

LAW
on the establishment, organization, and operation of regions

CHAPTER I
Principles and general considerations

SECTION I. Regions and regional autonomy

Art. 1

The present law sets out the general rules on regional autonomy and defines the organization and operation of the regional public administration.

Art. 2

(1) According to the Constitution, the national territory of Romania is divided into 8 regions, and each region is made up of two or more counties, the latter having the territorial boundaries existing at the time of entry into force of the present law.

(2) The 8 regions have the following name and composition:

a) The Bucharest-Ilfov Region: the city of Bucharest and the county of Ilfov;

b) The Centre Region: the counties of Alba, Braşov, Covasna, Harghita, Mureş, and Sibiu;

c) The North-East Region: the counties of Bacău, Botoşani, Neamţ, Iaşi, Suceava, and Vaslui;

d) The North-West Region: the counties of Bihor, Bistriţa-Năsăud, Cluj, Maramureş, Satu-Mare, and Sălaj;

e) The West Region: the counties of Arad, Caraş-Severin, Hunedoara, and Timiş;

f) The South-West Region: the counties of Dolj, Olt, Vâlcea, Mehedinţi, and Gorj;

g) The South Region: the counties of Argeş, Călăraşi, Dâmboviţa, Giurgiu, Ialomiţa, Prahova, and Teleorman;

g) The South-East Region: the counties of Brăila, Buzău, Constanţa, Galaţi, Tulcea, and Vrancea.

(3) The territorial boundaries of the region are defined by law. Any change regarding their territorial boundaries can only be made by law, subject to prior consultation of the citizens in those administrative-territorial units by means of a referendum, to be organized in compliance with the law.

(4) The regions are administrative-territorial units where regional autonomy is exercised and where authorities of the regional public administration are organized and operate.

(5) The region seats and the headquarters of the regional councils shall be established by law.

Art. 3

(1) The priority objectives pursued by the region are: a) the right to work and proper protection of the workers' dignity, the right to safe workplaces and access to life-long education;

b) the right to pluralism, free sources of information and communication, and access to culture, both as an individual need and as a community principle;

c) the right to medical assistance;

d) the right to equal treatment of men and women and improvement of gender differences in the social, cultural, economic, religious, and political life;

e) preserving and increasing the profile of the family;

f) promoting science and the freedom of scientific research within the boundaries of respect for humans;

g) observing the ecological balance, protecting the environment and the natural heritage, preserving biodiversity;

h) protecting and improving the historical, artistic, and landscape heritage;

i) promoting the economic development in a context that fosters innovation, research, and training as factors of competitiveness, in compliance with the principles of social cohesion and sustainable development;

j) strengthening public and private freedom and promoting cooperation;

k) rejecting all forms of discrimination and xenophobia;

- l) recognizing the autonomy of local communities, promoting the autonomy system, increasing the cultural, social, and economic identity throughout the regional territory, protecting smaller municipalities and mountain areas;
- m) developing good neighbourliness relations and promoting cross-border and interregional cooperation.

Art. 4

- (1) The public administration within the region is organized and operates based on the principles of decentralization, regional autonomy, subsidiarity, the eligibility of regional public administration authorities, legality, and citizen consultation in solving regional issues of special interest.
- (2) The application of the principles provided in paragraph (1) cannot affect Romania's character as a national, unitary, and indivisible state.

Art. 5

- (1) The regions are legal persons established under public law, with full legal capacity and their own assets.
- (2) In justice, the regions are represented by the president of the regional council, appearing in capacity of legal representative of the region rather than in his/her personal capacity.

Art. 6

- (1) The public administration authorities through which the regional autonomy is accomplished are the regional councils as deliberative authorities, and the presidents of the regional councils, as executive authorities.
- (2) The regional councils and the presidents of the regional councils operate as regional public administration authorities and deal with the public issues in the region in compliance with the law.

Art. 7

- (1) The term "regional autonomy" designates the right and actual capacity of the regional public administration authorities to deal with and manage public issues on behalf and to the best interest of the regional communities they represent, in compliance with the objectives set under art. 3 and in the spirit of the principles of local autonomy, decentralization, and subsidiarity.
- (2) The provisions of paragraph (1) shall not affect the possibility to resort to consulting the inhabitants by means of a referendum or by any other form of direct participation of the citizens in public affairs, in compliance with the law.
- (3) The term "regional community" designates all the inhabitants in that administrative-territorial unit.

Art. 8

- (1) The regional public administration authorities exercise, in compliance with the law, exclusive competences, shared competences, and delegated competences. All these fields of competence form the object of a strategic planning activity – as a means of identifying the annual and multiannual objectives, which are to be reflected in the Regional Development Plan.
- (2) The regional autonomy grants the regional public administration authorities the right to have initiatives – within the boundaries of the law – in all fields, except those expressly designated as part of the competence of other public authorities.

Art. 9

- (1) The relations between commune, town, city, and county local public administration authorities and the regional public administration authorities are based on the principles of autonomy, legality, responsibility, cooperation, and solidarity in solving the problems affecting the entire region.

Art. 10

- (1) Within the national economic policy, regions are entitled to have their own financial resources, which the regional public administration authorities set, manage, and use in carrying out their competences and duties, in compliance with the law.
- (2) The financial resources that regional public administration authorities have at their disposal must be correlated with the competences and duties provided by the law.

(3) In order to ensure regional autonomy, the regional public administration authorities have the right to establish and collect regional taxes and duties, to draft and approve regional budgets, in compliance with the law.

(3) In order to promote their interests before the European Union institutions and bodies, regions have the right to establish and fund structures seated and operating in the EU member states, where the European institutions and bodies are seated.

(5) In order to efficiently use the financial resources needed for the operation of the structures provided in paragraph 4, regions may lease or buy immovable or movable goods in those countries.

(6) The provisions of paragraphs 4-5 shall be applied based on a decision of the regional council.

Art. 11

(1) In those regions where the national minorities make up more than 20% of the inhabitants, the regional public administration authorities, the public institutions under their control, and the deconcentrated public services shall enable the use of the mother tongue in the relations with such minorities, in compliance with the provisions of the Constitution, of the present law, and of the international treaties to which Romania is a party.

