Art. 24. – En vue de la prise des mesures prévues à l’art. 22 al. 1, le tribunal peut être saisi par le juge-syndic, quiconque des créanciers, la Banque nationale de Roumanie ou peut se saisir d’office, sur la base des données du dossier de l’affaire, et ordonnera des mesures conservatoires.

Art. 25. – L’exécution forcée contre les personnes prévues à l’art. 22 al. 1 est effectuée conformément aux dispositions du Code de procédure civile.

Art. 26. – La procédure de faillite sera close lorsque le tribunal approuve le rapport final, lorsque tous les fonds ou biens du patrimoine de la banque en état de faillite ont été distribués et les fonds non réclamés ont été déposés à la Banque nationale de Roumanie. Suite à une demande du juge-syndic, le tribunal rendra une décision, clôturer la procédure de faillite. La décision sera communiquée par écrit à tous les créanciers, à la banque débitrice et à la Banque nationale de Roumanie, qui fermera le compte «banque en état de faillite» qui s’y trouve et fera virer les éventuelles sommes restantes dans le compte au budget de l’État. Ces sommes peuvent être sollicitées par les personnes autorisées, dans le délai légal de prescription.

CHAPITRE V
Dispositions transitoires et finales

Art. 27. – Les dispositions de la présente loi sont complétées dans la mesure de leur compatibilité avec celles du Code de procédure civile.

Art. 28. – Les procédures de réorganisation et de liquidation judiciaires des banques, ouvertes jusqu’à la date de l’entrée en vigueur de la présente loi, seront continuées et closes dans les conditions établies par la Loi n° 64/1995 sur la procédure de réorganisation judiciaire et de faillite, avec les modifications et les compléments ultérieurs.

Art. 29. – La présente loi entre en vigueur dans les trente jours qui suivent sa publication au Moniteur Officiel de la Roumanie, Partie Ière.

Art. 30. – A la date de l’entrée en vigueur de la présente loi, sont abrogées toutes dispositions contraires.
The banking LAW*  

CHAPTER I  
General provisions  

Section 1  
Field of operation  

Art. 1. – Banking activities in Romania shall be carried on through the National Bank of Romania and through banks.  
The carrying on of banking activities also by other juristic persons may be authorized by law, with observance of the principles under the present law.  

Art. 2. – The present law shall operate on banks which are Romanian juristic persons constituted as trading companies as well as on branches in Romania of the banks constituted as foreign juristic persons.  
The provisions under chapter X of the present law shall also operate on juristic persons carrying out interbanking funds transfers.  

Section 2  
Definitions  

Art. 3. – In the meaning under the present law, the terms and phrases farther down shall have the following significations:  
a) The National Bank of Romania – the central bank of the Romanian state, having legal personality; its powers are those provided under the Law on the Status of the National Bank of Romania and under the present law;  
b) bank – a juristic person authorized mainly to carry out activities of attraction of deposits and granting of credits in its own name and on its own account;  
c) subsidiary – a juristic person in which another person or group of persons acting together hold fifty-per-cent or more of the shares with voting right or a significant  

* The Law no. 58/5 March 1998 – The banking law – was published in the “Monitorul Oficial” (Official Gazette of Romania), Part I, No. 121/23 March 1998.
participation, enabling them to exercise an effective control over the management or policies of the subsidiary;

d) **branch** – a bank’s operational establishment without legal personality directly carrying out all or some of the bank’s activities, within the limits of the mandate given by it;

e) **affiliate of a bank** – a subsidiary of the respective bank or a trading company for which the bank is a subsidiary, or a trading company which, together with the respective bank, are under the common control of another trading company;

f) **deposit** – a sum of money entrusted under the following conditions:

   - that it be reimbursed in totality, with or without interest or any other facilities, on request or at a term agreed by the depositor with the depositary;

   - that it should not refer to the transmission of property, to the provision of services, or to the granting of guarantees;

  g) **credit** – any engagement for the payment of a sum of money in exchange of the right to reimbursement of the sum paid as well as to the payment of interest or other expenses linked to this sum or any extension of the date of payment of a debt and any engagement to acquire a title embodying a debt or another right to the payment of a sum of money.

From the point of view of the date of payment, the credit may be:

   - on short term, whose reimbursement duration does not exceed twelve months;

   - on medium term, whose reimbursement duration is from one to five years;

   - on long term, whose reimbursement duration exceeds five years;

h) **managers of the bank** – the no less than two persons, who, according to the constitutive deeds and/or the resolution of the statutory bodies of the bank, are empowered to manage and co-ordinate its daily activities, and are invested with the competence to engage the bank’s responsibility. These are the president and vice-president(s) of the Managing board, in the case of banks which are

Romanian juristic persons, and the directors empowered lawfully to engage in Romania the foreign bank authorized to operate in Romania’s territory, through a branch;

i) **significant shareholder** – a person holding at least five-per-cent of the shares of a bank;

j) **person** – the juristic or natural person and any group of persons acting together and which constitute or do not a juristic person;

k) **group of persons acting together** – two or more persons having concluded an agreement with a view to getting or exercising the voting rights with a view to carrying out a common policy towards the bank.

An agreement shall be considered to exist:

   - between man and wife, relatives, and up to twice-removed in-laws inclusive as well as between these and the companies effectively under their control;

   - between a company, the president of the Managing board, and its managers;

   - between a company and the companies on which it directly or indirectly holds the effective control power;

   - between companies under the effective control of the same person(s);

l) **company under effective control** – a company in which a natural or juristic person:

   - holds at least fifty-per-cent of the voting rights;

   - has the right to appoint or replace the majority of the members of the Managing board;

   - may decide on the financial-and-banking policy and management on the basis of an agreement concluded with other shareholders or partners;

m) **authorization** – a deed issued by the National Bank of Romania granting the right to carry on the activities specified in it;

n) **regulation** – a statutory instrument issued by the National Bank of Romania in application of the present law and which is compulsory for all the banks. In this class are included: rules and regulations, norms, circular letters and other deeds with a general character issued by the National Bank of Romania;

o) **order** – an instrument issued by the National Bank of Romania in application of the present law or of a regu-
lation issued on the basis of the present law and which is mandatory for one or more banks;

p) capital – net assets’ value calculated as the difference between total assets, and liabilities representing obligations made evident in the balance sheet in keeping with the regulations of the National Bank of Romania. When first set up, this represents the registered capital;

r) own funds – a bank’s own funds, whose calculation method and minimum level are established by the National Bank of Romania;

s) credit documentation – documentation underlying an agreement between a bank and another person for the granting of a credit, and including at least:

– current financial statements of the credit applicant and of any of his or her guarantors, the projection of the financial flows for the reimbursement period of the credit and payment of interest inclusive;
– a description of the guaranteeing modalities for the integral payment of the debt, and an assessment of the value of the goods forming the object of the guarantee;
– a description of the conditions of the credit, including the value of the credit, interest rate, reimbursement schedule and debtor’s objective or purpose which the credit was applied for;
– signature of every person having authorized the credit in the bank’s name;

1) remedy measures – measures for the removal of the consequences of one or some of the deeds provided under Art. 69, and which may include:

– establishment of a plan for increasing the bank’s own funds;
– setting up by the bank’s Managing board of committees for the supervision of the credit’s administration, management of the assets and liabilities, or of the internal check and auditing;
– suspension of the managers over a period not exceeding one year or their replacement;
– replacement of the executive directors and of the auditors;
– improvement of the internal check and auditing measures;

u) a single debtor – any person or group of natural and/or juristic persons towards which the bank has an outstanding credit and which are economically linked among themselves in the sense that:

– one of the persons, directly or indirectly, exercises on the others a power of control;
– the cumulated level of the loans granted represents a single credit risk for the bank, since the persons are linked to such an extent that, if some of them should face difficulties of reimbursement, another or the others would face similar difficulties. In the case of these persons, the following situations will be taken into consideration, this being an unlimitative enumeration:

• they are subsidiaries of the same person;
• they have the same management;
• they have crossed guarantees;
• they have direct commercial interdependence, which is not susceptible of short term substitution;

v) outstanding credit – any engagement assumed by a bank towards a single debtor, regardless of whether it is effective or potential, in or outside the balance sheet, without being restricted to these:

– credits;
– discounted mercantile bills;
– investments in shares and other transferable securities;
– mercantile bills endorsed as guarantee;
– issued guarantees;
– open or confirmed letters of credit;

x) prudential banking supervision – the establishment of norms and indicators for banking prudence and the following up of their observance for the purpose of preventing and limiting banking risks and thereby ensuring the stability and viability of the whole banking system.

Section 3

Interdictions

Art. 4. – Any person shall be prohibited from carrying out banking activities in Romania’s territory without an authorization issued by the National Bank of Romania.
Art. 5. — Any person lacking an authorization issued by the National Bank of Romania shall be prohibited from using the name of bank or derivatives of the name of bank, in connection with an activity, a product, or a service, except the case in which this use is established or recognized by law or by an international agreement, or when, from the context in which the name bank is used it undoubtedly follows that it is not a question of banking activities.

Art. 6. — Any foreign bank shall be prohibited from engaging directly in banking activities in Romania, except the case in which the activities are carried out through a subsidiary constituted as a bank, Romanian juristic person, or through a branch for which an authorization has been issued by the National Bank of Romania.

Art. 7. — Any person, other than a bank or company authorized according to the law, shall be prohibited from engaging in activities of acceptation of deposits.

CHAPTER II
Permitted banking activities

Art. 8. — Banks, which are Romanian juristic persons, and branches of foreign banks shall be permitted, within the limits of the granted authorization, to carry out the following activities:
   a) acceptance of deposits;
   b) contracting of credits, factoring operations and mercantile bills discounting, agreed ones inclusive;
   c) issue and management of credit and payment instruments;
   d) payments and settlements of accounts;
   e) financial leasing;
   f) transfers of funds;
   g) issues of guarantees and assumption of engagements;
   h) transactions on their own account or on account of their clients with:
      — negotiable monetary instruments (cheques, bills of exchange, deposit certificates);
      — foreign currency;
      — derived financial instruments;
   — precious metals, objects made from them, precious stones;
   — transferable securities:
      i) intermediation in the placement of transferable securities and offer of services in connection therewith;
      j) administration of clients’ portfolios, in their name and at their risk;
      k) custody and administration of transferable securities;
      l) depository for transferable securities collective placement bodies;
   m) leasing of strongboxes;
   n) financial-and-banking consulting;
   o) mandate operations.

Banks may carry on the activities provided under the legislation on transferable securities and stock exchanges through distinct companies specific to the capital market, functioning under the regulation and supervision of the National Commission on Transferable Securities, except activities which, according to this legislation, may be carried on directly by the banks.

