



The Special Statute of the
**AUTONOMOUS
REGION OF
SZEKLERLAND**
in Romania



Draft proposal

The Special Statute of the Autonomous Region of Szeklerland in Romania

Preamble

Taking into consideration the constitutional principles of local autonomy, decentralization and subsidiarity of public services;

Acknowledging the fact that the autochthonous, historical national minority communities in Romania are constituent factors of the state;

Having regard of the undertakings made by the representatives of the Romanian Nation at the Great National Gathering of Alba Iulia on the 1st of December 1918, according to which: "Each people will study, manage and judge in its own language by individual of its own stock and each people will get the right to be represented in the law bodies and to govern the country in accordance with the number of its people.";

Based on the principle of subsidiarity;

Seeing as how the local public administrations are a fundamental part of any democracy;

Considering that the citizens' right to participate at the resolution of public affairs is a valid democratic principle in all Member States of the European Union, and that this right can be directly exercised on local, county and regional level through responsible and effectively empowered local administrative authorities;

Regarding the regulations of the European Charter of Local Self-Government, Recommendation 1201 of the Council of Europe, with reference to an additional protocol on the rights of national minorities of the European Convention on Human Rights(,) regarding the rights of persons belonging to national minorities adopted in 1993 by the Parliamentary Assembly of the Council of Europe, the Framework Convention for the Protection of National Minorities, the Lund Recommendations for the Effective Participation of National Minorities in Public Life of the OSCE from 1999, Resolution 1334 (2003) of the Parliamentary Assembly of the Council of Europe regarding the Positive experiences of autonomous regions as a source of inspiration for conflict resolution in Europe, Resolution 1985 (2014) and Recommendation 2040 (2014) of the Parliamentary Assembly of the Council of Europe regarding the situation and rights of national minorities in Europe, the European Charter for Regional or Minority Languages, Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) and Law No. 86/1945, regarding the status of national minorities;

Considering Taking into consideration that the territory named Szeklerland had a special statute of administrative autonomy throughout its history;

Seeing as how there are functional forms of territorial or personal autonomies in most European Union member states;



The Parliament of Romania adopts the following Law:

Title I

Establishment of the region "Szeklerland"

Chapter I

General measures

Art. 1

Within the unitary and indivisible Romanian State, based on the principles of local autonomy stated in the Constitution, and based on the present Statute, the Autonomous Region of Szeklerland is established, having a legal status and comprising administrative units from Covasna, Harghita and Mureş county level administrative units of Covasna, Harghita and Mureş counties.

Art 2.

Within the Region ethnic and cultural characteristics, as well as, equality in front of the law is guaranteed for all citizens, regardless of their ethnicity or linguistic affiliation.

Art. 3

(1) The Region includes administrative units from Covasna, Harghita and Mureş counties;

(2) The forms and specific conditions of the Autonomy of Szeklerland are regulated by the present Statute. Without prejudice to the provisions regarding the flag of Romania and the country's coat of arms, the Region and the component counties have their own flag and coat of arms, approved by the Regional Council, and the county councils respectively.

Chapter II

Competences of the Region

Art 4.

In conformity with the Constitution and the principles of the Romanian legal system, respecting international obligations and national interest, including the protection of local linguistic minorities, the region has legislative power in the following domains:

a.) Hiring the necessary staff and organising the public service on a regional level;

b.) Organising and defining the territorial limits of local communities;

c.) Expropriation of works for regional interest, without prejudice to the competences of the State or of the counties;



- d.) Organising and the management of the cadastral register;
- e.) Organising the Regional Inspectorate for Emergencies;
- f.) Organising the regional hospital services;
- g.) Organising the Regional Chamber of Commerce;
- h.) Development and control of the co-operatives;
- i.) Assistance in public works carried out by other public entities in the region;
- j.) Organising public welfare and social aid institutions on a regional level;
- k.) Organising and establishing land loans and agricultural loans;
- l.) Establishing and delimitation of NUTS 4 structures.

Art 5.

- (1) In matters concerning social security, the Region has the right to adopt legislation to supplement the provisions of national law and to establish the appropriate autonomous institutions;
- (2) The Regional Council can decide to establish a Regional Health Insurance Agency, without prejudice to the patrimonial regulations in this field;
- (3) The services provided by the Regional Health Insurance Agency cannot be inferior to the existent health services provided in the region.

Art 6.

- (1) After public consultation, the region can establish new communes, or to modify the territorial limits or names of the existing ones and request the Government to make a legislative proposal to the Parliament;
- (2) The Parliament will debate the proposed bill in emergency procedure.