SECTION II. The regional public administration authorities

Art. 12

(1) A regional council shall be established in each region, acting as a regional public administration authority. The regional council is elected in compliance with the law on electing local and regional public administration authorities.

(2) The regional council is led by a president, having the role of a high official, who does not have the capacity of regional councillor and is elected by uninominal voting.

(3) The Term of office of the regional council president and of the regional councillor is 4 years and shall be carried out in compliance with the law.

CHAPTER II The regional council

SECTION I. The setting up and members of the regional council

Art. 13

(1) The regional council is the regional public administration authority, being made up of regional councillors elected by universal, equal, direct, secret, and free voting by the people with voting rights in that region, in compliance with the law.

Art. 14

(1) The number of members of each regional council shall be established by order of the region's prefect, taking into account the number of inhabitants of the region as communicated by the National Institute of Statistics on 1 January that year or, as the case may be, on 1 July of the year preceding the regional elections, as follows:

Number of inhabitants of the region	Number of councillors
- up to 2,000,000	20
- between 2,000,001 and 2,500,000	24
- between 2,500,001 and 3,000,000	28
- over 3,000,000	32

(2) The regional council elected in compliance with the law is supplemented with the president of the regional council, who has a voting right and chairs the council meetings.

(3) The candidates included on the list of each political group, but who are not declared as elected, have the capacity of alternate regional councillors and shall replace the members whose mandate is terminated early.

Art. 15

- (1) The election of the regional council president shall be validated within 20 days of the election date, in the council room of the Court of Appeal in whose jurisdiction the regional council is seated, by the president of the court of appeal or his/her replacement.
- (2) The election of the regional council president can be invalidated if it is found that the eligibility conditions have been breached or if the president has been chosen by means of electoral fraud, established in compliance with the law on electing regional public administration authorities.
- (3) Stakeholders can challenge the decision to validate or invalidate the regional council president at the High Court of Cassation and Justice within two days of its public announcement, with a final and irrevocable decision being pronounced within 2 days of notice.
- (4) In case of invalidation of the election or resignation of the regional council president, the Government shall establish the election date at the suggestion of the regional prefect. The elections shall be organized in compliance with the law, within 90 days of the invalidation or, as the case may be, of the date of the final and irrevocable court decision or of the date on which the filing for resignation is final.

Art. 16

- (1) The regional councils shall be set up within 3 days of the regional council president's swearing. The councillors declared as elected shall be summoned to the setting-up meeting by the regional council president. The setting-up meeting can be attended by the regional prefect or a representative of his/hers.
- (2) The meeting is considered as legally valid if attended by at least two thirds of the number of the elected regional councillors. A maximum of 3 summons can take place.
- (3) If the regional council can still not meet at this final summons due to the unauthorised absence of councillors, the regional council shall declare as vacant the seats of the elected councillors who have been absent without authorisation from the 3 previous summonses. These seats shall be filled by alternate members.
- (4) If the vacant seats cannot be filled by alternates included on those candidate lists, elections shall be organized within 30 days to fill the vacant seats.

Art. 17

- (1) The setting-up meeting is chaired by the regional council president.
- (2) To validate the mandates, the regional councils shall elect from among their members, by open voting, for the entire term of office, a validation commission made up of 3-5 elected councillors, which shall examine the legality of the election of each regional councillor and shall propose to the council the validation or invalidation of mandates.
- (3) The validation commission shall propose the invalidation of the election of a regional councillor only if it is found that the eligibility conditions have been breached or if the regional councillor has been elected by means of proven electoral fraud.
- (4) The mandates shall be validated or invalidated alphabetically, through open voting by the majority of the regional councillors present at the meeting. The person whose mandate is submitted for validation or invalidation shall not participate in the voting.
- (5) The mandate validation or invalidation decision can be challenged by the stakeholders at the administrative matters section of the Court of Appeal whose jurisdiction the locality designated as regional seat is part of, within 5 days.
- (6) The administrative matters court shall pronounce its decision within 30 days.
- (7) The regional council is declared as legally set up if the majority of the validated regional councillors have been sworn in. The setting up of the regional council is established by a decision voted on by the majority of the validated regional councillors.

SECTION II. Competences of the regional public administration authorities**Art. 18**

- (1) The central and regional public administration authorities exercise the following types of competences:
 - a) Exclusive state competences;

- b) Shared (state-region) competences, if both levels can legislate, but the national laws shall prevail in case of conflict;
- c) Exclusive competences of the regional public administration authorities.

Art. 19

The exclusive state competences concern the following aspects: Constitution; defence; citizenship; immigration, emigration, and extradition; finances and monetary system; borders and customs units; national safety.

Art. 20

The shared (state-region) competences concern the following aspects: international relations (especially with the EU); foreign trade; primary and secondary education; (road, rail, naval and maritime, air) transport networks and their corresponding infrastructures (civil ports and airports); labour force protection and safety; disaster prevention.

Art. 21

(1) The exclusive competences of the regional public administration authorities include the following fields:

- a) regional development;
- b) regional planning;
- c) preparation and implementation of the programmes co-funded from regionally managed European funds;
- d) cooperation between local public administration authorities.

(2) The aim of the exclusive competences is to ensure balanced and sustainable economic growth and social development of the development region, to improve competitiveness, and to reduce the economic and social gaps between Romania and the European Union member states.

(3) The term "regional development" mentioned in a) concerns region- or territory-related aspects in the widest sense of the word, covering:

- a) economic development (infrastructure and business support services, attracting and promoting investments, trade, research-development-innovation, tourism);
- b) urban development and territorial planning for projects and areas defined as being of regional interest;
- c) agriculture and rural development;
- d) transport (regional and public transport infrastructure);
- e) higher, vocational, and technical education, as well as professional training;
- f) healthcare (hospitals and social work);
- g) the environment and energy efficiency;
- h) employment;
- i) housing and land management;
- j) interregional cooperation.

(4) The regional planning competence provided in paragraph 1) b) involves devising plans and strategies for each of the aspects described in paragraph 4, as means of identifying the annual and multiannual development objectives to be included in the Regional Development Plan drafted by the Regional Development Agency.