Financial leasing operations shall be carried on by the banks through distinct companies constituted to this end.

CHAPTER III
Authorization of banks

Art. 9. — Banks which are Romanian juristic persons may function only on the basis of an authorization issued by the National Bank of Romania. They shall be constituted in the juridical form of a trading company by shares, on the basis of the approval of the National Bank of Romania, with observance of the legal provisions in force, applicable to trading companies.

The provisions of the preceding paragraph shall also correspondingly apply in the case of the banks’ branches which are foreign juristic persons.

Art. 10. — Foreign banks shall be under an obligation to notify the National Bank of Romania on the opening of representations in Romania conformably to its regulations.

The representations of foreign banks shall limit their activity to acts of information, connection, or representa-
tion, and shall not carry on operations of any kind subject to the provisions of the present law.

**Art. 11.** — The application for an authorization shall be forwarded to the National Bank of Romania in the form established by it. The documentation that must attend the application, terms and authorization procedure shall be established by the regulations of the National Bank of Romania.

The conditions under which the authorization may be granted shall be regulated by the National Bank of Romania, and shall refer, without being limitative, to:

a) the professional experience and qualification of the bank’s managers;

b) the minimum level of the subscribed registered capital, which has to be paid in form of cash, in totality, at the moment of the setting up;

c) the feasibility study of the bank;

d) the founders and significant shareholders of the bank;

e) structure of the shareholders body;

f) head office of the bank;

g) the independent auditor as provided under Art. 61.

**Art. 12.** — The National Bank of Romania may request an applicant to present any supplementary documents and information if the presented ones are incomplete or insufficient.

**Art. 13.** — Within not more than four months after the application was received, the National Bank of Romania shall approve the constitution of a bank or reject the application and shall communicate in writing to the applicant its decision, together with the motives underlying it, in case the application is rejected.

Documents attesting the legal constitution of the bank shall be presented to the National Bank of Romania within two months after the communication of the constitution approval with a view to the granting of the functioning authorization. In the case of banks constituted by way of public subscription, the presentation term of these documents shall be of eight months.

The National Bank of Romania shall decide with regard to the functioning authorization of a bank within not more than four months after receiving the documents provided under para. 2.

**Art. 14.** — The authorization application shall be rejected if:

a) the documentation presented is incomplete or is not drawn up conformably to the legal provisions in force;

b) the documentation presented is insufficient to determine whether:

— the bank will carry on an activity in accordance with the provisions of the present law;

— the honourableness, professional experience and training of the bank’s heads and the quality of the significant shareholders are adequate to the realization of the objectives provided in the feasibility study and to the financial-and-banking activities proposed to be carried on;

c) the registered capital is smaller than the minimum level established by the National Bank of Romania;

d) the juridical form is different from that provided under Art. 9;

e) from an evaluation of the feasibility study and/or from the yearly reports of the foreign bank, as the case may be, it follows that the bank cannot assure the realization of the objectives proposed under conditions compatible with a good functioning of the banking system and with the rules of a prudent banking practice providing the clients with a satisfactory surety, or these fail to correspond to the conditions existing within the framework of the market segment which is to be covered by the services supplied by the bank;

f) the heads of the bank, its managers, or auditors have not the necessary honourableness, professional experience and qualification adequate to the function, according to Art. 25, or with regard to whom one of the measures provided under Art. 69 or 70 was taken;

g) the quality of the founders or of the significant shareholders falls short of the need of a guaranteed sound and prudent management of the bank, for causes such as would be that:

— their financial power is not sufficient for avoiding the dependence on the distributed dividends or on other advantages that could be obtained from the bank with a
view to the satisfaction of their financial obligations in the first three years of the bank’s activity;
— the source of the funds used for obtaining the participation is an internal credit;
— criminal sentences;
— the juristic persons having the quality of founders or significant shareholders have a length of time in function of less than three years;
 b) before obtaining the approval of constitution, the founders have made public communications on the founding or functioning of the bank;
 i) the provisions under the present law or the regulations given in their application are not observed.

Art. 15. — The provisions under articles 11–14 shall also apply correspondingly in the case of the branches of foreign banks, the authorization application being forwarded to the National Bank of Romania by the respective foreign bank.

CHAPTER IV
Withdrawal of authorization

Art. 16. — The National Bank of Romania may withdraw the authorization of a Romanian bank or subsidiary, or a subsidiary or branch of a foreign bank:
— at the request of the bank;
— as a sanction, according to Art. 69 para. 2 letter e);
— on the basis of one of the following grounds:
 a) the bank has not started the operations for which it has been authorized, within a year after the authorization was received, or it has not exercised the activity of accepting deposits for more than six months;
 b) the authorization was obtained on the basis of false statements or by any other unlawful means;
 c) the shareholders have decided to dissolve and wind up the bank;
 d) a merger or a division of the bank has taken place;
 e) the competent authority from the country where the foreign bank has its head office, and which has set up a branch in Romania, has withdrawn its authorization to carry on banking activities;

f) the authorization of the bank, whose subsidiary it is, has been withdrawn.

Art. 17. — The decision of the National Bank of Romania to withdraw the authorization shall be notified in writing to the bank, subsidiary, or branch in question, together with the reasons on which it was based, and it shall be published in the “Monitorul Oficial” (Official Gazette of Romania), Part I, as well as in two publications of national circulation.

The withdrawal decision of the authorization shall produce effects after the date of its publication in the “Monitorul Oficial” (Official Gazette of Romania) or after a subsequent date specified in the respective decision.

Art. 18. — The bank, subsidiary, or branch shall be prohibited to engage in any financial operation as from the date of coming into force of the withdrawal decision of the authorization.

CHAPTER V
Merger and division of banks

Art. 19. — The merger or division of banks shall be carried into effect according to the legal provisions as well as with observance of the regulations of the National Bank of Romania.

Art. 20. — The merger of two or more banks or the division of a bank shall be decided by each bank according to its own statute. Before beginning to operate, the bank or banks resulting from the merger or division shall be under an obligation to obtain the authorization of the National Bank of Romania.

CHAPTER VI
Organization and management of banks

Art. 21. — The organization and management of the banks shall be established by their constitutive deeds in conformity with the commercial legislation and with observance of the provisions under the present law.

Art. 22. — In all its official papers, the bank shall have to identify itself clearly by a minimum of data: the trade name under which the bank is incorporated with the trade
register, the registered capital, the address of the head office, number and date of incorporation with the trade register, number and date of registration in the banking register.

Art. 23. — The bank shall be engaged by the signature of at least two of its heads, having competencies established by the bank’s own constitutive deeds, or by at least two persons empowered by them, in accordance with the bank’s own regulations and with the regulations issued by the National Bank of Romania in this sense.

Art. 24. — Each bank shall have its own functioning regulations, approved by the statutory bodies, establishing at least:

a) the organizational structure of the bank;
b) the powers of the bank’s compartments and relations existing between them;
c) the powers of the branches and of other secondary seats of the bank;
d) the powers of the risk committee, of the assets and liabilities administration committee, of the credits committee, whose setting up is compulsory in the carrying on of the bank’s activity;
e) the competences and responsibility of the heads and of the bank’s executive directors, of the chief executives of the branches and other secondary seats of the bank, and of other employees embarking upon banking-and-financial operations in the bank’s name and on its account;
f) the bank’s internal check system.

Art. 25. — The heads of the bank shall be resident in Romania, shall exercise exclusively the function to which they were appointed, and at least one of them shall have Romanian citizenship. They must hold a university degree, and have a length of time of five years in banking-and-financial activities. Through their activity, they shall not have caused the bankruptcy of a trading company.

Persons designated as heads of a bank shall have to be approved by the National Bank of Romania before starting to exercise the function.

The National Bank of Romania may also establish other ethical and professional rules and norms for the quality and activity of the banking personnel.

Art. 26. — In case that the bank’s Managing board should delegate part of its competencies to a committee of management, according to the law, all managers of the bank shall belong to it.

In this case, the president of the Managing board shall also conduct the committee of management.

Art. 27. — Managers of the bank shall be only natural persons. Their number shall not exceed eleven. The term of their mandate shall not be longer than four years, with a possibility of their being reelected.

In addition to the conditions provided under the legislation in force with reference to managers, a person shall not be elected to the Managing board of a bank, or lose the mandate if elected, when:

a) he or she is an employee of the bank in question, except its managers;
b) he or she is an employee, manager, or auditor in another bank; except the employees and managers of a bank, in case they are elected managers in a subsidiary of the bank;
c) his or her approval by the National Bank of Romania was withdrawn, according to Art. 69, in the last five years, or replaced, according to Art. 70, as a result of a remediation measure taken by the bank.

Art. 28. — Auditors of a bank shall be only natural persons having the capacity of expert or authorized accountant, with university degree, under the conditions of law, and an experience of at least five years in the banking-and-financial field as well as audit companies authorized to carry on this activity in Romania’s territory.

Persons who, according to Art. 70 under the present law, were replaced during the last five years as a result of a remediation measure taken by a bank, cannot be auditors of a bank.

CHAPTER VII

The conflict of interests

Art. 29. — The manager shall notify the bank in writing on the nature and extent of his or her material relation or interest, if he or she:
a) is party to a contract with the bank;
b) is manager of a juristic person that is party to a contract with the bank;
c) has a material interest or a material relation with a person who is party to a contract with the bank, except contracts of deposit or custody of securities.

**Art. 30.** — The obligation provided under Art. 29 devolves upon the manager when he has known or should have known the fact that such a contract was concluded or was under way of being concluded.

**Art. 31.** — The manager of a bank shall be under an obligation, whenever necessary, but not less than once a year, to present in writing to the Managing board of the bank a statement showing the names and addresses of his or her associates and data with reference to the material interest of financial, commercial, agricultural, industrial or of another nature of the manager and of his or her family.

**Art. 32.** — A manager having a material interest or a material relation in the sense of articles 29, 31 and 33 shall not participate in the debates on the contract and shall abstain from voting on any problem in connection with this contract.

For the purpose of achieving the necessary quorum for taking a decision on the contract in question, the manager will be considered present.

**Art. 33.** — An interest shall be considered material in the sense of the provisions under articles 29 and 31, if it refers to the wealth, affairs or interests of the family (of the husband or wife, relatives, and in-laws up to twice removed inclusive) of the person who has an interest.

**Art. 34.** — When a manager fails to declare a conflict of interests, conformably to the provisions under the present chapter:

a) the bank, or one of its shareholders, or the National Bank of Romania may petition the appropriate judicial instance to annul any contract in which the respective manager has an undeclared material interest, in keeping with the provisions under the present chapter;

b) according to Art. 70, the National Bank of Romania may request the bank the suspension of the manager over a period not exceeding one year, or his/her replacement.