Chapter III

Competences of the counties

Art 7.

The counties have legislative power to complete the provisions of Art. 91 of law no. 215 of 2001, in the following domains:

- a.) Use of toponyms on the territory of Szeklerland, without prejudice to the mandatory bilingualism;
- b.) Protection and preservation of the material and intellectual patrimony;
- c.) Organising small agricultural properties;
- d.) Handicraft;
- e.) Mining, including mineral - and thermal water, quarries, exploitation of peat;



- f.) Hunting and fishing;
- g.) Communication and transport, including technical regulation of the systems of cableways on a county level;
- h.) Tourism and the hotel industry, including regulations regarding tourist guides and ski instructors;
- i.) Agriculture, forests and forestry, farming and fish resources, plant pathology institutions, syndicates for agricultural cooperatives and agricultural research facilities, hail prevention services, grants;
- j.) Establishing and operating communal and county level worker aid and labour distribution committees;
- k.) Commerce;
- l.) Issuing certificates for professional qualifications;
- m.) Establishing and operating county level work supervision;
- n.) Industrial production development;
- o.) Using public property water sources, with the exception of water for hydroelectric plants;
- p.) Organising and managing county level archives;
- q.) Delegating competences to NUTS 4 level structures.

Art.8

- (1) The counties have the possibility to adopt legislation supplementing the provisions of national law in the field of employment and work placement with the possibility of establishing of their own services aside from the existing ones from within the Ministry of Labour;
- (2) Appointing community officials for carrying out public investments, in accordance with State regulations, after consultation with the President of the County Council or the Mayor concerned;
- (3) Citizens living in the counties of Szeklerland, regardless of their ethnicity or for how long they have been residents of the Region, are entitled to precedence at employment within the territory of the counties.

Art. 9

- (1) Counties may authorize the opening and the transfer of local, county and regional level branches of banks and credit agencies, with the approval of the Ministry of Finance;
- (2) The right to open or to transfer county level branches of banks and credit agencies is granted by the Ministry of Finances, with the approval of the respective county;
- (3) The president and vice-president of the County Savings Bank is appointed by the County Council, and approved by the Ministry of Finance.

Art. 10

The approval of the county is mandatory in the case of concessions granted in the communications and transport sector when transportation lines cross the territory of the respective county.

Art. 11



The approval of the county is also mandatory for adjustment works on fluvial and stagnant watercourses. The competent authority on a national level and the county develop together annual plan for the coordination of adjustment works of the fluvial and stagnant watercourses.

Art. 12

The use of public water by the State and the county, within the framework of their respective competencies, shall be based on a general plan drawn up in agreement between representatives of the competent national and county authority.

Art. 13

(1) Unless the general rules on economic planning provide for a different system of financing, the Ministry of Economy shall assign to the counties of Szeklerland annual credit quotas from the national budget for subsidizing small and medium enterprises. The quotas are determined with the approval of the respective county and introduced into the State budget. The use of the sums allocated shall be agreed between the ministry and the county. Should the State intervene with its own funds in the counties in order to carry out special national school building plans, these funds shall be used only with the approval of the respective county;

(2) The counties of Szeklerland shall use their own funding allocated for social and cultural activities in direct proportion to the extent of each national community living in the county and with reference to the needs of these communities, except in the case of extraordinary events requiring immediate intervention for special requirements.

Chapter IV

Provisions regarding the region and the counties

Art. 14.

(1) For the matters and within the limits in which the Region or the county may issue laws, the relative administrative powers which, on the basis of previous regulations, were vested in the State, shall be exercised respectively by the Region and the county;

(2) The powers granted to the counties under laws currently in force shall remain unaltered so far as they are compatible with the present statute.

(3) The State may also delegate by organic law its administrative functions to the Region, to the counties and to other local public bodies;

(4) The delegation of administrative functions of the State, even if conferred by the present law, may be modified or revoked by organic law;

(5) Foreign affairs, monetary policy and national defence, including the organization of and management of intelligence services remain in the exclusive competence of the state and cannot be modified through law;

(6) At least one agency of the Romanian National Bank shall operate on the territory of Szeklerland, having the same competences to agencies from other regions.



Art. 15

By organic law the Region and the counties may be given powers to issue laws in relation to subject matters outside their respective competencies as laid down by the present Statute.

Art. 16

(1) The region may delegate its administrative competences functions, to communes. In case of emergency situations, the delegation of administrative functions to the counties is mandatory;

(2) The counties may delegate some of their administrative functions necessary for the functioning of public services to the municipalities, cities and communes.

