

ROMANIAN PARLIAMENT

Law no. 128/2004

on the approval of the Government Emergency Ordinance No. 125/2003 for completing the Government Emergency Ordinance No.12/1998 regarding transport on Romanian railways and the reorganization of the Romanian National Railway Company

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Romanian Parliament passes the law hereunder.

Single article. – The Government Emergency Ordinance no. 125 of 18 December 2003 for completing the Government Emergency Ordinance no. 12/1998 regarding transport on Romanian railways and the reorganization of the Romanian National Railway Company, published in the Romanian Official Journal (*Monitorul Oficial al Romaniei*), Part I, No. 919 of 22 December 2003, shall be approved together with the following amendments and completions:

1. The introductory part of article 1 shall provide for the following:

„Art. 1. - Government Emergency Ordinance no.12/1998 regarding transport on Romanian railways and the reorganization of the Romanian National Railway Company, published in the Romanian Official Journal (*Monitorul Oficial al Romaniei*), Part I, No. 254 of 8 July 1998, approved with amendments and complements by Law no. 89/1999, with further amendments and complements, shall be amended and completed as follows:”

2. In Article 1 point 1(b) of paragraph (8) of article 1 shall provide for the following:

„b) *infrastructure manager* – any body or company that is responsible in particular for managing and maintaining railway infrastructure; this also includes the operation of traffic management and infrastructure control and safety systems; the functions of the infrastructure administrator of a network or part of it may be allocated, in compliance with the regulations in force, to more bodies or companies;”

3. In Article 1, after point 1, point 1¹ shall be introduced and provide for the following:

„1¹.Letter r) of paragraph (3) of article 7 shall provide for the following:

„r) approves norms and regulations incumbent on the owners of industrial railways and of private railway means of transport, irrespective of the object of activity, who have access to the railway infrastructure open for public access, as the case may be, as well as on the beneficiaries of transport;”

4. In Article 1 point 2 (a) and (b) of paragraph (3) of article 8 shall provide for the following:

„a) *interoperable railway infrastructure* – part of the state railway infrastructure, public or private, corresponding to national and international traffic, managed according to the law provisions regarding free access of the railway transport undertakings, and which is developed in compliance with the technical norms on interoperability adopted at European level and transposed in the Romanian legislation;

b) *non-interoperable railway infrastructure* – part of the state railway infrastructure, public or private, corresponding to local traffic, connected or not to the interoperable railway infrastructure, and which is administrated and developed on the grounds of specific internal regulations.”

5. In Article 1 point 3, article 9' shall provide for the following:

„Art. 9'. – (1) The National company that manages the railway infrastructure may lease, with the approval of the Ministry of Transport, Constructions and Tourism, parts of the public non-interoperable railway infrastructure to other legal persons, with a view to manage that for organising public transport for goods and people.

(2) The national company that manages the railway infrastructure may lease private goods needed for the organisation and carrying out of the railway transport process, corresponding to those parts of public non-interoperable railway infrastructure leased to other legal persons.

(3) The leasing of parts of non-interoperable railway infrastructure is subject to public auction.

(4) The revenues obtained from leasing parts of the non-interoperable railway infrastructure are collected by the national company that manages the railway infrastructure with the end of using them exclusively for carrying out capital repairs on the public non-interoperable railway infrastructure.

(5) The specific conditions of managing the non-interoperable railway infrastructure, as well as the conditions for leasing parts of non-interoperable railway infrastructure shall be approved by Government decision, at the proposal of the Ministry of Transport, Constructions and Tourism.”

6. In Article 1 point 4, article 10' shall provide for the following:

“Art. 10’. – The infrastructure manager is responsible for his management and internal control in compliance with the legal provisions in force.”

7. In Article I point 5, paragraph (5) of article 15 shall provide for the following:

„(5) If in carrying out transport the applicant or any other interested party considers himself incorrectly treated, subject to a discrimination or in other ways injured, he may lodge an appeal to the Railway Supervision Council, under the provisions of art. 30 paragraph (3) of Government Ordinance No. 89/2003, approved with amendments and complements by Law no. 8/2004.”

8. In Article I, after point 6, points 7, 8 and 9 shall be introduced and provide for the following:

„7. Paragraph (1) of article 18 shall provide for the following:

„Art. 18. – (1) The maintenance and endurance of the operation of railway infrastructure shall be covered from own revenues of the national company that manages the railway infrastructure.”

8. Article 21 shall provide for the following:

„Art. 21. – The expenditures for investments, repairs, upgrading and/or developments of the public railway infrastructure shall be financed from the state budget.”

9. Article 56 shall provide for the following:

„ Art. 56. – Investments, upgrading, developments and repairs to the public railway infrastructure, as well as investments for the accomplishment of the projects of national importance, that ensure the integration of Romania into the European railway transport system, shall be financed from the state budget or from loans guaranteed by the state and reimbursed from the state budget.””

9. After article I, article I’ shall be introduced and provide for the following:

„Art. I’. – Within the Government Emergency Ordinance no. 12/1998, approved with amendments by Law no. 89/1999, with further amendments, the terms “gestionar”, “gestioneaza” and “gestionare” shall be replaced with the terms “administrator”, “administreaza” (manages) and “administrare” (management), except for points l) and m) of paragraph (2) of article 7 and article 44, and the phrase “Ministry of Transports” shall be replaced with “Ministry of Transport, Construction and Tourism”.”

This law has been adopted by the Senate in the meeting of 4 March 2004, in accordance with the provisions of art. 76 paragraph (1) of the Romanian Constitution, republished.

PRESIDENT OF THE SENATE
NICOLAE VĂCĂROIU

This law has been adopted by the Chamber of Deputies in the meeting of 30 March 2004, in accordance with the provisions of art. 76 paragraph (1) of the Romanian Constitution, republished.

PRESIDENT OF THE CHAMBER OF DEPUTIES
VALER DORNEANU

Bucharest, 19 April 2004
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