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**CHAPTER VIII**

The professional secret

**Art. 35.** — The bank shall preserve the confidentiality of all transactions and services it offers, with regard to the holders of the accounts’ identity inclusive.

**Art. 36.** — The personnel of a bank, subject to the provisions of the present law, shall not either during their activity, or after its cessation, have the right to use or to disclose facts or data which, having become public, might be prejudicial to the interest or prestige of a bank or of its clients.

The above provisions shall also apply to persons who get such information from reports or other documents of the bank.

**Art. 37.** — Any member of the Managing board of a bank as well as all persons participating in the bank’s activity shall be under an obligation to preserve the professional secret. Information with regard to the sums of money deposited and operations carried out in the name of natural or juristic persons shall be transmitted only to the holders or their lawful representatives, and in criminal causes in which a criminal trial was set in motion against the holder at the written request of the public prosecutor or of the judicial instance. The bank’s personnel may not use to their own advantage banking information it holds or of which they have taken cognizance in any way whatsoever.

The provisions of para. 1 shall also apply to persons having obtained information of the nature of that shown above from the check and supervision activity or from reports or documents of the bank.

**CHAPTER IX**

Operational requirements

**Section 1**

General provisions

**Art. 58.** — In their activity, the banks shall be subject to the orders and regulations issued by the National Bank of Romania, given in application of the legislation on the
monetary, credit, foreign currency, payments, ensuring the banking prudence, and banking supervision policy.

The banks shall organize their whole activity in accordance with the rules of a prudent and healthy banking practice and with the requirements of the law.

Modifications in a bank’s situation shall be subject to the approval of the National Bank of Romania, under the conditions established by its regulations. Registration in the trade register of the mentions with regard to the respective modifications shall be made only after having obtained this approval.

In their statutes, the banks may not establish exceptions from the principle according to which one share entitles to a single vote only.

Shares issued by banks can only be registered ones.

With a view to their functioning, each bank shall be under an obligation to open a current account at the National Bank of Romania, according to the regulations issued by it, within thirty days after obtaining the authorization. Money transfers operated by carrying to the running account opened in the books of the National Bank of Romania are irrevocable and unconditional.

Banks may also open other accounts at and under the conditions established by the National Bank of Romania.

**Section 2**

**Capital requirements**

**Art. 39.** — With a view to their functioning, each bank shall be under an obligation to open a current account at the National Bank of Romania, according to the regulations issued by it, within thirty days after obtaining the authorization. Money transfers operated by carrying to the running account opened in the books of the National Bank of Romania are irrevocable and unconditional.

Banks may also open other accounts at and under the conditions established by the National Bank of Romania.

Branches of foreign banks shall permanently maintain an endowment capital at the level provided through the regulations of the National Bank of Romania for the minimum registered capital of the banks which are Romanian juristic persons.

**Art. 41.** — Banks may increase their registered capital, in addition to subscriptions of new contributions in cash, according to the legislation in force, by making use of the following sources, too:

a) issue or contribution bonuses and other bonuses linked to capital, integrally cashed, remaining after the payment and coverage of unredeemed expenses carried out with such operations, as well as reserves constituted on account of such bonuses;

b) dividends on the net profit due to shareholders after payment of taxes on dividends according to the law;

c) reserves from foreign exchange rate influences relating to the appreciation of foreign currency disposable funds representing registered capital in foreign currency;

d) reserves constituted from the net profit, existing in the balance of the last balance sheet;

e) the favourable differences from revaluation of the assets which may be included in the reserves and used for increasing the registered capital.

**Art. 42.** — Any modification of the level of the registered capital of a bank shall be subject to the approval of the National Bank of Romania.

**Art. 43.** — Banks shall share out twenty-per-cent from the gross profit for the constitution of a reserve fund until the fund thus constituted becomes equal to the registered capital, thereafter ten-per-cent maximum up to the moment when the fund has reached twice the amount of the registered capital. After reaching this level, the allocation of sums of money to the reserve fund shall be made from the net profit.

From the gross profit, the banks shall portion out the sums of money destined for the constitution of the general reserve for the credit risk, within the limit of two-per-cent from the balance of the credits granted.
Section 3
Prudential requirements

Art. 44. – On granting credits, the banks shall have in view that the applicants should present credibility in respect of reimbursement at their term. To this end, the banks shall ask from the applicants a guarantee for the credits under conditions established by their crediting norms.

Art. 45. – The banks must observe the following prudential requirements when these are provided under the regulations of the National Bank of Romania:

a) the minimum level of solvency, determined as a ratio of the level of their own funds and the total of assets and elements outside the balance sheet, weighted depending on their degree of risk;

b) the maximum outstanding credits towards a single debtor, expressed in percentage, as a ratio between their total value and the level of the bank’s own funds;

c) the aggregate maximum outstanding credits, expressed in percentage, as a ratio between the total value of the large outstanding credits and the level of their own funds;

d) the minimum level of liquidity, determined depending on the terms of the debts and engagements of the bank;

e) the classification of the credits granted and of interests receivable relating to them and the constitution of the specific risk provisions;

f) the foreign currency position expressed in percentage depending on the level of its own funds;

g) the management of the bank’s resources and placements;

h) the extension of the network of branches and other secondary seats of the bank.

Art. 46. – Banks which are Romanian juristic persons may open branches and other secondary seats (agencies and other similar ones) in Romania’s territory under the conditions provided by the regulations of the National Bank of Romania.

The provisions under para. (1) shall also apply correspondingly in the case of the branches of foreign banks.

The banking law

Banks which are Romanian juristic persons may open representations and branches or may set up subsidiaries abroad only with the previous approval of the National Bank of Romania, in keeping with the regulations issued by it.

Art. 47. – A bank may not carry out distributions from profit for dividends, if, as a result of this distribution, the bank records a solvency level below the minimum provided by the regulations of the National Bank of Romania.

Art. 48. – The total value of the long term investments of a bank in the transferable securities issued by a trading company which is not engaged in one or more of the financial activities provided under Art. 8 may not exceed:

a) twenty-per-cent of the registered capital of the respective trading company; and

b) ten-per-cent of the bank’s own funds.

The total value of the bank’s long term investments in transferable securities issued by such trading companies may not exceed fifty-per-cent of the bank’s own funds.

Art. 49. – The total value of a bank’s investments in transferable securities carried out in its own name and on its own account may not exceed the level of one hundred-per-cent of the bank’s own funds, except those in public securities.

Art. 50. – Loans granted to persons in special relations with the bank or its personnel, their families included, shall be permitted only under the conditions established by the regulations of the National Bank of Romania.

Section 4
Significant shareholders

Art. 51. – Any person intending to acquire a participation of at least five-per-cent of the bank’s registered capital must obtain the previous approval of the National Bank of Romania, in agreement with the regulations issued by it.

Art. 52. – Any significant shareholder who intends to increase his, her or its participation, so that the proportion of the registered capital held should reach or exceed levels representing multiples of five-per-cent, must obtain the previous approval of the National Bank of Romania.
Section 5

Prohibited transactions

Art. 53. — Banks shall not carry on the following operations:

a) engagement in transactions with movables and immovables, except transactions with such goods necessary for the carrying on of the activity and for the use of the employees as well as transactions with movables and immovables acquired as a result of the execution of the bank’s claims.

Movables and immovables acquired as a result of the enforcement of the claims, other than those necessary for the carrying on of the activity and for the use of the employees shall be sold by the bank within one year after their acquisition. For immovables, the term may be extended with the approval of the National Bank of Romania;

b) the acquisition of the bank’s own shares or their pledging on account of the bank’s debts, except the redemption of its own shares with a view to a reduction of the registered capital, forming the object of a previous approval of the National Bank of Romania;

c) the granting of loans or providing of other services to clients, conditioned by the sale or buying of the bank’s shares;

d) the granting of credits guaranteed with the shares issued by the bank;

e) the acceptance of deposits, titles, or other values, when the bank is in a state of stoppage of payments;

f) the engagement in acceptation of deposits, if the majority of the deposits comes from the bank’s employees, except operations of placement funds and other financial operations based on the principle of mutuality.

Section 6

Contracting documents, registers and records

Art. 54. — Each bank shall draw up and preserve at its registered office documents and records in Romanian, including:

a) the memorandum of association and articles of association as well all additional deeds by which these were modified;

b) a register of its shareholders, according to the law;

c) the minutes and decisions of the shareholders’ general meeting;

d) the minutes and decisions of the Managing board;

e) the books and accounting registrations clearly and correctly making evident the situation of its activity, the explanation of the transactions and financial position so as to enable the National Bank of Romania to determine whether the bank has complied with the provisions of the present law;

f) its own regulations referring to the carrying on of the activity as well as all their amendments;

g) other records required according to the present law or the provisions of the regulations of the National Bank of Romania.

The documents provided under letters a) and f) shall be transmitted to the National Bank of Romania, and the documents representing the daily recording of the registrations for each client of the bank, the characteristics of its transactions with that client or on the client’s account, and the balance due to or by the client shall be kept at the registered office of the bank or at its secondary seats.

Art. 55. — Each bank shall draw up and keep at its registered office or at its secondary seats a copy of the adequate credit documentations and any information with regard to business relations with its clients and with other persons which the National Bank of Romania might provide by regulations and which shall be kept at the disposal of the authorized personnel of the National Bank of Romania at their request.

Art. 56. — All credit and guarantee operations of the banks shall have to be recorded in contractual documents from which there should clearly result all the terms and all the conditions of the respective transactions. All these documents must be kept by the banks and put at the disposal of the authorized personnel of the National Bank of Romania at their request.
The banking credit contracts as well as the real and personal guarantees, constituted for the purpose of forming a guarantee for the banking credit shall constitute writs of execution.

After investment of the credit contract with the executory formula, interests shall be farther calculated and recorded by the bank outside the balance sheet, together with the respective credits.

Section 7
Accounts, financial statements and their checking

Art. 57. — Banks shall permanently keep accounting records in agreement with the provisions of the Accounting Law and of the specific regulations given in its application, and to draw up adequate financial statements in order to adequately reflect their financial operations and condition. The accounting records and the financial statements of a bank shall also reflect the operations and financial position of the subsidiaries, branches, and other secondary seats, on an individual basis and on a consolidated basis, as the case may be.

Art. 58. — The National Bank of Romania shall establish rules on the keeping of accounting and the drawing up of the balance sheet, which must previously be approved by the Ministry of Finance.

The banks shall be under an obligation to present to the National Bank of Romania their financial statements consisting of elements of the balance sheet as well as other data requested by the National Bank of Romania, at the terms and in the form established by regulations.

Art. 59. — The balance sheet of the banks shall not be accepted as having legal validity by the legitimate authorities without having been checked and signed by the bank’s auditors.