Art. 17

(1) In the schools of the counties of Szeklerland, with Romanian and Hungarian teaching languages, teaching shall be provided by teachers of the same mother tongue. The other language will be taught by teachers of the other mother tongue. Teaching the second language is compulsory in primary schools starting from the second year;

(2) German and Romani languages can be taught, at the request of the parents in primary, secondary and high schools in settlements where the presence of the respective community makes it necessary. If the community of German or Romani speakers exceeds 20% of the population, teaching of the German or Romani languages will be mandatory in schools with Romanian or Hungarian teaching language;

(3) Enrolment of a pupil in school, regardless of the teaching language, is possible at the simple request of the parents, foster parents or legal guardians of the child. The approval of the application request is mandatory. At the refusal of the application the parent or the legal guardian may appeal against the rejection of the application to the competent public administration;

(4) The school inspectors at the school inspectorates of the counties of Szeklerland will be proportional to the Romanians and Hungarians living in the county, all will have a good command of both languages, while in counties with German and Romani teaching, one inspector will be appointed into each respective school;

(5) The heads of school inspectorates mentioned in the preceding paragraph of the present article shall be appointed by the Ministry of Education from a short-list of three for each function proposed by the representatives of school councils belonging to each national community's schools;

(6) The German and Romani school inspectors shall be appointed by the Ministry of Education, after choosing from a short-list of three proposals presented by the school council of the respective national community's schools;

(7) The coordination of the educational institutions on county level will be carried out by a 21 member school council appointed by the board of directors of each national community school;

(8) Universities can only be established on the territory of Szeklerland with the approval of the Region and of the respective county.

Art. 18



(1) The President of the County Council acts as public safety authority as prescribed in the special laws regarding the handling of dangerous industrial activities, explosive materials, public constructions, agencies, printing-houses, organisation of ambulance services, labour regulations, addiction and substance abuse, and the protection of persons under the age of 18;

(2) To exercise these competences the President of the County Council can request the assistance of the national or local police.

Art. 19

Provisions adopted by the State for reasons of public order which affect, suspend or otherwise limit the effectiveness of powers of the President of the County Council shall be issued with the approval of the competent County Council.

Art. 20

In order to ensure observance of the law, regional or county regulations, the President of the Region and the President of the County Council may request the intervention and assistance of the national or local police.

Art. 21

The Regional Council and the county councils can adopt sanctions, including penal sanctions to enforce legislation adopted by the respective councils.

Title II

Regional and county level bodies

Chapter I

Regional bodies

Art. 22

The regional bodies are: the Regional Council and the Regional Government.

Art. 23

(1) The Regional Council is composed of 77 directly elected members;

(2) Elections shall be held separately for the representatives of each national community to ensure that the distribution of the seats is proportional based on the last general census of the population.

Art. 24

The Regional Council shall exercise legislative power granted to the region, as well as other competences conferred on it by the Constitution, the Statute or through law.

Art. 25



(1) The activities of the Regional Council shall take place in two sessions held in the municipality of Odorheiu-Secuiesc;

(2) The new Council shall be convened by the President of the Regional Government in office within 20 days of the declaration of those elected.

Art 26

(1) The members of the Regional Council shall represent the whole region;

(2) The members of the Regional Council cannot be made to answer for opinions expressed or votes cast during the exercising of their functions;

(3) The role of member of the Regional parliament is not compatible with any other public office with the exception of membership in the Regional Government.

Art. 27

(1) The Regional Council shall elect the President and three Vice-Presidents of the Regional Council;

(2) At least one of the Vice-Presidents must belong to a national community, other than the national community of the President;

(3) In the event of resignation, death or loss of the mandate of the President, elections shall be organized for the remaining time of the mandate, as seen in paragraph (2);

(4) The Vice-Presidents shall assist the activity of the President. The president shall appoint a Vice-President who is to replace him in the event of his absence or other impediment.

Art. 28

The rules governing activities of the Regional Council shall be established by internal regulations approved by an absolute majority of the members of the Regional Council.

Art. 29

(1) The President or Vice-President of the Regional Council who does not fulfil the duties of his office may be removed by a majority vote of that Council;

(2) For this purpose an emergency meeting of the Regional Council shall be convened at the request of at least one-third of the members;

(3) Should the President or Vice-Presidents of the Regional Council fail to convene a meeting within 15 days of the request, the Regional Council shall be convened by the President of the Region;

(4) Should the President of the Region fail to convene the Regional Council within fifteen days of the expiry of the period indicated in the preceding paragraph, the Prefect of the Region should convene the meeting.

