or secretary shall bring about both the administrative and the disciplinary responsibility, according to law, and the payment of cominatory damages or, as the case may be, and of damages.

(10) After the expiry of the 90 days term stipulated in para (3), the mayor is obliged, within 30 days, to draw up the list regarding the categories of persons, the requested agricultural land and the balance sheet of the land resources per locality – commune, town, municipality –, in view of reconstituting the property right, according to law. Within this term, the mayor shall transmit these to the prefect, under signature.

(11) Within 15 days from receipt, the prefect shall draw up the list regarding the applicant persons and the balance sheet of the land resources per county, which he shall transmit, within the same term, to the Department for Local Public Administration.

(12) After drawing up the balance sheet of the land resources at country level, the areas of agricultural land that shall be reconstituted shall be established by law.

Art. 10. – (1) The natural and the legal persons that was reconstituted the property right over the agricultural land, according to the present law, as well as the legal persons that have in their property or administration agricultural land or hold in any way such land, have the obligation to give the secretary of the local council a statement in which there shall be mentioned the agricultural land area granted or, respectively, actually

held, in one or several localities, while for the natural persons, also from several authors.

(2) The natural persons shall make the statement on their own responsibility, while the legal persons, through their representatives.

Art. 11. – (1) The area brought in the agricultural production cooperative is the one resulting from ownership documents, landed book, cadastre, applications for joining the cooperative, land registry on the date of joining the cooperative, cooperative's records or, in their absence, from any other proofs, including statements of witnesses.

(2) The provisions of the previous paragraph shall correspondingly apply also with regard to areas taken over by agricultural production cooperatives either on the basis of some special laws, or without any title, or in any other way.

(3) The establishment of property right shall be made at request, on the basis of the situation of the land held by the agricultural production cooperative on January 1, 1990, registered in the record system of the general land cadastre or of the agricultural register, corrected with the alienations legally effected by cooperative up to the date when the law has come into force.

(4) The application for the establishment of property right shall be forwarded and registered at the mayoralty within 30 days after the coming into force of the present law.

Art. 12. – (1) In order to establish the property right by its reconstitution or constitution, to effectively assign the land to the entitled persons, and to issue property titles, in each commune, town, or municipality, a commission led by the mayor shall be set up by an order of the prefect*.

(2) The communal, town, or municipal commissions shall operate under the guidance of a county commission, appointed by an order of the prefect and led by the prefect.

* According to the art. 113 para (1) under Law No. 69/1991, republished, the prefect issues orders.

(3) The commissions' setting-up procedure and manner of operation, as well as the model and mode of assignment of the new property titles shall be established by a Government's decision* within 15 days after the date of publication of the present law. The commissions shall be composed of citizens designated by the community from all the entitled categories, specialists and civil servants. In the communes consisting of several villages, the citizens shall be designated proportionally to the numerical share of each village's inhabitants.

Art. 13. – (1) The heir capacity shall be established on the basis of the heir certificate or the final judicial decision, or, in their absence, of any other evidence from which it results the accepting of inheritance.

(2) Heirs who cannot prove this capacity because the land was not in the civil circuit shall be considered reinstated *de jure* within the acceptance term with regard to their due share from the land that belonged to their author. They shall be considered as having accepted the inheritance by the application they make to the commission.

(3) The property title shall be issued with regard to the land area determined on the name of all the heirs, who are to proceed according to the ordinary law.

Art. 14. – (1) Land belonging to agricultural production cooperatives situated outside the built-up area of the localities shall become the cooperative members' or their heirs' property, as the case may be, in accordance with the land areas which were brought or taken in any way into the cooperative's property.

(2) As a rule, the effective assignment of the land shall be made, on hillsides, on the former locations, and in plain zones, on fields established by the commission, and not necessarily on the former locations of the property, within the present cooperatives' perimeters.

(3) In case that, between the agricultural production cooperative's land area, as resulted by summing up the land areas brought by its members or taken over by the cooperative in any other way, and the present land area

* See the Government Decision No. 131/1991, republished in the Official Gazette of Romania, Part I, No. 7 of 19 January 1993.

there shall have occurred modifications both with regard to the total land area and by utilization classes, the establishment of the cooperative members' or of their heirs' property shall be made by reducing a proportional share resulted from the subtraction of the areas legally used for other purposes from the initial total area, and proportionally to the existing agricultural utilization classes. Area holders with properties of less than 1 ha shall not be affected.

(4) Areas occupied by fruit-growing and vine-growing plantations, hot houses, ponds, fish protection works, nurseries, administrative, agricultural and zootechnic constructions, as well as those required for the fodder base appertaining to the zootechnic production capacities existing in the agricultural production cooperatives may, on the basis of the owners' option, represent a contribution to the setting up of some private-type association forms, with or without legal personality.

Art. 15. – (1) Cooperative members who abandoned the cooperative, did not work in it, or do not live in the respective locality, as the case may be, as well as their heirs may receive land from the outside of the built-up area brought or taken in any way into the cooperative's property.

(2) The provisions of the previous paragraph shall also apply to persons whose land passed into the agricultural production cooperative's property, with or without title, without having acquired the capacity of cooperative members, as well as to their heirs, as the case may be.

(3) By the provisions of paragraph (2) shall also benefit the persons holding the titles of Knight of the Order of "Michael the Brave" and "Michael the Brave with Swords" and their heirs, who opted for and to whom arable land was allotted at the date of appropriation, except those who alienated it.

(4) The provisions of Article 14, paragraphs (2) and (3) shall be correspondingly applied.

(5) Land areas of 10,000 m² in arable equivalent shall be allotted in property, at request, to persons having totally or partly lost their working capacity and to the heirs of those deceased as a result of their participation in

the fight for the victory of the December 1989 Revolution. For the land allotted, these beneficiaries shall be exempt from taxes or duties.

Art. 16. – (1) In cases in which, within the perimeter of some agricultural production cooperatives, there were also amalgamated agricultural lands belonging to private owners, who did not receive other land in compensation, at their request or at that of their heirs, they shall be reinstated in property and the areas shall be restored in an equivalent share, within certain fields established by the commission.

(2) The provisions of article 14 paragraphs (2) and (3) shall be correspondingly applied.

Art. 17. – (1) In localities with Romanian citizens belonging to the German minority or inhabited by persons who were deported or displaced, dispossessed of land by statutory instruments after 1944, land areas from the reserve at commissions' disposal shall be assigned in property, at request, with priority to them or their heirs, or the procedure shall be pursuant to Article 37.

(2) On assignment, the land area they had in property shall be taken into consideration, without exceeding 10 ha per family, in arable equivalent.

Art. 18. – (1) Land from the outside of the built-up area brought or taken in any other way into the agricultural production cooperative's property from its members or other persons deceased without having any heirs, as well as unclaimed land shall remain at commission's disposal.

(2) All land belonging to the agricultural production cooperative that was not assigned according to Articles 14–17 as well as State-owned land from the outside of the built-up area exploited by the cooperative shall also remain at commission's disposal, to be assigned to other entitled persons, according to the provisions of the present law.

(3) The unassigned land, remaining at commission's disposal, shall pass in the private domain of the commune, town or municipality, to be put at the disposal of those that wish to set up or develop agricultural exploitations, by leasing, licensing or sale, under the terms of the law.

Art. 19. – (1) Active cooperative members who did not bring land into the cooperative, or who brought land with an area of less than 5,000 m², as well as those who, without having the quality of cooperative members, worked in any way as employees during the last 3 years in the cooperative or in cooperative associations, may be assigned in property plots from the land provided under Article 18, if they are established or are going to establish themselves in the locality and do not hold land in property in other localities. The area assigned in property shall be determined by taking into account the land areas, the number of applicants, and the area assigned to those who brought land into the agricultural production cooperative.

(2) The provisions under paragraph (1) shall also apply to the persons who were deported and do not benefit by the provisions under articles 14–16.

(3) Up to 5,000 m² in arable equivalent per family may be assigned, at request, for agricultural utilization to the specialist personnel from communal public services, as long as they work in the locality, if they or members of the family to which they belong have no land in property in the respective locality. The property right on this land belongs to the commune, town, or municipality, as the case may be.

(4) The granting for use cannot be made in the cases in which in the respective locality the reductions stipulated in art. 14 para (3) have been carried out.

(5) On leaving the locality, the persons mentioned under paragraph (3) are entitled to indemnifications for investments made, with the owner's preceding consent, and if they are useful on the assigned area.

Art. 20. – In case that in some agricultural production cooperatives there is no land left available to be assigned in the minimal area provided under article 8, as well as for the persons provided under articles 17 and 19 paragraphs (1) and (2), the commission shall decide a reduction in proportional share of the area that is allotted, so as to assign land in property to these categories, too.

Art. 21. – (1) In localities with surplus of agricultural land area and with workforce deficit in agriculture, from

the land provided under article 18 up to 10 ha in arable equivalent may be assigned in property to all families which apply for it in writing and assume the obligation to work this area.

(2) Families without land or with little land from other localities, which apply in writing, may receive in property up to 10 ha in arable equivalent, from the outside of built-up area with the obligation to establish their domicile in the commune, town, or municipality, as the case may be, and to cultivate the land received, abandoning the property they held in their locality.

Art. 22. – (1) At the request of parish commissions or of other representative bodies of local cult communities – from the rural environment –, the commissions shall assign in property, out of agricultural land, an area of up to 5 ha in arable equivalent to each parish or hermitage belonging to the legally recognized cults, or up to 10 ha of agricultural land in arable equivalent for monasteries, in so far as all these establishments formerly possessed agricultural land taken over by agricultural production cooperatives, and at present do not hold such land or have restricted areas. In zones which did not belong to cooperatives, the reconstitution of the property right shall be made from the land existing in State property and under mayoralties' management, at their proposal, by an order of the prefect.

(2) The provisions of article 9, paragraph (5) shall correspondingly be applied.

(3) The representative bodies of the cult units acknowledged by law, from the rural area, may request the reconstitution of the property right also for the area of agricultural land that represents the difference between the area of 5 ha, in the case of parishes, and the area they have held in ownership, but not more than 10 ha, and for the area that represents the difference between the area of 10 ha, in the case of monasteries and hermitages, and the area they have held in ownership, but not more than 50 ha.

(4) The provisions of art. 9 remain applicable.

(5) For the parishes, hermitages and monasteries in the urban area, the councils and their representative bodies

may request the reconstitution of the property right under the terms of para (3) and (4).

(6) The representatives of other cult units may also request the reconstitution of the property right over the land they have held in ownership, within the limit of the area they had owned, as follows:

- a) patriarchal center, up to 200 ha;
- b) diocesan centers, up to 100 ha;
- c) archpriest residences, up to 50 ha;
- d) parishes in urban area, up to 10 ha;
- e) subsidiaries in the rural and urban area, up to 10 ha.

Art. 23. – (1) There shall be and remain in the private property of cooperative members or of their heirs, as the case may be, regardless of their trade or domicile, the land corresponding to the dwelling house and household dependencies, as well as the courtyard and garden around them, determined according to article 8 under the Decree-law No. 42/1990 on some measures for stimulating the peasantry.

(2) The areas of land pertaining to the dwelling house and household dependencies as well as the courtyard and garden around them are those registered as such in the ownership documents, in the landed book, in the agricultural registry or in other landed documents, on the date of joining the agricultural production cooperative.

(3) For the area of agricultural land assigned by the agricultural production cooperative as plot for use, according to the stipulations of art. 4 in Decree-law No. 42/1990, the person to whom it has been assigned shall not be reconstituted or constituted the property right, irrespective whether this land is in the continuation of the garden inside the built-up area or on another location outside the built-up area, except for those displaced, for the carrying out investments of local interest or public utility.

(4) The provisions of the paragraph (1) shall also apply to the persons from the zones belonging to cooperatives who did not have the cooperative-member quality.

Art. 24. – (1) Land within the inside the built-up area that was assigned by cooperatives, according to the law, to cooperative members or other entitled persons, for the

construction of dwellings and household dependencies, they have erected, shall remain and be inscribed in the present holders' property, even if the assignment was made from land taken over, regardless of the manner applied, from the former owners.

(2) The former owners shall be compensated with an equivalent land area within inside of the built-up area, and, in its absence, with land from the outside of the built-up area but in the immediate neighbourhood.

Art. 25. – (1) In case the agricultural production cooperative assigned plots for utilization to some cooperative members, in the former owners' gardens within the built up area, such land shall revert *de jure* in the initial holders' property or their heirs.

(2) Persons who have received land in the terms of the paragraph (1) and on which they have made investments shall be entitled to an idemnification equal to their equivalent value, if they cannot be removed.

(3) By *investments*, in the sense of para (2), there are understood the works destined to agricultural exploitation of the land.

Art. 26. – (1) Land situated within the built-up area of a locality, that belonged to cooperative members or other persons who died, in both cases without having heirs, shall be transferred in the property of the commune, town, or municipality, as the case may be, and under the mayoralties' administration, in order to be sold, leased, or turned over for use to those who apply for the construction of dwellings and have no ground, or for the location of social-cultural or production-oriented objectives, according to the law, or for the compensations provided under article 24.

(2) Until the operations provided under paragraph (1) shall be carried out, the land shall be inscribed and used according to their former purpose.

Art. 27. – (1) The putting in possession and the issuing of property titles to those entitled cannot be made unless the necessary delimitation for measurements, the establishing of the vicinities on the basis of the sketch, the established location and the drawing up of the prior ascertaining documents have been carried out.

(2) In all cases in which the reconstitution of the property right is made on the old locations, on the occasion of the measurements the commission takes note of the mutual acknowledgement of the property limits by the neighbours and enters them in the ascertaining documents.

(3) For the land found in the exploitation of the private type agricultural companies, set up on the grounds of Law No. 36/1991 on agricultural companies and other forms of association in agriculture, the local and county commissions shall carry out, within 12 months, all the operations stipulated in para (1) and (2) and shall issue the property titles.

(4) The members and the management of these agricultural companies have the obligation to immediately request the local commissions to carry out the operations stipulated in the preceding paragraph, and the county commissions to request the issuing of the property titles.

(5) The infringement of the preceding paragraphs' provisions brings about, *de jure*, the dissolution of the agricultural companies involved.

(6) On dissolving of the agricultural production cooperative, a winding-up commission set up within 15 days after the date of coming into force of the present law, by an order of the prefect at the mayoralty's proposal, within 9 months after the cooperative's dissolution shall proceed to the realization of assets and payment of liabilities, under the terms provided by law.

Art. 28. – (1) The winding-up commissions provided under article 27 shall have the obligation to ascertain and establish any acts violating the law, to take measures for recovering the damages, according to the law, and to notify the bodies of criminal prosecution, if such be the case.

(2) Sums recovered in the terms of the paragraph (1) shall be considered realized assets and are to follow the destination of those provided under article 27.

(3) At the expiry of the term provided under article 27, the commissions shall present the winding-up balance sheet and the explanatory report to the specialist body of the prefecture or of the Mayoralty of the Municipality of

Bucharest, invested with audit prerogatives, according to the law, for discharge.

(4) The documents ascertaining the liabilities to the State and other juristic persons remaining after the termination of the winding-up operations, drawn up by the winding-up commission shall be endorsed and centralized by the Ministry of Finance, and thereafter the Government shall present them to Parliament, accompanied by solution proposals.

Art. 29. – (1) The agricultural and zootechnic constructions, small-industry workshops, machines, tools, and other similar fixed assets that belonged to the wound-up agricultural production cooperative, as well as the underlying ground and the land required for their normal use, vine-growing and fruit-growing plantations, and the animals shall become property of the members of private-type associations with legal personality, if they will be set up.

(2) The former cooperative members' rights on the goods provided under paragraph (1) shall be established in a value share proportional to the land area brought into or taken in any way by the cooperative, and to the volume of the work done. Associate members shall constitute these rights as contribution in kind to the new association.

(3) Debt claims shall be established for the former cooperative members who do not become members of this association, proportionally to the value share that is due to them from the cooperative's property, if they were not covered in another way. Payment of debts shall be made by the association, in kind or in cash, according to the winding-up commission's decision.

(4) In case such associations were not set up, the goods and animals provided under paragraph (1) shall be sold by public auction to natural or juristic persons. Debts of any kind of the former cooperative shall be paid from the price realized. Cattle and sheep as well as vine-growing and fruit-growing plantations shall be excepted, as they shall be assigned to the former cooperative members.

(5) Within 9 months after the agricultural production cooperative's dissolution, the winding-up commission set

up according to article 27 paragraph (6) shall establish the cash rights due to each of the former cooperative members.

(6) The former cooperative members shall receive their due share from the turning to account by auction of the common goods, proportionally to the land area brought into the cooperative, in arable equivalent, and to the value volume of the work done.

(7) The goods provided under paragraph (1) which are not sold within a year after the cooperative's winding-up date shall be transferred in the private property of the communes, towns, and municipalities where they are situated, without any indemnification, and under the mayoralties' management.

(8) It shall be forbidden the demolition of the agricultural zootechnic constructions, maintenance workshops, as well as household and small-industry dependencies and installations, forming the object of paragraph (1). By way of exception, if degraded or in any other way unserviceable, they may be dissolved with the permit of the prefecture and the recovered materials shall be turned to account by mayoralties, the resulting amounts having to be entered into the assets of the winding-up operations.

(9) Constructions designed for social or cultural utilization shall be transferred, free of charge, under the regime of public law, in the property of communes, towns and municipalities, and under the mayoralties' management.

Art. 30. – (1) Intercooperative associations or State and cooperative ones in any domain may reorganize themselves in trading companies by shares within 90 days after the publication of the law in the Official Gazette of Romania, Part I.

(2) The land and other goods brought by the cooperative into the association, as well as the goods acquired by it shall become the company's property, while the cooperative members and other persons entitled to reconstitute their property on the land belonging to the company, as well as its employees, may become shareholders, pursuant to the law.

(3) In case some cooperative members or other entitled persons provided under paragraph (2) do not choose to become shareholders of the trading company, their property right shall be established, in accordance with the provisions under articles 14 and 15 of the present law, out of the land which was not brought by the agricultural production cooperative into association.

(4) In localities where there are no such possibilities, some inefficient farms of the association may be dissolved. The decision regarding this matter shall be adopted by the county commission on the proposal of the communal, town, or municipal commission, as the case may be.

Art. 31. – (1) State-owned land under the exploitation of the agricultural production cooperatives shall be at the disposal of the commissions provided under article 12 with a view to their assignment in the property of those entitled, according to the law.

(2) The unassigned land, remaining at the commission's disposal shall pass in the private domain of the commune, town or municipality.

Art. 32. – (1) Land assigned according to article 19, paragraph (1), article 21, and article 43 shall not be alienated by inter vivos deeds for a period of 10 years calculated after the beginning of the year following upon that in which the property was inscribed, under the sanction of absolute nullity of the alienation deed.

(2) The ascertainment of nullity may be requested in court by the mayoralty, prefecture, public prosecutor, as well as by any interested person.

Art. 33. – Land derived from former communal – lawn and arable – commons, that was used by agricultural production cooperatives, shall be transferred in the private property of communes, towns, or municipalities, as the case may be, and under the mayoralties' management to be used as communal pastures and for the production of fodder and seed for fodder cultures.

Art. 34. – Land reclamation works existing on the land received, the corresponding protection zones inclusive, shall be transferred in the property of units specialized in the exploitation of such works, pursuant to the law.

CHAPTER III

Provisions with regard to state-owned land and some special provisions

Art. 35. – (1) State-owned land shall be considered those areas entered in its property pursuant to the legal provisions existing up to January 1, 1990 and registered as such in the record system of the general land cadastre and in the forest plans.

(2) The state-owned land, managed by the institutes and scientific agricultural and forest research stations, meant for research and production of seeds and seedlings in superior biological categories and of the pedigree stock, as well as from the Institute for Testing and Registration of the Types of Cultivation Plants and its territorial centers belong to the public domain and remain under their administration. Within 90 days from the coming into force of the present law*, the Government, on the proposal of the Ministry of Agriculture and Food Industry shall delimit the areas of land strictly necessary for the research and production of seeds and seedlings material in superior biological categories and of pedigree stock and those meant for production, under the administration of the institutes and agricultural production and research stations.

(3) The provisions of paragraph (2) shall also apply to state-owned land used, at the date of the present law, by agricultural or silvicultural type education units, and which passes under their management.

Art. 36. – (1) State-owned land situated within the built-up area of localities and which is under the mayoralties' management, at the date of the present law, shall be transferred in the property of communes, towns, or municipalities, following the legal conditions of land provided under article 26.

(2) State-owned land situated within the built up area of localities and assigned, according to the law, in perpetual use or in use for the duration of construction's existence, with a view to constructing private-property dwellings, or on the occasion of the buying of such

*Law No. 169/1997 came into force on November 4, 1997.

dwellings from the State, shall be transferred, at the request of the present owners of dwellings, in their property, integrally or proportionally to the share held in construction, as the case may be.

(3) Lands assigned in use for the existence duration of the constructions of their holders, as an effect of the taking over of the land corresponding to constructions, pursuant to the terms of the provisions under article 30 of the Law No. 58/1974 with regard to the systematization of territory and urban and rural localities, shall be transferred in the property of the present titulars of right to use the land, owners of the dwellings.

(4) The provisions of article 23 shall remain applicable.

(5) The land without constructions, unaffected by approved works of investments, according to law, inside the built-up area of the localities, found in the administration of the local councils, considered state property by applying the provisions of Decree No. 712/1966 and of other special normative documents, shall be returned to the former owners or their heirs, as the case may be, at request.

(6) The assignment in property of the lands provided under paragraphs (2)–(5) shall be made by on order of the prefect at the mayoralties' proposal made on the basis of the verification of the legal situation of lands.

Art. 37. – (1) Persons whose agricultural land was transferred in state property as an effect of some special laws, other than those of expropriation, and which is under the management of state agricultural units shall, at request, become shareholders in the trading companies set up on the basis of the Law No. 15/1990 from the present state agricultural units. By the same provisions shall benefit these persons' heirs, too.

(2) The application shall be forwarded, within 30 days after the coming into force of the present law, to the mayoralty in whose territorial area land is situated.

(3) The number of shares received shall be proportional to the land area in arable equivalent transferred in the States's property without exceeding, however, the value of 10 ha of land per family, in arable equivalent.

(4) There shall not profit by the provisions of this article the persons whose land has been confiscated as a

result of penal convictions, with the exception of the persons stipulated in Decree-law No. 118 of March 30, 1990 on granting of certain rights to the persons persecuted for political reasons by the dictatorship established starting from March 6, 1,945, as well as those deported abroad or constituted as prisoners, with the subsequent modifications.

Art. 38. – (1) The natural persons who was established the capacity of shareholder on the grounds of art. 37, the persons who were established rights at the institutes and agricultural research stations and at the autonomous régies of agricultural type according to Law No. 46/1992, as well as the persons that have the capacity of lessor, according to art. 25, in Law on leasing No. 16/1994 may request the reconstitution of the property right also for the difference of over 10 ha per family, up to the limit of the area stipulated in art. 3 let. h) in Law No. 187/1945, irrespective if reconstitution is to be made in several localities or from different authors, within the time, with the procedure and under the terms stipulated in art. 9 of the present law.

(2) The persons stipulated in para (1), who was established the right in shares, within the limit of an area of up to 10 ha in arable equivalent, may apply, in the case in which by applying the equation coefficient, stipulated in the regulations approved by the Government Decision No. 131/1991, the land area could exceed, as equivalence 10 ha arable land, within the time, with the procedure and under the terms stipulated in art. 9 para. (3)–(9).

Art. 39. – The natural persons whose agricultural land has passed in state property by the effect of Decree No. 83/1949, as well as any other normative expropriation documents or their heirs can request the reconstitution of the property right for the area of land passed in state property, up to the limit of the area stipulated in art. 3 let. h) in Law No. 187/1945, per family, irrespective if the reconstitution is to be made in several localities or from different authors, within the time, with the procedure and in the terms stipulated in art. 9.

Art. 40. – (1) After the expiry of the term of 90 days, in the cases stipulated in art. 38 and 39, the mayor shall draw up the list regarding the agricultural land requested by the categories of persons stipulated and also the balance sheet of the land resources per locality and per each trading company and institute or agricultural production and research station or autonomous régime of agricultural type, in the territorial radius of the locality.

(2) The provisions of art. 9 para. (9) shall remain applicable.

Art. 41. – (1) Agricultural land without constructions, installations, and arrangements of public interest, transferred in state property and which is, at the date of the present law, under the mayoralties' management shall be restored to the former owners or their heirs, without exceeding the area of 10 ha per family, in arable equivalent.

(2) The restitution of land shall be made, at request, in the terms of article 11 by an order of the prefect, at the mayoralty's proposal.

(3) The provisions of the paragraph (4) of article 37 shall correspondingly apply.

Art. 42. – (1) In localities with land deficit, in which the former owners' land is in state property, and they do not choose to receive shares in the terms of article, 37, and they or their heirs cannot be assigned the minimal area provided by the present law, the county commissions shall decide the assignment of an area of 5,000 m² per family, in arable equivalent, at request, from state-owned land.

(2) For the land difference up to which the former owners or their heirs are entitled according to the present law, the provisions under article 37 shall correspondingly apply.

(3) Land areas on which investments were carried out, other than land reclamations shall not be assigned.

(4) Vine-growing or fruit-growing plantations may be affected in such cases only in the situation in which

there is no land in another utilization class to be assigned in property.

Art. 43. – (1) In the mountain zone – unfavourably affected by natural factors, such as climate, altitude, slope, isolation – a land area of up to 10 ha in arable equivalent may be assigned in property, at request, to young peasant families coming from the mountain agricultural environment, having the necessary skill, and assuming in writing the obligation to create homesteads, to breed animals, and to rationally exploit the land to this end.

(2) The land provided in the preceding paragraph shall be granted from the private domain of the commune, town or municipality, as the case may be.

(3) The assignment in property of land shall be made by an order of the prefect at the mayoralties' proposal.

Art. 44. – (1) The land deriving from former commons transmitted to state units and which, at present, are used as pastures, hayfields and arable, shall be returned to the ownership of communes, towns and municipalities as the case may be, and in the administration of the mayoralties, in order to be used as communal pastures and for the production of fodder and seeds for fodder cultures. Exceptions are the areas occupied by vineyards, orchards, fodder seed trees, fishponds, lakes or those meant for growing vegetables, fruit or other raw material for canneries, rice plantations and experimental land, meant for agricultural research, that shall be compensated in equal area of land of the same quality by the joint stock trading companies, within six months from the date of the present law coming into force.*

(2) The nonobservance of the provisions of the preceding paragraph brings about the passing, *de jure*, of this land in the property of communes, towns or municipalities, as the case may be.

Art. 45. – (1) The natural persons or, as the case may be, their heirs whose forest vegetation, forests, riverside coppices, shrubbery, afforested pastures and hayfields land have passed in state property by the effect of certain special statutory instruments, may request the

*Law No. 169/1997 came into force on November 4, 1997.

reconstitution of the property right also for the difference of over 1 ha, but not more than 30 ha per family.

(2) If on the areas of land to be granted under the terms of the preceding paragraph there are constructions or forest plantings, or they are under construction or in designing stage, or the land is cleared, other areas of land shall be granted, by observing the same terms, in the immediate vicinity.