Art. 60. — The provisions under articles 58 and 59 shall apply also to the branches of foreign banks, the power of the auditors being carried out by expert accountants, by authorized accountants with university education, or by audit companies authorized to carry on this activity on Romania’s territory.

The branches of foreign banks shall draw up a balance sheet which shall cover their activity, and that of the secondary seats subordinated to them.

Art. 61. — Each bank shall appoint an independent auditor. As auditor of a bank can be appointed only a company of accounting expertise authorized under the conditions of the law to carry on this activity in Romania.

The independent auditor shall:

a) grant aid to the bank in the keeping of the accounting books according to the accounting legislation in Romania and to the regulations of the National Bank of Romania;

b) draw up an annual report together with an expressed opinion from which it shall result whether the financial statement shows a true image of the bank’s condition;

c) examine the practice and procedure of the internal check and of the auditors and, if considered inadequate, make recommendations to the bank for their remediation;

d) inform the National Bank of Romania with regard to any fraudulent act of a manager or employee which could have as a consequence a loss of significant importance for the bank.

Art. 62. — Each bank shall publish the balance sheet, after its approval by the general assembly of the shareholders, together with the independent auditor’s opinion on it, in the form and at the terms established by the National Bank of Romania and the Ministry of Finance.

CHAPTER X
Transfer of funds

Art. 63. — The transfer of funds shall be organized as part of the banking activity, for the purpose of finalizing the settlement of accounts and preventing non-payment risks. Each bank shall bear the responsibility for the lawfulness and discipline of the funds transfer between its seats.

The authorization of the funds transfer systems and of the juristic persons who carry out interbanking funds transfer shall be done by the National Bank of Romania.

The representative means of payment and the funds transfer circuits shall previously be approved for each
bank by the National Bank of Romania in the interest of the protection of the consumer of such services and the promotion of efficient payments without cash.

Art. 64. — With a view to strengthening the discipline of payments without cash and of reducting the cost of banking activities, on request, the National Bank of Romania may authorize a juristic person to function as an interbanking clearing office.

No collective arrangement for carrying out reciprocal clearing and interbanking settlements may function on Romania’s territory without the previous authorization of the National Bank of Romania.

Art. 65. — Beside settlements of accounts, the juristic persons provided under Art. 64 may, on request, obtain the National Bank of Romania’s authorization also to carry out other services of funds administration over a period of not more than one working day as well as other services which might contribute to the fulfilment of the purpose provided in their constitutive deeds and in their working norms.

CHAPTER XI
Prudential supervision of banks

Art. 66. — The National Bank of Romania shall supervise the activity of the banks which are Romanian juristic persons and of the branches of foreign banks on the basis of prudential banking references made in keeping with the present law and regulations of the National Bank of Romania issued in its application as well as by inspections:
— at the registered office of the banks, of seats of branches, and at other secondary seats at home and abroad;
— at the registered office of the branches of foreign banks and at the secondary seats in their subordination.

Art. 67. — Inspections at the registered office of the bank shall be carried out by the personnel of the National Bank of Romania empowered in this sense, or by independent auditors appointed by the National Bank of Romania.

In the case of branches and subsidiaries of foreign banks, the inspection teams may also include representatives of the supervision authorities from the country of origin of the foreign bank.

For the supervision of Romanian banks functioning abroad, the National Bank of Romania shall cooperate with the banking supervision authorities of the respective states.

Information referring to foreign banks carrying on activities in Romania may be provided to the banking supervision authorities from the country of origin only under conditions of reciprocity.

Art. 68. — Banks shall be under an obligation to allow the personnel of the National Bank of Romania and independent auditors appointed according to the provisions under Art. 67, carrying out the inspection, to examine the records, accounts, and operations, and to provide all documents and information in connection with the administration, internal check, and operations of the bank, such as they shall be solicited by them.

CHAPTER XII
Remedy measures and sanctions

Art. 69. — In the situation in which the National Bank of Romania shall find that a bank and/or any of its managers, executive directors, or auditors are to be blamed for:
a) the violation of a provision of the present law or of the regulations or orders issued by the National Bank of Romania in application of the present law;
b) the violation of any condition or restriction provided in the authorization issued to the bank;
c) the carrying out of fictitious operations or without real coverage;
d) failure to report, belated reporting, or reporting of erroneous data with regard to the prudential banking indicators, or of other indicators provided in the regulations of the National Bank of Romania;
e) non-observance of the measures established by check deeds or as their result;
f) endangering the bank’s viability and credibility by inadequate administration of the funds entrusted to it,
The National Bank of Romania may apply the following sanctions:

a) written warning given to the bank;
b) limitation of the bank’s operations;
c) a fine applicable to the bank, from 0.1 to 1% from the registered capital, or to managers, executive directors, or auditors, from one to six average salaries-per-bank from the previous month, when the deed was established. The fines collected shall be made revenue to the state budget;
d) withdrawal of the approval given to the heads of the bank;
e) withdrawal of the bank’s authorization.

**Art. 70.** — As a result of the findings, the National Bank of Romania may take the following measures:

a) conclude a written agreement with the Managing board of the bank, which shall include a programme of remedy measures;
b) oblige the bank at fault to apply measures of remediation of the consequences of the findings;
c) institute measures of special supervision and of management, according to the provisions under chapter XIII.

**Art. 71.** — The finding of the deeds described in the present chapter, constituting violations of the banking discipline, shall be made by the personnel of the National Bank of Romania, empowered in this sense by the persons mentioned under para. 2.

The deeds of application of the measures and sanctions provided in the present chapter shall be issued by the governor or vice-governors, in the cases provided under the regulations of the National Bank of Romania issued in this sense.

**Art. 72.** — The application of the sanctions provided under Art. 69 shall fall under the statute of limitation after two years from the date when the deed was committed.

The application of sanctions shall not remove the material, civil, administrative, or criminal responsibility, as the case may be.

**Art. 73.** — The exercise of the right to vote of the significant shareholders not having obtained the approval of the National Bank of Romania, according to section 4 of chapter IX, shall be suspended.

The National Bank of Romania shall order the significant shareholders provided under para. 1 to sell the shares held above the participation approved by the National Bank of Romania within three months. After expiry of this term, if the shares have not been sold, the National Bank of Romania shall order the bank to cancel the respective shares, the issue of new shares bearing the same number, and to sell them, following upon which, the price collected from the sale to be deposited at the initial acquirer after deduction of selling expenses.

**Art. 74.** — The perpetration by natural persons of the deeds provided under section 3 of chapter I constitutes offences and shall be punished with imprisonment from one month to two years or with a fine.

**CHAPTER XIII**

**Measures for instituting special supervision and special management of banks**

**Art. 75.** — The National Bank of Romania, as prudential banking supervision authority, may decide on measures for instituting a special supervision and a special management of the banks.

**Section 1**

**Measures for instituting special supervision of the banks**

**Art. 76.** — The Managing board of the National Bank of Romania may decide on measures for the instituting of special supervision of banks, for violations of the law or of the prudential regulations issued by the National Bank of Romania, found as a result of the supervision activities effected and/or of the examination of the bank’s reports as well as in the case of the finding of a precarious financial position. The special supervision shall be ensured through a commission instituted to this end, consisting of five to seven specialists from the National Bank of Romania, one of whom will fulfil the function of chairman and another that of vice-chairman.


**Art. 77.** – The powers of this commission shall be established by the Managing board of the National Bank of Romania, and shall refer mainly to:

a) the following up of the way in which the management of the bank acts for the establishment and application of the measures necessary for the remediation of the deficiencies written in the control instrument drawn up by the inspection bodies of the National Bank of Romania;

b) the advice of all decisional deeds of the bank’s statutory bodies, with reference to the financial position, observance of the prudential regulations as well as the compulsory suspension or suppression of such deeds;

c) the modification of the bank’s own regulations;

d) the limitation and/or suspension of banking activities or operations over a certain period;

e) any other measures considered necessary for the remediation of the bank’s position.

The special supervision commission shall not substitute itself to the management of the bank.

During the exercising period of the special supervision, the general shareholders’ meeting, the bank’s heads and Managing board may not decide on measures contrary to those disposed by the special supervision commission.

Members of the special supervision commission shall have access to all documents and registers of the bank, being under an obligation to preserve the secret with regard to banking operations.

**Art. 78.** – The special supervision commission shall present periodical reports on the bank’s position to the Managing board of the National Bank of Romania.

Depending on the conclusions resulted from these reports, the Managing board of the National Bank of Romania shall decide on the cessation or continuation of the special supervision, without however exceeding a period of more than one hundred and twenty days after the institution of the special supervision measure.

In case that further severe deficiencies shall be found in the bank’s activity, the Managing board of the National Bank of Romania may, from case to case, decide on measures of special management of it.

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**Section 2**  

**Measures of special management of the banks**

**Art. 79.** – Measures of special management of the bank may be disposed in the situation in which the National Bank of Romania shall have found or been informed with regard to the following situations:

a) the measures of special supervision have not given results over a period of up to one hundred and twenty days;

b) there are certain data leading to the conclusion that the bank will become insolvent in the following ninety days.

The value of the bank’s assets and liabilities shall be calculated according to the evaluation procedures provided under the regulations of the National Bank of Romania.

In order to determine the value of the assets and liabilities of a bank at a subsequent date, its anticipated revenues and expenditures up to the respective date shall be taken into consideration.

**Art. 80.** – The special management activity shall be carried out by a special manager appointed by the Managing board of the National Bank of Romania. The special manager may also be a specialized juristic person constituted in accordance with the law.

**Art. 81.** – The special manager shall entirely take over the powers of the Managing board of the bank subject to the special management form of administration.

The right to vote regarding the appointment and dismissal of the managers and the right to dividends of the shareholders, the activity of the Managing board and of the auditors as well as the right to remuneration of the managers and auditors shall be suspended over the period of application of the special management.

The special manager shall forthwith inform the bank’s departments as well as its secondary seats with the measure thus taken.

In managing the bank, the special manager shall establish optimum conditions for the preservation of the assets and collection of claims in the interest of the depositors and of other creditors.
An advertisement with regard to the institution of the special management shall be published in the “Monitorul Oficial” (Official Gazette of Romania) and in several newspapers of national circulation.

Art. 82. — Within forty-five days after appointment, the special manager shall submit a written report to the Managing board of the National Bank of Romania with regard to the financial position of the bank and the possibility of the recovery of its position from the point of view of the financial security, and shall attach documents relating to the evaluation of the assets and liabilities of the bank, the situation of the recovery of assets, the cost of maintaining the assets and the situation of liquidation of debits.

Within fifteen days after receiving the special manager’s report, the Managing board of the National Bank of Romania shall make a decision on the extension of the special manager’s activity, over a limited period, or withdrawal of the authorization, and inform the competent instance on the starting of the bank’s winding up procedure.