Art. 30

(1) In the event of a dissolution provided in paragraph (6) and (7) of article 33, partial elections for the County Councils shall be called within three months;



(2) The dissolution will take place in compliance with the provisions of paragraph (6) and (7) of article 33. The dissolution decree shall be signed by a commission of three members of the dissolving Regional Council, in which both the Romanian and Hungarian communities are represented.

Art. 31

The President of the Regional Council shall convene ordinary sessions of the Regional Council in the first week of every February and September. Extraordinary sessions may be called at the request of the Regional Government, or the President of the Regional Council thereof or at the request of at least one-fifth of the members of the Regional Council in office, as well as in other cases provided for in the present Statute.

Art. 32

On matters that are not within the competence of the Region, but which may be of special interest to it the Regional Council may vote draft proposals and laws. In both cases, the President of the Regional Council shall send them to the Government of Romania for submission to the Parliament of Romania. A copy shall be forwarded to the Prefect of the Region.

Art. 33

- (1) The Regional Government shall reside in the municipality of Sfântu-Gheorghe;
- (2) The Regional Government shall be made up of the President of the Region, who chairs it, and a number of Vice-Presidents according to the decision of the Regional Council;
- (3) The President, the Vice-Presidents and the members of the Regional Government shall be elected by the Regional Council from among its members by secret ballot and with an absolute majority;
- (4) The composition of the Regional Government must reflect the proportions of the national communities which are represented in the Regional Council;
- (5) The President shall appoint one of the Vice-Presidents to substitute HIM in case of absence or impediment;
- (6) The resignation of the majority of the council members shall result in its dissolution, thus new elections will have to be organized, which will affect the composition of the Regional Government;
- (7) In case of an impossibility of forming a majority, the dissolution of the Regional Council shall take place.

Art. 34

- (1) The members of the Regional Government shall continue to remain in office until the election of the new Regional Council exerting only current affairs until the naming of the new Regional Government by the Regional Council;
- (2) In case of the dissolution of the Regional Government or the dissolution if the Regional Council according to article 33 of this Statute, the Regional Government shall exert only the current affairs until the naming of the new Regional Government by the newly elected Regional Council or, if the case, the Regional Council on office.

Art. 35



Members of the regional council, who fail to carry out their duties as established by law shall be dismissed by the Regional Council.

Art. 36

If, due to the death, resignation or dismissal it becomes necessary to replace the President of the Region or a Member of the Regional Government, the President of the Regional Council shall convene an extraordinary meeting of the Regional Council within fifteen days.

Art. 37

The President of the Region is the President of the Regional Government and represents the Region.

Art. 38

He shall attend meetings of the Romania Government when matters affecting the Region are discussed.

Art. 39

The President of the Region is the head of the regional level public decentralised institutions of the ministries and other bodies of central public administration.

Art. 40

The President of the Region shall decide on the allocation of responsibilities to individual Members of the Regional Government, according to decree to be published in the Official Bulletin of the Region.

Art. 41

The Regional Government is the executive body of the Region, having the following responsibilities:

- a) To decide upon the regulations for the enactment of laws approved by the Regional Council;
- b) The administration of affairs that affect the Region;
- c) The administration of the property of the Region, as well as control of the management, the public regional services and other attributions conferred by the present Statute or other laws;
- d) The adoption, in urgent cases, of measures within the competence of the Regional Council, with the condition of submitting them to the Regional Council for ratification at its first sitting thereafter.

Art. 42

The Regional Government must be consulted regarding the establishing and regulation of national communications and transport services of direct interest to the Region.

Art. 43

The Regional Council may delegate to the Regional Government any of the functions within its own competence, with the exception of the issuing of legislation.

Chapter II

County level bodies



Art. 44

(1) The authority of the county level local public administration is the County Council, composed by (of) the councillors and a Council President elected with a universal, equal, direct, free and secret ballot;

(2) The competences of the County Council are those provided in article 91 of law no. 215 of 2001, as well as the provisions of the present Statute or other laws;

(3) In harmony with the constitutional provisions and the basic principles of the Romanian legal system, the County Council may adopt with the majority of the votes of its members, decisions regarding the structure and organising of the county's administration, relationships between the organs of the county, dismissal of heads of executive bodies, cases of ineligibility and incompatibility in the above mentioned fields, the right of referenda on county laws;

(4) The decisions adopted according to paragraph (3) of the present article may be subject to constitutional control within 30 days, at the request of the Romanian Government;

(5) The decisions adopted according to paragraph (3) of the present article may be subject to a county level referendum organised by a special decision of the County Council in case within 3 months from the publishing of the decision, at least a quarter of the population of the county with a right to vote or a third of the members of the County Council put forward such a request.

