



Fiscal Council's Opinion on the legislative proposal for amending the Law no. 422/2001 on the Protection of Historical Monuments – b520/05.11.2021

On November 15, 2021, the Fiscal Council (FC) received the address of the Romanian Senate no. XXXV/5453 dated 08.11.2021, by which it is requested, in accordance with the article 53 paragraph (2) letter e) of the Fiscal Responsibility Law no. 69/2010 republished (FRL), the opinion on a legislative proposal for amending the Law no. 422/2001 on the Protection of Historical Monuments (b520/05.11.2021).

According to the article of law to which reference is made, the attributions of the Fiscal Council are:

e) analysis and elaboration of opinions and recommendations, both before the approval by the Government and before the transmission to the Parliament, on the annual budgetary laws, on the budgetary revisions, as well as on other legislative initiatives that may have an impact on the budgetary expenditures, as well as the assessment of their compliance with the fiscal principles and rules provided by this law.

Brief description of the legislative proposal

The legislative proposal submitted to the Fiscal Council refers to:

- reformulation of art. 51 para. (3¹)¹ of Law no. 422/2001 on the protection of historical monuments, according to which 3% of the amounts collected from the state budget from economic operators carrying out activities in the field of gambling are annually directed to the Ministry of Culture to finance restoration, conservation and consolidation of historical monuments. The initiators of the bill propose to specify in this article of law the destination of the amounts collected to be allocated² to the Stamp of Historical Monuments (SHM).
- clarification of art. 5 (4) regarding the manner of collecting the stamp of historical monuments by introducing in the scope of applicability of SHM the historical monuments themselves, not only the buildings located in the protection area of historical monuments.

¹ Introduced in Law no. 422/20 by Law no. 109/2016.

² Respectively, chapter 67.10 "Culture, recreation and religion", title 51 "Transfers between units of public administration", for the National Heritage Institute.

Budgetary impact of the legislative proposal

The legislative proposal is not accompanied by the financial statement in which its impact on the general consolidated budget is presented.

The authors of the legislative initiative mention in the Explanatory Memorandum that the provision regarding the annual transfer of 3% of the amounts collected to the state budget from the economic operators carrying out activities in the field of gambling to the Ministry of Culture for financing the restoration, conservation and consolidation of historical monuments has not been implemented until this moment.

Assessment of the Fiscal Council regarding the legislative proposal

- Regarding the opportunity of the legislative project, the Fiscal Council has no attributions in deciding, given that the establishment of implementation modalities of the law on the protection of historical monuments and its implementing rules represent the prerogative of Parliament, Government or other competent institutions.
- In terms of compliance with the provisions of the FRL, the Fiscal Council considers that this legislative proposal generates a financial impact on budget expenditures in the context in which the supplementation of funds allocated to the Ministry of Culture (by redirecting, according to the initial intention of the legislator, 3% of the amounts collected to the state budget from the economic operators that carry out activities in the field of gambling) will take place under the same level of amounts collected from these operators.
- The magnitude of the amounts that will supplement the budget of the Ministry of Culture cannot be estimated by the Fiscal Council. Thus, we cannot rule out that this legislative proposal could have a relevant impact on the achievement of the fiscal targets that were assumed.
- Under these conditions, we consider it necessary the preparation of the financial statement provided by art. 15 of Law no. 500/2002, with subsequent amendments and completions.

The opinions and recommendations formulated above by the Fiscal Council were approved by the Chairman of the Fiscal Council, according to the provisions of art. 56, para (2), letter d) of Law no. 69/2010 republished, after being agreed by Council members, through vote, in the meeting of November 23, 2021.

November 23, 2021

Chairman of the Fiscal Council

Professor DANIEL DĂIANU