Art. 22

(1) In addition to the exclusive competences, the regional public administration authorities can exercise shared competences and delegated competences.

(2) Shared competences involve those competences exercised by the regional public administration authorities together with the local and/or central public administration authority, with a clear separation of the funding and decision power for each entity in charge.

(3) Delegated competences are those competences assigned to the regional public administration authorities, together with the financial resources, by law, by the central public authorities, to be exercised on the latter's behalf and within the limits set by the latter.

(4) The shared competences and delegated competences shall be established specifically and transferred by distinct regulations from the responsible entities, together with the funding sources.

Art. 23

In order to carry out its (exclusive, shared, and delegated) competences, the Regional Council performs the following functions:

- a) approves, at the regional council president's proposal, the region's own budget, credit transfers, loan contracts and/or guarantees, the use of the budget reserve, and the budget year end-account;
- b) establishes regional taxes and duties, in compliance with the law;
- c) initiates, analyses, and approves regional development programmes;
- d) initiates, analyses, and approves regional development strategies;
- e) supports the drafting of the National Development Plan in a partnership;
- f) initiates, analyses, and approves the Regional Development Plan;
- g) drafts and approves regional development projects, together with the specialized regional bodies;
- h) decides the establishment or reorganization of institutions, public services or commercial companies of regional interest, as well as the reorganization of autonomous companies of regional interest, in compliance with the law. These may be headquartered in any locality within the region;
- i) approves the criteria, priorities, allocation, and destinations of the regional development resources;
- j) attracts other financial contributions in order to meet the regional development objectives;
- k) coordinates and supports the development of regional partnerships;
- l) coordinates the regional publicity of the regional development objectives and policies, of the regional EU-funded programmes, and of those regarding the use of funds at regional level, ensuring transparency and correct, fast, and timely information;
- m) performs the role of Management Authority for the EU-funded Operational Programmes carried out at regional level.

Art. 24

(1) For the proper carrying out of the regional-level activities, the Regional Council has the following duties:

- a) approves the regional council organization and operation rules, the organizational chart, the list of posts, the specialized body organization and operation rules;
- b) carries out, on behalf of the region, all the rights and obligations corresponding to the stakes held by commercial or autonomous companies, in compliance with the law;
- c) appoints, sanctions, and suspends, changes or terminates, in compliance with the law, the service or employment of the leaders of the regional-interest public institutions and services;
- d) approves the organization and operation statute of the regional development agency, as well as its organization chart;
- e) approves the organization and operation statute of other public institutions and services of regional interests and of commercial and autonomous companies of regional interest;
- f) approves the half-yearly activity reports drawn up by the regional development agencies and by the other public institutions and services of regional interest.

SECTION III. The operation of the regional council**Art. 25**

(1) The regional council is elected for a period of 4 years, which can be extended, by organic law, in case of war or catastrophe.

(2) The regional council exercises its term of office from the date of establishment until the date of declaring the newly elected council as legally set up.

(3) The regional council assembles in an ordinary meeting each month, at the summons of the regional council president. The regional council can also assemble in extraordinary meetings whenever needed.

(4) The regional council summons shall be made in writing by the region secretary, no later than 5 days before the ordinary meetings or no earlier than 3 days before the extraordinary meetings.

(5) The regional council meetings can take place at the regional county seat or in any other locality within the region.

Art. 26

(1) The regional council meetings are legally valid if attended by the majority of the regional councils in office.

(2) The attendance of the regional councillors at the meeting is mandatory. The cases where the absence is deemed to have been based on good reasons shall be established by the regional council organization and operation rules.

(3) The regional council meetings are chaired by the president or, in his/her absence, by the vice president designated in compliance with the regional council organization and operation rules.

Art. 27

(1) The decision drafts can be proposed by the regional councillors, by the regional council president, by the regional council vice presidents or by the citizens.

(2) The decisions are signed by the president or, in his/her absence, by the vice president of the regional council that has chaired the meeting, and countersigned by the region secretary.

Art. 28

(1) The meetings of the regional council are public.

(2) The meetings are carried out in the Romanian language. In the regional councils in which the regional councillors belonging to a national minority make up at least one fifth of the total number, the maternal language may also be used at the council meetings. In such cases, the regional council president shall arrange for the Romanian translation. In all cases, the documents of the regional council meetings shall be drawn up in the Romanian language.

(3) The debates in the regional council meetings, as well as the manner in which each regional councillor has exercised his/her vote, shall be recorded in a meeting summary, signed by the regional council president and by the administrative-territorial unit secretary.

(4) Within 3 days of the end of the meeting, the administrative-territorial unit secretary shall post a copy of the meeting summary at the regional council headquarters and on the administrative-territorial unit web page.

Art. 29

(1) In carrying out its duties, the regional council takes decision based on the votes of the majority of the attending members, except in those cases in which the law or the council organization and operation rules require a different type of majority.

(2) The following decisions of the regional council are taken based on the votes of the majority of the regional councillors in office:

a) decisions concerning the regional budget;

b) decisions concerning the contracting of loans, in compliance with the law;

c) decisions establishing regional taxes and duties;

d) decisions concerning the participation in regional or zonal development programmes or cross-border cooperation programmes;

e) decisions concerning the association or cooperation with other public authorities, with Romanian or foreign legal persons.

(2) Each year, when the budget for the current year is approved, the estimated budget project for the following 3 years shall also be drawn up and approved.

(3) If the regional budget cannot be adopted after two consecutive meetings, scheduled no longer than 7 days apart, the activity shall be carried out based on the multiannual estimated budget.

(4) The decisions concerning assets are taken based on the votes of two thirds of the total number of regional councillors in office.

(5) The regional council determines that some decisions are to be taken by secret voting.

The voting procedures shall be set out in the regional council organization and operation rules.

Art. 30

(1) The administrative-territorial unit secretary shall not countersign the decision if he/she deems it to be illegal.

(2) The administrative-territorial unit secretary shall notify the regional council decisions to the region prefect immediately, but no later than 10 business days of the day on which they were taken.

(3) The notification, together with any objections regarding the legality, shall be done in writing by the secretary and recorded in a designated register.