(3) The persons stipulated in para (1) shall formulate their applications within the time, with the procedure and under the terms stipulated in art. 9 para (3) – (9).

(4) The land stipulated in para (1), as well as in art. 46 and 47 shall be managed and exploited in forest regime, according to law. The forest regime for the private property forest shall be drawn up and shall be approved within 3 months from the coming into force of the present law* through the good offices of the Ministry of Waters, Forests and Environment Protection. The putting in possession of the forests, riverside coppices, shrubbery, afforested pastures and hayfields shall be made only after the establishing of their forest regime.

Art. 46. – (1) The former joint owners or, as the case may be, their heirs may request the reconstitution of the private property right over the land stipulated in art. 45, on the basis of the documents attesting this capacity and within the limits of the areas stipulated in those documents.

(2) The provisions of para (1) also apply in the case of the land exploited jointly by the former freeholders or free peasants, within the undivided communities.

(3) The provisions of art. 45 para (2) remain applicable.

(4) In the cases in which the land that has belonged to joint ownership and communities are located on the territorial radius of several localities, the application is made at each of them, for the area situated on their radius.

(5) The persons mentioned in para (1) shall formulate the application within the time, by procedure and under the terms provided under art. 9 para (3)–(9).

Art. 47. – (1) The parochial councils or the representative bodies of the hermitages and monasteries, as well as those of the education institutions may request the restitution of the tracts of land with forest vegetation, forests, riverside coppices, shrubberies, hayfields and afforested pastures they have owned in property, within the limit of the areas they had in property, but not more than 30 ha, regardless if they are located on the radius of several localities.

(2) The applications together with the proving property documents, shall be submitted within the time limit, by procedure and under the terms stipulated under art. 9, para. (3)–(9).

(3) The local councils of the communes, towns and municipalities may request the restitution in private property of the tracts of land with forest vegetation, forests, riverside coppices, shrubberies, hayfields and afforested pastures on the basis of the documents attesting this quality, by the procedure and under the terms stipulated in art. 9 para. (3)–(9).

(4) The provisions of art. 45 para. (2) remain applicable.

Art. 48. – The Romanian citizens having their domicile abroad, as well as the former Romanian citizens who have regained the Romanian citizenship, regardless if they have or have not taken their domicile in the country, may submit an application for reconstituting the property rights for the areas of agricultural land or land with forest destination, provided under art. 45, which they have had in property, but only up to the limit provided in art. 3 letter h) under Law No. 187/1945, per family, for the tracts of land, and not more than 30 ha per family, for the land with forest destination, within the time limit, by procedure and under the terms stipulated in art. 9 para. (3)–(9).

Art. 49. – (1) Persons to whom property rights have been constituted on agricultural land shall be obliged to duly observe the terms provided under articles 19, 21 and 43 under the present law, in connection with the establishment of the domicile and setting up of new homesteads.

*Law No. 169/1997 came into force on November 4, 1997.

(2) Non-observance of these terms shall entail loss of the property right on the land and constructions of any kind realized on it. No damages shall be granted for the land, and for the constructions the owner shall receive an indemnity equal to their real value.

(3) The authorized body to find out the cases stipulated in para. (2) is the prefect, who, by order, confirms the loss of the property right and its passing, as the case may be, in the private property of the commune, town or municipality in the radius of which the land is situated.

Art. 50. – The territorial delimitation of the new properties resulting from the application of the present law shall start from the present organization of territory, and shall be made on the basis of some parcelling-out projects prepared by specialized bodies.

CHAPTER IV Procedural provisions

Art. 51. – The county commission is competent to solve the appeals and to validate or invalidate the measures established by the local commissions.

Art. 52. – (1) In the sense of the present law, the local commission is a public authority with administrative activity, while the county commission is a public authority with administrative-jurisdictional authority.

(2) The county and the local commission have, within the limits of their competence and by derogation from the provisions of the Code of civil procedure, the passive processual capacity and, when the case may be, active one, being legally represented by the prefect, respectively, mayor or, on the basis of a conventional mandate, by one of the members, the assistance of a lawyer not being compulsory.

Art. 53. – (1) The decisions of the county commission on the appeals of the persons that have requested the reconstitution or constitution of the private property right on the land, according to the provisions stipulated in chapter II, and those on the measures established by the local commissions are notified to those interested by registered letter with acknowledgement of receipt.

(2) Against the decision of the county commission complaint may be made at the court in the territorial radius of which the land is situated, within 30 days from notification.

Art. 54. – (1) The provisions of art. 53 para. (1) also apply in the case in which the complaint is directed against the prefect's order or any administrative document of an administrative body that has refused the assigning of the land or the proposals of assigning the land, under the terms stipulated in chapter III.

(2) The provisions of art. 53 para. (2) remain applicable.

Art. 55. – (1) The modification or cancellation of the own decision by the commission may be the object of a complaint.

(2) The provisions of para (1) also apply in the case in which the county commission has issued, after the closing of the finalizing procedure of its activity, administrative documents contrary to its own decisions, the provisions of art. 53 para (2) remaining applicable.

Art. 56. – The complaint stipulated in art. 53 may be also directed against the measures of putting into practice of art. 37, on the establishing of the right to receive shares in state agricultural units, reorganized in trading companies as per Law No. 15/1990, the provisions of art. 53 para (2) remaining applicable.

Art. 57. – The complaint formulated according to art. 53–56 suspends execution.

Art. 58. – The court solves the case according to the rules stipulated in the Code of civil procedure and in Law No. 92/1992* on judicial organization. On the basis of the final judicial decision, the county commission, that has issued the property title shall modify it, shall replace it or shall cancel it.

Art. 59. – The civil sentence delivered by the instance mentioned in art. 58 is subjected to the ways of attack stipulated in the Code of civil procedure, by the observance of the legal provisions in the matter.

Art. 60. – The third parties that have been affected in their rights by the decision of the county commission or

* Law No. 92/1992 has been republished in the Official Gazette of Romania, Part I, No. 259 of September 30, 1997.

by the prefect's order or otherwise, through administrative documents prior to the order, as is the case of the mayor's proposals, and who had no interest in addressing these bodies already having a title of private property over the land or they had been acknowledged such a right, according to law, cannot use but the way of ordinary law actions, petitioners or, as the case may be, possessors, especially claiming and not the procedure stipulated in this chapter.

Art. 61. – The provisions of art. 60 also applies in the case of infringing the state public or private right or, as the case may be, of territorial-administrative units.

Art. 62. – The decisions of the county commissions are not opposable to the persons stipulated in art. 60 and art. 61.

Art. 63. – In all cases in which the law provides the nullity of certain operations or legal documents, the litigation is judged according to ordinary law and not according to the special procedure stipulated in the present chapter.

Art. 64. – (1) In the case in which the local commission refuses to hand over the property title issued by the county commission or the actual putting in possession, the discontented person may file a complaint with the instance in the territorial radius of which the land is situated.

(2) If the instance admits the complaint, the mayor shall be compelled to immediately carry out the handing over of the property title or, as the case may be, the actual putting in possession, under the sanction of condemning to comminatory damages for each day of delay, specially established by the instance.

(3) The provisions of art. 53 para. (2) apply accordingly.

Art. 65. – The litigations under way shall continue to be judged by the intimated instances, irrespective of the trial stage it is in, according to the procedural rules applicable on the date of the intimation, taking into account, whenever the case, also of the provisions of the present law.

CHAPTER V

Juridical circulation of the land

Art. 66. – Private property land, regardless of its titular, is and shall remain in the civil circuit. It may be acquired and alienated in any of the ways established by the civil legislation, by observing the provisions under the present law.

Art. 67. – (1) Land situated within and outside the built up area may be alienated, regardless of the area dimensions, by *inter vivos* legal deeds, concluded in certified form.

(2) In all cases of acquirement, by *inter vivos* legal deeds, the acquirer's property shall not exceed 100 ha of agricultural land, in arable equivalent, per family, under sanction of absolute nullity of the alienation deed.

Art. 68. – (1) Natural persons who are not Romanian citizens and do not have their domicile in Romania as well as juristic persons not having Romanian nationality and their headquarters in Romania shall not acquire land of any kind in property by *inter vivos* deeds.

(2) Persons provided under paragraph (1) acquiring land in property by inheritance shall be compelled to alienate it within 1 year after the date of acquirement, under sanction of its transfer in state property, free of charge, and under the management of the Agency for Rural Development and Planning.

(3) Persons provided under paragraph (1), who acquired land in property before the date of the coming into force of the present law shall be compelled to alienate it within 1 year after this date, under sanction of its transfer in state property, free of charge, and under the management of the Agency for Rural Development and Planning.

Art. 69. – (1) Alienation by sale of agricultural land from the outside of the built-up area may be made by exercising the pre-emption right.

(2) The pre-emption right on alienation of any agricultural land from the outside of the built-up area devolves in the first place on the joint owners, if such be the case, and in the second place on the neighbouring

owners, and shall be exercised through the Agency for Rural Development and Planning.

(3) The owner of the land that is to be sold shall compulsorily inform the Agency for Rural Development and Planning, which shall notify in writing the persons provided under paragraph (2) about the intention, within 15 days after the date when it was informed.

(4) The titulars of the pre-emption right shall compulsorily pronounce their opinion on its exercise within 30 days after the date when they received the notification.

(5) When this term expires, the pre-emption right of the joint or neighbouring owners shall be considered extinguished.

(6) The pre-emption right on alienation of the land devolves on State through the Agency for Rural Development and Planning, which shall compulsorily pronounce its opinion within the term provided under paragraph (4).

(7) If the Agency does not pronounce its opinion within this term, the land shall be sold freely.

Art. 70. – The alienation deed concluded with violation of the pre-emption right provided under article 69 may be cancelled.

Art. 71. – Agricultural land from the outside of the built-up area may form the object of forced or voluntary distraint only in the cases provided by law.

Art. 72. – (1) Exchange of land between natural persons shall be made with their accord, by a certified deed, the provisions under article 67 being applicable.

(2) Exchange of land between juristic persons that have under management land on which the State holds a majority of shares, or between these legal persons and natural persons shall be made only with the endorsement of the Ministry of Agriculture and Food Industry or of the Ministry of the Waters, Forests and Environment Protection, as the case may be.

(3) By the exchanges carried out, each piece of land acquires the legal status of the land it replaces, with the observance of the real rights.

Art. 73. – Putting in possession of the new holders, according to article 72, paragraph (2) shall be made by the delegate of the county cadastre and territorial organization Office, in presence of the interested parties, mentioning in the cadastral documents and in the agricultural register the modifications supervened.

CHAPTER VI

Use of land for agricultural and silvicultural production

Art. 74. – All holders of agricultural land shall compulsorily ensure its cultivation and soil protection.

Art. 75. – (1) Landowners who fail to fulfil the obligations provided under article 74 shall be summoned in writing by the mayoralties of communes, towns, or municipalities, as the case may be, to carry out these obligations.

(2) Those who fail to comply with the summons and to carry out the obligations within the term set by mayor for reasons imputable to them, shall be yearly sanctioned with the payment of a sum from 50,000 to 100,000 lei per ha, as against the land utilization class.

(3) The obligation to pay the sum shall be made by the mayor's grounded decision*, and the sums shall be made revenue to the local budget.

Art. 76.** – (1) All holders of land assigned in use according to the terms under the present law who fail to fulfil the obligations provided under article 74 shall be summoned in the terms of article 75, paragraph (1).

(2) Those who do not comply with the summon loose the right of use over the land at the end of the running year.

Art. 77. – Change of the utilization class of legal persons' arable land into other classes of agricultural utilization may be made with the endorsement of the county specialized agricultural bodies only in the following cases:

a) arable land situated in hill zones, constituting enclaves in vineyard and orchard land masses, in

* According to art. 48 para (1) in Law No. 69/1991, republished, the mayor issues orders.

** The provisions of para (3) art. 76 have been implicitly abrogated by the provisions of para. (2) of the same article.

acknowledged hills planted with vines and fruit-growing areas, established by specialized bodies of the Ministry of Agriculture and Food Industry, may be converted into vine-growing and fruit-growing plantations;

b) arable land from plain areas, required for the completion of viticultural land masses meant for table grapes and raisins, and the fruit-growing areas meant for peach and apricot trees, established by the specialized bodies of the Ministry of Agriculture and Food Industry, may be converted into vine-growing and fruit-growing plantations;

c) arable land with sandy soil may be arranged and converted into vine-growing and fruit-growing plantations;

d) land registered as arable, situated in hill and mountain zones on slopes which cannot be mechanized, affected by surface and deep erosion, active or semistabilized slidings, that may no longer be improved and maintained for this utilization, may be arranged and converted into pastures and hayfields;

e) arable land situated in the beds of rivers and of the Danube, which cannot be profitably used for other agricultural purposes, may be arranged as piscicultural basins.

Art. 78. – (1) Change of the utilization class of arable land, other than those provided under article 77, pastures, hayfields, vineyards and orchards held by legal persons where the State holds the majority of shares, shall be approved by the Ministry of Agriculture and Food Industry.

(2) The natural persons that changed the category of use of the agricultural land they hold in ownership are compelled to notify, within 30 days from the date this operation have taken place, the modification occurred to the county or Bucharest municipality agricultural cadastre and organization of agricultural territory office, which is compelled to register it.

(3) Change of the forest utilization class – woods, osier plots, bush stands held by legal persons – shall be approved by the Ministry of the Waters, Forests and Environment Protection.

(4) Change of the utilization of agricultural land that constitutes protection zone for monuments shall be made with the agreement of the National Commission for Historical Monuments, Piles, and Sites.

Art. 79. – (1) Soil protection and improvement shall be achieved by works for protecting and controlling of soil pollution and degradation caused by natural phenomena or by economic and social activities.

(2) Works required for soil protection and improvement shall be established on the basis of studies and projects made at request by specialized research and designing bodies in correlation with those for planning and organization of territory, and shall be carried out by the holders of land or through their concern, by units specialized in the execution of such works.

(3) The State underpins the achievement of works for soil protection and improvement, partly or wholly covering the expenditure within the limit of the approved budgetary appropriation, on the basis of substantiation notes elaborated by research and designing units, acknowledged by county specialized agricultural bodies, and approved by the Ministry of Agriculture and Food Industry.

Art. 80. – For the coordinated achievement of the works of common interest, according to the needs of agriculture, silviculture, water management, ways of communication, human settlements, or other economic and social objectives, the ecological, economic, and technical documentations shall be jointly elaborated by the interested parties. By documentations there shall be established the interested parties' contribution and the execution order of works.

Art. 81. – Works for regularization of water draining on slopes and for correction of torrents, which have as purpose the protection and conservation of systems of irrigations, embankments, drainings, conservation storage reservoirs or other hydrotechnical works, ways of communication, social and economic objectives shall be carried out concomitantly with the basic works.

Art. 82. – (1) Land that by degradation and pollution lost, wholly or partly, its production capacity for

agricultural or forest culture shall be constituted in improvement perimeter.

(2) Land groups that enter into the improvement perimeters shall be established by the Ministry of Agriculture and Food Industry and the Ministry of the Waters, Forests and Environment Protection, on the proposals based on situations forwarded by communes, towns, and municipalities.

(3) The delimitation of improvement perimeters shall be made by a commission of specialists whose organizing and operation rules shall be established by the Ministry of Agriculture and Food Industry, and the Ministry of Waters, Forests and Environment Protection.

(4) The prepared documentations shall be endorsed by the county agricultural and agricultural, and environment protection bodies, and shall be forwarded to the Ministry of Agriculture and Food Industry which, together with the interested ministries and departments, shall establish the designing, financing and execution programmes.

Art. 83. – (1) Landholders shall have the obligation to put the land within the improvement perimeter at the disposal of the bodies in charge of the application of the measures and works provided in the improvement project, preserving their property right.

(2) The inclusion by the mayoralty of a certain piece of land in the above-mentioned class may be made with the owner's agreement. In the assumption that the owner disagrees, the mayoralty shall make grounded proposals to the prefecture, which shall decide on the matter.

(3) If the prefect decides the including of the land stipulated in para (2) in the amelioration perimeter, the local council is compelled to assign, for use, to the titular of the land in case, a corresponding area of land, for the entire duration of carrying out the amelioration works.

(4) In case the state does not have in the respective locality another similar land to solve the situation mentioned in para. (1), and the owner does not agree to receive another land at a bigger distance, the expropriation procedure shall be applied for reason of public utility, stipulated in Law No. 33/1994.

Art. 84. – In the interest of works for torrents' correction and water management, the State may make equivalent

land exchanges with the owners from the perimeter, when on their land development works with a permanent character are to be carried out. The exchange shall be made only with the owner's agreement, by a certified deed, registered in the documents of land cadastre.

Art. 85. – Degraded and polluted land, included in the improvement perimeter, shall be exempt from State, county, or communal rates and taxes for the duration of their improvement.

Art. 86. – (1) The execution on the spot of works for development and enhancement of the value of degraded land from improvement perimeters shall be made by specialized units, depending on the specific character of the works.

(2) Works carried out for ground consolidation, such as soil terracing, modelling, leveling, and fixing, grass cultivation, afforestation, correction of torrents, and fencings, roads, bridges, footbridges with a permanent character, shall be achieved at the State's expense, in keeping with the improvement project.

Art. 87. – (1) Holders of degraded land, even if it is not included in an improvement perimeter, who, individually or jointly, wish to carry out, on their own initiative, grass cultivation, afforestation, correction of soil reaction, or other improvement works on their land shall receive from the State, free of charge, the necessary material – grass seed, seedlings, amendments and technical assistance in the execution of the works.

(2) Landholders who have received materials for grass cultivation, afforestation, and amendments, and have not used them according to the purpose which they asked them for, shall be compelled to pay their value.

Art. 88. – (1) The funds required for the research, planning, and execution of the works provided in the projects for arrangement, improvement, and enhancement of the value of degraded and polluted land included in the perimeter shall be ensured, depending on the specific character of the works, by the Ministry of Agriculture and Food Industry, the Ministry of the Waters, Forests and Environment Protection, and other interested ministries, from the land improvement Fund and from budgetary appropriations.

(2) The necessary funds may be increased by the participation of communes, towns, municipalities, and counties, by the labour or money contribution of all those interested in these works, landholders, inhabitants deriving direct or indirect benefit from these improvements, and the institutions, trading companies, or autonomous régies whose art works, roads, bridges, railways, constructions and similar works benefit by the advantages of the works for land development and improvement.

(3) In case it is proved that certain areas were removed from agricultural or sylvicultural production by the degradation or pollution of the soil, by the guilty fault of natural or legal persons, the landowners, mayoralty, or the agricultural or sylvicultural body may request compensation, by the culprit, of the expenses required for the soil restoration and improvement.

Art. 89. – The Ministry of Agriculture and Food Industry, the Ministry of the Waters, Forests and Environment Protection, together with the Academy of Agricultural and Sylvicultural Sciences “Gheorghe Ionescu-Șișești” shall take measures for the development of the national surveillance, estimation, prognosis, and warning system with regard to the quality condition of agricultural and sylvicultural soils, on the basis of an informational system and provision of databanks at country and county levels, and shall propose the necessary measures for land protection and improvement, in order to maintain and increase the production capacity.

CHAPTER VII

Temporary or final use of land for other purposes than agricultural and sylvicultural production

Art. 90. – The temporary or final use of some agricultural or sylvicultural pieces of land for other purpose than agricultural and sylvicultural production shall be made only in the terms provided by the present law.

Art. 91. – (1) The location of any kind of new constructions shall be made within the localities' built-up area.

(2) By way of exception, some constructions which, by their nature, may cause pollution effects to environmental factors may be located outside the built-up area. In this case, the locations shall be established on the basis of prior impact ecological studies, endorsed by specialized bodies with regard to the environmental protection.

(3) Likewise, there shall be excepted constructions which, by their nature, cannot be located within the built-up area, as well as sheds for animals.

Art. 92. – (1) The location of any kind of constructions on agricultural land from the outside of the built-up area of the first and second quality class, on land with land reclamation works, as well as on that planted with vineyards and orchards, national parks, reserves, archaeological and historical monuments and piles shall be forbidden.

(2) There shall be excepted from the provisions of the preceding paragraph the constructions serving agricultural activities, those for military purpose, railways, particularly important highroads, high-tension electrical lines, oil well drilling and derrick equipment, oil and gas exploitation works, main oil or gas pipe lines, water-management and water catchment works.

(3) The definitive taking out from the agricultural circuit of the agricultural land in outside the built-up area, of class I and II of quality, of those endowed with land reclamation works, as well as of those planted with vineyards and orchards, by expanding the inside built-up areas, is made on the proposal of the local councils, by Government decision and with the endorsement of the Ministry of Agriculture and Food Industry.

(4) The final removal from the agricultural and sylvicultural circuit of land located outside the built-up area shall be made with the payment, by the applying natural or legal persons of the taxes provided in appendixes Nos. 1 and 2 to the present law. From these taxes there shall be constituted the Fund for the Improvement of the Land Resources, at the disposal of the Ministry of Agriculture and Food Industry and the Ministry of the Waters, Forests and Environment Protection.

(5) The provisions of para (4) also apply in the case of the agricultural land that has been passed, according to law, in the inside built-up area, with a view to carrying out constructions of any kind.

(6) Land definitively removed from the agricultural and silvicultural circuit for constructions serving agricultural and silvicultural activities, land reclamation works and those for water-course regularization, realization of drinking-water catchment and meteorological objectives shall be exempt from the taxes provided under paragraph (4).

(7) Likewise, the agricultural perimeters in the demolished villages and hamlets, under reconstruction, are exempted from the payment of the taxes stipulated in para (4).

Art. 93. – (1) For the temporary removal of land from the agricultural and silvicultural production, the titular of the approval shall have the obligation to deposit a guarantee in cash equal to the tax provided for the final removal of land from the agricultural and forest circuit, in a special account of the Fund for the improvement of the land resources.

(2) For the tax stipulated in art. 92 para (4) and for the guarantee stipulated in para (1) paid to the land resources improvement Fund, the titular receives an interest applied by the banking company for the period of deposit.

(3) After fulfilment of the obligations provided with regard to the return of the land, upon the confirmation of the county agricultural or forest bodies and of the landowner, the titular shall receive the deposited guarantee and the bank interest.

(4) In case the titular of the approval shall not have executed the works at the quality standard and within the terms provided in the approval deeds, the specialized agricultural or silvicultural body, on the basis of the findings on the fact situation, shall order the execution of returning works with expenditure from the deposited guarantee.

(5) If the titular of the approval fails to carry out the works within a new term and at the quality established by the agricultural or silvicultural body, the whole

guarante shall remain in the Fund for the improvement of the land resources.

Art. 94. – The final or temporary use of agricultural land for other purpose than agricultural production shall be approved as follows:

a) by the county agricultural bodies through the office of the agricultural cadastre and of organization of the agricultural land of the county or of the Municipality of Bucharest, for agricultural land of up to 1 ha. Approval for any extension of this land area shall be given by the Ministry of Agriculture and Food Industry;

b) by the Ministry of Agriculture and Food Industry, for agricultural land with an area of up to 100 ha;

c) by the Government, for agricultural land with an area exceeding 100 ha.

Art. 95. – The final or temporary use of forest land for other purposes than silvicultural ones shall be approved by the county silvicultural body, for areas up to 1 ha, by the Ministry of the Waters, Forests and Environment Protection for areas up to 100 ha, and by the Government, for areas exceeding 100 ha.

Art. 96. – (1) The approval provided under articles 94 and 95 is subject to the previous approval of the landholders. Likewise, the endorsement of the agricultural or silvicultural bodies of the county and of the Municipality of Bucharest, as the case may be, are required for obtaining the approval provided under article 94, subparagraphs b) and c) and article 95.

(2) The unjustified refusal by the landholder to give his agreement stipulated in para (1) can be solved by the judicial instance, its decision replacing the agreement of the one in case.

Art. 97. – In order to obtain the Government's approval there shall be also compulsorily presented the endorsement of the Ministry of Agriculture and Food Industry for agricultural land and of the Ministry of the Waters, Forests and Environment Protection for forest land and with waters, and, if such be the case, of the Ministry of Culture, for the protection of monuments.

Art. 98. – Land within built-up area shall be that existing on January 1, 1990, recorded in the land cadastre; it may be modified only in the terms of the law.

Art. 99. – Land from abandoned river beds that has become available as a result of regularization works shall be developed for agricultural, piscicultural, or silvicultural production, as the case may be, simultaneously with the basic works carried out by its titular.

Art. 100. – (1) The titulars of investment or production objectives located on agricultural and forest land shall be compelled to take measures, preliminarily to the execution of the construction of these objectives, for the removal of the layer of fertile soil from the areas of the approved locations, depositing and levelling it out on non-productive or poorly-productive land, indicated by the agricultural or silvicultural bodies, in order to enhance its value or to improve it.

(2) The depositing may be made only with the agreement of landowners, who cannot be compelled to any payment for the value surplus thus added to the land, nor can they claim indemnities for the period of its disuse.

Art. 101. – (1) Titulars of investment or production works holding land they no longer use in the production process, such as that remaining after the excavation of raw materials – coal, kaolin, clay, gravel –, abandoned oil wells, and other similar ones, shall be compelled to take the necessary development and levelling measures for bringing the land into agricultural use and, if this is not possible, into piscicultural or silvicultural use, within 2 years from closing the production process.

(2) No approval shall be given for removal from agricultural or silvicultural production of other land to beneficiaries of the works provided under paragraph (1) who have not complied with the provisions under this article.

(3) The execution of these works shall be made by specialized units of the Ministry of Agriculture and Alimentation and the Ministry of the Waters, Forests and Environment Protection, from the funds provided by the beneficiaries, under the terms of the law.

Art. 102. – (1) Telecommunication lines, electric power transport and distribution lines, transport pipes for water supply, sewerage, oil products, gas, as well as other similar installations shall be grouped and located along and close to the ways of communication – roads, railways –, dams, irrigation and draining channels, and other forced limits from the territory, in such a way as not to hinder the execution of agricultural works.

(2) The approval to occupy the land in such cases is given by the county or Bucharest municipality agricultural territorial organisation and cadastre office, as the case may be, irrespective of the size of the necessary area, on the basis of the holders' agreement and by payment of the agreed upon compensation.

(3) Approval in other conditions than those provided under paragraph (1) shall be given by the bodies provided under articles 94 and 95.

Art. 103. – (1) Occupation of land required for the repair of faults or damages in case of breakdown, and execution of some maintenance works at the objectives provided under article 102 which have an urgent character and which are carried out over a period of up to 30 days shall be made on the basis of the landholders' preliminary agreement, or, in case of refusal, with the approval of the county prefecture or of the mayoralty of the Municipality of Bucharest.

(2) In all cases, the landholders are entitled to compensation for the damages produced.