Art. 45

Members of the county councils of Szeklerland shall be elected according to the law and both national communities shall be represented.

Art. 46

The members of the County Council cannot be made to answer for opinions expressed or votes cast during the exercising of their functions.

Art. 47

(1) The resignation of the majority of the members of the County Council shall result in the dissolution of the Council, in which case new elections shall be organised which will affect Regional Government;

(2) The County Council may be dissolved in the event it fails functioning due to the impossibility of forming a majority.

Art. 48

The two Vice-Presidents of the County Council shall be appointed from among both the Romanian and Hungarian national communities.

Art. 49

The President of the County Council shall be the representative of the County.

Art. 50



The competences of the President of the County Council are provided according to article 101 of law no. 215 of 2001 on the local public administration.

Title III

Adopting and publishing regional and county regulations

Art. 51

Draft legislative proposals adopted by the Regional Council or county councils are sent to the competent Prefect. If within 30 days the Prefect does not contest the draft legislative proposal in the public administration court, the draft proposal shall be published and shall come into force.

Art. 52

(1) If a draft proposal may be considered prejudicial to the equality of rights between citizens of the different national communities or to the ethnic and cultural characteristics of the groups themselves, the majority of the Members of a national community in the Regional Council or County Council may request a vote by national community;

(2) If the request for separate voting is not accepted, or if the draft proposal is approved, notwithstanding the contrary vote of two-thirds of the members of the national minority, which had put forward the request, the majority of that group may contest the law before the Constitutional Court within thirty days of its publication.

Art. 53

Regional legislation shall be published in the Official Bulletin of the Region in Romanian and Hungarian. They come into effect on the seventh day following their publication, unless the law provides otherwise. One copy of each publication will be sent to the competent prefect.

Art. 54

Laws, decrees and decisions of the Government of Romania that concern the Region shall also be published in the Official Bulletin of the Region in Hungarian, without prejudice to their coming into effect.

Art. 55

General legislation adopted by the Regional and County Councils and legislation adopted by the Regional Government, for information, in a special section of the Official Bulletin of Romania.

Title IV

Local communities



Art. 56

(1) The regulations for local public bodies shall contain provisions to ensure the proportional representation of national communities in the composition of the organs of those bodies;

(2) In the communes of Szeklerland each ethnic community has the right to be represented in the communal council if the respective community represents at least 5% of the commune's population.

Art. 57

The Government of Romania shall control the organisation and functioning of the public bodies that also carry out their activities outside the territory of the Region.

Art. 58

The organisation of municipal staff shall be regulated by the communes themselves, within the limits of general principles that may be laid down by regional law.

Title V

Public and private property of the region and the counties

Art. 59

Roads, motorways, railways, and aqueducts that are of exclusive regional interest and which shall be determined by the executive measures implementing the present Statute shall constitute the public property of the Region.

Art. 60

(1) State-owned forests in the Region, mines, except those of national interest, quarries and peat-bogs, mineral water exploitation of which rights have been withdrawn from the owner of the property, buildings intended for use as regional public offices together with their fittings, and other property intended for regional public service shall constitute the inalienable property of the Region;

(2) The immovable property of the State in the Region shall become the property of the Region;

(3) The means by which the State will transfer the above-mentioned property to the Region shall be laid down in the executive measures to the present Statute;

(4) Ownerless immovable property in the Region shall become the property of the Region.

Art. 61

In connection with the new subject matters falling within their competence, the Counties shall succeed to the property, property rights and immovable property of the State and the Region in their respective territories, excluding military property, services of a national character and matters of regional competence.

Title VI



Regional and county finances

Art. 62

The revenues of the region:

- a) Own revenues from: taxes and fees, contributions, other payments and incomes, as well as the deducted quota of the income tax;
- b) Amounts and quotas deducted from certain revenues of the state budget;
- c) Grants received from the state budget and other budgets;
- d) Donations and sponsoring.

Art. 63

The Region's budget is calculated based on the tax base by which incurring taxes and fees are calculated, remuneration from the services provided and the incomes obtained from these, as well as other incomes.