Art. 31

(1) The normative decisions become mandatory and enter into force on the date on which they are made public, while the individual decisions, on the date of their notification.

(2) The normative decisions are made public within 5 days of their official notification to the region prefect.

(3) In the regions in which citizens belonging to a national minority make up over 20% of the inhabitants, the normative decisions shall also be made public in the mother tongue of the citizens belonging to that minority, while the individual decisions shall be notified, on request, in the mother tongue as well.

Art. 32

(1) In carrying out their mandate, regional councillors are in the service of the regional community.

(2) Through the secretary and the specialized body, the regional council president must provide the regional councillors, at the latter's request, within 10 business days, the information needed in order to carry out their mandate.

(3) In carrying out their mandate, the regional councillors must organize periodic meetings with the citizens and give consultations.

(4) Each regional councillor, as well as the vice presidents of the regional council, must present an annual activity report, to be made public by the secretary.

(5) For their attendance at the meetings of the regional council and of the specialized commissions, the regional councillors receive an allowance established in compliance with the law.

Art. 33

(1) With the president's approval, members of the parliament, members of the Government, as well as stakeholders invited by the regional council president can also participate and speak in the meetings of the regional council, with the president's approval and without having the right to vote.

Art. 34

(1) After it has been set up, the regional council shall organize specialized commissions for the main areas of activity.

(2) The organization, operation, and duties of the specialized commissions shall be set out in the regional council organization and operation rules, in accordance with the political configuration resulted from the regional elections.

SECTION IV. Dissolution of the regional council

Art. 35

(1) The regional council is dissolved de jure:

a) if it does not meet for two consecutive months, in spite of having been summoned in compliance with the legal provisions;

b) if it has not taken any decision in 3 consecutive ordinary meetings;

c) if the number of regional councillors drops to less than half plus one and cannot be supplemented by alternate members.

(2) The regional council can be dissolved by regional referendum, organized in compliance with the law. The referendum is organized following a request addressed to the region prefect for this purpose by at least 20% of the number of citizens with voting right included in that region's electoral lists.

SECTION V. Suspension of the regional councillor mandate

Art. 36

(1) The regional councillor mandate is suspended de jure only if the regional councillor has been placed in pre-trial detention. The measure of pre-trial detention shall be notified immediately by the

court to the region prefect. The latter shall issue an order establishing the suspension of the mandate within 48 hours of the notification.

(2) The suspension shall remain in force until the end of the situation described in paragraph (1). The suspension order shall be notified to the regional councillor within 48 hours of the issuing of the order.

(3) The termination of the regional councillor mandate shall take place in compliance with Law 393/2004 on the status of local elected representatives, as amended, which shall be applied appropriately.

SECTION VI. The president and vice presidents of the regional council

Art. 37

(1) The president performs, in compliance with the law, the following strategic duties:

- a) Represents the regions in its relations with third parties;
- b) Summons and chairs the regional council meetings and orders the necessary measures for their proper preparation and carrying out;
- c) Performs the function of main credit requester;
- d) Coordinates and controls the carrying out of the investment activities;
- e) Is in charge of the proper operation of the regional public administration;
- f) Ensures compliance with the Constitution, the implementation of laws, of the decrees of the Romanian President, of the Government decisions and ordinances, of the regional council decisions, as well as of other normative documents.

Art. 38

(1) For the proper carrying out of the regional-level activities, the Regional Council President has the following duties:

- a) draws up and submits for the approval of the regional council the council's organization and operation rules, the organizational chart, the list of posts, and the organization and operation rules of the regional council's own body, as well as of the institutions and public services of regional interest and of commercial and autonomous companies of regional interest;
- b) appoints, sanctions, and suspends, changes or terminates, in compliance with the law, the service or employment of the staff making up the regional council's own body, as well as of the leaders of the regional-interest public institutions and services;
- c) presents to the regional council, yearly or on request, reports regarding the carrying out of his/her duties and of the regional council decisions;
- d) draws up the county budget project and the budget year end-account and submits them to the regional council for approval;
- e) monitors the accomplishment of the budget revenues and proposes the necessary measures to the regional council in order to ensure timely receipt thereof;
- f) initiates, with the approval of the regional council, negotiations in order to contract loans and the issuing of securities on behalf of the region;
- g) coordinates and checks the providers of public and public utility services of regional interest established and controlled by the regional council;
- h) The region president may issue an order to delegate to the vice presidents duties and competences included in article 37 a) and e), as well as well as those provided under g) and j) of the present article;
- j) coordinates the carrying out of the public and public utility services of regional interest provided through the regional council's specialized body or through providers of public and public utility services of regional interest;

Art. 39

(1) From among its members, the regional council shall elect 2 vice presidents, who shall preserve their capacity of regional councillors.

(2) The vice presidents shall be elected based on the secret votes of the majority of the regional councillors in office.

(3) The release from office of the regional council vice presidents shall be done based on the secret votes of two thirds of the councillors in office, at the proposal of at least two thirds of them. The

regional council vice presidents cannot be released from office in the last year of the regional council's mandate.

(4) Throughout the term of office, the regional council president and vice presidents receive a monthly allowance as the only form of remuneration of the activities related to the roles of regional council president and vice president, which represents the calculation basis for establishing the rights and duties to be determined in relation with the salary.

(5) The allowance provided in paragraph 4 shall be set and granted by the regional council depending on the region's financial resources.

(6) The term of office is deemed as employed service in the specialization of the person's completed studies.

(7) If the regional council president is suspended, his/her duties shall be taken over by one of the vice presidents, appointed by the regional council by the secret votes of the majority of the regional councillors in office.

(8) In the other cases of absence of the president, his/her duties shall be performed, on his/her behalf, by one of the vice presidents, appointed by means of an order of the president.

Art. 40

(1) The regional council president can establish, without exceeding the maximum number of approved posts, the president's cabinet, a distinct department made up of a maximum of 7 people.

(2) The president's cabinet staff is appointed and released from office by the president.

(3) The regional council president's cabinet staff carries out their activity based on an individual employment contract with a limited duration, concluded in compliance with the law, for the duration of the term of office of the regional council president.