CHAPTER VIII

Organization and development of agricultural territory

Art. 104. – The task of the organization and development of agricultural territory shall aim to create conditions for a better use of the land for agricultural-production purposes, which shall be carried out on the basis of studies and projects, at the landowners' request, in order to:

a) correlate the development of agriculture in zone with the other economic and social activities, establishing

measures that should lead to an increase in agricultural production and the overall exploitation of the territory;

b) group the lands through amalgamation, by owners and purposes of use, in agreement with the property structures and forms of soil cultivation, resulted after associations, to establish the perimeters of each property, amalgamating dispersed land and rectifying unreasonably-located boundaries;

c) elaborate studies and projects of organization and development of agricultural exploitations;

d) establish the network of agricultural roads as a completion of the network of roads of general interest, integrated in the overall organization and development of the territory, for the purpose of carrying out the transport of products and the access of the agricultural machinery necessary for the production process.

Art. 105. – The studies and organization and development of the agricultural territory designs are drawn up by the studies, design and specialty research, central or county units, and are submitted to the debating by the landowners in the zone of interest. In case of their adopting by a majority of votes of the owners holding 2/3 of the area and the approval of the county agricultural bodies, the applying of the measures and of the provided works becomes compulsory for all owners.

CHAPTER IX Sanctions

Art. 106. Infringement of the provisions of the present law shall entail civil, contraventional, or penal responsibility, as the case may be.

Art. 107. – The degradation of agricultural and silvicultural land, of its surrounding, destruction and degradation of agricultural cultures, of land reclamation works, of topographical or geodesic signs and stones, of historical monuments and archeological sites and piles, or hindering of the conservation measures of such goods, as well as removal of such measures shall constitute destruction offences and shall be punished according to the provisions of the Criminal Code.*

*The Criminal Code was republished in the Official Gazette of Romania, Part. I, No. 65 of April 16, 1997.

Art. 108. – (1) The wholly or partly occupation of land of any kind, the setting up or moving of the border marks and of landmarks, without the approval given under the terms of the law, or the refusal to vacate the land thus occupied without right represents infraction and is punished by prison from 1 to 5 years.

(2) If the deed stipulated in para (1) is committed by violence, threats or by two or more persons together, the punishment is by prison from 2 to 7 years.

Art. 109. – The deed of the natural person, that has the capacity of member of the local or county commission for applying the present law, of preventing by any means the reconstitution of the property right or the issuing of the property title to the entitled persons, represents abuse in office and is punished by prison from 1 to 5 years.

Art. 110. The infringement of the stipulations of art. 9 para (5) let. c) and of art. 10, by declaring smaller areas of land than the areas they hold or the non-declaring of certain land areas, actually held, represents infraction of false in declaration and is punished according to art. 292 in the Penal Code.

Art. 111. – There shall constitute contraventions to the norms on record, protection, use, and improvement of agricultural or silvicultural land the following facts, unless they are committed in such conditions that, according to the criminal law, they constitute offences:

a) the performance of land exchanges and change of the land utilization class from a superior rank to an inferior one, as well as the final or temporary use of agricultural and silvicultural land for other purposes than agricultural and silvicultural production;

b) possessors' failure to declare to the county bodies of land cadastre, within 30 days after their approval, of land exchanges and the change of its utilization class, as well as the data with regard to the dimension of its area and its utilization class;

c) failure of land possessors and authorized persons to take measures for the conservation in good conditions of the geodesic and topographical stones, of metallic levelling bench marks, of geodesic point signalling

pyramids and landmarks, as well as their guilty degradation and destruction;

d) investment beneficiaries' failure to remove the layer of fertile soil before the execution of location works of some objectives and failure to deposit this layer on the areas established by agricultural bodies, as well as failure to take the development and levelling measures for the land remaining after excavation of coal, kaolin, clay, gravel, abandoned oil wells, and other similar ones;

e) location of any kind of objectives, except those provided under article 92 under the present law, on land situated outside the built-up area, without the endorsements and approvals provided by law;

f) occupation and use of land approved to be taken definitively or temporarily from agricultural production before being delimited, marked with boundary stones, and transferred;

g) degradation of land and crops by storage of materials or wastes of gravel, debris, sand, prefabs, metallic constructions, residues, domestic wastes, garbage, and other similar ones;

h) legal or natural persons' failure to take adequate measures for avoiding the alteration of adjacent land through residues from production activities and drainings of any kind.

Art. 112. – Contraventions provided under article 111 of the present law shall be sanctioned as follows:

a) those under subparagraphs a)–c), with fines from 500,000 lei to 1,000,000 lei;

b) those under subparagraphs d)–h), with fines from 1,000,000 lei to 2,000,000 lei.

Art. 113. – The sanctions may also be applied to legal persons, as follows:

a) those in art. 111 let. a)–c), by fine from 5,000,000 lei to 10,000,000 lei;

b) those in let. d)–h), by fine from 10,000,000 lei to 20,000,000 lei.

Art. 114. – (1) The finding out of the contraventions and the applying of sanctions is made by specialists authorized by the Ministry of Agriculture and Food Industry and, as the case may be, by the Ministry of

Waters, Forests and Environment Protection, by empowered persons of the prefect and by specialists empowered by the director general of the directorate general for agriculture and alimentation or, as the case may be, by the chief inspector of the county forest inspectorate, as well as by the mayor.

(2) By the finding out document, the covering of the damages by those guilty and, as the case may be, the re-establishing of the former situation is ordered.

Art. 115. – To the extent to which the present law does not provide otherwise, the contraventions provided under article 111 shall be applied the provisions of Law No. 32/1968 on the ascertainment and sanctioning of contraventions, with the subsequent modifications.

CHAPTER X

Final and transitory provisions

Art. 116. (1) The communal, town and municipality commissions, set up according to the provisions of art. 12, shall carry out the works and operations established by law, in their competency, irrespective whether the property right is reconstituted or constituted or the land is returned by prefect's order, forwarding these works, as the case may be, to the county commissions or to the prefect, with a view to issuing the property titles, respectively, the issuing of prefect's order.

(2) The commissions stipulated in para (1) shall carry out the operations of putting in possession, drawing up for this purpose official reports which they shall forward to the county commissions.

(3) In the cases provided under article 17, article 30, paragraph (2) and article 37, the county commissions, at the proposal of the communal, town, and municipal commissions, as the case may be, shall issue decisions for entitled titulars with a view to establishing their right to shares.

(4) The county commission's decision shall be transmitted to the natural persons interested and to the

trading company involved, within the term provided under paragraph (1).

(5) The communal, town, and municipal commissions shall cease their activity by a decision of the prefect, and the county commissions, respectively of the Municipality of Bucharest, by a decision of the Government.

Art. 117. – Over the operation period of the communal, town, and municipal commissions, as well as of the winding-up commissions, their members employed with individual labour contract shall be considered delegates, and the other members of the commissions shall receive an allowance that will be established by the rules for the application of the law.

Art. 118. – The specialized staff provided under article 8 of the Decree-law No. 43/1990 with regard to some measures for the stimulation of peasantry and the economic activity of the state and cooperative agricultural units, who carried out their activity in cooperative agricultural units which were dissolved or reorganized into trading companies shall benefit with priority by the provisions of article 19 paragraph (1) or of article 21.

Art. 119. – (1) Historical monuments, archaeological objectives and vestiges, treasures that will be discovered on the surface layer or in subsoil shall be under protection of law.

(2) Landowners and landholders shall be compelled to ensure their integrity, to notify the State bodies, and to allow the performance of conservation and research works.

(3) Landowners shall be indemnified for the damages suffered and land transferred in the public domain, in cash or equivalent land, as the case may be.

Art. 120. – The time worked by former cooperative members within the framework of agricultural production cooperatives shall be considered length of service when they will be granted their pensions and the other social insurance rights.

Art. 121. – The financing of the activities for the general land cadastre, for geodesic, photogrammetric, and territorial-planning works, as well as of the databanks

corresponding to them, at county and national levels, shall be achieved from the budget.

Art. 122. – Appendixes Nos. 1 and 2 shall form an integral part of the present law.

Art. 123. – (1) The present law shall come into force on the date of its publication in the “Monitorul Oficial” (Official Gazette of Romania).*

(2) At the date the present law comes into force, there shall be abrogated:

– articles 1–36 and 51–79 under the Law No. 59/1974 with regard to the land resources, published in “Buletinul Oficial” (Official Bulletin) No. 138/November 5, 1974;

– Decree-law No. 42/1990 with regard to some measures for the stimulation of peasantry, published in “Monitorul Oficial” (Official Gazette of Romania), Part I, No. 17/January 30, 1990, except articles 8–11;

– Law No. 9/1990 with regard to the temporary interdiction of the alienation of land by *inter vivos* deeds, published in “Monitorul Oficial” (Official Gazette of Romania), Part I, No. 95/August 1, 1990, except article 2.

– Decision of the Council of Ministers No. 656/1975 for the ascertainment and sanctioning of contraventions to the norms on record, use, protection, and improvement of agricultural land, published in “Buletinul Oficial” (Official Bulletin) No. 74/July 16, 1975;

– Decree No. 115/1959 for the elimination of the remains of any forms of the exploitation of man by man in agriculture, for the purpose of the continuous raising of the material and cultural living standard of working peasantry and the development of the socialist construction, published in the Official Bulletin of the Great National Assembly of the Romanian People’s Republic No. 10/March 30, 1959;

– any other provisions contrary to the present law.

*See also the dates of coming into force of the modifying statutory instruments.

APPENDIX No. 1

PERCENTAGE TAX
due for the definitive removal from agricultural circuit
of land situated outside the built-up area

	Class of agricultural land				
	1	2	3	4	5
Percentage tax applied to the selling price	400	350	300	250	200

NOTE:

The percentage shall be applied to the value of the land declared as price by the parties to the alienation contract.

In case in which the land was not the object of sale-purchase and it is the property of the investor or derives from concession, donation, association, the tax is calculated on the circulation value of the land in that zone.

APPENDIX No. 2

TAX
due for the definitive use of forest land for other purposes than forest
production and clearing of woods

	Quality class				
	1	2	3	4	5
Percentage tax applied to the selling price	600	550	500	400	300

NOTE:

The percentage shall be applied to the rent value established for the volume achieved at exploitable degree by the basic species in zone, considered at the assortment set as aim, established by planning or assimilated to it.

NOTE:

We reprint below articles II – V in Law No. 169/1997, that were not included in the republished text of Law No. 18/1991 and which continue to apply as own provisions of Law No. 169/1997.

We mention that the references from the contents of these articles refers to the texts in Law No. 18/1991, such as published in the Official Gazette of Romania, Part I, no. 37 of February 20, 1991.

“Art. II. The modifying, completing or abrogation provisions of the present law do not affect in any way the titles or other property documents issued, by observing the provisions of Law on land resources No. 18/1991, on the date of their issuance.”

“Art. III. – (1) The following documents issued by infringing the provisions of the Law on land resources No. 18/1991, are affected by absolute nullity, according to the provisions of civil legislation applicable on the date of concluding the legal act:

a) the documents for the reconstitution or constitution of property right, in favour of natural persons who were not entitled, according to law, to such reconstitution or constitution;

b) the documents for constitution of property right on agricultural land found in the state public or private domain, or in the public domain of the communes, towns or municipalities;

c) the documents for reconstitution or constitution of the property right inside the built-up area of the locality, on land claimed by the former owners, with the exception of those granted according to art. 23 of the law (*art. 24 in Law No. 18/1991, republished*);

d) the documents for the constitution of the property right on agricultural land constituted as communal pasture;

e) the documents for the constitution of property right, under the terms of art. 20 (*art. 21 in Law No. 18/1991, republished*), in the localities in which the reduction quota stipulated by law has been applied;

f) the documents for the constitution of the property right, under the terms of art. 20 (*art. 21 in Law No. 18/1991, republished*) and in the case in which in that locality the property right of the entitled persons by law has not been constituted;

g) the transfer of land from one locality to another, carried out by infringing the conditions stipulated by law, with the illicit purpose of increasing in this way the value of the land received as a result of the transfer;

h) the documents of sale-purchase regarding the constructions meant for social or cultural utilization –

dwellings, crèches, kindergartens, canteens, clubs, head-offices and others such – that have belonged to the agricultural production cooperatives, by infringing the imperative provisions stipulated in the last paragraph of art. 28 in the law (*art. 29 in Law No. 18/1991, republished*).

(2) The nullity may be claimed by the mayor, prefect, public prosecutor and by other persons that prove a legitimate interest, and the solving of the applications is of the competency of the judicial instances of ordinary law, that have plenitude of jurisdiction.

(3) In the case in which, on the land which was the object of certain judicial documents found null according to para (1), constructions of any kind have been erected, the provisions of art. 494 in the Civil Code are applicable.”

“Art. IV. – (1) The persons that did not submit applications during the time period stipulated by the Law on land resources No. 18/1991, for the reconstitution of the property right, or these applications were lost or regarding which no reply was received, may submit a new application to the communal, town or municipal commissions, within 90 days from the date of coming into force of the present law,

(2) The provisions of para (1) are not applicable to the persons that, according to Law on land resources No. 18/1991, had no calling to request and, respectively, to be reconstituted the property right.”

“Art. V. – By special law, after drawing up the land resources balance sheet, there shall be regulated the assigning for use or, as the case may be, in ownership of agricultural land out of the state private domain, to young families, to specialists in the rural area, to war veterans that were not assigned land according to Law No. 44/1994, as well to teaching staff, under the terms of Law No. 128/1997 on the Statute of the teaching staff.”

LAW

on reconstitution of the property right over agricultural and forest land claimed in keeping with the provisions of Law on land resources No. 18/1991 and Law No. 169/1997*

CHAPTER I General provisions

Art. 1. – The natural and legal persons who have submitted applications for the reconstitution of the property right for agricultural and forest land, in keeping with the provisions of Law on land resources No. 18/1991, modified and completed by Law No. 169/1997 and republished,** are established the property right under the conditions established by the present law.

Art. 2. – (1) In applying the provisions of this law, the reconstitution of the property right shall be made on the old locations if these are available.

(2) The rights obtained by observing the provisions of the Law on land resources No. 18/1991, for which property certificates, official report of putting in possession or property titles have been issued, remain valid without any other confirmation.

Art. 3. – (1) The reconstitution of property right for the natural persons mentioned in art. 9 para (1) under Law on land resources No. 18/1991 republished, for the difference between the area of 10 hectares per family and that brought into the agricultural production co-operative

*The Law No. 1 of January 11, 2000 was published in “Monitorul Oficial al României” (Official Gazette of Romania), Part I, No. 8 of 12 January 2000.

** The Law No. 18/1991 was republished in “Monitorul Oficial al României” (Official Gazette of Romania), Part I, No. 1 of 5 January 1998.

or taken over in whatever way by the latter, but not more than 50 hectares per dispossessed owner, shall be made integrally in the localities in which agricultural land is available, constituted as reserve at the disposal of the commission, as per art. 18 of the same law.

(2) In case in which in the locality there aren't agricultural land areas to integrally cover the demands, in the conditions of para (1), the reconstitution of the property right shall be also made out of the agricultural land areas property of the commune, town or municipality, as per art. 49 of the Law on land resources No. 18/1991, republished, and, as the case may be, in the cases in which by final and irrevocable court decisions the absolute nullity of certain property titles is noted, out of the agricultural areas which pass into the private ownership of the State, on the basis of such decisions.

(3) In case the reconstitution of the property right cannot be integrally made, under the terms of para (2), compensations shall be granted for the difference of land not retroceded.

(4) The compensations shall be granted beginning with the smallest areas that cannot be retroceded.

Art. 4. – (1) For the land outside the built-up area of the localities, formerly properties of natural persons, which abusively have passed in the property of the State and are included in various watershed projects, drainage–irrigation works or works of other type, there are returned, under the conditions of the law, to the former owners or their inheritors, equivalent areas out of the existing reserve at the local commissions, and if these areas are insufficient, out of the private domain of the State, in the same locality. In the localities in which compensation is not possible, damages shall be granted to former owners or their inheritors, under the terms of the law.

(2) In case the works for which the expropriated area of land have not been carried out or are in a project stage the taken over area is returned, at request, to the former owners or their inheritors.

Art. 5. – In the case of natural persons mentioned under art. 9 para (2) of the Law on land resources No. 18/1991, republished, to whom the property right has been reconstituted within the limit of up to 10 hectares of agricultural land per family and the reduction quota was applied as per the law, and this quota exceeded 5 per cent, upon reconstituting the property right for this quota the provisions of art. 3, paras (2)–(4) of the present law are applied correspondingly.

Art. 6. – (1) Upon establishing, by reconstitution, of the property right for the agricultural land, in keeping with the provisions of this law, the communal, town or municipal commissions and the county ones, set up according to law, shall rigorously check the existence of the proving documents stipulated under art. 9 para (5) of the Law on land resources No. 18/1991, republished, as well as the pertinence, verisimilitude, authenticity and conclusiveness of those documents, taking also into account the provisions of art. 11 para (1) and (2) of the same law.

(2) The provisions of art. 12 of the Law on land resources No. 18/1991, republished, regarding the establishing of the property right by reconstitution, as well as the procedural provisions stipulated in art. 51–59 of the same law, shall apply accordingly to the reconstitution of the property right, as per the present law.

(3) In the case that certain areas are claimed by two citizens, of whom one is the former owner whose land has been taken by abusive measures used during the years 1953–1959, and the second, the person to whom land has been granted out of the one taken from the former owner within the existing land resources, including the set up reserves, the land shall be returned in kind to both applicants. In case the resources are insufficient, land shall be returned in kind to the person holding the ownership documents, while those who has been put in possession of such land, shall be compensated according to law.

Art. 7. (1) – For the land which is the object of property right reconstitution as per art. 3, 5 and 23 of the

present law, an additional property title shall be issued, if the persons involved have already a title issued under the provisions of Law on land resources No. 18/1991.

(2) In the case in which such persons have not yet been issued any property title, one single property title shall be issued for the entire area resulting both from applying the Law on land resources No. 18/1991* unmodified and the application of the present law.

(3) The provisions of art. 13 para (3) of the Law on land resources No. 18/1991, republished, remain valid.

CAPTER II

Retrocession of agricultural land

Art. 8. – The natural persons who were established the capacity of shareholders in joint stock companies of agricultural or piscicultural type, on the grounds of art. 36 of the Law on land resources No. 18/1991, unmodified, areas with agricultural or piscicultural destination of the same quality are returned in kind on the basis of documents proving the former ownership, within the perimeter of those companies. The actual assigning of the land shall be made on the former locations in the hilly area, while in the plains, on the former locations if the agricultural exploitations, public and private property of the State, are not affected in their unity.

Art. 9. – (1) The State property land managed by research institutes and stations, meant for research and production of seeds, planting material of superior biological categories and animal breeds, belong to the public sector and remain under their administration.

(2) The provisions of para (1) shall also apply to the State property land used on the date of coming into force of the present law by educational units of agricultural or forest type and pass under their administration.

(3) The State owned agricultural land which, on the basis of proving documents have constituted the property

*The Law No. 18/1991 was published in “Monitorul Oficial al României”, Part I No. 37 of 20 February 1991.

of the Romanian Academy, of the universities and higher education institutions of agricultural type shall pass under their ownership.

Art. 10. – The natural persons to whom outstanding debt rights has been established at the research and agricultural production institutes and stations, as well as at the autonomous régies of agricultural type or at the national companies of agricultural type, in accordance with the provisions of Law No. 46/1992, the areas of agricultural land shall be returned.

Art. 11. In all cases, the trading companies, research and agricultural production institutes and stations, as well as the autonomous régies and the national companies of agricultural type shall pay off, compulsorily, the rights in kind or claimed, established and stipulated in Law No. 48/1994.

Art. 12. – (1) The communal, town or municipal councils in the territorial-administrative units on which the land is, together with the offices of the agricultural cadastre and territorial planning, shall define the land claimed on the former locations, if these are free of constructions, or in plots situated in the immediate proximity to the localities, ensuring the access to the drainage-irrigation works wherever these exist.

(2) In the case that, on the retroceded areas drainage-irrigation works are situated, the owners put in possession are obliged to ensure the access and joint use by all the owners, at their full capacity.

(3) The natural persons and the legal persons, who have the right of access and joint use of the drainage-irrigation works and installations, are obliged to exercise these rights in good faith, so as not to affect the state of normal use and to contribute, proportionally, to the maintenance and repair of these works and installations. All the users are jointly responsible for the damages of any kind brought about to the works and installations in all the instances in which the responsibility cannot be individualized.

(4) The official report of delimitation, together with the decision of the local council shall be submitted for

validation to the county commission, which is obliged to pronounce itself within 30 days from receiving it.

(5) The decision of the county commission and respectively, the delimitation official report and the situation plan shall be transmitted to the trading companies, research and agricultural production institutes and stations, the autonomous régies and national companies of agricultural type, as well as to the local commissions, in order to be considered at the setting up of the necessary documentation for the establishing of the locations according to law, upon the putting in possession of the titulars, as well as upon the issuing of the property titles.

(6) Complaint can be made against the decision of the county commission at the court in whose territorial radius the land is situated, within 30 days from communication.

(7) The operations stipulated under para (5), including the issuing of the property titles shall be carried out within an year from the coming into foree of the present law.

Art. 13. – The prefect, in his capacity of chairman of the county commission, shall draw up and send, monthly, to the Department for Local Public Administration, a report regarding the status of applying the provisions of the law, proposing measures, including attracting the responsibility of the mayors who hinder in any way the reconstitution of the property right within the terms and the conditions set by the law.

Art. 14. – (1) The natural persons who have concluded tenancy agreements, in accordance with the provisions of art. 25 of the Law on lease No. 16/1994, with subsequent modifications and completions, there are returned, in kind, the areas of agricultural land stipulated in those agreements.

(2) The provisions of art. 12 in the present law shall apply accordingly.

Art. 15. – (1) The natural persons mentioned in art. 37 and 38 of the Law on land resources No. 18/1991,

republished, to whom the capacity of shareholder was established, the natural persons to whom rights at the research and agricultural production institutes and stations, at the autonomous régies and at the national companies of agricultural type was established, in accordance with the provisions of Law No. 46/1992, as well as the natural persons who have the capacity of lessor, as per art. 25 of the Law on lease No. 16/1994, with the subsequent modifications and completions, there shall be reconstituted the property right for the agricultural land and for the difference between the area of 10 hectares and the one that was owned, but not more than 50 hectares per dispossessed owner.

(2) The persons mentioned in para (1) shall be applied the provisions of art. 8 of the present law, only if they were reconstituted, by a decision of the county commission, the property right for the difference exceeding 10 hectares per dispossessed owner, but not more than 50 hectares per dispossessed owner.

Art. 16. – (1) The persons mentioned in art. 39 of the Law on land resources No. 18/1991, republished, whose agricultural land have passed into State property by the effect of Decree No. 83/1949 and of any other expropriation statutory instruments, or as the case may be, their inheritors, the property right in kind, within the limit of the area of land passed into the property of the State are reconstituted but not more than 50 hectares per dispossessed owner, out of the areas of land existing in the property of the joint stock trading companies of agricultural type, or of other trading companies which have agricultural land in their property, or, as the case may be, existing in the administration of autonomous régies and the national companies of agricultural type, which have their premises in the locality or localities in which the agricultural land, passed into the property of the State, has been situated.

(2) In the case that, the agricultural land being the object of the reconstitution of the property right is under the administration of the research and agricultural

production institutes and stations, the restitution in kind shall be made out of the agricultural land areas that shall be defined for production out of the private property of the State, by a Government decision.

Art. 17. – In all the cases in which, in the property of the units mentioned under art. 15 and 16 of the present law there is not agricultural land available for the integral restitution of ownership, compensation shall be granted for the difference of land not retroceded.

Art. 18. – (1) The agricultural land existing in the property of the trading companies of agricultural type and in the administration of the autonomous régies and of national companies of agricultural type, after the restitution in kind in accordance with the provisions of art. 8 and art. 14–16 of the present law, shall remain the private property of the State.

(2) The agricultural land mentioned in para (1) shall continue to remain in the exploitation of the joint stock trading companies and of the autonomous régies and the national companies of agricultural type the property of which it is, and registered as such in the land cadastre.

Art. 19. – The claims of the shareholders and lessors, which are to be cashed up on the basis of Law No. 46/1992 and of the Law No. 48/1994 are also paid out of the profits made by those companies, or out of special funds set up following the privatization of the agricultural trading companies. The remaining value of the investments made on the land returned to the shareholders or lessors, as well as to other entitled persons, in accordance with the present law, shall be recovered from these within a period of maximum 10 years.

Art. 20. – For the agricultural land that makes up the private property of the State, there shall be established, by a special law, the modalities of assigning for use, or in ownership of young families, of specialists working in agriculture in the rural area, teaching staff, war veterans, mentioned in art. V of Law No. 169/1997, of other classes of persons entitled according to law, as well as to landless families.

Art. 21. – The legal status of the agricultural land, stipulated under art. 18 of the present law, is also applicable to the trading companies that are established through the reorganization of certain research and agricultural production institutes and stations or the national companies that are established by the reorganization of certain autonomous régies of agricultural type.

Art. 22. – The reconstitution of the property right, the putting in possession and the issuing of property titles, in the case of natural persons mentioned in art. 8, art. 10 and art. 14–16 of the present law, are made by the local and county commissions, in accordance with and under the terms stipulated in art. 12 and art. 51–59 of the Law on land resources No. 18/1991, republished, in the regulations for application and with the observance of the provisions of the present law.

Art. 23. – (1) The representative bodies of the units of cult, established before the coming into force of this law, shall obtain, by reconstitution, areas of agricultural land out of the church fund of the cult they belong to, as follows:

- a) diocesan centers, up to 100 hectares;
- b) archpriest residence, up to 50 hectares;
- c) monasteries and hermitages, up to 50 hectares;
- d) parishes and sub-parishes, up to 10 hectares.

(2) For the legal persons, units of cult recognized by law, from the rural and urban area, mentioned in para (1), likewise the provisions of art. 3, para (2)–(4) of the present law are and remain applicable.

(3) To secondary schools of agricultural or forest type and the public institutions for child protection which did not receive agricultural land before the date of coming into force of the present law, there shall be restituted the land areas which they had owned.

(4) The units of pre-university education obtain under the provisions of the present law, by reconstitution, areas of agricultural land within the limit of those they had owned. The pre-university units which have not owned agricultural land, there shall be allotted, for use, areas of agricultural land up to 5 hectares out of the reserve of the local councils.

CHAPTER III

Retrocession of forest land

Art. 24. – (1) The reconstitution of the property right over the forest land, for the difference between the area of one hectare per dispossessed owner and the one that was owned, but not more than 10 hectares per dispossessed owner, to the natural persons or, as the case may be, to the inheritors who have submitted applications according to art. 45 of the Law on land resources No. 18/1991, republished, shall be made on the old locations.

(2) The following forest areas are exempted from the reconstitution of the property right on the old locations:

a) land assigned to former owners, with the observance of the provisions of Law on land resources No. 18/1991, unmodified, for which property titles or official reports for putting in possession have been issued;

b) land on which there are, or are under erection, constructions or forest managements, forest roads or other managements or installations or other fixed means;

c) land on which experimental forest cultures are placed, of long duration, under the observation of the Institute for Forest Research and managements;

d) forest seeds reserves of special importance, plantations, mother plantations of cuttings and shrubs – sources of seeds of valuable species, listed in the national catalogue of the reproduction materials admitted in the forest cultures;

e) scientific reserves, forest – monuments of nature and other areas strictly protected, established and declared as such according to law;

f) forests with a special anti-erosion and hydrological protection function;

g) totally or partially cleared land after January 1, 1990.