The special manager whose activity was extended shall periodically submit an evaluation of the bank’s financial position.

If the Managing board of the National Bank of Romania should, on the basis of information supplied by the special manager, find that the bank has recovered financially and tallies with prudential supervision parameters established by law and by the regulations of the National Bank of Romania, the measures of special management shall cease, and the bank shall resume its activity under the check of its statutory bodies.

CHAPTER XIV
Ways of contestation

Art. 83. — The deeds issued in application of the present law may be disputed within fifteen days after their communication. The contestation shall be lodged with the Managing board of the National Bank of Romania, which is to pass a decision within thirty days after the information.

The decision of the Managing board may be sued at the Supreme Court of Justice within fifteen days after the communication.

CHAPTER XV
Transitory provisions

Art. 84. — The banks and branches of foreign banks, authorized at the moment of coming into force of the present law, shall be considered to hold an authorization issued according to the provisions of the present law.

Art. 85. Authorization applications unsolved at the date of coming into force of the present law, and which are not in accordance with its provisions, may be withdrawn and presented again by the authors of the applications, in keeping with the provisions of this law.

Art. 86. — For banks which are Romanian juristic persons, and for the branches of foreign banks, whose organization, management, financial position and operations are not in agreement with the requirements of the present law or with the regulations issued in its application, the National Bank of Romania shall, by regulations and orders, establish the period within which these shall have to harmonize with the provisions of the present law.

CHAPTER XVI
Final provisions

Art. 87. — All issued authorizations and those in force shall be entered by the National Bank of Romania in the banking register, which shall be permanently accessible to the public.

Art. 88. — Banks may organize a professional association to represent their collective interests in front of the public authorities, to study problems of common interest, to promote cooperation, to inform members of the association and the public, and to organize services of common interest. The professional association of the banks shall collaborate with the National Bank of Romania.

Separately or within the framework of the professional associations, the banks may organize their own body of executors, whose activity shall be strictly linked to the put-
ting into force of the writs of execution belonging to the banks.

The statute of this body of executors shall be approved by order of the minister of justice.

Art. 89. — By decision of the Government and with the advice of the National Bank of Romania, the banks may be approved to unfold financing activities for the stimulation of small and medium-sized enterprises, for the restructuring, modernization, and privatization of trading companies as well as for the support and stimulation of exports, the development of the infrastructure and of other utilities of public interest.

The sums of money required for the unfolding of the financing activity provided under para. (1) may be ensured from public funds also by the respective banks by loan agreements with Romanian or foreign financial institutions as well as by the mobilization of resources from the home or international capital market, which may also be guaranteed by the Romanian Government through the Ministry of Finance.

Banks carrying on financing activities in agreement with the provisions under the preceding paragraphs shall, corresponding to the respective activities, be exempt from the payment of the profits tax as well as from the distribution and payment of dividends and of the tax on dividends, the respective sums of money being destined to an increase of their reserve fund.

Art. 90. — Institutions, other than banks, qualified by law to carry on banking activities, shall be subject to the authorization, prudential supervision, and regulations of the National Bank of Romania.

According to the provisions of the preceding paragraph, the legislation relating to the Saving and Consignments Institution and the legislation relating to the credit cooperation shall be adapted correspondingly.

Art. 91. — All regulations and orders issued by the National Bank of Romania in application of the present law shall be published in the “Monitorul Oficial” (Official Gazette of Romania), Part I.

Art. 92. — The present law shall come into force within thirty days after the date of its publication in the “Monitorul Oficial” (Official Gazette of Romania).

The law shall be completed with the provisions under the legislation applicable to trading companies to the extent to which this shall not come in conflict with the provisions under the present law.

Art. 93. — The National Bank of Romania shall draw up regulations and orders in application of the present law, within one hundred and eighty days after the date of its coming into force.

Art. 94. — The Law No. 33/1991 on banking activity, published in the “Monitorul Oficial” (Official Gazette of Romania), Part I, No. 70 of April 3, 1991; the Law No. 36/1997 on the approval of the Government Ordinance No. 40/1996 on the modification and completion of the regulations relating to the increase of the registered capital of banking companies, published in the “Monitorul Oficial” (Official Gazette of Romania), Part I, No. 54 of April 1, 1997 as well as any other contrary provisions shall be abrogated after the date of coming into force of the present law.

From the provisions of the preceding paragraph shall be excepted the present regulations of the National Bank of Romania which shall remain in force until the adoption of the new regulations.
CHAPTER I
General provisions

ARTICLE 1
The legal status

(1) The National Bank of Romania shall be the central bank of the Romanian State, provided with legal personality.

(2) The National Bank of Romania’s registered office shall be in Bucharest, and it shall be allowed to have branch offices and agencies in the capital town and other localities throughout the country.

ARTICLE 2
Basic objective

(1) The basic objective of the National Bank of Romania shall be to ensure the stability of the national currency in order to contribute to the stability of prices.

(2) For attaining its basic objective, the National Bank of Romania shall elaborate, apply, and be responsible for the monetary, foreign exchange, credit, and payments policy as well as for the authorization and prudential banking supervision within the framework of the State’s general policy, following up the normal functioning of the banking system, and participating in the promotion of a financial system specific to the market economy.

ARTICLE 3
Collaboration with the state authorities

(1) The National Bank of Romania shall collaborate with the local and central public authorities for the achievement of its objectives.

(2) With a view to the achievement of its basic objective, the National Bank of Romania shall be solicited to express its opinion on the statutory instruments of the public authorities directly related to the monetary policy, banking activity, foreign exchange rules and public debts.

(3) In the elaboration of the draft budgets of the central public administration, the National Bank of Romania shall be consulted with regard to the establishment of the public sector’s loan conditions.

(4) For its own requirements and those of the public authorities, the National Bank of Romania shall elaborate studies and analyses on currency, foreign exchange rules, credit, banking and payment system operations.

ARTICLE 4
International cooperation

(1) By power of Parliament, the National Bank of Romania may participate in international organizations with a financial, banking, monetary, or payments character, and may become a member of these organizations.

(2) The National Bank of Romania may participate in the name of the State in foreign talks and negotiations on financial, monetary, foreign exchange, credit, and payments problems as well as in the field of banking authorization and supervision.

(3) The National Bank of Romania shall exercise rights and fulfil obligations devolving upon Romania in her capacity as member of the International Monetary Fund, the use of the facilities of this institution of medium and long term financing for the needs of the balance of payments and consolidation of the country’s international reserves inclusive.

(4) The National Bank of Romania may negotiate and conclude agreements, conventions, or other understandings with regard to short-term loans and other banking-and-financial operations with international financial institutions, central banks, banking and non-banking companies, on condition of their reimbursement within a term of one year.
(5) The National Bank of Romania may conclude in its own name or in the name of the State, by order and on the State’s account, settlements and payments agreements or any other contracts to the same purpose with public or private institutions having their registered office abroad.

CHAPTER II

The monetary and foreign exchange policy

ARTICLE 5

The monetary policy

Within the framework of the monetary policy which it promotes, the National Bank of Romania shall make use of proceedings and instruments specific to operations in the monetary market, crediting of the banks, and liquidity control by compulsory minimum reserves.

ARTICLE 6

Monetary market operations

The National Bank of Romania may discount, acquire, take as security, or sell debts, bonds, or other securities on the State, banks or other juristic persons, and may attract deposits from banks, under terms it considers necessary in order to realize the objectives of the monetary policy.

ARTICLE 7

Crediting operations

(1) The National Bank of Romania may grant credits on terms of reimbursement, guarantee and interest, to be established by its own regulations, in agreement with the provisions of the present law.
(2) Crediting by the National Bank of Romania on overdraft shall be prohibited.

ARTICLE 8

Reserves requirements

(1) The National Bank of Romania shall establish the regulations of the reserves requirements which the banks have to keep in accounts open with it.
(2) For foreign deposits, the reserves requirements shall be constituted only in foreign currency.
(3) On reserves requirements, the National Bank of Romania shall grant interest rates at least at the level of the average interest rate on deposits on current account practiced by the commercial banks.

ARTICLE 9

Foreign exchange policy

(1) The National Bank of Romania shall elaborate and apply the policy with regard to the rate of exchange, establishing and following up the application of the foreign exchange rules in Romania’s territory.
(2) The National Bank of Romania shall be the State’s agent with regard to the application of the legal regulations aiming at the foreign exchange control of juristic persons to whom it has granted authorization and from whom it is entitled to request and receive all information and any documents required for the fulfilment of the attributions devolving upon it, being empowered to take measures for enforcing the observance of its regulations.

ARTICLE 10

Establishment of foreign exchange rules

In the management of the foreign exchange rules, the National Bank of Romania shall be responsible for:

a) the issue of regulations with regard to operations with foreign assets and gold, with a view to the protection of the national currency;
b) the elaboration of the balance of payments and of the country’s international investitional rating;
c) the establishment of the rates of exchange for its own operations in the foreign exchange market calculation, and publication of the average rates of exchange for the statistic record;
d) the authorization and withdrawal of the authorization as well as supervision of juristic persons having obtained the authorization to carry out foreign exchange transactions;
e) the establishment of ceilings and other limits for the holding of foreign assets and operations with gold and foreign assets for juristic and natural persons;

f) the establishment of the ceiling and conditions of running into foreign debts of juristic and natural persons coming under the incidence of the foreign exchange rules;

g) the custody and administration of the State’s international reserves.

ARTICLE 11
Foreign exchange regulations

The National Bank of Romania shall elaborate regulations with regard to the monitoring and control of foreign exchange transactions in Romania’s territory, and shall issue authorizations for transfers abroad, transactions in foreign exchange markets, and other specific operations.

ARTICLE 12
Monitoring and reporting

For monitoring foreign exchange transactions, the juristic persons authorized to carry on foreign exchange operations shall report to the National Bank of Romania on transactions effected, using documents whose form and contents shall be established by it.

CHAPTER III
The monetary issue

ARTICLE 13
The exclusive issue right

The National Bank of Romania shall be the sole institution authorized to issue token money, in the form of banknotes and coins, as legal payment means in Romania’s territory.

ARTICLE 14
The monetary unit

The national currency shall be the *Leu*, with its subdivision, the *Ban.*
c) cheques, bills of exchange, and other credit bonds, discounted or held in portfolio.

ARTICLE 17

Legal means of payment

Banknotes and coins issued and not withdrawn from circulation by the National Bank of Romania shall represent token money that have to be accepted at face value for the payment of all public and private obligations.