Art. 64

The following revenues contribute to the regional budget:

- a) 50% of the income tax from immovable property transfer on the territory of the Region;
- b) 20% of the VAT collected from companies from the region, after restitution;
- c) 12% of the income tax collected in each territorial-administrative unit in the Region;
- d) 50% of the net profit obtained by the Romanian Lottery on the territory of the region and 60% of the taxes collected from gambling in the region.

Art. 65

The Region and the Counties may, by law, levy their own taxes in conformity with the taxation system of the state in matters of their respective competence.

Art. 66

(1) To finance the functioning of the bodies mentioned in the present document (Statute), the incomes of the county budgets are supplemented by state budget as follows:

- a) 50% of the incomes from concessions, rented or leased buildings in the county;
- b) 50% of the excise duty on energy products and tobacco sold in the county;
- c) 50% of the VAT collected from the companies from the county, after restitution;
- d) 50% of taxes on the use of goods, on the authorization of the use of goods or performing activities;
- e) 50% of the incomes from administrative taxes;
- f) 90% of all other direct or indirect taxes collected by the county's treasury, aside taxes belonging to the Region or other public institutions;



(2) The percentages listed above include the incomes of the county, based on legal provisions or local administrative dispositions concerning the incomes of offices/work centres outside the territory of the county.

Art. 67

(1) Taxes and fees generated on the territory of Szeklerland are collected by the Miercurea-Ciuc Regional Revenue Agency through its subordinated structures;

(2) The Regional Revenue Agency of Miercurea-Ciuc is established by the reorganization of the Brasov Regional Revenue Agency. The Regional Revenue Agency of Miercurea-Ciuc will have in its area of competence Covasna, Harghita and Mureş counties, while the Brasov Agency will serve the counties of Alba, Brasov and Sibiu.

Art. 68

(1) Commercial companies that have offices outside of Szeklerland must have a profit centre in the region so that the generated taxes and fees can be collected;

(2) The registration request shall be submitted to the competent fiscal organ on the territory of Szeklerland. Consequently the operating point will receive a tax number, released by the competent fiscal body of Szeklerland.

Art. 69

The Regional Revenue Agency of Miercurea-Ciuc takes over the management of the large contributors' revenue.

Art. 70

Within the framework of present Statute, the counties have normative competences to regulate local tax.

Art. 71

In order to comply with the requirement of bilingualism, the counties of Szeklerland can allocate further resources to certain communes.

Art. 72

In order to ensure that the communes are in a financial situation to achieve the objectives and carry out the functions prescribed by law, the County Councils shall provide the communes with the necessary financial means, to be agreed between the President of the respective County and joint representation of the respective communes.

Art. 73

(1) The budget proposal prepared by the Regional Government or the President of the County Council shall be approved by the decision of the Regional or County Council respectively;

(2) Certain articles of these budgets shall be adopted with the majority of votes representing each ethnic group;

(3) The budget items which do not obtain a majority of votes, shall be referred within three days to a Commission of four councillors, elected by the County Council at the beginning of the legislature and for its duration, composed jointly of members of all national communities and in conformity with the nominations of each group;



- (4) Within 15 days the Commission will adopt a report with the majority of votes with no member having a casting vote;
- (5) The report presented by the Commission shall be adopted by the simple majority of the councillors. In case of failure to adopt the report, it will be returned to the Commission;
- (6) The procedure described above does not apply to budget articles concerning income, investment expenditures based on specific dispositions provided by the law for the respective financial exercise, and the budget lines necessary for the normal functioning of the bodies and offices of the respective institutions;
- (7) Decisions described in paragraph (4) and (5) are not subject to challenging at the Constitutional Court;
- (8) For the approval of the budget and the financial statements of the Region a favourable vote by the majority of the councilors from each county shall be required.

Title VII

Relations between the state, the region and the counties

Art. 74

- (1) In every county a Prefect is appointed by the Romanian Government;
- (2) The Prefect of Covasna County is also the Prefect of Szeklerland;

Art. 75

The competences of the Prefect:

- a) Coordinates the exertion of state competences in the county, in compliance with the provisions received according to Government directives and oversees the well-functioning of the respective services with the exception of the judiciary and the defence system, the National Bank, the national railroads belonging to the central authorities, as well as attributions belonging to the regional executive body;
- b) Supervises the exercising by the County and other local public bodies of the functions delegated to them by the State and to communicate any matters of importance to the President of the County Council.

Art. 76

- (1) The control of legality of the acts adopted by the Regional Council is done within 30 days by the prefect of Covasna County;
- (2) The control of legality of the administrative acts of the Regional Government is done by the Prefect of Covasna County;
- (3) The passport service will be coordinated by the Prefectures of the counties of Szeklerland.