(3) For the cases mentioned in para (2) the putting in possession shall be done on other land, situated in the vicinity of the old locations.

(4) The forest units and sub-units subordinated to the National State-owned Company of Forests, as well as the other holders of forest areas claimed by the former owners or by their inheritors shall define and shall put at

the disposal of the local commissions for applying the provisions of the present law the areas of land for which the property right was reconstituted and validated per categories of holders provided in the present law, under the conditions stipulated in para (1)–(3). The actual passing of the land into the private ownership shall be made on the occasion of putting in possession, as per the present law.

(5) The Ministry of Waters, Forests and Environment Protection shall take steps so that each forest district should define the perimeters of land which will be the private property of the natural and legal persons, from the other areas of land.

Art. 25. – (1) The reconstitution of the property right and the putting in possession of the titulars, in the case of forest land, as well as the issuing of property titles shall be made by the local commissions and county commissions respectively, under the conditions and the procedure set by the Law on land resources No. 18/1991, republished, in the Regulations approved by Government Decision No. 131/1991 republished* and in accordance with the present law.

(2) The administration and exploitation of the forest land, assigned in the conditions of art. 24 of the present law, shall be made in forest regime, according to law.

(3) For the persons mentioned under art. 24 para (1) of the present law, an additional property titles shall be issued. If a property title has not yet been issued for the forest land of up to one hectare per author, one single property title shall be issued for the entire area resulting from applying the Law on land resources No. 18/1991, republished, and of the present law.

(4) The provisions under art. 13 para (3) from the Law on land resources No 18/1991, republished, and the provisions under art. 6 in the present law are and remain applicable.

Art. 26. – (1) The former members of associative forms of property over the land with forest vegetation, joint

* The Regulations were republished in “Monitorul Oficial al României” (Official Gazette of Romania), Part I, No. 7 of 19 January 1993.

possession, communities of freeholders' joint ownership, undivided freeholders' communities, frontier guards' forests and other associative forms assimilated to those, as well as their inheritors, who have submitted applications for reconstitution of property right on the basis of art. 46 of the Law on land resources No. 18/1991, republished, it shall be issued an single property title, with mention as title owner: "joint possession", "freeholders' communities", "frontier guards' forests", other associations, and the name of the respective locality.

(2) The area returned to the associative forms cannot exceed the area resulting from the carrying out of the agrarian reform of 1921.

(3) The property title shall be accompanied by a location sketch of the area of forest land which belonged to the joint possession, the freeholders' community etc. which is to be returned, and by an annex comprising the name, surname and, whenever the case may be, the quota due to each of the persons mentioned in para (1), on the basis of the documents proving this capacity and within the limits stipulated in these documents.

(4) The reconstitution of the property right, the putting in possession and the issuing of the property title shall be made by the local commissions and the county commissions respectively, in whose territorial radius the land is situated, according to the provisions of the present law.

Art. 27. – The exploitation of the forest land stipulated in art. 26 of the present law shall be made in accordance with the statutes of the associative forms accepted by the legislation of the Romanian State in the period of the years 1921–1940.

Art. 28. – (1) With a view to organizing the exploitation of the forest land stipulated in art. 26 of the present law and the determination of responsibilities regarding their exploitation, the entitled persons shall organize themselves, on the basis of this law, in the initial associative forms of joint possession, frontier guards' forests, freeholders' ownerships, undivided freeholders' communities etc.

(2) Within 90 days from the date of coming into force of the present law, an ad-hoc committee shall request the court in whose territorial radius the land is situated, on the basis of certifying the property right or inheritance by the local commissions, the authorization of the associative forms of administration and exploitation of the forest land.

(3) The ad-hoc committee shall submit to the court, at the same time with the application and the certificate issued by the local commission, a statute authenticated by the notary public, in which the structure, the managing bodies, the way of exploitation of the forest land, under the terms of the law, the rights and obligations of the members, responsibilities, sanctions, mode of dissolution and other specific provisions shall be established.

(4) By a court decision, the associative forms of joint exploitation, constituted in the conditions and with respecting the forest regime stipulated by law, shall acquire the capacity of legal person. The court decision shall be recorded in a special register held by the court.

(5) The forest areas in joint ownership, according to their nature, shall remain in undivided property for the entire duration of their existence.

Art. 29. – (1) On applying the provisions of art. 47 of the Law on land resources No. 18/1991, republished, the proposals for the reconstitution of the property right for forest land and the issuing of the property title shall be made on the name of the parish, hermitage, convent, educational institution, irrespective of its form, within the limit of the areas owned, but not more than 30 hectares, no matter if the land is situated on the radius of several localities.

(2) The diocesan centres, parishes, hermitages, convents, constituted before the coming into force of the present law, shall obtain, by reconstitution, areas up to the limit of 30 hectares from the church fund of the cult they belong to, recognized by the law, if it has had in ownership forest land in the county in which the parish, hermitage or convent has been constituted.

(3) The land allotted as per para (2) can not exceed, cumulated, the area owned by the church fund in the county in which the parish, hermitage or convent which submits the application for reconstitution has been established.

(4) The communes, towns and municipalities which have owned land with forest vegetation, forests, underwood, shrubberies, hayfields and afforested pastures, regain, at request, the property for them, within the limits proved by documents attesting the claimed areas in the conditions of art. 9 para (3) of the Law on land resources No. 18/1991 republished.

(5) In the case of the requests expressed by the local councils, the documents for the reconstitution of the property right and the issuing of the property title shall be made on the name of the commune, town or municipality, as legal person, and the title shall be handed over to the mayor.

CHAPTER IV

Final and transitory provisions

Art. 30. – In applying the provisions of the Law on land resources No. 18/1991, as modified by Law No. 169/1997, the Romanian citizens shall enjoy the same rights, irrespective if on the date of submitting the application they were residing in the country or abroad.

Art. 31. – (1) The constructions of any kind, belonging to agricultural exploitations and which have passed in the property of the State by the effect of Decree No. 83/1949 for the completion of certain provisions of Law No. 187/1945, shall be returned to the former owners or, as the case may be, to their inheritors.

(2) The constructions on forest land, which were part of the forest exploitation on the date of passing into the property of the State, shall be returned to the former owners or, as the case may be, to their inheritors.

(3) In case such real estate no longer exist, compensations shall be granted.

Art. 32. – (1) The natural persons and the legal persons, mentioned in art. 10 of the Law on land

resources No. 18/1991, republished, are obliged to submit the declaration on their own responsibility in connection with the areas of land allotted according to law or, actually held, respectively, on the basis of the same article, within 6 months from the date of coming into force of the present law.

(2) The provisions of art. 110 of the Law on land resources No. 18/1991, republished, shall remain applicable.

Art. 33. – The natural persons and the legal persons, who, within the time limit stipulated by Law No. 169/1997, have not submitted applications for the reconstitution of the property right or, as the case may be, the proving documents, may formulate such applications and submit the proving documents within 60 days from the date of coming into force of the present law.

Art. 34. – The land free of constructions unaffected by investment works approved according to law or with works which have been deteriorated, destroyed and no longer have any value of use, taken over in any way in terms of donation inclusive, considered public or private property of the State or of the administrative-territorial units by applying the provisions of Decree No. 712/1966 and other special statutory instruments shall be returned to the former owners or their inheritors, as the case may be.

Art. 35. – (1) The putting in possession of the persons entitled to receive in ownership forest land, according to the present law, shall be made only after establishing, in the territory, control and applying structures of the forest regime and only after the promulgation of the laws regarding forest contraventions, the forest regime and the administration of the forest resources, private and State property, as well as the statute of the forest personnell.

(2) The forest offices and the present holders shall be responsible for the guarding and protection of the forest vegetation on the land claimed by the former owners, until the putting in possession, in the conditions stipulated under the present law.

Art. 36. – The natural persons to whom the property right by appropriation was established on the occasion of

applying Law No. 187/1945 for the carrying out of the agrarian reform, but to whom it didn't allot actually the land to which they were entitled or the allotment has been cancelled, there shall be granted the relevant land within the limit of available areas.

Art. 37. – The natural persons whose land has joined the agricultural production co-operatives, and as a result of the amalgamation, have not received property right in the conditions of the Law on landed resources No. 18/1991, shall be reconstituted the property right in the conditions of the present law, on the old locations, in the perimeter of the trading companies with State capital, if that plots of land have not been allotted in accordance with art. 2 para (1) of the present law, while in all the other cases to the contrary, the provisions of art. 17 of the present law are applicable.

Art. 38. – The reconstitution of the property right shall be made on the former locations under the conditions of the present law, by the interdiction of their transfer by the commissions stipulated in art. 6 para (1) of the present law.

Art. 39. – The provisions of art. 26–28 of the present law shall apply, accordingly, also in the case of agricultural land, pastures and hayfields which had belonged to associative forms that held such land.

Art. 40. – For all agricultural and forest land claimed by well founded requests, approved by the competent bodies, registered within the time and with the procedure stipulated by Law No. 18/1991, modified and completed by Law No. 169/1997, which could not be retroceded, as well as in the instances in which the former owners has opted for compensations, the Government shall establish by decision the way of evaluating the land, the financial sources and the modalities of payment to the former owners, within 45 days from the date of coming into force of the present law.

Art. 41. – The Government shall modify and shall complete, within 30 days from the date of coming into force of the present law, the regulations approved by Government Decision No. 131/1991, republished.

REGULATIONS*

regarding the setting up procedure, the duties and the functioning of the commissions for the establishing of the private property right over land, putting in possession of the owners, of the model and mode of issuing the property titles

CHAPTER I

Setting up of commissions

Art. 1. – In view of establishing the property right over the agricultural and the forest land, under the conditions of Law on land resources No. 18/1991**, of Law No. 169/1997 and of Law No. 1/2000, as well as for the issuing and putting in possession, communal, town,

* The Regulations of February 27, 1991 were published in the Official Gazette of Romania Part I, No. 43 of March 4, 1991.

The Regulations, approved by the Government Decision No. 131 of February 27, 1991, were also modified by the Government Decision No. 46 of February 3, 1992, published in the Official Gazette of Romania, Part I, No. 17 of February 11, 1992, by Government Decision No. 311 of June 5, 1992, published in the Official Gazette of Romania, Part I, No. 150 of July 1, 1992, and by the Government Decision No. 180 of March 14, 2000, published in the Official Gazette of Romania, Part I, No. 119 of March 17, 2000, inclusively modifying the Regulations' title.

Republished also, in the Official Gazette of Romania, Part I, No. 7 of January 19, 1993 on the grounds of the art. III in the Government Decision No. 730 of November 10, 1992, published in the Official Gazette of Romania, Part. I, No. 309 of November 27, 1992, giving the articles a new numbering and updating certain denominations.

** The Law No. 18/1991 was republished in the Official Gazette of Romania, Part I, No. 1 of January 5, 1998.

municipal and county commission and that of Bucharest Municipality, respectively, shall be set up, which shall function on the basis of the stipulations of art. 12 under Law No. 18/1991, republished, in keeping with the present regulations.

Art. 2. – The communal, town or municipal commission shall be set up on the order of the prefect and shall be made of:

- mayor – president of the commission;
- the deputy mayor designated by the mayor;
- the secretary of the territorial-administrative unit – secretary of the commission;
- a specialist in topographical measurements, agricultural cadastre, territorial planning, land reclamation or a specialist in general cadastre;
- an agricultural or horticultural expert from the agricultural center, the agricultural consulting office or from the mayoralty staff;
- a jurist from the organization system of agriculture and food industry or from the specialty staff of the prefecture or the public administration authorities;
- a representative of the territorial forest inspectorate or the head of the forest office or his representative;
- the chiefs of the forest districts whose forests are situated within the cadastral limits of the locality;
- a specialist in forest cadastre and forest planning;
- 1–5 representatives of the owners who have claimed land according to the Law No. 169/1997 and Law No. 1/2000, depending on the administrative structure of the commune, town or municipality.

To elect the representatives of the owners in the local commission, the local councils shall organize a meeting of the owners, which shall be legally set up if the simple majority is present (half plus one) of their number. The decision regarding the selection of the owners' representatives in the commission shall be adopted with simple majority (half plus one) of the number of the those present.

The designation of the specialists and of the representatives mentioned above shall be made by the

management of the units they belong to and shall be notified, in writing, to the prefecture.

In case certain clarifications are needed, other natural or legal persons interested in the land retrocession shall also be invited.

The leadership and the co-ordination of the communal, town or municipal commission is held by the mayor. In case of unavailability (sickness, resignation or suspension), the deputy mayor shall take over his prerogatives. The local commission shall establish in its first meeting in plenum the working schedule, so that the activity be carried out and concluded within the term established by law.

The communal, town or municipal commission shall function under the guidance and control of the county commission or of that of Bucharest Municipality.

Art. 3. – In Bucharest Municipality, on the order of the prefect, sub-commissions of Bucharest Municipality sectors may be organized, in the same composition as provided in art. 2, which shall carry out the duties stipulated in art. 6 letter a)–j).

Art. 4. – The county or Bucharest Municipality commission is appointed by order of the prefect and shall have the following composition:

- the prefect – president of the commission;
- the subprefect designated by the prefect – in case of unavailability (sickness, resignation or suspension) of the prefect – take over his prerogatives;
- the secretary general of the prefecture – secretary of the commission;
- director of the administrative disputed claims and legality control office;
- the director general of the general directorate for agriculture and food industry;
- the director of the land cadastre and agricultural territory organization;
- the director of the county agricultural consulting office;
- the head of the State Domains Agency branch;
- the director of the branch of the Autonomous Régie for Land Reclamation;
- the director of the waters administration system;

- the director of the office for pedological and agrochemical studies;
- the chief inspector of the territorial forest inspectorate of his representative;
- the director of the forest directorate of the National Régie of Forest or his representative;
- the director of the town planning, territorial planning and public works directorate;
- the director of the county cadastre, geodesy and cartography office;
- the head of the county police inspectorate or of Bucharest Municipality, or his representative;
- a jurist from specialized staff of the prefecture.

In view of supporting the town commission in carrying out the duties that are incumbent on it, a working group shall be set up, upon the order of the prefect, made up of a representative each of the prefect, of the agricultural cadastre and agricultural and agricultural territory organization office and, respectively, of the territorial forest inspectorate, for the technical aspect which shall be made up of specialists appointed for the entire duration of the functioning of the commission, by the leaders of the institutions and economic units provided in para. 1.

The working group shall also carry out duties of technical secretariat, according to the order of the prefect.

The material conditions needed for the functioning of the working group shall be ensured by the prefect.

The salaries and the other money due to the persons in the working group shall be paid by the institutions and economic units they belong to.

Art. 5. – Abrogated.

CHAPTER II

Prerogatives of commissions

Art. 6. – The communal, town or municipal commissions shall have the following duties:

- a) to take over and analyse the applications submitted in accordance with the provisions of the law, for the reconstitution of the property right over the agricultural

and forest land, except for those submitted by the communes, towns or municipalities;

- b) to rigorously verify the implementation of the conditions stipulated in art. 9 para. (4) and (5) under Law No. 18/1991, republished, as well as in art. 6 under Law No. 1/2000, requesting for that purpose all necessary relations and data;

- c) to establish the size and location of the land area for which the property right is reconstituted or which is allotted according to law;

- d) to fill in, following the verifications carried out, the annexes to the present regulations, with the entitled natural and legal persons;

- e) to receive and forward to the county commissions the appeals formulated by those interested;

- f) to draw up final positions, according to the competencies that are incumbent on them, regarding the natural and legal persons entitled to receive land, with established area and locations, according to the drawn up delimitation and plotting plan;

- g) to forward and submit to county commission, for approval and validation, the final positions, together with the required documentation, as well as the disputes caused and noted at the level of these commissions;

- h) to put in possession, by delimitation on the ground, the persons entitled to receive the land and to fill in the cards of their putting in possession, after validation by the county commission of the proposals made, and to hand over the titles of property according to the competencies that are incumbent on them;

- i) to identify the land granted illegally and to intimate the mayor, who shall bring under signature actions in finding out the absolute nullity for the cases provided under art. III of Law No. 169/1997;

- j) to exercise any other duties that are incumbent on them by law and by the present regulations.

Art. 7. – The county and Bucharest Municipality commissions shall have the following competencies:

- a) to organize the training of the communal, town and municipal commissions and to ensure the distribution of the laws, the regulations, the up to date maps and plans,

as well as of other materials necessary for the carrying on their activity under proper conditions;

b) to ensure the directing and control of the communal, town and municipal commissions by designating per communes, towns and municipalities of the county commission members;

c) to verify the legality of the proposals forwarded by the communal, town and municipal commissions, especially the existence of the proving documents, their pertinence, verisimilitude, authenticity and conclusiveness;

d) to solve the appeals formulated against the measures established by the subordinated commissions;

e) to validate or invalidate the proposals of the communal, town and municipal commissions, together with the designs of delimitation and plotting;

f) to issue the titles of property for the validated applications;

g) to solve the applications for the reconstitution of the public property right of the communes, towns, municipalities for forest land;

h) to identify land granted illegally and to intimate the prefect, who shall forward, under signature, actions in finding out the absolute nullity for the cases stipulated in art. III under Law No. 169/1997;

i) to grant and dispose the delimitation on the ground, the completion of the official reports for putting in possession of the communes, towns and municipalities for the public property forest land due to them;

j) to carry out any other duties that are incumbent on them by law and by the present regulations.

CHAPTER III

Functioning of the commissions

Art. 8. – The communal, town or municipal commission carry on their activity in plenum, in the presence of the majority of their members, with the compulsory presence of the mayor or, as the case may be, of the deputy mayor.

In the case in which the jurist and the 1–5 representatives of the owners do not participate in the

local commissions, it is considered that they agree with the decision of the commission. The secretarial work of the local commission is ensured by the secretary of the administrative–territorial unit.

Art. 9. – The county or Bucharest Municipality commissions carry on their activity in the presence of the majority of their members.

Art. 10. – The decisions of the county or Bucharest Municipality commissions and of those of communal, town or municipal, are adopted with the vote of the majority of their members and are recorded in an official report signed by all participants.

For adopting the decisions, the commissions shall request the submitting of all necessary documents and shall take note of the mutual recognition of the property limits by the neighbours.

CHAPTER IV

Establishing the property right over land

Art. 11. – According to the provisions of the Law No. 18/1991, republished, and of Law No. 1/2000, the mayoralities shall post up their texts in public places. At the same time, the mayoralities and the prefectures shall take steps that the provisions of these laws and of the present regulations should be brought to the knowledge of the entitled persons, by mass media.

Art. 12. – The works regarding the establishing of the property right for the former members of the agricultural production cooperatives and of the other persons provided by the law are carried out by the communal, town or municipal commissions, as the case may be, by taking into consideration the area of the land brought in the cooperatives, taken over by those on the basis of some special laws, without any title or in any other way. The area brought in the cooperative is the one resulting from the property documents, landed book, cadastre, applications for joining the cooperative, the land registry on the date of joining the co–operative, the records of the cooperative or, in the absence of those, from any other proofs, statements of witnesses inclusive.

On the basis of the stipulations of art. 23 and 24 in Law No. 18/1991, republished, the land granted within the built-up area of the localities, for the building of houses and appurtenances, before the issuing of Law No. 18/1991, are entered in the property of the present holders, within the limit of the areas received for that purpose from the agricultural production co-operatives or from the former people's councils, if the granting has been made from the former owners.

The former owners shall be compensated with an equivalent area of land, out of the land within the localities' built-up area or, in absence, out of outside built-up land, which has belonged to the holder stipulated in para 1 or to his ancestor, out of the reserve of the local commission or, as the case may be, out of the private property land of the commune, town or municipality.

In case compensation for the areas provided in para 1 is not possible, the former owners shall be compensated and shall be entered in annex No. 40 to the present regulations.

Art. 13. – According to the stipulations of the law, the establishing of the property right is done only at a request, formulated by each entitled person. When there are several inheritors, the application may be also submitted jointly, each of them signing it.

The following data and elements shall be mentioned in the application: name and surname of the applicant and of the parents, capacity, degree of relationship, area of land to which he considers himself entitled, as well as any other data necessary for the establishing of the property right according to law.

There shall be added at the application: property documents, inheritor certificate, judicial decision, if there is one, birth certificate in all cases, death certificate of the author in the case of inheritors, as well as any other documents showing the property right over the applied for land.

At the same time, the declaration provided in art. 9 para 2 in the law shall be annexed to the application.

The application, together with documents mentioned above are submitted to the local council in the territorial

radius of which the land is located, either personally, or by post, within the 30 days term provided by law.

In the case in which the application is submitted personally, the applicant shall produce the proving documents in original and a simple copy each, signed for conformity or a xerox copy, the commission keeping only the copies.

When the application is sent by post, there shall be added to it either simple copies signed for conformity on his responsibility by the applicant, or xerox copies.

In all cases, the application may also be solved without the presence of the applicant. The presence is compulsory on the receipt of the title, which has also to be signed on the putting in possession.

The applications submitted according to the provisions of art. 9 in Law No. 18/1991, republished, such as it was modified by the Law No. 218/1998, regarding the approval of Government Ordinance of urgency No. 1/1998, for the modifying of art. 9 in the Law on land resources No. 18/1991, republished, as well as those submitted on the basis of Law No. 1/2000, shall follow the procedure provided by them.

Art. 14. – The establishing of the land area inside and outside the built-up area of the locality brought in the co-operative by the co-operative members or, as the case may be, taken over by the co-operative in any mode, is made in accordance with the stipulations of art. 8 in the law. The areas shall be entered in annex No. 1.

Art. 15. – The establishing of the property right for the living co-operative members is made on the name of the entitled person, while for the deceased members, on the name of the inheritors. When there are several inheritors, the establishing of the property right is made on the name of all inheritors.

In the case in which, for the establishing of the property right several categories of inheritors have submitted applications to the commission, the applications of the legal inheritors shall be taken into account, by exclusion, in the following order of preference:

I. those of the direct descendants (children, grand children, great grandchildren), alone or in combination with the surviving husband/wife, excluding all the other inheritors; the children exclude the grandchildren, and the latter exclude the great grandchildren, except for the case in which the grandchildren or, as the case may be, the great grandchildren come to the inheritance in place of the deceased parent prior to the author of the succession;

II. those of the privileged collateral relatives (brothers, sisters and their descendants – their children and grandchildren) and of the first degree ascendants (parents) together or alone and, as the case may be, together with the surviving husband/wife, excluding the other inheritors of farther degree; the brothers and the sisters exclude their descendants; the latter may come to the inheritance in place of their father or mother (brother or sister), in case these died prior to the author of succession;

III. those of the second degree ascendants (grand parents), alone or together with the surviving husband/wife;

IV. those of the third degree collateral relatives (uncles, aunts), excluding the other inheritors of father degree, alone or, as the case may be, together with the surviving husband/wife;

V. those of the collateral inheritors of fourth degree (cousins), as last persons with title to inheritance, alone or together with the surviving husband/wife.

The surviving husband/wife comes alone to the succession if there is no one of the inheritance degrees provided above.

In case there are devisees and they formulate applications, they shall be also included in the title of property, together with the other legal inheritors, who have title to inheritance, in accordance with the documents produced, the relations between them to be solved according to ordinary law.

In the case in which the area brought by the author or taken over in any way from him does not ensure minimum 0,5 ha per person, the inheritors can not receive in ownership but the area brought or taken over

with the diminishing provided by law, whenever the case, even if that is below 0,5 ha per each inheritor, such as it also results from art. 8 para 3 and art. 13 para (3) in Law No. 18/1991, republished.

The living co-operative members, who either did or did not bring land in the co-operative, are entered with the area established by the commission in the annex tables No. 2.a. and 2.b., while the inheritors of the deceased co-operative members are entered with the area established in the annex table No. 3.

Art. 16. – The persons, as well as – as the case may be – their inheritors, whose land have passed, with or without title, in the ownership of the co-operative, without they acquiring the capacity of co-operative members, are entered with area established by the commission in the annex table No. 4.

Art. 17. – The persons decorated with the titles “Knight of the Order Mihai Viteazul” and “Mihai Viteazul with Swords”, who have opted and were granted arable land at the time of land reform, as well as – as the case may be – their inheritors, except for those who alienated it, are entered with the area established by the commission in the annex table No. 5.

Art. 18. – The persons who lost, totally or partially, the work capacity and the inheritors of those deceased as a result of their participation in the struggle for the victory of the December 1989 Revolution, receive, at their request, 10,000 sq. m. in ownership, arable equivalent land and are entered in the annex table No. 6 (the inheritors receive together the area of 10,000 sq. m.).

Art. 19. – The private owners domiciled in Romania, who did not join the agricultural production co-operatives or, as the case may be, their inheritors, whose land are included in the present perimeter of the co-operative and have not been compensated with other land, the property right shall be established at their request, and are entered in the annex table No. 7.

Art. 20. – In the localities with Romanian citizens belonging to the German minority, or those in which are living persons who have been deported or displaced, dispossessed of the land, it shall be granted in ownership,

at their request, with priority to them or to their inheritors, land, under the conditions provided by art. 17 of Law No. 18/1991, republished, and who are entered in the annex table No. 8.

Art. 21. – The persons who do not have the capacity of co-operative members, but who have worked as employees in the last 3 years in the agricultural production co-operative or in co-operative associations, shall be established, at their request, the area of land in ownership, out of the land provided in art. 18 under Law No. 18/1991, republished, if they prove that they are settled in the locality or declare, in writing, that they are going to settle in it and that they do not own other land.

The persons and area established by the commission are entered in annex table No. 9.a. The same modality shall be applied also in the case of the persons who have been deported and do not benefit from the stipulations of art. 14–16 under Law No. 18/1991, republished, who are entered in the annex table No. 9.b.

Art. 22. – To determine the areas necessary for the establishing of the property right according to the provisions of art. 14–16 under Law No. 18/1991, republished, the commission shall total the areas proposed to be granted, entered in the annex tables No. 2.a., 2.b., 3, 4, 5, 6, 7, 8, 9.a., 9.b., 11, 13, and the resulting area shall be compared to the area of the co-operative, registered in the general landed cadastre, on January 1, 1990.

In case the area of agricultural land of the cooperative, on January 1, 1990, is smaller than the one resulting from the totaling of the areas in the above tables, the establishing of the area to be granted in ownership is made, according to art. 14 under Law No. 18/1991, republished, by reducing a percentage quota resulting from the difference between to two areas which shall be applied accordingly to those entered in the annex tables No. 2.a., 3., 4., 5., 7., 8., 9.a., 11., 13., having in view that the area not to decrease below the established limit – minimum – for each category provided by law.

In the case a land reserve has resulted, the commission shall establish its granting in ownership or use of the entitled persons provided by law.

Art. 23. – The specialized personnel in the communal public services shall be established, by the commission, the area to be granted for use, as per art. 19 under Law No. 18/1991, republished, which is entered in the annex table No. 10. The table is submitted to the local council, which shall issue decisions in this regard.