ARTICLE 18

Issue and putting into circulation of token money

(1) The National Bank of Romania shall ensure the printing of banknotes and minting of coins, and shall take measures for the safe keeping of those that are not put into circulation as well as for the custody and destruction, when this should be necessary, of dies, inks, and of banknotes and coins withdrawn from circulation.

(2) The National Bank of Romania shall distribute the monetary issue achieved, and administer the cash reserve in form of banknotes and coins.

(3) Worn out or inadequate banknotes and coins shall be withdrawn from circulation and destroyed by the National Bank of Romania, and replaced with new banknotes and/or coins.

(4) The National Bank of Romania shall replace banknotes and coins issued and not withdrawn from circulation, tax-free and without commissions.

(5) The National Bank of Romania may refuse the replacement of banknotes and coins presenting distortions, are illegible, or if more than forty-per-cent of their area is missing. This token money shall be withdrawn from circulation and destroyed without granting of compensations to their holders, except special cases mentioned in the bank’s own regulations.

(6) The National Bank of Romania may not be compelled to grant compensations for banknotes or coins that were lost, stolen, destroyed, counterfeited or forged.

ARTICLE 19

Change of token money

(1) The National Bank of Romania may decide to annul or withdraw from circulation of any banknotes or coins that were issued, and to replace them by putting into circulation other types of token money.

(2) The period and modality of exchanging shall be published in the “Monitorul Oficial” (Official Gazette of Romania) and in at least two newspapers of national circulation.

(3) At expiry of the exchanging period, the banknotes and coins withdrawn from circulation shall no longer be permitted to be used for the payment of public or private obligations, without entering into contradiction with the provisions under Article 17.

(4) The sum total of the banknotes and coins withdrawn from circulation, but not exchanged within the established term, shall be subtracted from the total of the cash in circulation entered in the accounting records and shall be registered as income of the National Bank of Romania.

CHAPTER IV

Operations with banks

ARTICLE 20

Crediting of banks

Within the framework of its monetary, foreign exchange, credit, and payments policy, the National Bank of Romania may grant credits to the banks on terms that may not exceed ninety days, guaranteed with:

a) public securities resulting from public issues, falling due within not more than one year after the date when the guarantee was constituted by their delivery into the portfolio of the National Bank of Romania;

b) bills of exchange and promissory notes drawn or subscribed by eligible juristic persons for the payment of commercial, industrial, or agricultural performances, according to the rules issued by the National Bank of Romania;
c) deposit receipts or warrants issued with regard to fungible goods or other goods validly insured against loss, destruction, or deterioration risks;

d) deposits constituted with the National Bank of Romania, or with other juristic persons agreed by the National Bank of Romania, consisting of any assets that it can sell, buy, or transact.

ARTICLE 21

Crediting costs and conditions

(1) The National Bank of Romania shall establish and make publicly known the crediting conditions, the minimum level of the interest rate for credits granted to banks, and the criteria that have to be fulfilled by banks for being able to solicit credits on competitive bases.

(2) The National Bank of Romania may establish crediting ceilings, levels of the interest rate, terms of reimbursement, and other conditions in which discretionary credits or credits on competitive bases may be granted.

(3) For all operations carried out, the National Bank of Romania shall establish and collect interests, commissions, and other coverage forms of functioning costs and assumed risks, except operations carried out through the general running account of the State Treasury.

ARTICLE 22

Bank accounts

(1) The National Bank of Romania shall open a running account for the State Treasury, for each bank, and for each branch of a bank which is a foreign juristic person, authorized to function in Romania.

(2) The National Bank of Romania may open running settlement accounts and other accounts for resident interbanking compensation houses as well as for non-resident international institutions and central banks.

(3) Through the running accounts there shall be carried out the final and irrevocable settlement of encashment and payment operations between accounts holders.

ARTICLE 23

Payment systems

The National Bank of Romania shall issue general regulations with regard to payment instruments, shall coordinate and supervise the payment systems of national interest, and shall establish the necessary measures for the prevention and elimination of any situation that might put in danger the good functioning of the payment systems.

ARTICLE 24

Compensation, depositing, and payment services

(1) The National Bank of Romania may provide compensation, depositing, and payment services through the agency of accounts opened in its records.

(2) The National Bank of Romania may, on its own account or in the name and on the State’s account, participate in compensation, depositing, and payment arrangements, or in other contracts with this purpose, concluded with central institutions or with specialist collective organizations, both public and private, having their registered office abroad.

ARTICLE 25

Risks prevention and limitation

For the prevention and limitation of credit and payment risks, the National Bank of Romania shall, on request and against cost, provide collecting and distributing services, of data and information with regard to payment incidents and crediting risks in the banking system, under conditions of securing the secret of banking operations.

CHAPTER V

Banking supervision

ARTICLE 26

Banking authorization and prudential supervision

(1) The National Bank of Romania shall have the exclusive competence to authorize the functioning of banks, and shall be responsible for the prudential supervision of
the banks it has authorized to operate in Romania, in agreement with the provisions under the Banking Law.

(2) In order to ensure the viability and functioning of the banking system, the National Bank of Romania shall be empowered to:
   a) issue regulations, take measures for imposing their observance, and apply the legal sanctions in cases of non-observance;
   b) check and verify, on the basis of reports received and by inspections on the spot, the account books, accounts and any other documents of authorized banks considered to be necessary for the achievement of the bank’s supervisions powers.

ARTICLE 27
Protection against the banking system risk

For the purpose of limiting the payments and banking system risks, exceptionally and only from case to case, the National Bank of Romania may grant to the banks other credits, too, non-guaranteed or guaranteed with other assets than those provided under Article 20.

CHAPTER VI
Operations on the State’s account

ARTICLE 28
Account of the State’s Treasury

(1) The National Bank of Romania shall hold in its records the general current account of the State’s Treasury, opened on the name of the Ministry of Finance.

(2) The functioning of the general current account of the State’s Treasury and the recording of operations in this account shall be established by conventions concluded between the National Bank of Romania and the Ministry of Finance.

ARTICLE 29
Operations with the State’s Treasury

(1) The National Bank of Romania shall receive the receipts for the general current account of the State’s

Treasury, and carry out payments within the limit of available funds in this account.

(2) The National Bank of Romania shall not take commissions at the settlement of operations through the general current account of the State’s Treasury, opened in its records and shall pay interest on the funds available in this account.

(3) In the course of the budgetary year, in order to cover the temporary discrepancy between receipts and payments in the general current account of the State’s Treasury, the National Bank of Romania may grant loans with reimbursement terms of not more than one hundred and eighty days, and under terms of interest at market level, on the basis of agreements concluded with the Ministry of Finance.

(4) The sum total of the loans granted may not exceed in any budgetary year the equivalent of seven-per-cent of the State budget’s revenue achieved in the preceding year, and the permanent balance of the loans granted and not repaid shall not at any moment exceed the sun total resulted from the doubling of the National Bank of Romania’s capital and reserve fund.

(5) The National Bank of Romania may act as the State’s agent in the establishment of the banks eligible to receive deposits of the State’s Treasury, under terms that shall be established together with the Ministry of Finance.

ARTICLE 30
Operations with public securities

(1) In the case of agreements concluded beforehand with the Ministry of Finance, and conformably to the bank’s own regulations, the National Bank of Romania may act as agent on the State’s account, with regard to:
   a) the placement of issues of public securities and other negotiable securities by which the Romanian Government is running into debt;
   b) the exercise of the functions of recording, depositing, and transfer agent of public securities;
   c) the payment of the capital, interests, commissions, and of relating expenses;
d) the executions of settlements in the general current account of the State’s Treasury;
e) other operations in accordance with the objectives and main responsibilities of the central bank;
f) the carrying out of payments relating to the above through accounts opened in its records, of those relating to the issuers debt service and other dealing and operation costs inclusive.

(2) Loans on the basis of public securities shall be carried out conformably to agreements concluded between the National Bank of Romania and the Ministry of Finance, by which at least the following elements shall be established: the value of the loan, the falling due term, the rate of interest, and mode of calculation of the interest over the whole duration of the credit, the cost of the debt service as well as data with regard to negotiable public securities issued for each loan.

CHAPTER VII
Operations with gold and foreign assets

ARTICLE 31
International reserves

(1) While observing the general rules with regard to liquidity and the specific risk of foreign assets, the National Bank of Romania shall establish and maintain international reserves under such conditions that it may periodically determine their exact size, reserves formed cumulatively or selectively from the following elements:
   a) gold held in the treasury within the country or deposited abroad;
   b) foreign assets in form of banknotes and coins, or available funds in bank accounts or at other financial institutions abroad, expressed in those currencies and held in those countries established by the National Bank of Romania;
   c) any other reserve assets recognized at international level, the right to effect purchases from the International Monetary Fund within the framework of the reserve insta-


d) bills of exchange, cheques, bills payable to order as well as bonds and other securities, whether negotiable or not, issued or guaranteed by non-resident juristic persons, classified in the first classes by risk appreciation agencies, recognized at international level, expressed and payable in foreign exchange in acceptable places for the National Bank of Romania;
e) treasury bills, debentures and other public securities, issued or guaranteed by foreign governments or by intergovernmental financial institutions, whether negotiable or not, expressed and payable in foreign currency in places acceptable for the National Bank of Romania.

(2) The National Bank of Romania shall, together with the Ministry of Finance, follow up the maintenance of the international reserves at a level that it appreciates as adequate for the State’s foreign transactions;

5) If there should be a danger of the decrease of the international reserves to a level that might put in peril the State’s international transactions, as well as in the case in which the decrease should have taken place, the National Bank of Romania shall present to the Government and Parliament a report on the position of the international reserves and the causes that have led or might lead to such a reduction. The report shall contain recommendations and proposals of measures of the National Bank of Romania required for the prevention or remediation of the situation.

ARTICLE 32
Management of international reserves

The National Bank of Romania shall be authorized, under the terms established by itself and which it can periodically modify, to carry out the following operations:
   a) to buy, sell, and make other transactions with gold bullions and coins, and with other precious metals;
   b) to buy, sell, and make other transactions with foreign exchange;
   c) to buy, sell and make other transactions with treasury bills, debentures, and other bonds issued or guaran-
teed by foreign governments or intergovernmental financial organizations;

d) to buy, sell, and make other transactions with transferable securities issued or guaranteed by central banks, international financial institutions, banking and non-banking companies;

e) to open and maintain accounts at central banks and monetary authorities, banking companies, and international financial institutions;

f) to open and maintain accounts and carry out correspondent operations for international financial institutions, central banks and monetary authorities, financial and banking companies, intergovernmental financial organizations from abroad, as well as for foreign governments and their agencies.

CHAPTER VIII
Leadership and management

ARTICLE 33
Leadership of the National Bank of Romania

(1) The National Bank of Romania shall be led by a managing board.