Art. 77



- (1) The Prefect shall ensure the maintenance of public order, for which he is responsible to the Minister of the Interior;
- (2) To that end he may make use of the forces of the State police and the gendarmerie and other armed forces according to current legislation;
- (3) The responsibilities assigned by current legislation to the Ministry of the Interior shall remain in force.

Title VIII

The career of civil servants in Szeklerland

Art. 78

- (1) In Szeklerland counties special civil servant positions will be created for the State and county administrations. These positions shall be based on the organization charts of the respective institutions, aiming to ensure the necessary human resources;
- (2) The provisions of the previous paragraph do not apply for the departments of the Interiors personnel of public safety or the administrative personnel of the Ministry of Defence;
- (3) The positions provided in paragraph (1), considered to be career positions are to be filled so that the national proportions of the population are represented represented given at the time of the last official census of the population;
- (4) Assignment of the positions destined to the members of a national community happens gradually, and in parallel, once positions become vacant, until the required quotas are reached;
- (5) The positions provided in paragraph (1) can be filled permanently, in cases where the position concerned does not require continuous training;

Art. 79

The provisions of the preceding article are applicable to the personnel of the courthouses, county courthouses and courts of appeal, as well as for the personnel of the prosecutors' offices organised on the court's levels.

Title IX

Judiciary bodies

Art. 80

- (1) A Court of Appeal is established Târgu-Mureş in Szeklerland, following the reorganization of the Târgu-Mureş and Brasov Courts of Appeal;
- (2) Following the reorganization provided for in paragraph (1), the competence of the Târgu-Mureş Court of Appeal will be extended to Covasna county.



Art. 81

(1) The percentage of Hungarian and Romanian judges and public prosecutors at the Târgu-Mureș Court of Appeal, and the county court of Covasna, Harghita and Mureș counties shall match the percentage of these two national communities living there;

(2) The percentages provided above shall be attained gradually, as existing positions become vacant;

(3) President of courts shall be appointed by the President of Romania at the proposal of the Superior Council of Magistracy.

Art. 82

A judge belonging to the Hungarian community from the Szeklerland Region shall be a member of the Superior Council of Magistrates and shall participate at the judgements of all the cases that concern the Region.

Art. 83

The President of the Region, in accordance with the laws governing the establishment of the judiciary, in his capacity as delegate of the President of the Romania, shall be responsible for the appointment, exemption from office, dismissal and removal from office of mediators in the Region.

Art. 84

Administrative acts of bodies and organs of the public administration having their offices in the Region considered prejudicial to the principle of the equality of citizens in regard to membership of a national community may be contested before the Administrative Court organised on the level of the Court of Appeals by members of the Regional or County Councils and, in the case of measures taken by communes before the County Courts by councillors belonging to the national community of which rights have been violated.

Title X

Control exerted by the Constitutional Court

Art. 85

(1) Without prejudice to the measures contained in Articles 52 and 73 of the present Statute, Regional or County legislation may be contested before the Constitutional Court for violations of the Constitution or of the present Statute or of the principle of equality between the national communities;

(2) Impugnment may be undertaken by the Government;

(3) Regional legislation may also be contested by one of the County Courts of the Region, County legislation by the Regional Council or another County Council from the Region.

Art. 86



(1) Laws, ordinances, and emergency ordinances of the Romanian Government may be contested by the President of the Region or of the County following a resolution of the respective Council, for violation of the present Statute or of the principle of protection minority communities;

(2) Should an act by the State encroach upon the sphere of competence assigned by the present Statute to the Region or the Counties, the Region or the respective County may appeal to the Constitutional Court for a ruling in regard to the matter of competence;

(3) The appeal shall be lodged by the President of the Region or that of the County.

Title XI

Use of the Hungarian language

Art. 87

(1) The Hungarian language, alongside the Romanian language is the official language of the region. Bilingual versions of all legislation are mandatory, and Hungarian shall be used in all other cases stipulated by the present Statute document;

(2) All diplomas, documents, acts of civil status, notary documents, cadastre certificates, invoices and receipts released on the territory of Szeklerland by the institutions of education, culture, population records, land registry, as well as other authorities or commercial companies that perform their activities on the territory of Szeklerland, will print and release Romanian and Hungarian language versions;

(3) All these documents drafted, printed and issued on the territory of Szeklerland will be considered as official documents in all Romania.