Art. 24. – The specialized personnel who carried on the activity in units of agricultural co-operatives, dissolved or reorganized in trading companies, provided in art. 118 under Law No. 18/1991, republished, to whom land is granted in ownership, with priority, as per art. 19 para (1) or of art. 21 under Law No. 18/1991, republished, is entered in the annex table No. 11.

Art. 25. – The families who are to be granted land in the localities with excess agricultural area and with labour force deficit, according to art. 21 under Law No. 18/1991, republished, are entered with the established areas in the annex table No. 12.a.

The families in other localities, within the county or in other counties, who are to be granted land, as per art. 21 under Law No. 18/1991, republished, are entered in the annex table No. 12.b.

For this purpose, the county commissions shall inform, through mass media, about the areas of agricultural land which are in excess.

Art. 26. – The areas of land established as per art. 22 under Law No. 18/1991, republished, for the parishes, hermitages and monasteries in the rural area, are entered in the annex table No. 13.

Art. 27. – The land, property of the associations' members of private type, with legal personality, excepting the associations of zootechnical type to be set up, as per art. 29 under Law No. 18/1991, republished, are entered in the annex table No. 14.a. After the establishing of the area due to each title holder and the validation by the county commissions of their option according to the stipulations of art. 26 under the law, they shall be put in possession of the land, grouped within the association.

For the associations of private type with legal personality, of zootechnical type to be set up as per art. 29 under Law No. 18/1991, republished, the land necessary for the fodder basis are entered in the annex table No. 14.b., following that upon putting in possession to be proceeded according to the previous paragraph.

The land which becomes the ownership of the joint stock trading companies, set up as per art. No. 30 under Law No. 18/1991, republished, by the reorganization of the intercooperative or state and co-operative associations, are entered in the annex table No. 14.c.

Art. 28. – The land with forest vegetation – forests, riverside coppices, bush land, afforested pastures –, which belonged to natural persons, are returned, at their request, to the former owners or to their inheritors, in an area equal to that passed in the ownership of the state, but not more than 1 ha, of the isolated bodies or at the forest skirt, avoiding the zones with protection role, as per art. 41 under Law No. 18/1991 (unmodified), and are entered in the annex table No. 15.

This land shall be put at the disposal by the forest units.

The establishing of the property right over the forest land, requested on the basis of Law No. 169/1997 and Law No. 1/2000, is done in accordance with the provisions of Chapter X in the present regulations.

Art. 29. – After finalizing the annex tables No. 2–20 and their approval by official report by the communal, town or municipal commission, these shall be posted up at the head office of the local council for the information of all interested. Each table shall be signed by the commission members, mention being made of the date of posting up.

The persons unsatisfied with the proposals of establishing the property right by the communal, town or municipal commissions, may file, within 5 days from communication, a legal contest addressed to the county commission, which they submit to the secretariat of the communal, town or municipal commission, which is obliged to register and forward it, by delegate, to the secretary of the county commission, within 3 days.

Immediately after the expiry of the terms provided above, the communal, town or municipal commissions shall forward the documentation to the county commissions.

The county commission shall analyze the proposals received from the communal, town or municipal commissions, regarding the way of observing the provisions of the law, in connection with the establishing of the property right, as well as the appeals of those who considered themselves unsatisfied by the way of establishing the property right by the communal, town or municipal commission.

After the analysis, the county commission shall solve, by decision, the appeals and shall validate or invalidate the proposals and shall forward them, by delegate, within 3 days, to the subordinated commissions, which shall post them up immediately, at the head office of the local council, and shall notify, under signature, the persons who have filed appeals, the decision of the county commission.

The unsatisfied persons may file complaint at the law court, against the decision of the county commission, within 30 days from notification under signature.

Art. 30. – At the same time with the establishing of the property right for the persons provided by law, the communal, town or municipal commissions shall establish the area of communal pastures which is made of the pasture which is at present under the administration of the local councils, of the area coming from the pasture which has been used by certain agricultural production co-operatives, provided in art. 33 under Law No. 18/1991, republished, as well as of the area coming from the communal pastures which has been transmitted to certain state units provided in art. 44 under Law No. 18/1991, republished. In the communes made of several localities, the pasture area shall be divided per villages.

On the proposal of the communal, town or municipal commissions, by order of the prefect, this passes in the property of the communes, towns or, as the case may be, of the municipalities and are entered in the annex table No. 16.

Art. 31. – For the families in the mountainous zone, which fit with the provisions of art. 43 under Law No. 18/1991, republished, a commission shall be set up at the local councils, made of: mayor, secretary of the local council, agronomist from the agricultural office, delegate of the county commission for the mountainous zone and 5–10 farmers and intellectuals who enjoy prestige in the respective locality.

The commission analyses, in plenum, the applications received and shall establish the families entitled to receive in ownership agricultural land, and the local council shall propose to the prefect the issuing of the order for the granting in ownership of this land.

With a view to granting in ownership, for each family established by the local commission, a documentation is drawn up, containing the decision of the communal commission, recorded in an official report, the topographical sketch of the land proposed for allotment, with the mentioning of the total area and per categories of use, as well as the application of the person involved. The areas granted in ownership are entered in the annex table No. 18. On the basis of the property title, the owner has the obligation to register the respective area in the landed cadastre, the agricultural registry and, as the case may be, in the landed book and at the local financial body.

Art. 32. – The persons whose agricultural land have been passed in state property, as a result of certain special laws, others than those for expropriation, and which are under the administration of state agricultural units or, as the case may be, their inheritors, in accordance with art. 37 under Law No. 18/1991, republished, become, at their request, shareholders at the trading companies set up according to Law No. 15/1990, out of the present state agricultural units. The persons provided above may receive at their request, in accordance with art. 42 under Law No. 18/1991, republished, an area of 5,000 sq. m. per family, in arable land equivalent, from the state owned land. The granting of the area of 5,000 sq. m. per family is done in the case when the owners or their inheritors have not been

granted the minimum area from other land areas, according to law. The number of shares received together with the granted area can not exceed the value of 10 ha per family, in arable equivalent. The persons who fit with this category are entered in the annex table No. 19.

The area of 10 ha per family, in shares, in arable equivalent, established in accordance with the stipulations of art. 36 under Law No. 18/1991, unmodified, shall be retroceded in kind, according to Law No. 1/2000. In case the dispossessed owners held larger areas, they shall be retroceded land up to the limit of 50 ha.

Art. 33. – The persons or, as the case may be, their inheritors, whose land passed in state property and being in the administration of the local council, on the date of coming into force of the Law on land resources, shall be returned, at their request, the land, without exceeding the area of 10 ha per family, in arable equivalent or, as the case may be, for all the inheritors of their author, as per art. 41 under Law No. 18/1991, republished. The persons who fit with this category are entered in the annex table No. 20.

The area of 10 ha per family, in arable equivalent may be returned in kind, up to 50 ha per dispossessed owner according to Law No. 1/2000.

Art. 34. – The equalization of the agricultural land, per categories of use in arable equivalent, is provided in annex No. 21.

CHAPTER V

Putting in possession of the owners and issuing of titles of property

Art. 35. – The delimitation and plotting per owners are done on the basis of the maps and up to date situation plans, from within the present administrative–territorial unit.

On the plotting of the land in irrigation systems, there shall be taken into account the method of irrigation with the existing equipment and the provisions of the regulations for exploitation, for their correct and reasonable use.

Thus, in the case of the sprinkler irrigation in which watering equipment with manual shifting are used, in establishing the plots of land, the area unit served by a hydrant shall be taken into consideration.

By establishing the limits of the plots, it is recommended that the small side to be on the main lateral and the big side to be equal to the length of the sprinkler lateral and the area of the plot to coincide with the area served by sprinkler lateral or a multiple of that area.

For the small sized properties, the reasonable utilization of the irrigation system, that is, of an area served by a hydrant, implies the grouping of several owners with access to the water source.

For the areas meant for irrigation by surface irrigation (furrows, bands), the orography of the land shall be taken into account, the possibility of applying watering on the entire area and the modalities of evacuating the excess water, respectively.

On the land with drainage development projects, on establishing the ownership, the compulsory limits shall be taken into account (canals, service roads) which to ensure both the agricultural exploitation, and the maintenance of the drainage-irrigation works.

On sloping land, upon plotting, the observing of the existing works of soil erosion control shall be taken into account (terraces, banquettes, grass-filled strips, regularization network for water draining from the slopes, agricultural roads and other works).

When works of erosion control are not carried out, the delimitation of the plots shall be done, as much as possible, with the long side in the direction of the contour lines, so as to allow the carrying out of the preparatory works of the soil for sowing as well as for the maintenance of the row crops in the direction of the contour lines, with a view to preventing and controlling the soil erosion.

Likewise, the provisions of art. 34 under Law No. 18/1991, republished, shall be taken into account, regarding the delimitation of the protection zones

relevant to land reclamation works, including those of water management, according to the norms in force.

Art. 36. – The putting in possession on the basis of topographic measurements shall be carried out in accordance with the stipulations of art. 27 under Law No. 18/1991, republished, by specialists in topographic measurements, agricultural cadastre, organization of agricultural territory, land reclamation and general cadastre for agricultural land, specialists in forest cadastre and forests planning, respectively, according to the parcelling plan. In case the volume of work exceeds the working possibilities of the commission, these can be executed by the carrying out of services by specialists in topographic measurements, agricultural cadastre, agricultural territory organization, land reclamation and general cadastre of economic units.

The persons who filed complaints with the court shall be put in possession provisionally, until the producing, by the commissions, of the court decision, with the areas established by the decision of the county commission. After producing the court decision, the putting in possession shall be done by taking that into account.

Out of the reserve set up according to law, the communal, town or municipal commissions can grant land as completion, if this fact results from the decision.

The putting in possession is done by drawing up an official report, according to the models provided in annexes 52a. and 52b., and by signing it. One copy of the official report is handed over to the owner, together with the sketch of the land.

For this purpose, the communal and town authorities of the local public administration shall notify, in writing, with acknowledgement of receipt, the persons who have the domicile in other localities and to whom the property right has been established, on the date on which the putting in possession shall take place. For the persons who have the domicile or residence in the locality, the communal and town authorities of the local public administration shall post up, at their head office, the date of putting in possession, using, at the same time, any other means of communication.

The persons who, for various reasons, are in impossibility of being present on the date of putting in possession may authorize by special and authentic warrant power of attorney, with the express mentioning “For putting in possession”, other persons, who shall sign the table of taking over of the land.

Upon handing over the titles of property, the expenses for the dispatching of the notifications shall be paid, on the basis of receipt, by the persons who receive the titles.

The marking of the plots is done by stakes or landmarks, which are ensured by each owner.

Art. 37. – On the basis of the documentation forwarded by the local commissions, which include the validated annexes, the parcelling plans, the official reports of putting in possession and the sketches of the land, the county commission shall issue the titles of property in accordance with the model stipulated in annex No. 27. The documentations are sent in two copies, of which one is retained and is deposited in the archive of the agricultural cadastre and agricultural territory organization Office. The forms comprising the titles of property are printed on special paper size A3, as form with special regime, in books of 100 sheets each. These shall be printed through the good offices of the Ministry of Agriculture and Food Industry and shall be distributed to the county commissions, depending on requirements. The titles of property for the living citizens are issued to the entitled persons (husband, wife), while for the inheritors a single title of property is issued for the land which has belonged to its author, in which all the entitled applicants shall be nominated, following that for the coming out of co-ownership subsequently, they should proceed according to ordinary law. The title of property is filled in black China ink, and is numbered starting with No. 1, in each county. The title shall include the full name of the holder, as well as his father’s initial. In case in which alongside the surviving husband/wife other inheritors are also coming to the inheritance, as per art. 15 para (2) and (3) under Law No. 18/1991, republished, in the column “By reconstitution of the property right”, there shall be entered the area granted to the persons

who have held land in ownership or, as the case may be, to their inheritors, as well as in the cases provided under art. 22 in the same law, while in the column “by constituting of the property right” there shall be entered the area granted to the other categories of natural or legal persons.

The titles of property is signed by the prefect, the secretary general of the prefecture, as secretary, by the director general of the general directorate for agriculture and food industry and by the director of the agricultural cadastre and agricultural territory organization Office. The detachable parts of the title of property signed shall be sent to the communal, town or municipal commissions, who shall enter them in the agricultural registry, and then hand them over, under signature, to the holders, while the non-detachable part of the title of property shall be retained and deposited in the archive of the agriculture cadastre and agricultural territory organization Office.

In this regard, the commissions shall draw up a register which shall comprise the full name of the holder, the number of the title of property and the signature of the recipient. The titles of property for the persons who have filed complaints with the court shall be filled in and issued after the passing of the court decision.

The procedure regarding the delimitation, the drawing up of the parcelling plan, the putting in possession and the issuing of the titles for forest land applied for in accordance with the stipulations of the Law No. 169/1997 and of Law No. 1/2000, shall be done in accordance with the provisions of Chapter X in the present regulations.

In case of loss or destruction of the titles of property, duplicates may be issued, under the condition of publishing in the Official Gazette of Romania, Part III and mentioning “duplicate”, after written notification of the county commission.

Art. 38. – In the case in which there still remains undistributed land, the commission shall delimit it on the cadastral plan also in the territory, and shall hand it over for administration to the local council, to be used in accordance with the provisions of the law. The entering of

these areas shall be done according to annex No. 17. Likewise, it shall delimit and shall mark on the plan and in the territory the land of the trading companies, of the private type associations, the communal pastures and the land with forest vegetation granted to the owners who requested their restitution under the conditions of the law. At the same time, it shall delimit and mark on the plan and in the territory, the area to be granted in use, which is handed over to the local council, to be granted to those entitled by law.

Art. 39. – After the putting in possession of all owners, the agricultural cadastre and agricultural territory organization Office shall draw up a situation plan with the new parcelling of the territory and with the relevant topographic numbering, in two copies, of which one copy remains with it, and one is handed over, by official report, to the local council of the commune, town or municipality.

CHAPTER VI

Distribution of the expenses effected for the production of the year 1991 and of the investment credits on the land granted in ownership or use

Art. 40. – Simultaneously with the putting in possession of the holders of land granted in ownership or use, the communal, town or municipal commissions set up as per art. No. 12 under Law No. 18/1991, republished, together with the liquidation commissions, shall distribute on the respective land the expenses made by the agricultural production co-operatives or, as the case may be, by the inter-cooperative or state and co-operative associations, pertaining to the year 1991, corresponding to registration in book-keeping, as well as the investment credits to be repaid pertaining to vineyard and trees plantations.

For this purpose, they shall draw up the annex situation No. 22, in which there shall be included all the holders who receive land in ownership or use, including the local councils which take over undistributed areas per

categories of use, as well as the production expenditure and the pertaining credits.

The production expenditures shall be recovered, on the option of the holder, either by payment of their equivalent value at the time of putting in possession or by a payment commitment by which each holder undertakes toward the commissions of liquidation of the co-operative or, as the case may be, of the inter-cooperative or state and co-operative association for the expenditures made on the land granted in ownership and toward the local council, for the land granted in ownership or in use, as the case may be.

The payment commitment is given in front of the president of the liquidation commission and the president and secretary of the communal, town or municipal commission, as the case may be.

The term of payment for the production expenditures, according to art. 99 under Law No. 18/1991, unmodified, in the case of commitment, can not exceed the date of December 1, 1991.

The contents of the payment commitment is provided in annexes No. 23 and 24.

For the difference of investment credits to be repaid, in the case of the holders who receive in ownership or use vineyards and trees plantations, according to art. 33 under Law 18/1991, unmodified, these shall give a payment commitment falling due on the term the unit was obliged to.

The contents of the payment commitments is provided in annexes No. 25 and 26.

The amount due for the year 1991 shall be paid to the liquidation commission, and for the following year, the holder shall conclude credit contract with the financing bank, within 15 days from signing the commitment.

On the basis of the payment commitments, which are writs of execution, the financing banks shall establish the terms and ways of repayment of the credit balance to be paid, according to law and the own norms.

CHAPTER VII

Liquidation of the assets

Art. 41. – The liquidation commissions of the cooperatives' assets or, as the case may be, of the inter-cooperative or state and co-operative associations, shall be set up and shall function according to the provisions of the art. 27 and 28 under Law No. 18/1991, republished.

The liquidation commissions are made of:

- the chief accountant of the co-operative or, as the case may be, of the association – president;
- 3 accountants or economists in the co-operative or association – members;
- an agronomist from the co-operative or association – member;
- the cashier – member;
- the warehouseman – member;
- the president of the auditing commission – member;
- 3–5 co-operative members selected by the inhabitants' assembly – members.

The commissions shall be supported, in their activity, by representatives of the agricultural directorates and of the financing banks.

Art. 42. – The liquidation commission begins its activity by carrying out, together with the unit management, of the inventory of all assets and the drawing up of a balance sheet on the respective date, to find out the exact position of the assets and the liabilities.

The commission shall receive in administration the assets of the unit and the book keeping documents, ensuring the preservation and the guarding of the goods under proper conditions.

All the documents issued by the liquidation commission shall bear the mention that the unit is “under liquidation”. At the same time, a register shall be open, in which all the operations linked to the assets liquidation shall be recorded, in the order of carrying them out.

Art. 43. – The bank accounts of the co-operatives or, as the case may be, of the association, shall be kept open on the closing of the liquidation commission's activity and

they shall serve to the carrying out of the settling up operations.

With as to view the carrying out of the operations through the bank, the president and the secretary of the liquidation commission shall submit to the bank the samples of signature together with a copy of the order for setting up issued by the prefect.

The members of the liquidation commission who carry out new economic operations, which are not necessary for the purpose of liquidation, are personally and jointly responsible for their carrying out.

Art. 44. – The specialized exploitation units of the land reclamation works, which, according to the Law on land resources take over in ownership the land reclamation works, shall also take over the investment credits granted to the agricultural production co-operatives and not repaid by these and shall conclude, within 15 days from signing the take over protocol, credit contracts with the financing banks.

Art. 45. – In the case the agricultural co-operatives which are dissolved have still to repay credits for investments pertaining to the inter-cooperative or state and co-operative economic associations, with which they have been associated, and the latter are reorganized as joint stock trading companies as per art. 30 under Law No. 18/1991, republished, the respective credits shall be transferred by the liquidation commission to these units, which shall conclude new credit contracts with the financing bank.

In all cases in which, out of the assets of the unit under liquidation, there are handed over goods for which there are still credit commitments, those who take over these goods (associations, companies) shall also take over the pertaining credits, having the obligation to conclude new credit contracts with the financing bank, except for the goods taken over under the conditions of the art. 29 para (7) under Law No. 18/1991, republished.

Art. 46. – After stock-taking of the assets and on the basis of the balance sheet concluded, the liquidation commission shall proceed to the carrying out of the assets and the payment of the liabilities, as per art. No. 27, 29, 30 under Law No. 18/1991, republished, as well as to the

establishing of the measures for the recovery of the losses or to intimate the organs of penal pursuit, according to art. No. 28 under Law No. 18/1991, republished.

Art. 47. – The debt rights due under the conditions of art. 29 under Law No. 18/1991, republished, are established in a ratio of 40% for the land brought or handed over in any way to the co-operative and 60% for the labour carried out in the co-operative.

Art. 48. – The liquidation commission shall draw up a report on the labour situation carried out by the active co-operative members and the income achieved by them, which they shall forward, under signature, to the county organs of the peasants pensions and social insurance administration.

Art. 49. – After the finishing of the liquidation, the commissions shall proceed in accordance with the provisions of the art. 28 under Law No. 18/1991, republished.

The registers and documents of the dissolved units are handed over, by official report, to the local councils, which have the obligation to keep them for 5 years.

CHAPTER VIII

General provisions for applying the Law No. 1/2000

Art. 50. – The reconstitution of the property right is done on the old locations, if these are available, by observing the rights obtained according to the provisions of the Law No. 18/1991, for which there were issued property vouchers, official report for putting in possession or property title, which remain valid without any other confirmation, according to art. 2 under Law No. 1/2000.

To this end, the persons who have submitted applications for the reconstitution of the property right, according to Law No. 169/1997 shall be asked for the sketch of the location with the land held or any other information which should help identify the old location requested.

For the agricultural land, the local commissions, together with the county agricultural cadastre and

agricultural territory organization offices, or of Bucharest Municipality, establish, on the basis of the analysis of the documents mentioned in para 2, if the old location is available and can be retroceded, delimiting on the site plan the land requested, according to the provisions of the Law No. 1/2000.

For the forest land, the local commissions together with the representatives of the territorial forest inspectorate, shall establish whether the old location, identified in accordance with the documents mentioned in para 2, is available and can be retroceded on the basis of the report drawn up by the central public authority responsible for forestry, provided in art. 73.

Art. 51. – The natural persons provided in art. 9 para (1) under Law No. 18/1991, republished, who requested by application the reconstitution of the property right for the difference between the area of 10 ha per family and that brought in the agricultural production co-operative or taken over in any way by the latter, but not more than 50 ha per dispossessed owner, according to art. 3 under Law No. 1/2000, shall be entered in annex No. 28.

The natural persons who were validated the property right according to the provisions of para 1, for which there are no agricultural land areas, the reconstitution is made in accordance with the provisions of art. 3 para (2) under Law No. 1/2000, and in the case in which the reconstitution of the integral property right cannot be made, compensations shall be granted according to art. 3 para (3) and (4) in the same law.

Art. 52. – The natural persons whose land situated outside the built-up area of the locality has passed in state ownership abusively (land taken over by any means, without just title) and is included in various watershed and water projects and project of other kind, who requested or shall request by application the reconstitution of the property right according to art. 4 under Law No. 1/2000, are entered in annex No. 29.

After analyzing and verifying the applications and the proving documents, according to the provisions of art. 9 para (5) and art. 11 under Law No. 18/1991, republished, as well as of the art. 6 para (1) under Law No. 1/2000, the

local commission shall fill in the annex No. 29 and shall forward it to the county commission for validation. The probant value of the proving documents is the same, irrespective of the order of mentioning them in the text of the law.

After validation of annex No. 29, the natural persons are reconstituted the property rights in the localities in which there is agricultural land constituted as reserve at the disposal of the local commissions, and in the case in which these areas are insufficient, out of the private domain of the state, in the same locality. In these cases, property titles shall be issued, under the terms of the law.

In the localities in which compensation is not possible, indemnification shall be granted to the former owners or to their inheritors, under the terms of the law.

In the case the land areas have been expropriated, and the works provided under art. 4 para (1) under Law No. 1/2000 have not been carried out or are still in project, the taken over area is returned, at request, to the former owners or to their inheritors.

Art. 53. – In annex No. 30 are listed the natural persons provided in art. 9 para (2) under Law No. 18/1991, republished, who were reconstituted the property right within the limit of up to 10 ha agricultural land per family and the reduction quota of over 5 % was applied, who have requested this right by application, as per art. 3 para (2)–(4) and art. 5 under Law No. 1/2000.

Art. 54. – The areas of land claimed by 2 citizens, of whom one is the former owner whose land was taken over by abusive measures applied during 1953 – 1959, who requested by application, and the second, the person who was granted land out of the one taken over from the former owner, are entered in annex No. 31, by observing the provisions of art. 6 para (3) under Law No. 1/2000.

Art. 55. – For the persons who it was reconstituted the property right according to art. 3, 5 and 23 under Law No. 1/2000, the issuing of the property titles shall be done in accordance with art. 7 under the same law.

CHAPTER IX

Retrocession of the agricultural land

Art. 56. – In keeping with the provisions of art. 7 under the Government Ordinance of urgency No. 198/1999 regarding the privatization of the trading companies which have under administration agricultural land or land found permanently under water and of points 3.1–3.4 in the methodological Norms for applying the Government Ordinance of urgency No. 198/1999, annex to the Government Decision No. 97/2000, the State Domains Agency shall inventory the land which is the object of retrocession and allotment on the basis of the law and shall draw up the balance of the agricultural land and land found permanently under water, which belong to the public or private domain of the state, for each trading company.

In the case of filing intimations or complaints, the State Domains Agency, together with the county general directorates for agriculture and food industry and that of Bucharest Municipality and with the county agricultural cadastre and agricultural territory organization offices and of Bucharest Municipality shall verify the legality of the applications which were at the basis of acquiring the quality of shareholder or of lessor, as well as of committing certain abuses through administrative acts and, as the case may be, may take advantage of the provisions of art. 60–62 under Law No. 18/1991, republished, or may intimate the judicial instances in the territorial radius of which the agricultural land is situated.

The State Domains Agency and the county agricultural cadastre and agricultural territory organization and that of Bucharest Municipality shall draw up the documentation for the land which is the object of retrocession at the trading companies provided in art. 1 and 2 under the Government Ordinance of urgency No. 198/1999 and at the research institutes and stations, which they transmit to the county general directorates for agriculture and food industry and of Bucharest Municipality, for endorsement.

The county and Bucharest Municipality general directorates for agriculture and food industry verify and

endorse the documentation and, through their representatives, submit them for approval to the local council, in the radius of the administrative–territorial units where the land is situated. In case the local council does not take a decision within 15 days from the registration of the official report of delimitation at the commune, town or municipality secretary, this shall transmit it to the county commission.

The official report of delimitation and the parcelling plan situation, together with the decision of the local council shall be submitted for validation of the county commission, which within 30 days is obliged to decide.

After the passing of the county commission decision, the putting in possession of the holders shall take place, as well as the issuing of the property titles.

Art. 57. – In annex No. 32 are entered the natural persons who were established the quality of shareholder at the joint stock trading companies of agricultural or piscicultural type on the basis of art. 36 under Law No. 18/1991, unmodified, and who are returned in kind areas with agricultural or piscicultural destination, of the same quality, on the basis of the documents which certify the former ownership, within the perimeter of these companies, as per art. 8, under Law No. 1/2000.

In the case they was established the capacity of shareholder in other trading companies (former State Agricultural Enterprises) than where the land was situated, the putting in possession is done, at option, on the old location, if it is available, and in case it is not available, a new location is established with the agreement of the entitled natural persons.

After informing the local commission, the annex is drawn up, the documentation is verified and endorsed by the Ministry of Agriculture and Food Industry, through its representatives, the directors general of the county and Bucharest Municipality general directorates for agriculture and food industry, and it is transmitted to the prefect for the issuing of the property titles.

Art. 58. – In annex No. 33 it is entered the state property agricultural land which, on the basis of proving documents, has been the property of the Romanian

Academy, of the universities and institutions of higher education of agricultural type, which passes in their ownership, at their request, as per art. 9 para (3) under Law No. 1/2000.

They passing of the agricultural land provided in art. 9 para (1) for the institutions mentioned in art. 9 para (3) under Law No. 1/2000, belonging to the public domain, is done by Government decision.

Art. 59. – In annex No. 34 there are entered the natural persons who were established debt rights at the research and agricultural production institutes and stations, as well as at the autonomous régies of agricultural type or at national companies of agricultural type, according to the Law No. 46/1992, and to whom areas of agricultural land are returned as per art. 10 under Law No. 1/2000.

After informing the local commission, the annex is drawn up, the documentation is verified and endorsed by the Ministry of Agriculture and Food Industry, through its representatives, the directors general of the county and Bucharest Municipality directorates general for agriculture and food industry, and it is transmitted to the prefect for the issuing of the property titles.