(2) The executive leadership of the National Bank of Romania shall be exercised by the governor, prime-vice-governor, and two vice-governors, under the terms established by the standing orders approved by the managing board.

(3) The activity of the managing board shall be regulated by the provisions under the present law and by the regulations of the National Bank of Romania.

ARTICLE 34
The Managing board

(1) The Managing board of the National Bank of Romania shall decide, under the terms of the law, on:

a) the policies in the monetary, foreign exchange, credit, and payments fields, prosecuting their carrying out;

b) measures in the field of the authorization and prudential supervision of the banks it has authorized;

c) the main directions in the management of operations, and responsibilities devolving upon the staff of the National Bank of Romania;

d) the internal organization, indemnities, salaries, and other money dues of the staff;

e) the temporary delegation of its competencies to the executive management, when special situation might impose this solution.

(2) The Managing board of the National Bank of Romania shall be composed of nine members, as follows:

a) a chairman, who shall also be governor of the National Bank of Romania;

b) a vice-chairman, who shall also be prime-vice-governor;

c) seven members, two of which shall also be vice-governors while the other five members shall not be employees of the National Bank of Romania.

(3) Members of the Managing board of the National Bank of Romania, with nomination of the executive leadership, shall be appointed by Parliament at the proposal of the specialist standing committees of the two Chambers of Parliament.

(4) Appointments shall be made over a period of six years, with possibility of renewal of the mandate.

(5) In case of vacancies on the Managing board, the vacant seats shall be completed on the respective function and only for the period remaining until the expiry of the mandate of the replaced people, with observance of the provisions under para. (3).

(6) Dismissal from office of any member of the Managing board shall be made by Parliament, at the proposal of the specialist standing committees of the two Chambers of Parliament, for each case in part, if:

a) the respective member is no longer eligible in conformity with the provisions under Art. 35;

b) against the respective member was passed a criminal sentence with imprisonment, and the sentence is final;
c) during the mandate, the respective member has undertaken visibly inadequate actions substantially detrimental to the interests of the National Bank of Romania.

(7) No member of the Managing board of the National Bank of Romania shall be changed from office for other reasons and by another proceedings than that provided under para. (6).

(8) Appointments, withdrawals, and dismissals from office of members of the Managing board of the National Bank of Romania shall be published in the “Monitorul Oficial” (Official Gazette of Romania).

(9) In the sittings of the Managing board of the National Bank of Romania may participate the minister of finance and the director of the State Treasury, without voting right.

ARTICLE 35

Incompatibilities and interest conflicts

(1) Members of the Managing board of the National Bank of Romania may not be members of Parliament or members of a political party, and may not belong to the judicial authority or the public administration.

(2) Members of the Managing board of the National Bank of Romania and employees with management functions of the National Bank of Romania shall be prohibited, directly or indirectly, to represent some interest of financial, commercial or any other kind that might put them in a position in which their personal interest would enter into conflict with their obligations and duties towards the National Bank of Romania.

(3) Without express approval of the Managing board of the National Bank of Romania:
   a) for the duration of their mandate, the governor, prime-vice-governor, and vice-governors shall not devote their professional capacity to other interests than those of the National Bank of Romania, and they shall not hold any other office, remunerated or honorary, in trading, financial, banking or non-banking companies, except didactic activities;
   b) over the duration of their employment with individual labour contract at the National Bank of Romania, no employee of the bank may concomitantly hold another office, remunerated or honorary, in a trading company or at another business organization which, by its statutory activity, aims at obtaining profit.

ARTICLE 36

Attributions of the governor of the National Bank of Romania

(1) The governor of the National Bank of Romania shall dispose measures for the execution of the legal provisions, of the decisions of the Managing board as well as of other regulations with regard to the National Bank of Romania. The governor may delegate some of his powers to the prime-vice-governor and vice-governors, under the terms established by the Managing board.

(2) The governor shall appoint in office the staff from the central machinery of the National Bank of Romania, and the directors of the branch banks and agencies.

(3) The governor shall represent the National Bank of Romania in relations with third parties, signing all treaties and agreements concluded, directly or through persons empowered by him.

(4) In the name of the Managing board, the governor shall present to Parliament before the 30th of June of the following year, the annual report of the National Bank of Romania, which shall include:
   a) the main economic, financial, monetary, and foreign exchange evolutions;
   b) the monetary policy in the preceding year and orientations for the following year;
   c) banking prudential supervision and regulation;
   d) activities of the National Bank of Romania, annual report, and profit and loss account.

(5) In case of absence or impossibility to act, the governor shall be replaced by the prime-vice-governor.

ARTICLE 37

The auditing commission

(1) The auditing commission, consisting of five members, one of whom is chairman, shall be appointed under the terms of Article 34 paragraphs (3) and (4).
(2) The auditing commission shall check the observance of the legal rules with regard to the estimation of the National Bank of Romania’s assets, drawing up of the balance sheet and of the profit and loss account in agreement with the records, the existence of the values in the safe as well as of the bonds in property or received as security, guarantee or in custody, as well as the execution of the revenue and expenses budget.

(3) The auditing commission shall annually draw up a report on the balance sheet and the profit and loss account, as well as on the execution of the revenue and expenses budget.

ARTICLE 38

External survey

The accounts and records of the National Bank of Romania may be subject to the examination of firms of financial audit selected by the Managing board on an auction basis.

CHAPTER IX

Financial returns

ARTICLE 39

Capital of the National Bank of Romania

(1) The capital of the National Bank of Romania shall be of Lei one hundred billion, and shall belong entirely to the State. The increase of the capital shall be effected by the partial utilization of the net annual profit up to a level equivalent with five-per-cent of the aggregate monetary liabilities from the balance at the end of each financial year.

(2) The capital of Lei one hundred billion shall be constituted by taking over the capital of Lei five billion, registered on December 31, 1997, and by appropriating the sum of Lei ninety-five billion from the reserve fund of the National Bank of Romania.

(3) The aggregate monetary liabilities of the National Bank of Romania shall be established as sum total of the banknotes and coins in circulation and transferable securities issued, as well as of the credit balances of all open accounts, by holders, in its records.

ARTICLE 40

The reserve fund

The reserve fund of the National Bank of Romania shall be constituted within the limit of a quota of twenty-per-cent of the gross profit until this should get equal to the bank’s own capital, after which the respective quota shall be reduced to ten-per-cent until the reserve fund should get equal to double the bank’s own capital, and subsequently the quota shall be established at five-per-cent.

ARTICLE 41

Scheme of accounts

(1) The National Bank of Romania’s operations shall be recorded in keeping with the bank’s own scheme of accounts advised by the Ministry of Finance, on financial years basis, beginning on January 1, and ending on December 31.

(2) The National Bank of Romania shall maintain accounts and records, and set up yearly reports reflecting the financial operations and results, commissions constituted for non-performant credits inclusive, in accordance with the legislation in the field and the accounting principles accepted at international level for central banks.

ARTICLE 42

The revenue and expenses budget

The annual revenue and expenses budget shall be approved by the Managing board of the National Bank of Romania, and shall be verified in execution by the auditing commission.

ARTICLE 43

The profit and loss account

(1) For each financial year, the National Bank of Romania’s profit or loss shall be calculated in accordance with international accounting standards, as difference between revenue and expenses from operational activities.
(2) In case the value of assets in the balance sheet of the National Bank of Romania should decrease below the sum total of engagements, reserve fund, and the bank’s own capital, the Ministry of Finance shall transfer to the National Bank of Romania, at its request, negotiable public securities at market price in the necessary sum to cover this deficit. These public securities shall be redeemed within five years from the net profits realized by the National Bank of Romania, or they shall be renegotiated.

ARTICLE 44
Revaluation of assets and liabilities

The National Bank of Romania shall annually carry out the revaluation of assets and liabilities expressed in gold, silver, other precious metals and stones, special drawing rights and foreign currency, as a result of the modification of their value or rate of exchange in Lei, and the differences resulted shall be recorded in a special revaluations account.

ARTICLE 45
Determination and utilization of the net profit

(1) The gross profit of the National Bank of Romania shall be constituted only from the net revenue from the operational activity.

(2) The net favourable differences from revaluations, after deduction of net losses from operations shall be appropriated to the special revaluations account.

(3) The net profit of the National Bank of Romania shall be appropriated and used in the following order of priorities:

a) for increasing the bank’s own capital up to a level equivalent to five-per-cent of the aggregate monetary liabilities recorded in the balance sheet at the end of each financial year;

b) for redeeming public securities transferred to the National Bank of Romania by the Ministry of Finance, under the terms provided by Art. 43 para. (2);

c) for constituting a development fund;

d) for the participation in the profit fund of employees, within the limit of ten-per-cent;

e) for other destinations to be established by the Managing board of the National Bank of Romania;

f) the remaining profit shall be totally transferred to the state budget not later than June 1 of the following financial year.

ARTICLE 46
Distribution of net losses

If, during a financial year, the National Bank of Romania should record a net loss, this shall be distributed as follows:

a) if the net loss is composed of net losses from net unfavourable differences and operations from revaluations, the sum total of net losses from operations shall be borne, in order, from the reserve fund, and from the bank’s own capital, and the sum total of unfavourable differences from revaluations shall be allocated to the special revaluations account;

b) if the net loss is composed of net income from operations and net unfavourable differences from revaluations, the net income from operations shall be constituted as gross profit, and the net unfavourable differences from revaluations shall be allocated to the special revaluations account;

c) if the net loss is composed of net losses from operations and net favourable differences from revaluations, the net loss shall be covered, in order, from the reserve fund, and from the bank’s own capital;

d) if the net loss shall not be covered from the reserve fund, the bank’s own capital, and the available funds from the special revaluations account, for the remaining sum the Ministry of Finance shall transfer to the National Bank of Romania public securities, under the terms provided under Art. 43 para. (2).

ARTICLE 47
Registration responsibility

For possible payment or registration errors in the holders’ accounts, the National Bank of Romania shall be res-
ponsible only up to the limit of the sum of money errone-
ously paid or entered in the account, corresponding penal-
ties included, which shall be transferred to the state bud-
get, borne by the holders of account in the cases provided
by law, if the bank is informed by a written complaint
before expiry of the term established and communicated
to the holders of account.

ARTICLE 48
Publication of the balance sheet

The annual balance sheet and the profit and loss
account of the National Bank of Romania, certified by the
auditing commission, after their adoption by the Managing
board, shall be published in the “Monitorul Oficial”
(Official Gazzette of Romania).

CHAPTER X
Final provisions

ARTICLE 49
Applicable legislation

(1) The operations of the National Bank of Romania
shall be subject to the general legislation, to the extent to
which the Banking Law and the present law shall not
otherwise dispose.