(4) The duties of the staff of the department mentioned in paragraph (1) are set out by an order of the regional council president.

CHAPTER III

Documents of the regional public administration authorities and the notification thereof

Art. 41

(1) For the carrying out of their duties:

a) the regional council president issues normative or individual orders;

b) the regional council adopts decisions.

(2) The president's orders and the Regional Council decisions must be notified to the regional prefect within 5 business days of their signing.

(3) The documents of the regional public administration authorities shall be made public by the administrative-territorial unit secretary.

(4) The legality of the president's orders and of the regional council decisions is checked by the region's prefect in compliance with the law regulating his/her activity.

CHAPTER IV

The secretaries of the regional administrative territorial units

Art. 42

(1) Each region has a secretary paid from the regional budget. The region secretary is a high-level public official, with tertiary studies in the field of law or administration. The secretary enjoys post stability.

(2) The secretary has a team of no more than 3 people at his/her disposal.

Art. 43

(1) The region secretary performs, in compliance with the law, the following duties:

a) certifies the legality of the regional council president's orders and the regional council decisions;

b) participates in the regional council meetings;

c) ensures the management of the administrative procedures regarding the relationship between the regional council and its president, as well as between them and the prefect;

- d) organizes the archive and statistical records of the regional council decisions and the regional council president's orders;
- e) ensures transparency and notification to the authorities, public institutions, and other persons interested of the documents provided in a), in compliance with Law 544/2001 on the free access to information of public interest, as amended;
- f) carries out the procedures of summoning the regional council and performing the secretarial activities, communicates the agenda, draws up the summary of the regional council meetings and the regional council decisions;
- g) prepares the issues submitted for debate to the regional council and its specialized commissions;
- h) other duties provided by the law or tasks given by the regional council or, as the case may be, the regional council president.

CHAPTER V

The regional budget

Art. 44

- (1) Each region sets a multiannual budget, which must be approved and updated each year, and which is drawn up taking into account the regional planning.
- (2) The regional budget is established taking into account the duties undertaken by the region, which have implications of a multiannual nature.
- (3) The budget is made up of the following categories of revenues:
 - a) Revenues from regional taxes, tax or duty collection at central level which are transferred to the region;
 - b) Revenues from state contributions and direct transfers;
 - c) Revenues arising from contributions, projects, capital allocations, and incomes from the European Union;
 - d) Revenues from harnessing properties and participations in commercial associations;
 - e) Revenues from regional public services;
 - f) Revenues from harnessing the natural resources transferred by the government to the region (forests, water springs and thermal springs, etc.);
 - g) Revenues from the sale of assets, by capital transformation, from collecting debts and transfers;
 - h) Revenues from mortgage loans, loans, and other credit operations.
- (4) Within the budget, the following elements are to be included under expenditures:
 - a) Expenditures to supply the Regional Development Fund;
 - b) Expenditures for the operation of the region's own body;
 - c) Expenditures for regional development;
 - d) Expenditures for the regional planning and programming activity;
 - e) Expenditure for the preparation and implementation of the programmes co-funded from regionally managed European funds;
 - f) Expenditures for activities of cooperation among the local communities.

CHAPTER VI

Institutions and bodies with regional and cross-border development duties

SECTION I. The Economic and Social Advisory Council

Art. 45

- (1) An Economic and Social Advisory Council shall be established, organized, and put into operation, with an advisory role.
- (2) The first Economic and Social Advisory Council shall be set up within 90 days of the setting up of the regional council.
- (3) The Economic and Social Advisory Council in each region shall have no more than twice the number of members of the regional council.
- (4) The term of office of the Economic and Social Advisory Council members is 5 years, each member being limited to a maximum of 2 mandates, regardless of their sequence.

(5) The Economic and Social Advisory Council shall be led by a president and a vice president, elected from among the council members.

(6) The Economic and Social Advisory Council Secretarial Office shall be staffed from the regional council's own body.

Art. 46

(1) The members of the Economic and Social Advisory Council are appointed from the following social-professional categories:

a) a maximum of 45% come from legally established bodies and associations in the fields of higher education, social work, and environment protection;

b) a maximum of 30% come from the representatives of the business environment and independent professions in the region;

c) a maximum of 20% come from representative unions at regional level;

d) a maximum of 5% come from among recognized personalities in the field of regional development, these members being appointed directly by the region prefect.

(2) Former regional council presidents become members of the Economic and Social Advisory Council until they turn 70 years old.

(3) Each of the entities making up the structures provided in paragraph 2 shall be represented by no more than one person.

(4) The Economic and Social Advisory Council members receive a meeting allowance in amount of half of the allowance of regional councillors, regardless of the number of meetings they attend, as well as reimbursement of all expenses incurred for the purpose of attending the meeting.

Art. 47

(1) The Economic and Social Advisory Council fulfils an advisory mission around the regional council.

(2) In exercising its advisory role, the Economic and Social Advisory Council issues advisory opinions.

(3) It is mandatory to seek the opinion of the Economic and Social Advisory Council before adopting the following categories of decisions in the regional council:

a) decisions concerning the preparation and carrying out of national projects, strategies, programmes in the region;

b) decisions concerning plans for the general or sectoral development of the region, as well as of the other strategic planning documents;

c) decisions concerning budgetary documents of the region;

d) decisions concerning the general guidelines in the regional council's areas of competence;

e) decisions concerning regional projects of territorial planning and development.

(4) The regional council president can seek the opinion of the Economic and Social Advisory Council regarding any economic, social, cultural or environmental documents related to the competences of regions.

(5) The Economic and Social Advisory Council can also issue opinions, at its own initiative, on any relevant issue regarding the region's competence.

(6) The Economic and Social Advisory Council shall draw up its own organization and operation rules, to be approved by the regional council.

Art. 48

(1) The Economic and Social Advisory Council shall operate based on specialized commissions in the following areas:

a) territorial development and planning strategies;

b) economic development;

c) transport and environment;

d) agriculture and rural development;

e) education, research, and training;

f) finance and budget;

g) healthcare and social work;

h) youth, sport, and recreational activities;

i) national and international cooperation.