Art. 60. – In annex No. 35 there are entered the natural persons to whom it shall compulsorily be paid the rights in kind or of debt, established and provided under Law No. 48/1994, by the trading companies, institutes, agricultural research and production stations, as well as by the autonomous régies and national companies of agricultural type, according to Law No. 1/2000.

The debts of the shareholders and lessors are also paid out of the income achieved by the companies, or out of special funds set up following the privatization of the agricultural trading companies, as per art. 19 under Law No. 1/2000.

Art. 61. – In order to delimit the land requested on the old locations, it shall be proceeded according to art. 50 para 2 and 3 of the present regulations, as well as by observing the provisions of art. 12 under Law No. 1/2000 and of the procedures stipulated by it.

Art. 62. – The prefect, in his capacity of president of the county commission, shall monthly draw up and forward, up to the 5th of the month, to the Department for Local Public Administration (Ministry of Public Function), the centralized situations per communes and per entire county, provided in annexes No. 28–59, their stage, as well as of the carrying out of applying the provisions of Law No. 1/2000, including the putting in possession and the issuing of property titles, the proposals of measures and, as the case may be, of holding responsible for the mayors who hinder, in any way, the reconstitution of the property right under the terms and conditions established by law.

A copy of the situation mentioned in para 1 shall be transmitted to the Ministry of Agriculture and Food Industry as well as to the Ministry of Waters, Forests and Environment Protection.

Art. 63. – In annex No. 36 there are entered the natural persons who have concluded tenancy contracts under the conditions provided in art. 25 under the Law on lease No. 16/1994, with the subsequent modifications and completions, to whom there are restituted in kind the areas of agricultural land provided in those contracts, according to art. 14 para (1) under Law No. 1/2000.

After informing the local commission, the annex is filled in, the documentation is verified and endorsed by the Ministry of Agriculture and Food Industry through its representatives, the directors general of the county and Bucharest Municipality general directorates for agriculture and food industry, and it is transmitted to the prefect for the issuing of the property title.

Art. 64. – In annex No. 37 there are entered the natural persons provided in art. 37 and 38 under Law No. 18/1991, republished, to whom the quality of shareholder was established, the natural persons to whom rights at the institutes and agricultural research and production stations at the autonomous régies and at the national companies of agricultural type were established, in accordance with the provisions of Law No. 46/1992, as well as the natural persons who have the capacity of lessor as per art. 25 under Law No. 16/1994, with the

subsequent modifications and completions, to whom the property right is reconstituted, at request, as per art. 15 para (1) under Law No. 1/2000, for the agricultural land and for the difference between the area of 10 ha and the one held in ownership, but not more than 50 ha per dispossessed owner.

After informing the local commission, the annex is filled in, the documentation is verified and endorsed by the Ministry of Agriculture and Food Industry, through its representatives, the directors general of the county and Bucharest Municipality general directorates for agriculture and food industry, and it is transmitted to the prefect for the issuing of the property title.

Art. 65. – In annex No. 38 there are entered the persons provided in art. 39 under Law No. 18/1991, republished, whose agricultural land have passed in state property by the effect of Decree No. 83/1949 and of any other normative acts of expropriation, or, as the case may be, their inheritors, to whom the property right is reconstituted, at request, in kind, within the limit of the area of land passed in state property, but not more than 50 ha, per dispossessed owner, out of the areas of land found in the property of the joint stock companies of agricultural type, or of other trading companies which have agricultural land in their property, as the case may be, found under the administration of the autonomous régies and of national companies of agricultural type, which have their head office in the locality or localities in which the agricultural land passed in state property has been located per art. 16 para (1) under Law No. 1/2000.

After informing the local commission, the annex shall be filled in, the documentation shall be verified and endorsed by the Ministry of Agriculture and Food Industry, through its representatives, the directors general of the county and Bucharest Municipality general directorates for agriculture and food industry, and it is transmitted to the prefect for the issuing of property title.

According to art. 16 para (2) under Law No. 1/2000, for the agricultural land which is the object of reconstitution of the property right, found under the administration of the institutes and agricultural research and production

stations, the restitution in kind is made out of the areas of agricultural land, to be delimited for production, from the state private property land, by a Government decision.

Art. 66. – In annex No. 39 there are entered the natural persons for whom there are no areas of agricultural land available for integral restitution of the property, requested by an application, to whom compensation for the difference of non-retroceded land shall be granted, as per art. 17 under Law No. 1/2000.

In annex No. 40 there are entered the natural persons who are opting, by well founded requests, approved by the competent authorities, to be granted compensations for the agricultural land due in kind, as per art. 40 under Law No. 1/2000.

The modality of evaluation of the land, the financial sources and the modalities of payment to the former owners provided in para 1 and 2 shall be established within 45 days from the date of coming into force of Law No. 1/2000, as per art. 40 under the same law.

Art. 67. – In annex No. 41 there are entered the land remained in state private property and, respectively, in the exploitation or in the property of the joint stock trading companies, the autonomous régies and national companies of agricultural type, registered as such in the agricultural cadastre, after the retrocession in kind of the agricultural areas to the entitled natural persons, as per art. 18 para (1) and (2) under Law No. 1/2000.

The updated value of the investments to be recovered is pursued by the State Domains Agency.

Art. 68. – In annex No. 42 there are entered the natural persons, shareholders or lessors, who requested the return of the land, as well as other entitled persons from whom the remaining amount of the investments made on the land returned in kind is to be recovered, within a period of maximum 10 years, as per art. 19 under Law No. 1/2000.

Art. 69. – In annex No. 43 there are entered the representative organs of the cult units, constituted as legal persons before the date of coming into force of the Law No. 1/2000, which acquire by reconstitution areas of land

out of the church reserve of the cult they belong to, as per art. 23 para (1) under Law No. 1/2000.

Art. 70. – In annex No. 44 there are entered the secondary schools of agricultural or forest type and the public institutions for child protection, which have not received agricultural land before the coming into force of the Law No. 1/2000 to which there are returned the areas of land they have owned, as per art. 23 para (3) under Law No. 1/2000.

Art. 71. – In annex No. 45 there are entered the pre-university educational units which acquire areas of agricultural land by reconstitution, within the limit of those they owned, as well as those which did not own agricultural land and to which are granted, in use, areas of agricultural land up to 5 ha. out of the reserve of the local commissions, as per art. 23 para (4) under Law No. 1/2000.

CHAPTER X

Retrocession of the forest land

Art. 72. – The reconstitution of the property right over forest land is done out of the land areas with forest destination included in the forest plannings and out of the land with agricultural destination covered by forest vegetation (afforested pastures, bushes, meadows and other similar).

The natural persons, Romanian citizens, irrespective whether on the date of submitting the application had their domicile in the country or abroad, are entered in annex No. 53, together with the data referring to area and location established by the commission.

The reconstitution of the property right for joint possessions, freeholders' joint communities, freeholder's undivided communities, border guards' forests and other associative forms assimilated to them, as well as for their inheritors, who submitted applications, is made on the old locations, within the limit of the area resulting from the application of the land reform of 1921, with the subsequent legal reconstitution and retrocession.

The ad-hoc committee which shall represent the associative forms shall be elected by the majority of the applicant members or by their inheritors with title to inheritance. In the case there are several applicant inheritors with the same title to inheritance, the presence of one of them is sufficient.

The proof of the ad-hoc committee representation is done with the official report concluded on the occasion of its election and with the list comprising the participating members, with the signature of each of them.

The official report shall be signed by 3–7 members of the secretariat, others than the candidates for the ad-hoc committee, designated by the members of the associative form.

On the basis of art. 27 under Law No. 1/2000, in the case of the joint possessions, the freeholders' communities, the undivided freeholders' communities and other associative forms assimilated to them, the ad-hoc committees shall submit to the court the statutes on the basis of which the respective associative forms have been organized and functioned during the period 1921–1940.

The former members of the associative forms of ownership over forest land (joint possessions, freeholders' communities, undivided freeholders' communities, border guards' forests and other associative forms assimilated to them) or their successors who submitted applications are entered in annex No. 54, together with the data established by the commission, referring to the areas resulting from the application of the participating quota to the size of the total area of the forest land in the associative form resulting from the documents. In the same annex, after the entering of all the applicants in an associative form, the data referring to area are added up and the information on its identified location are entered. The added up area shall fit in the provisions of art. 26 para (2) under Law No. 1/2000.

The diocesan centers, the parishes, hermitages, monasteries constituted as legal persons before the date of coming into force of the Law No. 1/2000, as well as the educational institutions which held forest land may request the land held in ownership, within the limit of 30

ha irrespective whether these are located in the radius of several localities.

The diocesan centers, the parishes, hermitages monasteries, constituted as legal persons before the date of coming into force of the Law No. 1/2000, as well as the educational institutions which have held forest land, may request the land they had in ownership, within the limit of 30 ha., irrespective whether these are situated in the radius of several localities.

The diocesan centers, the parishes, hermitages, monasteries, constituted as legal persons before the date of coming into force of the Law No. 1/2000 shall obtain by reconstitution, areas of up to the limit of 30 ha out of the church reserve of the cult they belong to, recognized by law, if it had in ownership forest land in the county in which the parish, hermitage or monastery has been established.

The entitled legal persons provided under para 9 and 10, which request the owned forest land, are entered in annex No. 55.

The communes, towns and municipalities, which have held forest land in ownership, are entered in annex No. 56, together with the data established by the commission, referring to area and location. The forests given in the use of the communes on the basis of the Council of Ministers Decision No. 2,315/1953 are not the object of returning to them.

Art. 73. – In the cases stipulated by art. 24 para (2) under Law No. 1/2000, the putting in possession shall be done on other locations, under the conditions of art. 24 para (3) under the same law.

The identification of the land which is the object of the provisions of art. 24 para (2) letters b)–g) under the Law No. 1/2000 is done at the level of forest range, is verified by the forest directorates, are centralized at the level of the National State-owned Company of Forests and is approved by the central public authority which is responsible for forestry by order of the minister, on the proposal of the administrator of the National State-owned Company of Forests, within 60 days from the date of coming into force of the present regulations.

Art. 74. – The putting in possession shall be done under the conditions provided in art. 35 para (1) under Law No. 1/2000.

The present holder of the forest land subject to returning shall put at the disposal of the local commissions the land, with a view to putting in possession of the entitled persons, within 60 days from the validation of the applications by the county commission.

Starting with the date of putting at the disposal, established by the National State-owned Company of Forests, for the putting in possession of the forests land, the expenses for their guarding and protection, carried out by the present holder, up to the actual putting in possession, is ensured by the present holder.

Art. 75. – The putting in possession of the owners, natural and legal persons, within the delimited territorial zones, shall be done by the local commission, according to the plotting plan drawn up on the basis of the brought up to date arrangement plans and of the topographic measurements, informing on the date the representatives of the present holders of the land to be returned.

The putting in possession is done in accordance with the provisions of art. 27 under Law No. 18/1991, republished, only after fulfilling the conditions provided in art. 35 para (1) under Law no. 1/2000, that is, the setting up in the territory of the state control structures and of those of administration under forest regime of the forests, according to the provisions of the Government Ordinance No. 96/1998, republished, as well as after promulgation of the laws regarding forest contraventions, the forest regime, the administration of the forest reserve, private and public ownership, and the statute of the forest personnel.

According to the provisions of art. 24 para (4) under Law no. 1/2000, on the occasion of putting in possession in accordance with the present regulations, the actual passing in private and, respectively, public ownership, of the administrative-territorial units, is operating.

Art. 76. – The communal, town and municipal commissions shall notify, in writing, with

acknowledgement of receipt, the persons who have their domicile in other localities and to whom the property right was granted, on the date on which the putting in possession shall take place. For the persons who have their domicile or residence in the locality, the communal, town and municipal commissions shall post up at the head office of the mayoralties, the date of putting in possession, using, at the same time, any other means of communication.

The persons who, from different reasons, have not the possibility to present themselves on the established date for putting in possession may empower, by special and certified procuration, bearing the clear mention “For putting in possession” other persons who shall sign the official report of putting in possession.

On the occasion of putting in possession of the owners, natural persons, these shall sign the official report of putting in possession (annex No. 57), receiving, at the same time, at their request, a copy of the “plotting description” pertaining to the forest planning in force or, as the case may be, in the forest pastoral planning for the areas situated in the land with agricultural destination.

If, within one year from the notification regarding the date of putting in possession the entitled person does not present himself, personally or through a representative, through his fault, to actually take over the forest land, this shall be administered in forest regime by the present holders, until the putting in possession of the entitled persons. In this case, the expenses for guarding and protection carried out remain on the present holder of the land.

Art. 77. – The putting in possession of the legal persons shall be done in the presence of their representative, as well as of the present holder of the land, who shall sign the official report for putting in possession (Annex No. 58). The representative of the legal person shall receive, at request and against cost, a copy of the pertaining plotting description, provided in the forest of forest pastoral planning, as the case may be.

Art. 78. – The delimitation of the limits of the land with forest vegetation returned is done by the specialized forest organs.

Art. 79. – On the basis of the documentation forwarded by the communal, town or municipal commissions, the county commission, after validation and putting in possession, shall issue titles of property, according to the model shown in Annex No. 59. The documentation for the issuing of the title of property is drawn up in two copies, one of which is retained by the county commission, and the other is transmitted to the territorial forest inspectorate for archiving. The forms of title of property are printed, through the good offices of the Ministry of Waters, Forests and Environment Protection, on special paper size A3, as a special regime printed matter, in books of 100 sheets.

The provisions of art. 37 para 2 shall be applied accordingly.

The title of property is signed by the prefect, the secretary general of the prefecture, as secretary, and by the chief-inspector of the territorial forest inspectorate. The detachable parts of the title of property, signed, are transmitted to the communal, town or municipal commissions, which shall enter them in the agricultural registry, after that they shall hand them over, under signature, to the entitled natural persons or to the authorized representatives of the legal persons. In this regard, the commissions shall open a register which should include the full name of the holder, the number of the title of property and the signature of the recipient. The non-detachable part (the back) of the title of property is retained and deposited at the archive of the territorial forest inspectorate.

The title of property for the persons who have filed complaints to the courts of law shall be issued after decision of the court remains final and irrefutable and putting in possession.

CHAPTER XI

Final and transitory provisions

Art. 80. – In the annex No. 46, there are entered the former owners or, the case may be, their inheritors to

whom are returned, at their request, the constructions of any kind belonging to the agricultural exploitations and which have been passed in state ownership through the effect of Decree No. 83/1949 for the completion of certain provisions under Law No. 187/1945, as per art. 31 para (1) under Law No. 1/2000.

The granting of the ownership is done by order of the prefect.

In the case such immovable property no longer exist, compensations shall be granted, according to art. 31 para (3) under Law No. 1/2000.

Art. 81. – In the annex No. 47 there are entered the natural persons and the legal persons who did not submit, within the term provided by the Law No. 169/1997, applications for the reconstitution of the property right or, as the case may be, the proving documents, who submit such applications and the proving documents within 60 days from the coming into force of the Law No. 1/2000, as per art. 33 in that law.

Art. 82. – In annex No. 48 there are entered the former owners or their inheritors, to whom are returned, at request, the land without constructions, unaffected by investment works, approved according to the law, or with works which have been deteriorated, destroyed and no longer have any value for use, taken over in any way, including donation title, considered public or private property of the state or of the territorial administrative units by applying the provisions of the Decree No. 712/1966 and of other special statutory instruments (expropriation decrees and others), as per Art. 34 under Law No. 1/2000.

The granting in ownership of the land is done by order of the prefect.

Art. 83. – In annex No. 49 there are entered the natural persons to whom the property right by allotment was established on the occasion of the implementation of the Law No. 187/1945 for the carrying out of the agrarian reform, but to whom it was not actually been granted the land they were entitled to or the granting has been cancelled and to whom it shall be granted, at request, the

respective land, within the limit of the available areas, as per art. 36 under Law No. 1/2000.

Art. 84. – In annex No. 50 there are entered the natural persons whose land was included in the former agricultural production co-operatives and as a result of the amalgamation did not receive property right under the conditions of the Law No. 18/1991, and to whom the property right is reconstituted at request, under the terms of the Law No. 1/2000, on the old locations, in the perimeter of the trading companies with state capital, if these have not been granted in accordance with art. 2 para (1) under the Law No. 1/2000, while in all cases to the contrary, the provisions of art. 17 and 37 under the same law being applicable.

After the notification of the local commission, the annex is filled in and the documentation is verified and endorsed by the Ministry of Agriculture and Food Industry through its representatives, the directors general of the county and Bucharest Municipality general directorates for agriculture and food industry and are transmitted to the prefect for the issuing of the title of property.

Art. 85. – In the annex No. 51 there are entered the former members of the associative forms, joint possessions, freeholder's communities, undivided freeholder's communities and other associative forms assimilated to those, as well as their inheritors, who submitted applications for the reconstitution of the property right for agricultural land, pastures and hayfields, as per art. 39 under the Law No. 1/2000.

Art. 86. – In all the cases provided by the Law No. 1/2000, the communal, town or municipal commissions and the county ones shall rigorously verify the existence of the applications and of the proving documents provided in art. 9 para (5) under the Law No. 18/1991, republished, as well as the pertinence, verisimilitude, authenticity and conclusiveness of these documents, taking also into account the provisions of art. 11 para (1) and (2) under the same law.

After analyzing and verifying the applications and the proving documents, the entitled natural and legal persons

are entered by the local commissions in annexes* No. 28–31, 33, 35, 39–49, 51 and 53–56 and by the Ministry of Agriculture and Food Industry through its representatives, after informing the local commission, in the annexes* No. 32, 34, 36–38 and 50, within 45 days from the date of the publishing of the present regulations in the Official Gazette of Romania, Part I.

The annexes provided in para 2 are posted up in visible places at the head office of the mayoralties of the localities, for the information of those interested, within the same term.

After the expiry of the 45 days term, the applications accompanied by the proving documents, together with the annexes provided in para 2 shall be forwarded by the president of the local commission to the county commission, for their verifying and validation within 15 days.

After the validation of the annexes by the county commission, these are returned for re-posting up in visible places, at the head office of the mayoralties of the localities.

The delimitation of the land, the drawing up of the plotting plan, the putting in possession and the issuing of the title of property for the entitled persons provided in the annexes No. 32, 34, 36–38, and 50 are made according to the provisions of art. 7 in the Government Ordinance of urgency No. 198/1999 and of art. 56, 57, 59, 63–65 and 84 in the present regulations, respectively, while for the natural and legal persons provided in the annexes No. 28–31, 33, 35, 39–49, 51 and 53–56, according to the provisions of Chapter V in the present regulations.

Art. 87. – The unsatisfied persons shall proceed according to the procedural provisions stipulated in art. 51–59 under Law No. 18/1991, republished.

The complaint filed as per art. 53–56 under the Law No. 18/1991, republished, suspends the execution.

* The mentioned annexes come into force on the date of the publishing of Government Decision No. 180/2000 in the Official Gazette of Romania.

Art. 88. – The agricultural units which have land under administration are obliged to cultivate the agricultural land until the actual handing it over to the entitled persons.

The actual handing over is also done during the agricultural year, if the parties agree on the recovering of the production expenses on the land concerned.

For the non-tilling of the agricultural land, the agricultural units shall be sanctioned according to the provisions of the law.

Art. 89. – The annexes No. 1–59 are integral part of the present regulations.

NOTE:

According to art. II in Government Decision No. 730/1992, the communal, town and municipal commissions shall exercise all duties connected to the carrying out the operations of putting in possession of the holders of property title right and of the other operations provided in art. 35–38 in the present regulations.

In the cases in which the county commissions, and of Bucharest Municipality, respectively, have not yet validated the measures established by the communal, town and municipal commissions, the latter shall exercise all the duties that are incumbent on them, as per art. 6 in the regulations.

ANNEX No. 1

**NOMINAL TABLE
with the cooperative members who brought land – outside and inside built-up area – in the agricultural cooperative and with the persons who land was taken over by the cooperative in any manner**

Number	Full name	TOTAL	Agricultural area brought in or taken over by the cooperative		of which:						Total non-agricultural land	Remarks		
			Outside built-up area	Inside built-up area	Arable	Vineyards	Orchards	Lawns						
0	1	2	3	4	5	6	7	8	9	10	11	12	13	14
					O.	I.	O.	I.	O.	I.	O.	I.		

TOTAL:

NOTE:

- In column 1 there are listed all the cooperative members who brought in or to whom land was taken over by the cooperative and the persons to whom land was taken over by it, in any modality.
- In column 2 it is entered the total area of agricultural land brought in the A.P.C. (Agricultural Production Cooperative), resulting from: cooperative records, joining applications, agricultural registry on date of joining the cooperative, ownership documents and the landed book or, in the absence of those, from any other proofs provided by law, including statements of witnesses, while in columns 3 and 4, the area outside built-up area and the inside one, which, by addition should correspond to the area in column 2.
- In columns 5–12 there are entered the areas per categories of use, the addition of which should be equal to the area in column 3 (outside) and column 4 (inside).
- In column 13 there are entered the eventual non-agricultural areas which were situated within the perimeter of the agricultural land outside the built-up area, brought in the cooperative (for example: ravines, precipices, bushes, clusters of trees, roads and others similar).
- O. = outside built-up area.
- I. = inside built-up area.

NOMINAL TABLE

with the cooperative members who brought land in A.P.C., areas larger than 0.5 ha per entitled person (husband—wife), and who request in writing the establishing of the property right

No.	No. in Annex No. 1	Full name	The agricultural area with which they joined the A.P.C. — ha —	The agricultural area requested in ownership — ha —	The agricultural area established in ownership according to the law (ha) of which: Total — of which:	of which:											Total non-agricultural land — ha —
						Arable	Vineyards	Orchards	Lawns	O.	I.	O.	I.	O.	I.	O.	
0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

TOTAL:

NOTE:

- In column 1 it is entered the running number of the applicant from the table in Annex No. 1.
- In column 2 there are entered the full names of those who request, in writing, within the time limit established by law, the establishing of the property right.
- In column 3 it is entered the agricultural area as per the table in Annex No. 1.
- In column 4 it is entered the agricultural area requested.
- In column 5 it is entered the total agricultural area established in ownership according to law per the outside built-up area, and in column 7 the inside built-up area.
- In columns 8–15 there are entered the areas per categories of use in outside built-up area and inside built-up area, their addition being equal with the area entered in columns 5, 6 and 7.
- In column 16 it is entered the total non—agricultural land. O. = outside built-up area; I. = inside built-up area.
- In column 17 is entered the difference resulting from the deduction of column 5 from column 3.

NOMINAL TABLE

with the cooperative members who brought land in the A.P.C. under 0.5 ha per entitled person (husband—wife) and with the cooperative members who did not bring land in the cooperative and who request, in writing, the establishing of land in ownership, according to law

No.	No. in Annex 1	Full name	The agricultural area with which they joined the A.P.C. — ha —	The agricultural area established in ownership according to the law — ha —	The agricultural area established in ownership according to the law (ha) of which: Total — of which:	of which:											Total non-agricultural land — ha —
						Arable	Vineyards	Orchards	Lawns	O.	I.	O.	I.	O.	I.	O.	
0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	

TOTAL:

NOTE:

- In column 1 it is entered the running number in the table in Annex 1 of the applicant who brought land in the A.P.C. under 0.5 ha per entitled person (husband—wife).
- In column 2 it is entered the full name of those who brought land under 0.5 ha per entitled person (husband—wife) and further on of those who did not bring land in the cooperative.
- In column 3 it is entered the agricultural area brought in the cooperative, as per table in Annex No. 1.
- In column 4 it is entered the total agricultural area established in ownership, according to law, not less than 0.5 ha in arable equivalent per entitled person (husband—wife).
- In column 5 is entered the area granted in outside built-up area while in column 6, the inside built-up area. O = outside built-up area; I = inside built-up area.
- In columns 7–14 there are entered the areas per categories of use in outside built-up area and inside built-up area their addition being equal to the area entered in columns 4, 5 and 6.
- In column 16 is entered the difference resulting from the deducting of column 3 from column 4.

NOMINAL TABLE
with the inheritors of the deceased cooperative members, who request in writing the establishing of the property right

No.	No. annex (in No. 1)	Full name of the deceased cooperative member who brought land in the A.P.C.	The agricultural area brought in the A.P.C. - ha -	Full name of the inheritors who requested land within the time limit established by law - ha -	The agricultural area requested - ha -	The total agricultural area established in ownership - ha -	of which:										Total non-agricultural land - ha -	Difference - ha -	
							Arable - ha -	Vineyards - ha -	Orchards - ha -	Lawns - ha -	1	2	3	4	5	6			7
0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	
1.																			
2.																			
TOTAL:																			

NOTE:

- In column 1 it shall be entered the running number corresponding to the deceased person in the table in Annex 1.
- In column 2 it is entered the full name of the deceased cooperative member who upon joining the A.P.C. brought land in the cooperative. The data are taken from the table in Annex No. 1.
- In column 3 it is entered the agricultural area in the table in Annex No. 1
- In column 4 there are entered the full names of the inheritors who, within the time limit provided by law, have requested to be established their property right. When there are several inheritors, these are entered in a single heading (a, b, c).
- In column 5 it is entered the area requested by the inheritors.
- In column 6 it is entered the area established outside built-up area.
- In column 7 it is entered the area established in inside built-up area (O = outside built-up area, and I = inside built-up area).
- In columns 9-16 there are entered the areas per categories of use outside built-up area. and inside built-up area.
- In column 18 it is entered the difference resulting from deducting column 6 from column 3.
- In column 6 it is entered the total agricultural area established in ownership, under the conditions stipulated by law.

NOMINAL TABLE

with the persons or their inheritors, as the case may be, whose land passed, with or without title, in the ownership of the cooperative, without that they should have obtained the capacity of cooperative members and to whom it is established, at request, the property right, according to the stipulations of the law

No.	Full name	Agricultural area entered in the A.P.C. - ha -	Agricultural area requested - ha -	Total agricultural area established outside built-up area - ha -	of which:						Total non-agricultural land - ha -	Difference - ha -	
					Arable - ha -	Vineyards - ha -	Orchards - ha -	Lawns - ha -	1	2			3
0	1	2	3	4	5	6	7	8	9	10			

TOTAL:

NOTE:

- In column 4 it is entered the area established by the commission.
- In columns 5-8 there are entered the areas per categories of use, their addition being equal with the area in column 4.
- In column 9 there are entered the eventual areas of established non-agricultural land.
- In column 10 it is entered the difference between the areas entered in columns 2 and 4.