Art. 88

(1) Citizens have the right to choose the language they use. Whenever in communication with the judiciary bodies, institutions, organizations and public administrations in Szeklerland, all citizens have the right to use the official language of their choice. This right obliges the institutions, organizations, and public administrations, as well as the staff of these institutions exerting public functions to communicate with citizens in the language of the citizen's choice;

(2) All persons in communication with the administration of justice, Ministry of Public Affairs, notaries, and public registries, have the right to use the official language of their choice in all judiciary and notary actions, or registers organized by the state, and to receive all the official documentations edited on the territory of Szeklerland in the language of their choice, without any additional cost or procedural delay due to the language choice. Translation cannot be requested from the citizens;

(3) With the exception of cases provided by the legislation regarding the use of the two languages in the cases of acts destined to all resident citizens from the region, in individual acts destined to a larger public or to several services, the use of one official language is recognized. Within military institutions, the Romanian language is the sole official language used;

(4) To guarantee the right to linguistic options, judges, prosecutors, notaries, the responsible personnel of the Registry of Commerce, population records, cadastre registry and the personnel of the judiciary administration have to prove, that they have an adequate command of both official languages, that enables them to exert the attributions corresponding to their activity;



(5) To guarantee the right to linguistic option, decentralized services of the ministries and other organs of the central public administration that perform activities in Szeklerland, have to prove that their personnel has adequate knowledge of both official languages to enable them to exercise their professional activity;

(6) Residing citizens of Szeklerland have the right to address the Constitutional Court and the courts in Hungarian language, in writing. The courts are obliged to receive these documents and to recognize their legal validity.

Art. 89

The public administrations in the region have to use the Hungarian language and the Hungarian names of administrative units when interacting with a Hungarian speaking citizens.

Title XII

Final and transitory provisions

Art. 90

(1) The present document can be amended according to the procedure stipulated by constitutional laws;

(2) The amendment procedure of the present document can be initiated by the Regional Council;

(3) Amendment proposals submitted by the Romanian Government or the legislative initiatives submitted by the Members of the Parliament are sent to the regional council and to the county councils, for permanent approval within 2 months;

(4) In case of approval, it is subject to regional referendum.

Art. 91

(1) Without prejudice the provisions of article 89, provisions from title VI can be modified through ordinary law at the common request of the Romanian Government and the Regional Government, or the competent county council;

(2) The provisions of articles 27 and 47 can be modified through an organic law, at the common request of the Romanian Government and the executive body of the Regional Government or the County Council.

Art. 92

(1) Until executive measures implementing the present Statute and the necessary legislation adopted by the Regional Council and county councils come into force, the competences of the State remain in force;

(2) The executive measures implementing the present Statute shall be issued by legislative decree of the Romanian Government, following the consultation of a Commission comprising 12 members: 6 representatives of the Romanian Government and 2 representatives of each county.

Art. 93



The measures mentioned in article 92 will be adopted within 6 months from the coming into force of the present Statute document.

Art. 94

(1) The list of monuments and art works belonging to the national patrimony and excluded from the decision making competence of the Region or County is to be developed by the Ministry of Culture within 6 months from the coming into force of the present document;

(2) The implementing measures relating to article 17 of the present Statute are elaborated by the Ministry of Education and are adopted by the Romanian Government, within 9 months after the present document comes into force;

(3) If the measures provided in paragraph (2) are not adopted, the counties can adopt resolutions to stipulate the functioning of the institutions provided in article 17.

Art. 95

The Hungarian translation of the present document will be published in the Romanian Official Journal and in the Regional Official Journal.

Art. 96

(1) Until the validation of the Regional Council, elected according the provisions of present Statute, the Regional Council will be composed from the acting members of the county councils from Covasna, Harghita, and Mureş counties, delegated by the respective councils, maintaining the composition as provided below: Covasna county - 23 members, Harghita county – 25 members, Mureş county -29 members;

(2) Within 6 months after the present Statute comes into force, the members of the regional interim government will be elected, from the councillors delegated according to the preceding paragraph;

(3) The regional interim government will hold office until the election of the new Regional Government, after the validation of the Regional Council resulting from the first national local elections after the present document comes into force;

(4) During the fulfilment of the interim regional council membership, the members of the regional council will be suspended from the state authority public functions that they hold.

Art. 97

The autonomous status of Szeklerland can only be annulled by a constitutional law, following a referendum organized in Szeklerland on this subject. The results of the referendum are only valid if 50% of the total number of people registered on the electoral lists vote to annul the autonomous status of the region.