(2) The composition of the commissions shall be determined by a decision of the regional council. These shall be made up of no less than 5 people, with each member of the Economic and Social Advisory Council being allowed to be part of no more than 2 commissions.

SECTION II. The Regional Development Agency

Art. 49

(1) In every region, there is a regional development agency, as a nongovernmental, non-profit legal entity of public utility, operating in the field of regional development. These agencies are organized and operate in accordance with the competences set out in the present law, as well as with the statute and the organization and operation rules, approved by the regional council.

(2) The Regional Development Agencies shall be seated in the same localities and buildings in which they operate on the date of entry into force of the present law.

(3) Changing the seat of the regional development agency within the same locality in which it operates is subject to the approval of the regional council, at the proposal of the director-general of the regional development agency; changing the seat of the regional development agency to a different locality within the region, as well as changing the name of the agency can be done by the regional council only with the approval of the National Council for Regional Development.

(4) In each county of the region, except for the county where the agency is seated, there shall be an office of the regional development agency.

(5) The county councils shall provide proper spaces for the headquarters and spaces of the regional development agencies and their offices in the counties where they are seated or where they operate.

(6) The coordination of the activities of the regional development agencies in the field of regional development policy implementation, as well as of their objectives, shall be done by the regional development council through the council president.

(7) The director general of the regional development agency is selected by contest and appointed and released from office by the regional council. For the release from office, the votes of two thirds of the regional councillors making up the regional council are needed. The regional council cannot reject the appointment of the person who has won the contest for the post of director general.

(8) In drawing up the organizational structure of the regional development agency, its director general shall apply the principles of clearly defined functions and competences, as well as of separated duties.

(9) The institutional and administrative capacity of the regional development agencies to fulfil these activities, as well as the duties delegated by the national institution(s), are checked by the internal audit units within each national management authority for the programme in question.

(10) The budgets of the regional development agencies shall be sourced from the Regional Development Fund.

(11) The funding amounts for the activities contracted by the regional development agencies shall be agreed upon by the parties, within the limit of the amounts set aside for that purpose or, as the case may be, of the programmes negotiated with the European Union.

(12) These amounts shall be transferred to the account of the regional development agencies in compliance with the contractual clauses agreed upon by the parties.

(13) The amounts thus transferred are used by the regional development agencies for the exclusive purpose of carrying out the activities provided in the contract.

(14) The regional council cannot interfere in the contractual relations of the regional development agencies and cannot change the destination of the amounts they have attracted for the implementation of the regional development programmes.

(15) The director general of the regional development agency submits the agency organization chart to the regional council for approval. Based on the organizational chart approved by the regional council, the director general approves the lists of posts of the agency.

(16) The director general of the regional development agency has exclusive competences regarding the human resource policy, observing the procedure manuals approved by the management authorities of each implemented programme, as well as the provisions of the assistance contracts concluded for this purpose.

Art. 50

(1) The Regional Development Agencies support the Regional Council for the implementation of the exclusive competences of the region. For this purpose, the Regional Development Agency has the following main duties:

- a) it draws up and submits for approval to the regional council the regional development strategy, plan, and programmes, as well as the fund management plans;
- b) it ensures the carrying out of the regional development programmes and of the fund management plans in accordance with the decisions adopted by the regional council, in compliance with the legislation in effect, and is responsible for the carrying out thereof;
- c) it takes action, together with the regional council, to attract resources in order to fulfil its duties;
- d) it ensures the technical and financial management of the Regional Development Fund, with the purpose of meeting the objectives provided in the regional development programmes;
- e) it reports to the regional council, to other institutions with which it has concluded contracts, as well as to the legally authorized bodies for the proper management of the funds entrusted to it;
- f) it sends for approval to the regional council the projects selected within the regional development programmes based on the priorities, criteria, and methodology it has developed;
- g) based on the contracts concluded with national institutions, it ensures and is responsible for the implementation, technical and financial monitoring, and performance check of the projects funded by the European Union within the regional development programmes and/or, as the case may be, of the projects within the national programmes being implemented at regional level;
- h) it draws up half-yearly implementation reports, as well as the annual implementation report for the activities carried out, highlighting the stage, implementation challenges, as well as the impact of the regional development programmes/projects, and proposes improvement measures; the reports are sent for approval to the regional council;
- i) it carries out and ensures, based on the contracts, the regional-level press coverage/publicity of the regional development programmes and projects;
- j) with the support and under the coordination of the regional council, it organizes and develops regional partnerships and promotes, at regional level, the knowledge of the European Union policies and practices, as well as of the principles underlying the regional development policies;
- k) it identifies and promotes, in a partnership, projects of regional and local interest, as well as intraregional cooperation projects; supported by the regional council, it promotes the region and attracts foreign investments; it develop cooperation with similar bodies and institutions from the European Union and participates in the implementation of international projects of regional and local interest;
- l) it draws up the annual proposals regarding its own revenue and expenditure budgets for the activities provided by the present law and submits them to the regional council for approval;
- m) it ensures, through its own internal audit structure, which reports to the agency's director general, the carrying out of an independent and objective activity providing assurance and counselling to the agency leadership, for the proper administration of the revenues and expenditures, improving the agency activities, helping it to meet its objectives through a systematic and methodical approach that evaluates and improves the efficiency and effectiveness of the leadership system based on risk analysis, control, and administration processes;
- n) it fulfils its contractual obligations and is responsible for meeting them, in compliance with the criteria and performance indicators set out in the contracts concluded for this purpose;
- o) it participates in the partner structures for the management of EU-funded programmes;

- p) it draws up its own organization and operation statute and submits it to the regional council for approval;
- q) it carries out duties regarding the drawing up of the National Development Plan in a partnership;
- r) it ensures, together with the specialized regional bodies, the collection and centralization of data at regional level, regarding the use of the non-refundable funds allocated to the region, for the purpose of implementing regional development programmes.

Art. 51

(1) The regional development programmes and the operating expenses of the regional development agencies are financed from the Regional Development Fund, made up of:

- a) amounts allocated from the National Fund for Regional Development;

b) contributions from the regional budget;
c) financial sources attracted from the private sector, from banks, foreign investors, the European Union, and other international organizations.