NOMINAL TABLE

with the persons decorated with the titles of “Knight of Mihai Viteazul Order” and “Mihai Viteazul with Swords”, as well as their inheritors who do not own other land — except those who had land, but alienated it — to whom it is established, at request, the property right, according to law

No.	Full name	The decoration granted an the citation for a medal number	The agricultural area requested - ha -	The agricultural area established by the commission outside the built-up area - ha -	of which:				Total non-agricultural land - ha -
					Arable - ha -	Vineyards - ha -	Orchards - ha -	Lawns - ha -	
0	1	2	3	4	5	6	7	8	9

TOTAL:

NOMINAL TABLE

with the persons who lost, totally or partially, the working capacity and the inheritors of those deceased as a result of the December 1989 Revolution, who requested, in writing, to be granted in ownership 10,00 sq. m. land in arable equivalent outside built-up area

No.	Full name	Domicile	The agricultural area granted in ownership, according to law - ha -	of which:			
				Arable - ha -	Vineyards - ha -	Orchards - ha -	Lawns - ha -
0	1	2	3	5	6	7	8

TOTAL:

NOTE:

- In column 1 it is entered the full name of the disabled persons and of the inheritors of those deceased, as a result of the December 1989 Revolution, who requested to be granted land on ownership outside built-up area.
- In column 2 the domicile shall be entered.
- In column 3 it shall be entered the agricultural area granted in ownership, up to 10,00 sq. m. respectively.
- In columns 4–7 it is entered the area per categories of use, their addition being equal to the area in column 3.

NOMINAL TABLE

with the private owners — natural persons — or, as the case may be, their inheritors, with the domicile in Romania, who did not joint the A.P.C. and whose land is amalgamated in the perimeter of the A.P.C., without compensation with other land and who request, in writing, its return

No.	Full name	The amalgamated agricultural area - ha -	The agricultural area returned in ownership - ha -	of which:			
				Arable - ha -	Vineyards - ha -	Orchards - ha -	Lawns - ha -
0	1	2	3	4	5	6	7

TOTAL:

NOTE:

- In column 1 it is entered the full name of the private owners or, as the case may be, of their inheritors, whose land in outside built-up area has been amalgamated without being given land in compensation and who requested, within the time limit stipulated by law, the return of the respective land.
- In column 2 it is entered the agricultural area which has been amalgamated.
- In column 3 it is entered the total agricultural area which is returned in ownership.
- In columns 4-7 it is entered the area per categories of use.

NOMINAL TABLE

including the persons provided in art. 17 under Law on land resources No. 18/1991, republished, who request, in writing, the granting of land in ownership

No.	Full name	The agricultural area granted in ownership - ha -	of which:				
				Arable - ha -	Vineyards - ha -	Orchards - ha -	Lawns - ha -
0	1	2	3	4	5	6	7

TOTAL:

NOTE:

- In column 1 it is entered, at the beginning, the full names of the Romanian citizens belonging to the German minority and, further on, other persons provided in art. 17 of the law.
- In column 2 it is entered the area granted.
- In columns 3-6 there are entered the areas per categories of agricultural use.
- In column 7 it is entered the non-agricultural land.

NOMINAL TABLE
with the persons who do not have the capacity of cooperative members, but have worked
in any way as employees in the cooperative or inter-cooperative associations
during the last 3 years and request, in writing, to receive in ownership land
in accordance with the provisions of the law

No.	Full name	The agricultural area granted in ownership - ha -	of which:			
			Arable - ha -	Vineyards - ha -	Orchards - ha -	Lawns - ha -
0	1	2	3	4	5	6

TOTAL:

NOTE:

- In column 1 there are entered the persons who requested agricultural land in ownership, according to the provisions of the law.
- In column 2 it is entered the agricultural area granted in ownership (outside built-up area).
- In columns 3-6 it is entered the area per categories of use.

NOMINAL TABLE
including the persons who have been deported and who do not benefit from the provisions
of art. 14-16 of the Law on land resources No. 18/1991, republished, who request, in writing,
the granting of agricultural land in ownership

No.	Full name	The agricultural area granted in ownership - ha -	of which:				Remarks
			Arable - ha -	Vineyards - ha -	Orchards - ha -	Lawns - ha -	
0	1	2	3	4	5	6	7

TOTAL:

NOTE:

- In column 1 there are entered the persons who requested agricultural land, according to law.
- In column 2 it is entered the agricultural area granted in ownership (outside built-up area).
- In columns 3-6 it is entered the area per categories of use.

NOMINAL TABLE

with the specialty personnel in the communal public services, who request land for agricultural use up to 5,000 sq.m. per family, in arable equivalent, for the time they work in the locality and have no land in ownership in that locality

No.	Full name	The public service in which they work	The area proposed to be granted, in use, per family - ha -	Remarks
0	1	2	3	4

TOTAL:

NOTE:

- In column 1 there are entered the persons who work in the communal public services, who do not own land and request land for agricultural use for their own needs.
- In case in a family several members work, one person from the family shall be entered.
- In column 3 it is entered the area distributed for use per family.
- In column 4 it is entered the category of use of the land.

NOMINAL TABLE

including the specialty personnel which carried on its activity in the cooperatives abolished or reorganized in trading companies, to which it is granted, with priority, at request agricultural land in ownership, as per art. 19 para (1) or art. 21 in Law on land resources No. 18/1991, republished

No.	Full name	Specialty	The unit in which he worked	The agricultural area requested - ha -	The agricultural area established by the commission - ha -	of which:			
						Arable - ha -	Vineyards - ha -	Orchards - ha -	Lawns - ha -
0	1	2	3	4	5	6	7	8	9

TOTAL:

NOMINAL TABLE
with the families with little land in the localities with surplus of agricultural land which request, in writing, to be granted in ownership land in completion of up to 10 hectares

No.	Full name	The agricultural area granted as per annex tables No. 2.a., 2.b., 3, 4, 8 - ha -	The agricultural area requested - ha -	The total agricultural area granted - ha -	of which:			
					Arable - ha -	Vineyards - ha -	Orchards - ha - Lawns - ha -	
0	1	2	3	4	5	6	7	8

TOTAL:

NOTE:

- In column 1 it is entered the full name of those requesting the granting of land.
- In column 2 it is entered the total area granted, stipulated in one of the annexes No. 2.a, 2.b., 3, 4, 8, in which he was initially entered.
- In column 3 it is entered the area additionally requested.
- In column 4 it is entered the total agricultural area granted (including the one in column 2).
- In columns 5-8 it is entered the area granted per categories of use.

NOMINAL TABLE

with the families without land in other localities who request, in writing, the granting of land in ownership up to 10 hectares, in arable equivalent, in the zones with surplus area, according to the provisions of the law

No.	Full name	Domicile	Agricultural area requested - ha -	Agricultural area granted in ownership - ha -	of which:			Remarks	
					Arable - ha -	Vineyards - ha -	Orchards - ha - Lawns - ha -		
0	1	2	3	4	5	6	7	8	9

TOTAL:

NOTE:

- In column 1 it is entered the full name of the applicants.
- In column 2 it is entered the present domicile of the applicant.
- In column 3 it is entered the agricultural area requested.
- In column 4 it is entered the area granted in ownership.
- In columns 5-8 there are entered the areas granted per categories of use.

NOMINAL TABLE
including the parishes, hermitages and monasteries in the rural area which request,
in writing, agricultural land in ownership, as per art. 22 in Law on land resources
No. 18/1991, republished

No.	Name of the applicant parish, hermitage or monastery	Commune (village) where it is located	The agricultural area requested - ha -	The agricultural area established by the commission - ha -				of which:				
				Arable - ha -	Vineyards - ha -	Orchards - ha -	Lawns - ha -	Arable - ha -	Vineyards - ha -	Orchards - ha -	Lawns - ha -	
0	1	2	3	4	5	6	7	8				

TOTAL:

NOMINAL TABLE
including the land ownership of the members of private type associations with legal personality,
according to the stipulations of art. 29 in Law on land resources No. 18/1991, republished

No.	Name of private type association with legal personality*	Full name of association members	Total agricultural area - ha -	of which:				Total non-agricultural land - ha -	Total general - ha -	Remarks
				Arable - ha -	Vineyards - ha -	Orchards - ha -	Lawns - ha -			
0	1	2	3	4	5	6	7	8	9	10

TOTAL:

* The land of the private type associations is entered, except for the land of the private type associations of zootechnical type.

ANNEX No. 14.b.

NOMINAL TABLE
including the land owned by members of private type associations of zootehchnical type, with legal personality, according to the provisions of art. 29 in Law on land resources No. 18/1991, republished

No.	Name of private type association with legal personality	Full name of association members	of which:			Total non-agricultural land - ha -	Total general - ha -	Remarks
			Total agricultural area - ha -	Arable - ha -	Lawns - ha -			
0	1	2	3	4	5	6	7	8

TOTAL:

ANNEX No. 14.c.

NOMINAL TABLE
including the land owned by joint stock trading companies which are set up according to the provisions of art. 30 in Law on land resources No. 18/1991, republished, by reorganization of the inter – cooperative or state and cooperative associations

No.	Name of joint stock trading company	Type of production	Full name	of which:				Total non-agricultural land - ha -	Total general - ha -	Remarks	
				Total agricultural area - ha -	Arable - ha -	Vineyards - ha -	Orchards - ha -				Lawns - ha -
0	1	2	3	4	5	6	7	8	9	10	11

TOTAL:

ANNEX No. 15.

NOMINAL TABLE
with the former owners and their inheritors who are granted, at request, in ownership, land with forest vegetation, according to the provisions of the law

No.	Full name	Area held in ownership - ha -	Area established by the commission - ha -	The arrangement unit or, as the case may be, the field and plot where it is granted - ha -	Remarks

TOTAL:

NOTE:

- In column 4 it is entered the name of the arrangement unit or, as the case may be, the field and the plot from the arrangement or cadastre plan of site.
- In column 5 it is entered the category of use existing in the field, as entered in the records of the landed cadastre.
- The land area with forest vegetation, together with the agricultural one, cannot exceed 10 ha, per family, in arable equivalent.

TABLE
with reconstitution of communal pastures, according to the provisions of the law,
which shall be given under the administration of the local councils

No.	The total area existing under the administration of the local council -- ha --		The total area to be taken over from the use of agricultural cooperatives -- ha --		The total area to be taken over from the land transmitted to the state units -- ha --		Total area of reconstituted communal pasture -- ha --					
	Arable	Lawns	Arable	Lawns	Arable	Lawns	Arable	Lawns				
0	1	2	3	4	5	6	7	8	9	10	11	12
	Total		Total		Total		Total		Total general		of which:	
											Arable	
											Lawns	

TOTAL:

NOTE:

— In the communes made up of several localities, the pasture area shall be parceled out per villages.

NOMINAL TABLE
including the undistributed land areas, to be administered by the local council

No.	The field and the plot in the site plan		The total area		of which:			Other non-agricultural land		Remarks
	Arable	Lawns	Arable	Lawns	Vineyards	Orchards	non-agricultural land	Other non-agricultural land		
0	1	2	3	4	5	6	7	8		
	Total		Total		Total		Total			

TOTAL:

NOTE:

In column 8 it is entered the existing use of the non-agricultural land entered in column 7.

NOMINAL TABLE
including the persons who are granted, at request, land in mountainous zone,
as per art. 43 in Law on land resources No. 18/1991 republished

No.	Full name	The agricultural area granted in ownership - ha -	of which:			Total non-agricultural land - ha -	Remarks
			Arable - ha -	Lawns - ha -	Orchards - ha -		
0	1	2	3	4	5	6	7

TOTAL:

NOMINAL TABLE

including the persons or, as the case may be, their inheritors, whose land has been taken over by the state agricultural units and for which they receive shares under the conditions provided in art. 37 under Law on land resources No. 18/1991, republished, and who are granted an area of 5,000 sq. m. per family, in arable equivalent, under the conditions of art. 42 in the same law

No.	Full name	Area that has been taken over - ha -	Area of 5,000 sq. m. granted in arable equivalent per family	The established agricultural area for which shares are obtained - ha -	The total agricultural area - ha -	Denomination of the state agricultural unit in the administration of which the land is situated	Remarks
0	1	2	3	4	5=3+4	6	7

TOTAL:

NOTE:

- In column 1 are firstly entered the living owners and then the entitled inheritors.
- In column 2 is entered the taken over area.
- In column 3 it is entered the area granted.
- In column 4 is entered the agricultural area for which shares are received.
- In column 5 it is entered the total agricultural area which can not exceed 10 ha in arable equivalent area per family or by all the inheritors of their author, even in the case the land is in the administration of several state agricultural units.

NOMINAL TABLE

including the persons or, as the case may be, their inheritors, whose agricultural land passed in state ownership and is under the administration of the local councils, which is returned under the conditions of the provisions of art. 41 in Law on land resources No. 18/1991, republished

No.	Full name	Total agricultural area established to be returned - ha -	of which:				Remarks
			Arable - ha -	Vineyards - ha -	Orchards - ha -	Lawns - ha -	
0	1	2	3	4	5	6	7

TOTAL:

NOTE:

- In column 1 there shall be firstly entered the living owners and then the entitled inheritors.
- In column 2 it shall be entered the total agricultural area established which may not exceed 10 ha in arable equivalent per family or of all the inheritors of their author.

**THE CRITERIA
of the equalization of the agricultural land per categories of use, in arable equivalent**

Category of use	Coefficient of transforming in arable of agricultural categories of use
Arable	1 ha/1ha
Pasture	1ha pasture is equal to 1 ha arable when the pasture can be transformed into arable from the point of view of soil quality and relief. In case the pasture differs from the adjacent arable land in the quality of the soil, relief and other factors which diminish the production potential, the equivalence in arable shall be established by the commission between 1 and 0.4 arable ha per 1 ha of pasture.
Hayfields	1 ha of hayfield is equal to 1 ha arable when the hayfields can be transformed into arable from the point of view of soil quality and relief. In case the hayfields differ from the adjacent arable land in soil quality and other factors which diminish the production potential, the equivalence in arable shall be established by the commission between 1 and 0.5 ha arable for 1 ha of hayfield.
Hybrid vineyard	1 ha hybrid vineyard is equal to 1 ha arable.
Noble vineyard	1 ha of noble vineyard may be equated by the commission with 1 - 4 ha arable, depending on the soil quality, relief, number of vines/ha, age of the plantation, acknowledged vineyard and the production potential of the plantation.
Classical orchard	1 ha of classical trees orchard may be equated by the commission with 1 - 2 ha arable, depending on the soil quality, relief, number of trees/ha, age of the plantation, species of trees, acknowledged orchard basins and the production potential of the plantation.
Intensive and super-intensive orchard	1 ha of intensive and super-intensive orchard may be equated by the commission with 1- 3.5 ha arable, depending on the soil quality, system of arrangement, number of trees/ha, age of the plantation, species of trees, acknowledged orchard basins, production potential.

NOTE:

- 1 ha with forest vegetation, received at the request of those entitled, under the conditions stipulated in art. 41 in the law, is calculated in a ratio of 1/1 with arable land.
- The areas of vineyards, orchards, pastures and hayfields which have been brought in or taken over by the A.P.C. and have been transformed into arable are equated in arable at 1/1.

A C C O U N T

on the expenses made for the production of the year 1991 on the land granted in ownership or in use until taking over in possession, as per art. 99 in Law on land resources No. 18/1991, unmodified, as well as on the credit balance pertaining to the plantations of vineyards and trees, still to be paid, according to art. 33 in the same law

No.	Full name	Address	Agricultural area granted - ha -	of which:				Production expenses - lei -	Credit balance still to be paid - lei -	Modality of payment:	
				Arable - ha -	Vineyards - ha -	Orchards - ha -	Lawns - ha -			in cash - lei -	payment commitment - lei -
0	1	2	3	4	5	6	7	8	9	10	11

TOTAL:

NOTE:

1. The total areas under column 3 must correspond to the total areas provided in the annexes No. 2-14, 16-20.
2. The manufacturing costs must correspond to those from the book-keeping of the unit, and the credits, to those from the bank's records.
3. The reimbursement of the investment credits difference shall be done in the time limit to which the unit was obliged.

MUNICIPALITY (town, commune)
 COUNTY

PAYMENT COMMITMENT No.

The undersigned, domiciled in the commune (town) Street No County holder of the identity card series...No issued by on the date of, have taken note of the provisions of art. under Law on land resources and undertake to pay the amount of lei, representing manufacturing costs made on the land received in ownership, to the liquidation commission of and to pay this amount in installments, at its pay office, until the date of

Given today,.....
 (Signature)

The commitment has been undertaken in front of us, today
 President of the liquidation commission
 President and secretary of the communal, town or municipal commission

NOTE:

The payment commitment is drawn up in three copies, of which one remains with the landowner, one copy with the liquidation commission of the cooperative or, as the case may be, of the inter-cooperative, or state and cooperative association, and one copy with the bank.

ANNEX No. 24

MUNICIPALITY (town, commune)
COUNTY

PAYMENT COMMITMENT No.

The undersigned, domiciled in the commune (town) Street No, County, holder of identity card series No, issued by, on the date of, have taken note of the provisions of art...in Law on land resources and undertake to pay the amount of lei, representing manufacturing costs made on the land received in ownership or use, to the local council and to pay this amount in installments, at its pay office, until the date of

Given today,
(Signature)

The commitment has been given in front of us today,
Mayor
Secretary

ANNEX No. 25

MUNICIPALITY (town, commune)
COUNTY

PAYMENT COMMITMENT No.....

The undersigned, domiciled in the commune (town) Street No, County, holder of identity card series No, issued by, on the date of, have taken note of the provisions of art. in Law on land resources and undertake to pay the amount of lei, representing the balance of investment credit to be repaid, for the land with vineyard and trees plantations received in ownership in annual installments.

For the year 1991, the amount of lei I undertake to pay to the liquidation commission until the date1991, while for

the coming years, I undertake to conclude a contract with the financing bank within 15 days for the payment of the balance amounts.

For the due amounts, I undertake to deliver agricultural produce to the specialized units of collecting.

Given today,
(Signature)

The commitment has been given in front of us today,
President of the liquidation commission
President and secretary of the communal, town of municipal commission

NOTE:

The payment commitment is drawn up in three copies, of which one remains with the owner of the land, one copy with the liquidation commission of the cooperative or, as the case may be, the inter-cooperative or state and cooperative association and one copy with the bank.

ANNEX No. 26

MUNICIPALITY (town, commune)
COUNTY

PAYMENT COMMITMENT No.....

The undersigned, domiciled in the commune (town) Street No, County, holder of identity card series No, issued by, on the date of, have taken note of the provisions of art. in Law on land resources and undertake to pay the amount of lei, representing the balance of investment credit still to be paid, for the land with vineyards and trees plantations received in ownership or in use in annual installments.

For the annual amounts to be paid, I undertake that within 15 days from the date of the present commitment to conclude a credit contract with the financing bank.

For the due amounts, I undertake to deliver agricultural produce to the specialized units of collecting.

Given today,
(Signature)

The commitment has been given in front of us today,.....
Mayor.....
Secretary.....

ANNEX No. 27

ROMANIA

County commission for establishing the property right over land

County Code
 No.

TITLE OF PROPERTY

The County Commission for the establishing of the property right over land, on the basis of the proposal of the communal, town, municipal Commission and of the provisions of the Law No. 18/19.02.1991 on land resources,

WE HEREBY STATE

*The citizen.....
 (the inheritors of the deceased).....

 in..... village..... commune, town.....
 municipality.....county..... receives in
 ownership a total area of..... ha..... sq.m., of which:
 – by reconstitution of the property right..... ha..... sq.m.
 – by constitution of the property right..... ha..... sq.m.
 situated on the territory of commune..... structured and located
 according those on the back.*

The owner shall exercise over the above all the rights and obligations deriving from the law.

<i>Prefect, Secretary,</i>	<i>Directorate general for Agriculture and Food Industry Director-general</i>	<i>Cadastre and Territory Planning Office Director</i>
----------------------------	---	--

Date.....

1991	ROMANIA	1991			
<i>County commission for establishing the property right over land</i>					
County Code <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> No.					
TITLE OF PROPERTY					
<i>The County Commission for the establishing of the property right over land, on the basis of the proposal of the communal, town, municipal Commission and of the provisions of the Law No. 18/19.02.1991 on land resources,</i>					
WE HEREBY STATE					
<i>The citizen..... (the inheritors of the deceased)..... in..... village..... commune, town..... municipality.....county..... receives in ownership a total area of..... ha..... sq.m., of which: – by reconstitution of the property right..... ha..... sq.m. – by constitution of the property right..... ha..... sq.m. situated on the territory of commune..... structured and located according those on the back.</i>					
<i>The owner shall exercise over the above all the rights and obligations deriving from the law.</i>					
<table border="0" style="width: 100%;"> <tr> <td style="width: 33%;"><i>Prefect, Secretary,</i></td> <td style="width: 33%;"><i>Directorate general for Agriculture and Food Industry Director general</i></td> <td style="width: 33%;"><i>Cadastre and Territory Planning Office Director</i></td> </tr> </table>			<i>Prefect, Secretary,</i>	<i>Directorate general for Agriculture and Food Industry Director general</i>	<i>Cadastre and Territory Planning Office Director</i>
<i>Prefect, Secretary,</i>	<i>Directorate general for Agriculture and Food Industry Director general</i>	<i>Cadastre and Territory Planning Office Director</i>			
Date.....					
1991	ROMANIA	1991			

AREA RECEIVED IN OWNERSHIP

(Backpage)

A. Area received outside built-up area

No.	Category of use	Topographical number		Area		Adjacent				Remarks
		Field (sola)	Plot	Ha	Sq. m.	North	East	South	West	
1.	Arable									
2.	Vineyards									
3.	Orchards									
4.	Pastures									
5.	Hayfields									
6.	Forests									
7.	Other non-agricultural land									
TOTAL										

B. Area received inside built-up area

No.	Category of use	Topographical number		Area		Adjacent				Remarks
		Field (sola)	Plot	Ha	Sq. m.	North	East	South	West	
1.	Arable									
2.	Vineyards									
3.	Orchards									
4.	Pastures									
5.	Hayfields									
6.	Courts, constructions									
7.	Other land									
TOTAL										

TOTAL GENERAL (A+B)..... ha..... sq. m, of which:

Arable = ha sq. m. Hayfields = ha sq. m.
 Vineyards = ha sq. m. Forests = ha sq. m.
 Orchards = ha sq. m. Courts, constructions = ha sq. m.
 Pastures = ha sq. m. Other land = ha sq. m.

AREA RECEIVED IN OWNERSHIP

A. Area received outside built-up area

No.	Category of use	Topographical number		Area		Adjacent				Remarks
		Field (sola)	Plot	Ha	Sq. m.	North	East	South	West	
1.	Arable									
2.	Vineyards									
3.	Orchards									
4.	Pastures									
5.	Hayfields									
6.	Forests									
7.	Other non-agricultural land									
TOTAL										

B. Area received inside built-up area

No.	Category of use	Topographical number		Area		Adjacent				Remarks
		Field (sola)	Plot	Ha	Sq. m.	North	East	South	West	
1.	Arable									
2.	Vineyards									
3.	Orchards									
4.	Pastures									
5.	Hayfields									
6.	Courts, constructions									
7.	Other land									
TOTAL										

TOTAL GENERAL (A+B)..... ha..... sq. m, of which:

Arable = ha sq. m. Hayfields = ha sq. m.
 Vineyards = ha sq. m. Forests = ha sq. m.
 Orchards = ha sq. m. Courts, constructions = ha sq. m.
 Pastures = ha sq. m. Other land = ha sq. m.

ANNEX No. 28

NOMINAL TABLE

including the persons to whom the property right was reconstituted within limit of land area of 10 ha of dispossessed owner, who have requested by application the reconstitution of the property right and for the difference between this area, and that they have brought in the agricultural production cooperative or which have been taken over in any manner by this up to the area limit of 50 ha per family, according to the art. 3 under Law No. 1/2000

No.	Full name	Total area of agricultural land brought or taken over by A.P.C.			Remarks
		— ha —	of which:	— ha —	
0	1	2	3	4	5
			reconstituted (10 ha)	difference requested	

TOTAL:

Mayor,

Secretary,

ANNEX No. 29

NOMINAL TABLE

including the natural persons whose land outside the built-up area has passed abusively in state property and are incorporated in various watershed projects, land reclamations or of other kind, who requested or will request, by applications, the reconstitution of the property right, as per art. 4 in Law No. 1/2000

No.	Full name	Area		Remarks
		— ha —	— ha —	
0	1	2	3	3

TOTAL:

Mayor,

Secretary,

ANNEX No. 30

NOMINAL TABLE

including the persons to whom the property right has been reconstituted as per Law on land resources No. 18/1991, within the limit of the land area of up to 10 ha per family, to whom the reduction quota of over 5% was applied, who requested this land by application, according to the provisions of art. 9 para (2) in Law on land resources No. 18/1991, republished, as per art. 5 in Law No. 1/2000

No.	Full name	Total area of agricultural land up to 10 ha per family held in ownership			Remarks
		— ha —	of which:	— ha —	
	Total	reconstituted by reduction of over 5%	difference requested		
0	1	2	3	4	5

TOTAL:

*Mayor,**Secretary,*

ANNEX No. 31

NOMINAL TABLE

including the areas of land claimed by 2 citizens, of which one is the former owner to whom the land has been taken over by abusive measures applied during the years 1953–1959, who requested by application, and the second, the person to whom land from that taken over from the former owner was granted, according to the provisions of art. 6 para (3) in Law No. 1/2000

No.	Full name	Area		Remarks
		— ha —	— ha —	
0	1	2	3	

TOTAL:

*Mayor,**Secretary,*

ANNEX No. 32

NOMINAL TABLE

including the natural persons to whom the capacity of shareholder at the joint stock trading companies of agricultural or piscicultural type was established, on the basis of art. 36 in Law on land resources No. 18/1991, unmodified, who areas with agricultural or piscicultural destination are returned in kind, of the same quality, on the basis of the documents proving the former ownership, in the perimeter of these companies, as per art. 8 in Law No. 1/2000

No.	Full name	Area -- ha --	Remarks
0	1	2	3

TOTAL:

Director of the institution,
 STATE DOMAINS AGENCY
 AGRICULTURAL CADASTRE
 AND AGRICULTURAL TERRITORY
 ORGANIZATION OFFICE
 DIRECTORATE GENERAL
 FOR AGRICULTURE AND FOOD INDUSTRY

Director general,
 DIRECTORATE GENERAL
 FOR AGRICULTURE
 AND FOOD INDUSTRY

ANNEX No. 33

NOMINAL TABLE

including the state property agricultural land which, on the basis of proving documents, has represented property of the Romanian Academy, the universities and higher education institutions of agricultural type, which pass in the ownership of those, at request, ar per art. 9 para (3) in Law No. 1/2000

No.	Name of the institution	Area -- ha --	Remarks
0	1	2	3

TOTAL:

Mayor,

Secretary,

ANNEX No. 34

NOMINAL TABLE

including the natural persons to whom it was established the debt right at the institutes and agricultural production and research stations, as well as at the autonomous régies of agricultural type or at the national companies of agricultural type according to the stipulations of Law No. 46/1992, to which there are returned the areas of agricultural land, as per art. 10 in Law No. 1/2000

No.	Full name	Area — ha —	Remarks
0	1	2	3

TOTAL:

Director of the institution,

STATE DOMAINS AGENCY
AGRICULTURAL CADASTRE
AND AGRICULTURAL TERRITORY
ORGANIZATION OFFICE
DIRECTORATE GENERAL
FOR AGRICULTURE AND FOOD INDUSTRY

Director general,

DIRECTORATE GENERAL
FOR AGRICULTURE
AND FOOD INDUSTRY

ANNEX No. 35

NOMINAL TABLE

including the natural persons who there shall be compulsorily paid in kind their remaining rights or of debt, established and provided in Law No. 48/1994, by the trading companies, institutes, agricultural production and research stations, as well as by the autonomous régies and the national companies of agricultural type, according to art. 11 and 19 in Law No. 1/2000

No.	Full name	Rights — remainders due in kind	debts	Remarks
0	1	2	3	4

TOTAL:

Mayor,

Director of institution,
STATE DOMAINS AGENCY

Director general,
DIRECTORATE GENERAL
FOR AGRICULTURE
AND FOOD INDUSTRY

NOMINAL TABLE

including the natural persons who have concluded contracts of tenancy under the conditions provided in art. 25 under Law on lease No. 16/1994, with the subsequent modifications and completions, who there are returned in kind the areas of agricultural land stipulated in those contracts, as per art. 14 para (1) in Law No. 1/2000

No.	Full name	Area — ha —	Remarks
0	1	2	3

TOTAL:

Director of the institution,
STATE DOMAINS AGENCY
AGRICULTURAL CADASTRE
AND AGRICULTURAL TERRITORY
ORGANIZATION OFFICE
DIRECTORATE GENERAL
FOR AGRICULTURE AND FOOD INDUSTRY

Director general,
DIRECTORATE GENERAL
FOR AGRICULTURE
AND FOOD INDUSTRY

NOMINAL TABLE

including the natural persons stipulated in art. 37 and 38 under the Law on land resources No. 18/1991, republished, to whom it was established the capacity of shareholders, the natural persons to whom there were established rights at the institutes and agricultural production and research stations, at the autonomous régies and national companies of agricultural type, in accordance with the provisions of Law No. 46/1992, as well as the natural persons who have the capacity of lessor as per art. 25 in Law on leasing No. 16/1994, with the subsequent modifications and completions, to whom it is reconstituted the property right, at request, for the agricultural land and for the difference between the area of 10 ha and the one held in ownership, but not more than 50 ha per dispossessed owner, as per art. 15 para (1) in Law No. 1/2000

No.	Full name	Area of land requested from 10 ha to 50 ha, of which for:				Remarks
		Natural persons provided in art. 37 and 38 under Law No. 18/1991, republished, to whom it was established the capacity of shareholder — ha —	Natural persons with rights at the institutes and agricultural production and research stations, in accordance with Law No. 46/1992 — ha —	Natural persons with rights at the autonomous régies and at the national companies of agricultural type, in accordance with Law No. 46/1992 — ha —	Natural persons who have the capacity of lessor according to art. 25 under Law No. 16/1994, with subsequent modifications and completions — ha —	
0	1	2	3	4	5	6

TOTAL:

Director of the institution,
STATE DOMAINS AGENCY
AGRICULTURAL CADASTRE
AND AGRICULTURAL TERRITORY
ORGANIZATION OFFICE
DIRECTORATE GENERAL
FOR AGRICULTURE AND FOOD INDUSTRY

Director general,
DIRECTORATE GENERAL
FOR AGRICULTURE
AND FOOD INDUSTRY

NOMINAL TABLE

including the persons provided in art. 39 under Law on land resources No. 18/1991, republished, whose agricultural land has passed in state property by the effects of Decree No. 83/1949 and of any other statutory instruments of expropriation, or as the case may be, their inheritors to whom, at request, the property rights in kind are reconstituted, within the limit of the land area passed in state property, but not more than 50 ha per dispossessed owner, out of the land area found in the property of the joint stock trading companies of agricultural type or of other trading companies which have agricultural land in their property or, as the case may be, found under the administration of the autonomous régies and the national companies of agricultural type which have their head office in the locality or localities in which the agricultural land passed in state property was located, as per art. 16 para (1) in Law No. 1/2000

No.	Full name	Area — ha —	Remarks
0	1	2	3

TOTAL:

Director of the institution,
 STATE DOMAINS AGENCY
 AGRICULTURAL CADASTRE
 AND AGRICULTURAL TERRITORY
 ORGANIZATION OFFICE
 DIRECTORATE GENERAL
 FOR AGRICULTURE AND FOOD INDUSTRY

Director general,
 DIRECTORATE GENERAL
 FOR AGRICULTURE
 AND FOOD INDUSTRY

NOMINAL TABLE

including the natural persons for whom there are not areas of agricultural land available for the integral restitution of the ownership, requested by application, to whom compensation for the non-retroceded difference of land shall be granted, as per art. 17 in Law No. 1/2000

No.	Full name	Non-retroceded area — ha —	Compensation due	Remarks
0	1	2	3	4

TOTAL:

Mayor,
Director of institution,
 STATE DOMAINS AGENCY
 AGRICULTURAL CADASTRE
 AND AGRICULTURAL TERRITORY
 ORGANIZATION OFFICE
 DIRECTORATE GENERAL
 FOR AGRICULTURE AND
 FOOD INDUSTRY

Director general,
 DIRECTORATE GENERAL
 FOR AGRICULTURE
 AND FOOD INDUSTRY

NOMINAL TABLE

including the natural persons who opt, by well-grounded requests, approved by the competent authorities, to be granted compensation for the agricultural land due to them, in kind, as per art. 40 in Law No. 1/2000

No.	Full name	Non-retroceded area – ha –	Compensation due	Remarks
0	1	2	3	4

TOTAL:

<i>Mayor,</i>	<i>Director of institution,</i>	<i>Director general,</i>
STATE DOMAINS AGENCY AGRICULTURAL CADASTRE AND AGRICULTURAL TERRITORY ORGANIZATION OFFICE DIRECTORATE GENERAL FOR AGRICULTURE AND FOOD INDUSTRY	DIRECTORATE GENERAL FOR AGRICULTURE AND FOOD INDUSTRY	

NOMINAL TABLE

including the land remained in state private ownership and, respectively, in the exploitation or in the property of the joint stock trading companies, the autonomous régies and the national companies of agricultural type, recorded as such in the agricultural cadastre, after the restitution, in kind, of the agricultural areas to the entitled natural and legal persons, as per art. 18 para (1) and (2) in Law No. 1/2000

No.	Name of the institution	Total area – ha –	of which:				Remarks	
			Agricultural	Non-agricultural	of which:			
0	1	2	Arable	Pasture	Vineyards	Orchards	10	
			4	5	6	7	8	9

TOTAL:

<i>Director of the institution,</i>	<i>Director general,</i>
STATE DOMAINS AGENCY AGRICULTURAL CADASTRE AND AGRICULTURAL TERRITORY ORGANIZATION OFFICE DIRECTORATE GENERAL FOR AGRICULTURE AND FOOD INDUSTRY	DIRECTORATE GENERAL FOR AGRICULTURE AND FOOD INDUSTRY

ANNEX No. 42

NOMINAL TABLE

including the natural persons, shareholders or lessors, as well as other entitled persons, from whom the balance amount of the investments made on the restituted land in kind are to be recovered, within a period of time of maximum 10 years, as per art. 19 in Law No. 1/2000

No.	Full name	Area retroceded in kind — ha —	Balance amount of investments to be recovered (lei)	Remarks
0	1	2	3	4

TOTAL:

*Mayor,**Director of institution,**Director general,*

STATE DOMAINS AGENCY
AGRICULTURAL CADASTRE
AND AGRICULTURAL TERRITORY
ORGANIZATION OFFICE
DIRECTORATE GENERAL
FOR AGRICULTURE AND
FOOD INDUSTRY

DIRECTORATE GENERAL
FOR AGRICULTURE
AND FOOD INDUSTRY

ANNEX No. 43

NOMINAL TABLE

including the representative organs of the cult units, constituted as legal persons until the date of coming into force of Law No. 1/2000, which acquire by reconstitution areas of agricultural land out of the church fund of the cult they belong to, as per art. 23 para (1) in Law No. 1/2000

No.	Name of the cult unit	Area — ha —	Remarks
0	1	2	3
a)	Diocesan centers	up to 100 ha	
—	—	—	—
b)	Districts of an archpriest	up to 50 ha	
—	—	—	—
c)	Monasteries and hermitages	up to 50 ha	
—	—	—	—
d)	Parishes and sub-parishes	up to 10 ha	
—	—	—	—

TOTAL:

*Mayor,**Secretary,*

ANNEX No. 44

NOMINAL TABLE

including secondary schools of agricultural of forest type and the public institutions for protection of children, which did not receive agricultural land until the date of coming into force of Law No. 1/2000 and which are restituted areas of land they have held in ownership, as per art. 23 para (3) in Law No. 1/2000

No.	Name of unit	Area held in ownership — ha —	Area restituted in ownership — ha —	Remarks
0	1	2	3	4

TOTAL:

*Mayor,**Secretary,*

ANNEX No. 45

NOMINAL TABLE

including the pre-university education units which acquire by reconstitution areas of agricultural land, within the limit of that which they have held in ownership, as well as those which did not hold agricultural land in ownership and which are granted for use areas of agricultural land, up to 5 ha, out of the reserve of the local commissions, as per art. 23 para (4) in Law No. 1/2000

No.	Name of unit	Area held in ownership — ha —	Area restituted in ownership — ha —	Area granted for use — ha —	Remarks
0	1	2	3	4	5

TOTAL:

*Mayor,**Secretary,*

ANNEX No. 46

NOMINAL TABLE

including the former owners or their inheritors, as the case may be, to whom there are restituted, at request, the constructions of any kind belonging to the agricultural exploitations and which have been passed in the state property as consequence of the Decree No. 83/1949 for the completion of some provisions of the Law No. 187/1945 for carrying out of the land reform, according to art. 31 para (1) and (3) under Law No. 1/2000

No.	Full name	The construction and the corresponding area – sq. m. –	Compensation granted	Remarks
0	1	2	3	4

TOTAL:

Mayor, *Director of institution,* *Director general,*
 STATE DOMAINS AGENCY
 AGRICULTURAL CADASTRE
 AND AGRICULTURAL TERRITORY
 ORGANIZATION OFFICE
 DIRECTORATE GENERAL
 FOR AGRICULTURE AND
 FOOD INDUSTRY
 DIRECTORATE GENERAL
 FOR AGRICULTURE
 AND FOOD INDUSTRY

ANNEX No. 47

NOMINAL TABLE

including the natural and legal persons, which did not submit within the time limit provided by Law No. 169/1997 application for the reconstitution of the property right or, as the case may be, the proving documents, and the persons who formulate such applications and submit the proving documents within 60 days from the date of coming into force of Law No. 1/2000, as per art. 33 in Law No. 1/2000

No.	Full name of the natural and legal persons	Area applied for – ha –	Remarks
0	1	2	3

TOTAL:

Mayor, *Secretary,*

ANNEX No. 48

NOMINAL TABLE

including the former owners or their inheritors, to whom the land without constructions is restituted, at request, unaffected by investment works approved according to Law No. 1/2000, or with works that have been deteriorated, destroyed and having no value for use, taken over in any modality, including title of donation, considered public or private state property or of the administrative-territorial units, by applying the provisions of Decree No. 712/1966 and of other special statutory instruments, as per art. 34 in Law No. 1/2000

No.	Full name	Area — ha —	Remarks
0	1	2	3

TOTAL:

*Mayor,**Secretary,*

ANNEX No. 49

NOMINAL TABLE

including the natural persons to whom the property right by allotment was established, on the occasion of applying Law No. 187/1945 for carrying out of the land reform, but to whom the land they had a right to was not actually granted or the granting of which has been cancelled and to whom it shall be granted, at request, the respective land, within the limit of available areas, as per art. 36 in Law No. 1/2000

No.	Full name	Area — ha —	Remarks
0	1	2	3

TOTAL:

*Mayor,**Secretary,*

NOMINAL TABLE

including the natural persons whose land entered the composition of the former agricultural production cooperatives and, as a result of amalgamations, did not receive property right under the conditions of Law on land resources No. 18/1991, to whom the property right is reconstituted at request, under the conditions of Law No. 1/2000, on the old locations, within the perimeter of the trading companies with state capital, if these have not been granted in accordance with art. 2 para (1) in Law No. 1/2000, in all the other cases to the contrary the provisions of art. 17 and 37 in Law No. 1/2000 being applicable

No.	Full name	Area resituated — ha —	Compensation	Remarks
0	1	2	3	4

TOTAL:

Director of institution,

STATE DOMAINS AGENCY
AGRICULTURAL CADASTRE
AND AGRICULTURAL TERRITORY
ORGANIZATION OFFICE
DIRECTORATE GENERAL
FOR AGRICULTURE AND
FOOD INDUSTRY

Director general,

DIRECTORATE GENERAL
FOR AGRICULTURE
AND FOOD INDUSTRY

NOMINAL TABLE

including the former members of associative forms, joint possessions, joint freeholder's ownership, undivided freeholders ownership and other assimilated associative forms, as well as their inheritors, who applied for the reconstitution of the property right for agricultural land, pastures and hayfields, as per art. 39 in Law No. 1/2000

No.	Denomination	Area — ha —	Remarks
0	1	2	3

TOTAL:

*Mayor,**Secretary,*

County
 Commune

OFFICIAL REPORT FOR PUTTING IN POSSESSION No.

Drawn up today 2000, on the occasion of putting in possession of owner(inheritors of deceased)..... as per annex no....., area ha, annex no....., area..... ha

A. Area received outside built-up area

No.	Category of use	Topographical No.		Area		Adjacent			Remarks	
		Field	Plot	ha	Sq. m.	North	East	South		West
1.	Arable									
2.	Vineyards									
3.	Orchards									
4.	Pastures									
5.	Hayfields									
6.	Other non-agricultural land									
TOTAL										

B. Area received inside built-up area

No.	Category of use	Topographical No.		Area		Adjacent			Remarks	
		Field	Plot	ha	Sq. m.	North	East	South		West
1.	Arable									
2.	Vineyards									
3.	Orchards									
4.	Pastures									
5.	Hayfields									
6.	Courts, constructions									
7.	Other non-agricultural land									
TOTAL										

TOTAL GENERAL (A+B): ha sq.m. Mayor, Secretary,

of which:

Arable hasq.m.
 Vineyards hasq.m.
 Orchards hasq.m.
 Pastures hasq.m.
 Hayfields hasq.m.
 Courts, constructions hasq.m.
 Other non-agricultural land hasq.m.

Specialist in topographical survey, Owner,

County
Commune

OFFICIAL REPORT FOR PUTTING IN POSSESSION No.....

Drawn up today2000, on the occasion of putting in possession of owner (inheritors of deceased) as per annex no., area ha, annex no....., area ha.

A. Area received outside built-up area

No.	Category of use	Topographical No.		Area ha Sq. m.	Adjacent			Remarks
		Field	Plot		North	East	South	
1.	Arable							
2.	Vineyards							
3.	Orchards							
4.	Pastures							
5.	Hayfields							
6.	Other non-agricultural land							
TOTAL								

B. Area received inside built-up area

No.	Category of use	Topographical No.		Area ha Sq. m.	Adjacent			Remarks
		Field	Plot		North	East	South	
1.	Arable							
2.	Vineyards							
3.	Orchards							
4.	Pastures							
5.	Hayfields							
6.	Courts, constructions							
7.	Other non-agricultural land							
TOTAL								

TOTAL GENERAL (A+B): ha sq.m.
of which:
Arable hasq.m.
Vineyards hasq.m.
Orchards hasq.m.
Pastures hasq.m.
Hayfields hasq.m.
Courts, constructions hasq.m.
Other non-agricultural land hasq.m.

*Agronomist
or horticulturist
(in commission)*

*Specialist in topographical
survey,*

Owner,

Locality

County

NOMINAL TABLE
including the former owners and their inheritors, natural persons, to whom there are reconstituted
according to the legal provisions, at request, the property right over land with forest vegetation

No.	Name and surname of author (dispossessed person)	Name and surname of applicant persons	Area of forest land held in ownership – ha –		Area accepted by the commission – ha –		Forest area previously reconstituted – ha –	Area difference to be received			Remarks		
			Total, of which:	On land with forest destination	Total of which:	On land with forest destination		On land with agricultural destination	Identification in forest planning of forest land	Identification in agricultural cadastre of land with agricultural destination			
0	1	2	3	4	5	6	7	8	9	10	11	12	13

Locality

County

NOMINAL TABLE
including the former members and their inheritors in associative forms (joint possessions, joint freeholders ownership, undivided freeholders ownership, frontier guards forests and other associative forms assimilated to those), to whom it is reconstituted according to the legal provisions,
at request, the property right over the land with forest vegetation

No.	Name of associative form held in ownership forest land	Name and surname of associative form member	Area of forest land held in joint possession by the member of the associative form – ha –		Area of forest land accepted by the commission – ha –		Full name of applicant persons	Information on location**			Remarks	
			Total of which:	On land with forest destination	Total of which:	On land with agricultural destination		Identification in forest planning of forest land	Identification in agricultural cadastre of land with agricultural destination			
0	1	2	3	4	5	6	7	8	9	10	11	12
										X		
		Associative form total				X						

* Area size is calculated in accordance with the stipulations in art. 28 para 3 in the present regulations.

**The information on location are given at the TOTAL level of each associative form entered in the table.

County
 Commune

OFFICIAL REPORT FOR PUTTING IN POSSESSION No.....
 drawn up today.....

We the undersigned in the capacity of mayor, in the capacity of secretary in the capacity of specialist in topographical survey, in the capacity of representative of the legal holder of the land which is handed over, and in the capacity of owner (holder of identity card series..... No., issued by Police legal representative (authorization No., authenticated at the Notary office.....), have proceeded the first in handing over, and the last in taking over the area of ha forest land, validated by the county commission by Decision/decisions No. at position in annex No. (No. at position in annex no.).

The land category, the cadastral location and its adjacent are shown in the tabel below:

No.	Land categories	Area		Forest office	Cadastral location			Adjacent to general cadastral location		
		ha	Sq.m.		general field	plot	forest U.p.	U.a.	Cardinal point	Holders
0	1	2	3	4	5	6	7	8	9	10
1.	Forest land registered in the forest planning									
2.	Afforested pasture									
3.	Other land with forest vegetation not included in the forest planning									
TOTAL area put in possession										

The handing over has been done following a basic inspection in which participated the owner/representative who shall ensure the guarding of the forest land, and at present there are no tree stumps unmarked with forest hammers.

For the delimitation from the rest of the forest resources of the received area the following were used

Mr./Mrs....., in the capacity of owner/representative, states that note was taken of the legal provisions referring to the obligation of observing the forest regime. From that date on, the guarding and the administration of the land taken over shall be ensured by the owner in accordance with the legal provisions.

Whereupon the present official report was drawn up in 4 copies (two for the local commission, one for the owner and one for the legal holder).

Mayor,

Secretary,

Specialist in topographical survey,

Representative of legal holder
 of the land handed over,

Owner/Representative,

County
 Commune

OFFICIAL REPORT FOR PUTTING IN POSSESSION No.....
 drawn up today

We the undersigned in the capacity of mayor, in the capacity of secretary in the capacity of specialist in topographical survey, in the capacity of representative of the legal holder of the land which is handed over, and in the capacity of legal representative (authorization No., authenticated at the notary office.....), have proceeded the first in handing over, and the last in taking over the area of ha forest land, validated by the county commission by Decision/decisions No. at position (No. at position in annex no.).

The land category, the cadastral location and its adjacent are shown in the tabel below:

No.	Land categories	Area		Forest office	Cadastral location			Adjacent to general cadastral location		
		ha	Sq.m.		general field	plot	forest U.p. U.a.	Cardinal point	Holders	
0	1	2	3	4	5	6	7	8	9	10
1.	Forest land registered in the forest planning									
2.	Afforested pasture									
3.	Other land with forest vegetation not included in the forest planning									
TOTAL area put in possession										

The handing over has been done following a basic inspection in which participated the owner's representatives who shall ensure the guarding and administration of the forest land, and at present there are no tree stumps unmarked with forest hammers.

For the delimitation from the rest of the forest resources of the received area the following were used

Mr./Mrs., in the capacity of owner representative, states that note was taken of the legal provisions referring to the obligation of observing the forest regime. From that date on, the guarding and the administration of the land taken over shall be ensured by the owner in accordance with the legal provisions.

Whereupon, the present official report was drawn up in 4 copies (two for the local commission, one for the owner and one for the legal holder).

Mayor, Secretary, Specialist in topographical survey,

Representative of legal holder
 of the land handed over,

Owner/Representative,

ROMANIA

COUNTY COMMISSION FOR ESTABLISHING THE PROPERTY RIGHT

County.....
No.....

Code.....

The county commission for the establishing of the property right over the land, set up on the basis of prefect's Order No...../....., analyzing the proposals of the communal/town/municipal commission, on the basis of the stipulations of Law No. 18/1991, of Law No. 169/1997 and Law No. 1/2000, issues the following

TITLE OF PROPERTY

The natural/legal person....., having the domicile/head office in the commune/town/municipalitycounty/sector, receives in ownership a total area of ha..... sq.m., land with forest vegetation, of which:

..... ha sq.m. out of the national forest resources (with forest destination):

..... ha sq.m. from out of the national forest resources (with agricultural destination), situated on the territory of the commune/town/municipality/sector....., structured and located according to those mentioned on the backpage and put in possession according to the official report No...../.....

The owner shall exercise over the above goods all the rights and obligations deriving from the Constitution of Romania and from the legislation with forest specificity in force.

Prefect,

Secretary general,

Chief inspector,

TERRITORIAL FOREST INSPECTORATE

Date.....

(backpage)

Area received in ownership

No.	Land categories	Area		Forest office	Cadastral location			Adjacent to general cadastral location		
		ha	Sq.m.		general field	plot	forest U.p.	Cardinal point	Holders	
0	1	2	3	4	5	6	7	8	9	10
1.	Forest land registered in the forest planning									
2.	Afforested pasture									
3.	Other land with forest vegetation not included in the forest planning									
TOTAL area put in possession										

LAW

on the juridical circulation of the land*

Art. 1. – The private property land, irrespective of its owner, is and remains in the civilian circuit. It can be alienated and acquired by respecting the provisions in the present law.

Art. 2. – (1) The land situated inside the built-up area and outside the built-up area can be alienated and acquired by legal documents *inter vivos*, concluded in authentic form.

(2) In the case of acquiring by legal documents *inter vivos*, the land owned by the acquirer cannot exceed 200 hectares of agricultural land, in arable equivalent, per family. In the sense of the present law, by *family* it is understood the parents and unmarried children, if they keep house together with their parents.

(3) The infringement of the provisions of para (2) is punished by reduction of the legal documents to the limit of the legal area.

Art. 3. – The foreign citizens and the stateless persons cannot acquire property right over the land.

(2) The natural persons having Romanian citizenship and the domicile abroad, can acquire in Romania, by legal documents *inter vivos* and by heritage, any kind of land.

(3) The foreign legal persons cannot acquire land in Romania by legal documents *inter vivos* or by cause of death.

(4) In the case of the land as object of investments by foreign natural or legal persons, there are and remain applicable the provisions of the legislation in force regarding the juridical regime of foreign investments.

Art. 4. – The alienation of agricultural land located inside the built-up area is free.

Art. 5. – The alienation, by sale, of the agricultural land outside the built-up area is made by respecting the

pre-emption right of the co-owners, of neighbours or of the tenants.

Art. 6. – (1) The seller shall register the offer for sale of the agricultural land located outside the built-up area with the local council in whose radius the land is located.

(2) On the same day, the secretary of the administrative-territorial unit shall post up the offer under signature and with the seal applied, at the townhall. The offer shall comprise the full name of the seller, the area and the category of utilization, as well as the location of the land.

Art. 7. – The owners of the right of pre-emption, mentioned in art. 5, must decide in writing on exercising it, within 45 days from the date of posting up the offer for sale, which shall also show the price offered; the offer for purchase is recorded at the townhall.

Art. 8. – In case that, within the time limit stipulated in art. 7 the right of pre-emption is exercised by several buyers in the category stipulated in art. 5, the seller has the right to select one of the bidders.

Art. 9. – If the price offered by the titulars of the right of pre-emption in the categories stipulated in art. 5 is not acceptable to the seller, he can sell the land to any other person.

Art. 10. – If within the time limit stipulated in art. 7 no one of the titulars of the right of pre-emption has expressed the will to purchase the land, this is sold freely.

Art. 11. – Before the notary public, the proof of the publicity as per art. 6 is done with the document issued to the seller by the secretary of the administrative-territorial unit, after the expiry of the term of 45 days stipulated in art. 7.

Art. 12. – (1) The exchange of land between natural persons, or private legal persons, or between natural persons and private legal person is done with the agreement of all contracting parties, the provisions of art. 2 para (2) remaining applicable.

(2) In all cases of exchange of land, the exchange document is concluded in authentic form, under the sanction of absolute nullity.

*The Law No. 54/1998 was published in “Monitorul Oficial al României” (Official Gazette of Romania), Part. I, No. 102 of 4 March 1998.

(3) The agricultural land public ownership, irrespective of the owner who manages it, cannot be the object of an exchange.

(4) As a result of the exchanges made, each land acquires the legal status of the replaced land, by respecting the rights and the tasks previously and legally constituted.

Art. 13. – The putting in possession of the new owners, following the exchange made as per art. 12 para (1), is done by the representative of the agricultural cadastre office and the organizing of the county agricultural territory, or of the Bucharest Municipality, in the presence of the contracting parties or of their representatives, parties in the contract of exchange, by making the supervened modifications in the cadastral documents and in the land registry.

Art. 14. – (1) The non-observance of the provisions of art. 2 para (1) and of art. 12 para (1) and (2) brings about the absolute nullity of the sales contract or, as the case may be, of the contract of exchange, while the non-observance of the provisions of art. 5 and 6 brings about the relative nullity of the contract.

(2) The action establishing the nullity may be brought by the parties, public prosecutor, mayor or by any interested person.

Art. 15. – The alienations under any form of the land over which there are litigations at the judicial instances, are prohibited, for the duration of the solutioning of these litigations.

(2) The alienations concluded with the infringement of the stipulations of para (1) are null. The nullity shall be established by the judicial instance, at the request of any interested person and of the public prosecutor.

(3) The services of registration and inscription, as well as the offices of landed book of the courts shall record in the publicity registers, the alienation opposition expressed by the interested party and, in such cases, shall refuse the issuing of task certificates necessary for the authentication of the alienations, as requested by the persons who want to alienate.

Art. 16. – The alienation achieved under any form, on the basis of the provisions of the present law, do not validate the titles of property of the alienators, if prior to the alienation they were struck by absolute nullity, deriving from the infringement of certain imperative norms of the Law on land resources No. 18/1991*, and which were established by final and irrevocable judicial decisions.

Art. 17. – The juridical circulation regime of the land with forest destination is established by special law.

Art. 18. – The provisions of this law are completed with the provisions of the civilian legislation, to the extent to which these are not contrary to the provisions of the present law.

Art. 19. – (1) The present law comes into force 90 days from its publication in the Official Gazette of Romania.

(2) On the date of coming into force of the present law, chapter V “The juridical circulation of land” (art. 66-73) of the Law on land resources No. 18/1991, republished in the Official Gazette of Romania, Part I, No. 1 of January 5, 1998, is abrogated.

*The Law No. 18/1991 was republished in Official Gazette of Romania, Part I, No. 1 of January 5, 1998.

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