(2) For the management and implementation of the regional development and cross-border cooperation programmes, as well as for the proper fulfilment of the duties delegated by the relevant national institution, the funding is made based on contracts negotiated and concluded for the administrative, technical, and financial management of the regional development programmes and cross-border cooperation programmes.

(3) For the implementation of the national programmes through the regional development agencies and/or for the fulfilment of some duties delegated to them by the national institutions, the funding is made based on contracts negotiated and concluded with those institutions for the implementation of national programmes.

(4) The financial operations related to the carrying out of programmes and/or projects funded from public funds shall be performed by the regional development agencies through the territorial units of the State Treasury.

(5) The Regional Development Fund can serve no other purpose than the one provided by the present law.

(6) The remaining amounts available in the Regional Development Fund at the end of the financial year are carried over to the following year, maintaining their purpose.

(7) The remaining amounts available recorded in the budget of the regional development agencies at the end of the financial year are carried over to the following year, maintaining their purpose.

SECTION III. The Regional Offices for Cross-Border Cooperation

Art. 52

(1) The regional development agencies in regions that include counties with joint borders can associate to form regional offices for cross-border cooperation, in order to provide the administrative, financial, and technical management of cross-border cooperation programmes.

(2) The duties and objectives of each regional office of cross-border cooperation shall be set out in the organization and operation statute, to be approved by the regional development agency.

(3) The regional offices for cross-border cooperation are subject to the provisions of Government Ordinance 26/2000 regarding associations and foundations, as amended, except those referring to the number of members, which can be less than 3.

(4) The financial operations related to the carrying out of programmes and/or projects funded from public funds shall be performed by the regional offices for cross-border cooperation through the territorial units of the State Treasury.

Art. 53

(1) The territorial competence of the regional offices for cross-border cooperation is restricted to the area of the counties in the proximity of the border areas.

CHAPTER VI Transitional provisions

SECTION I. Transitional provisions on electing the regional council and the regional council president

Art. 54

The provisions of articles 13-17 of the present law, regarding the election of the regional council and of the regional council president, shall enter into force together with the electoral process related to the local and regional elections in 2016.

Art. 55

(1) After the present law enters into force, a regional council shall be set up in each region and a president and two vice presidents shall be elected, in compliance with the procedure described in this section.

(2) The term of office of the regional councillors, of the regional council president, and of the vice presidents elected after the entry into force of the present law shall end upon the election of the regional council and its president, in the local and regional elections of 2016.

Art. 56

(1) Within 30 days of the entry into force of the Constitution Revision Law, the Government shall appoint a regional prefect in each region.

Art. 57

(1) Within 60 days of the entry into force of the Constitution Revision Law, each of the regional prefects appointed according to art. 56 shall issue the order regarding the election of the regional council and of the regional council president.

Art. 58

(1) The meeting for setting up the regional council shall be chaired by the Regional Development Council president in office.

(2) The Technical secretarial office organizing the meeting for the election of the regional council shall be provided by the Regional Development Agency, as arranged by the agency director/director general.

Art. 59

(1) The regional council president shall be elected by equal, direct, secret, and freely expressed vote exercised by all the county councillors, mayors, and county council presidents in office in the administrative-territorial units making up that region, such elected local representatives having the capacity of voters.

(2) Any county council president, mayor or county councillor in office in the administrative-territorial units making up that region can run for the office of regional council president.

(3) The candidate that receives the majority of the valid votes expressed by the voters shall be declared as the elected president.

(4) If the first round of voting does not result in a president being elected, the first two candidates from the point of view of votes received shall run for office in a second voting round.

Art. 60

(1) The regional council, with the number of members provided in art. 14, shall be made up of:

a) the county council presidents that are members of the Regional Development Councils, in compliance with Law 315/2004 on Romania's regional development, as amended, who shall become members without being elected by voters;

b) the city mayors that are members of the Regional Development Councils, in compliance with Law 315/2004 on Romania's regional development, as amended, who shall become members without being elected by voters;

c) the town mayors that are members of the Regional Development Councils, in compliance with Law 315/2004 on Romania's regional development, as amended, who shall become members without being elected by voters;

d) elected members, representing the difference between the number provided in art. 14 and the total number of members in a)-c) above.

(2) If the regional council president elected in compliance with art. 59 comes from one of the member categories in a)-c) of paragraph 1, his/her seat as a regional councillor shall be taken by an elected member.

(3) The regional council with the composition provided in paragraphs 1)-2) is supplemented with the president of the regional council, elected in compliance with art. 59, who has a voting right and chairs the council meetings.

Art. 61

(1) The regional councillors are elected by equal, direct, secret, and freely expressed vote exercised by all the county councillors, mayors, and county council presidents in office in the administrative-territorial units making up that region.

Art. 62

(1) Any city, town or commune mayor or any county councillor in office in the administrative-territorial units making up the region in question and who are not members under a)-c) of art. 60 can run for the office of regional councillor.

Art. 63

(1) The number of candidates declared as winners, in the descending order of the number of votes received, shall be the one needed to complete the regional council after establishing the members according to the provisions of art. 59.

(2) The candidates who are not declared elected are considered alternate members of the regional council and will replace any member of the council, regardless of how he/she has been appointed, in case of early termination of him/her mandate.

Art. 64

(1) The regional council elected in the composition provided in art. 60 shall elect 2 vice presidents from among its members.

(2) The 2 candidates that receive most of the valid votes expressed by the regional councillors, regardless of their number, shall be declared as winners.

Art. 65

(1) As an exception from the legislation regarding incompatibilities and conflicts of interests, the regional council members provided in art. 60 can cumulate the position of regional councillor with the one they hold as a result of the local elections of 10 June, 2012.

(2) The regional council members shall be sworn in.

Art. 66

(1) The regional council president elected in compliance with the transitional conditions of the present law can be replaced from office based on the vote of 3/4 of the total number of voters provided in art. 59, paragraph 1.

(2) The initiative to replace the regional council president from office must be approved in writing by at least half plus one of the voters provided in art. 59, paragraph 1.

(3) The list of signatures regarding the initiative to replace the regional council president from office shall be filed and registered both at the regional council seat and at the regional prefect's seat.

(4) Within 5 days of the registration date of the initiative to replace the regional council president from office, the president must issue an order summoning the meeting to vote on the matter of his/her replacement from office. The date of the meeting shall be set no later than 30 calendar days after the registration date of the initiative to replace the regional council president from office. The summoning order shall be communicated to the regional prefect on the same day.

(5) The meeting shall be summoned at least 7 calendar days before its date.

(6) If the regional council president does not summon the meeting to vote on the matter of his/her replacement from office within the term provided in paragraph 5, the regional prefect shall issue a summoning order for the meeting in question, within 3 days after the president's refusal.

Art. 67

(1) The ballot papers for the replacement of the regional council president from office shall contain the question "Do you agree to have Ms./Mr. _____ replaced from the office of regional council president?", as well as two answer choices: "YES" and "NO".

(2) The regional council president is considered as replaced from office if 3/4 of the voters provided in art. 59 paragraph 1 vote "YES" from the total number of valid votes expressed.

(3) The replacement of the regional council president from office or his/her remaining in office shall be recorded in a regional council decision that is no longer submitted to the vote of the regional councillors.

Art. 68

(1) If the termination of the office of regional council president is established following the procedures provided in art. 65-66, the procedure for electing a new president shall be organized in the same meeting.

(2) The procedure for electing a new president shall be carried out in compliance with the provisions of art. 59.

Art. 69

(1) The initiative of replacing the vice president from office belongs to the regional council president or to one third of the regional councillors in office.

(2) The decision to replace the regional council vice presidents from office shall be taken based on the vote of two thirds of the number of the regional councillors making up the regional council.

Art. 70

(1) The regional council president and vice presidents cannot be replaced from office in the last 6 months of their mandate.

(2) If the office of regional council president or vice president becomes vacant as a result of death, pre-trial arrest of more than 30 days, or resignation of the office holder, elections shall be elected for these offices within 30 days after they have become vacant, in accordance with the specific methodology for each of these offices and in compliance with the provisions of paragraph 1.

(3) If the regional council president office becomes vacant during the last 6 months of the mandate, his/her duties shall be taken over by the vice president who received the most votes when appointed vice president. In this situation, no new regional council vice president is elected, but the regional council is supplemented with one new member from the list of alternate members.

SECTION II. Transitional provisions regarding the operation of the regional council

Art. 71

(1) The regional council set up in accordance with art. 53-64 shall carry out its activity in compliance with the provisions of art. 1-52 of the present law.

(2) Within 15 days after the regional council has been set up, the mayor of the locality where the regional council is seated shall provide a functional space where the council can carry out its activity.

(3) The regional council shall have the right to administer the space in question. This administration right can be changed, by a decision of the local council, into a public property right of the region, at the request of the regional council.

Art. 72

(1) For a maximum duration of 6 months after the setting up of the regional council, its secretarial activity shall be carried out by the Regional Development Agency.

(2) For a maximum duration of 6 months after the setting up of the regional council, the regional council decisions and the council president orders shall be countersigned by a legal advisor specially appointed for that purpose by the director/director general of the Regional Development Agency.

(3) Within the term defined in paragraph 1, contests shall be organized in compliance with the labour legislation or the legislation on public officials, as the case may be, for occupying the office of region secretary, as well as the other posts in the regional council organizational chart.

Art. 73

(1) The Regional Development Agencies and the Regional Offices for Cross-Border Cooperation shall maintain their organizational structures, as well as the staff rights and obligations, as defined at the time of entry into force of the present law.

SECTION III. Transitional provisions regarding the regional competences

Art. 74

(1) The competences that regions are going to exercise belong mainly to the central public administration. These shall be gradually transferred to the regional public authorities by laws, ordinances or government decisions, as the case may be, within one year after the entry into force of the present law.

(2) The competence transfer is governed by the following principles:

a) distinction must be made between the competences granted to the regions and those remaining with the central administration;

b) the funds and human resources needed to exercise these competences must be assessed;

c) efforts shall be made to avoid duplication. For this purpose, the resources transferred are only those allocated by the state before the start of the transfer process;

d) the entire process is based on consensus, representing the parties' agreement.

(3) The transfer involves at least the transfer of competences, together with the infrastructure, resources, and budgets implicit to each field, but is not limited to these.

(4) The central institutions and authorities from which competences are taken over in compliance with the provisions of the present law shall maintain the regulation, coordination, and control competences in the respective fields.

SECTION IV. Transitional provisions regarding the regional budget

Art. 75

(1) The Regional Development Fund shall be supplied from:

a) direct allocations from the region budget;

b) financial resources attracted through projects from the European Union;

c) other resources attracted from the private sector and from other international organizations.

(2) In the present budget year, the regional budget shall be supplied from transfers from the national budget for the following expenditure categories:

a) Expenditures for the operation of the region's own body;

b) Expenditures for regional development;

c) Expenditures for the regional planning and programming activity;

d) Expenditures for co-funding European and strategic projects implemented in the region.

SECTION V. Transitional provisions regarding the Economic and Social Council

Art. 76

(1) Within 90 days after the first meeting of the Regional Council, an Economic and Social Council shall be set up at the level of each region.

(2) The members of the Economic and Social Council shall come from the socio-professional categories mentioned in article 46, paragraph. 1.

(3) The portfolio and the type of institutions to be part of the Economic and Social Council shall be established by the Regional Development Agency.

(4) The composition of the Economic and Social Council shall be validated in the next meeting of the Regional Council.

Art. 77

(1) Within 60 days after the entry into force of the present law, Law 315 on the Romanian regional development, as amended, shall be repealed.

(2) The present law shall influence and determine changes in the following laws and Government decisions:

a) The Romanian Constitution;

b) The public administration law;

c) The law on local public finance;

d) Law 500/2002 on public finance;

e) The state budget law;

f) The electoral law;

g) Law 340/2004 on the prefect's institution;

h) Law 213/1998 on public property and its legal status;

- i) Government decision 457/2008 regarding the institutional framework of coordination and management of the structural funds;
- j) The forestry code;
- k) others.