(2) The commercial operations carried out by the
National Bank of Romania, which are reflected in the reve-
nue and expenses budget, in the annual balance sheet, and
in the profit and loss account shall be subject to the subse-
cuent control of the State Audit Office.

ARTICLE 50
Regulations of the National Bank of Romania

(1) The National Bank of Romania shall be empowered
to issue the necessary regulations for putting into practice
and imposing the observance of the legal provisions.

(2) The regulations of the National Bank of Romania
may be in form of rules, orders, norms, and circular let-
ters, having a mandatory character for public and private
juristic persons as well as for natural persons.

ARTICLE 51
Statistical information

(1) The National Bank of Romania shall contribute to
the bringing into line of the rules and practices with
regard to the collecting, processing, and distribution of sta-
tistical information in its fields of competence.

(2) The National Bank of Romania shall collect primary
statistical information that is necessary for the fulfilment
of its legal attributions, from public authorities, banks,
financial institutions, and other natural and juristic per-
sons.

(3) The banks and other private or public juristic per-
sons, authorized by or having accounts with the National
Bank of Romania shall be under an obligation to supply it
with any data or information requested for implementing
the attributions established by law.

(4) The National Bank of Romania may publish such
data and information, fully or in part, but only in aggregat-
ed form.

ARTICLE 52
Special guarantees

(1) Agreements, contracts, or any other crediting arran-
gements concluded by the National Bank of Romania shall
constitute writs of execution, in case of non-payment, for
the whole balance of the payable claim, corresponding
interest or other costs inclusive.

(2) The financial or judicial state bodies shall execute
the National Bank of Romania’s claim on the basis of a
simple notification on its part.

(3) In case the debtor should fail to fulfil his assumed
commitments, the National Bank of Romania shall have
the right to institute proceedings for the recovery of the
debt by execution of the guarantees, thus:

a) total or partial sale, on the debtor’s account, of bonds
and deeds given as guarantee, within not more than three
days, by a simple summons by an extrajudicial act;
b) out of the income resulted from the sale shall be recovered the claims, advances, interests, and any other expenses incurred by the National Bank of Romania, and the possible surplus shall be remitted to the debtor.

ARTICLE 53

Operations in favour of third parties

(1) The National Bank of Romania may carry out some operations in favour of third parties only on condition of tendering the documents it considers necessary. Whenever it considers necessary, the National Bank of Romania may request the constitution of real or personal guarantees.

(2) Except cases in which the present law authorizes it expressly, the National Bank of Romania shall not grant financial aid in form of credits, commitment of resources, integral or partial taking over of obligations corresponding to a loan or other debts contracting instruments, assumption of a debt, or of adjoining liabilities, or in any other form.

(3) By observance of the provisions under para. (2), the National Bank of Romania may:

a) invest its financial resources in transferable securities with a high degree of liquidity, issued by financially reliable debtors;

b) acquire rights of any kind that can be turned to good account in the course of the execution of its claims;

c) grant credits for each of its employees for dwellings, and consumer durable goods, with interest at the level of the average monthly interest at commercial banks.

ARTICLE 54

Fiscal facilities

The National Bank of Romania’s capital, reserve fund and risk commissions, ingots, coins, and other objects of gold, silver, and other precious stones and metals shall be exempt from rates and taxes.

ARTICLE 55

The professional banking secret

(1) Members of the Managing board and employees of the National Bank of Romania shall be under an obligation to keep the secret on any information not destined for publication, of which they should have been apprised in the course of the exercise of their office, and they shall not use this information for obtaining personal advantages, any infraction to this rule being punished according to the law.

(2) The disclosure of the professional banking secret may be done within the framework of a judicial procedure, only in the conditions approved by the Managing board of the National Bank of Romania.

ARTICLE 56

Indemnities

Members of the Managing board of the National Bank of Romania and auditors shall receive indemnities.

ARTICLE 57

Participation with capital

The National Bank of Romania may not directly or indirectly participate with capital in any trading company or self–managed public company, except in its own banknote printing and coin minting enterprises and other companies that might contribute to the achievement of its attributions.

ARTICLE 58

Real estate

The National Bank of Romania may invest in real estate only for its own functioning requirements and for the collective needs of the staff established by its Managing board.

ARTICLE 59

Public relations

(1) All regulations issued by the National Bank of Romania shall be published in the “Monitorul Oficial” (Official Gazette of Romania).

(2) The National Bank of Romania shall open and maintain a public register of its regulations published in the “Monitorul Oficial” (Official Gazette of Romania).

(3) The National Bank of Romania shall periodically publish an annual statement, reports on the payments
balance, and the Country’s international investitional rating, bulletins with regard to the evolution of the currency and of credit, studies and other materials including information destined for publicity.

ARTICLE 60
Sanctions

(1) For non-observance of the regulations issued by the National Bank of Romania, in cases not falling under the incidence of the Banking law, the executive management of the National Bank of Romania may apply the following sanctions:
   a) written warning;
   b) a fine from Lei one million to ten million; fines collected shall be made revenue to the state budget;
   c) partial or total suspension of the authorization granted by the National Bank of Romania, over a period of up to ninety days;
   d) withdrawal of the authorization granted by the National Bank of Romania.

(2) Contestations shall be formulated within fifteen days after communication of the sanction and shall be solved by the Managing board of the National Bank of Romania within not more than thirty days after their reception.

(3) The decisions of the Managing board of the National Bank of Romania may be contested at the Supreme Court of Justice within fifteen days after their communication.

ARTICLE 61
Coming into force

The present law shall come into force within thirty days after its publication in the “Monitorul Oficial” (Official Gazette of Romania).

ARTICLE 62
Abrogations

The Law No. 54/1991 on the Status of the National Bank of Romania, published in the “Monitorul Oficial” (Official Gazette of Romania), Part 1, No. 70 of April 3, 1991 as well as any provisions to the contrary shall be abrogated after the date of coming into force of the present law.

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LAW

on the privatization of commercial banking companies in which the State is a shareholder*

Art. 1. — Commercial banking companies in which the State is a shareholder, further to be called banking companies, set up on the grounds of the Law No. 15/1990 on the reorganization of economic state business organizations as self-managed public companies and trading companies, of the Law No. 51/1990 on trading companies, and of the Law No. 53/1991 on banking activity, shall be privatized according to the provisions of the present law.

Art. 2. — (1) The privatization of the banking companies shall be realized by making use of one of the following procedures:
   a) increasing the registered capital by contribution of private capital, in cash, on the basis of a public offering or of a private placement, effected according to the legal provisions in force;
   b) sale of shares managed by the State Property Fund, to Romanian natural persons and Romanian juristic persons with majority private registered capital, to financial investment companies resulted from the transformation of the Private Property Funds inclusive, as well as to foreign natural persons and foreign juristic persons with majority private capital, only against full payment in cash;
   c) a combination of the procedures provided under letters a) and b).

(2) International financial institutions shall constitute an exception from the provisions of para. (1), referring to foreign juristic persons.

Art. 3. — (1) On the grounds of Art. 3 para. (5) and Art. 6 para. (1) under the Law No. 55/1995 on the acceleration of

* The Law No. 83/21 May 1997 — Law on the privatization of commercial banking companies in which the State is a shareholder — was published in the “Monitorul Oficial” (Official Gazette of Romania), Part I, No. 98/23 May 1997.
the privatization process, the registered capital quotas allocated to the Private Property Funds, at banking companies, according to the Law on the privatization of trading companies No. 58/1991* shall form the object of regularization between the State Property Fund and the financial investment companies resulted from the transformation of the Private Property Funds, on the basis of the value of these quotas from the moment of their granting.

(2) The shares of the regularization quotas in keeping with the provisions under para. (1) shall be managed and sold by the State Property Fund through the methods provided in the present law.

Art. 4. — The sale of shares managed by the State Property Fund may be carried out by any of the methods provided by the Law No. 58/1991 on the privatization of trading companies, by the Law No. 52/1994 on transferable securities and stock exchanges as well as by regulations issued in application of the present law. (abrogated)**

Art. 5. — (1) The State Property Fund, in its managing capacity of the State’s participation, may reserve itself, in the case of each banking company, a number of shares corresponding to a quota of the total registered capital, or may choose to preserve the registered control share, as the case may be.

(2) The registered control share provided under para. (1) shall impart to the State the following rights:

a) to appoint a representative in the managing board of the banking company;

b) to have the possibility, by exercising the right of veto in the general meeting of shareholders or in the managing board, to oppose the decisions of the other shareholders, with regard to the pledging or mortgaging of the banking company’s assets as well as those decisions regarding merger by absorption or their administrative winding up according to the Law No. 31/1990 on trading companies, if by merger or administrative winding up the State’s interests might be damaged.

(3) The registered control share held by the State in a banking company may be converted into an ordinary registered share, by decision of the Government.

Art. 6. — (1) A privatization commission responsible for the realization of the objectives of the present law and the observance of the principles of transparency, rigour, and objectivity, shall be constituted for the privatization of each banking company, by Government decision, at the joint proposal of the National Bank of Romania, the National Privatization Agency, and the State Property Fund.

(2) The Privatization commission shall supervise all operations linked to the privatization of banking companies, under the conditions of the present law.

(3) The privatization commission shall consist of seven members, one of whom shall be chairman.

(4) The function of member in the privatization commission shall be incompatible with the capacity of member of the managing board of the banking company, of director in the respective banking company, or of member of its supervision council as well as with the performance of activities of a kind to make him dependent on the potential buyers of the blocks of shares offered for sale.

(5) Members of the privatization commission may not, by inter vivos acts, acquire shares of the banking company over a period of three years after cessation of the mandate, a period in which they shall have the obligation to preserve the absolute secret with regard to the facts and information to which they had access in the exercise of their function and which refer to the banking company whose privatization they supervise.

(6) Members of the privatization commission may not, before the passage of a period of three years after the cessation of their function, hold the function of manager, member of the committee of management or of the supervision committee of any banking company carrying on
bussiness in Romania’s territory, of any of its subsidiaries or branches, or to exercise a remunerated activity in the respective banking companies.

(7) Each privatization commission shall present to the Government a report with regard to the privatization operation for which it was appointed both at its finalization, and on the occasion of the finalization of each of its stages.

Art. 7. — (1) The privatization of banking companies, by any of the methods and procedures provided under articles 2 and 4 of the present law, shall be realized on the basis of the evaluation report and of the feasibility study prepared by a specialist firm, selected by auction, in keeping with the methodological rules approved by Government decision at the joint proposal of the National Bank of Romania, the National Privatization Agency, and the State Property Fund.

(2) The evaluation report of a banking company shall be drawn up conformably to international standards in the matter. The feasibility study shall also compulsorily include recommendations with regard to:
   a) the privatization procedure and method(s) indicated to be used;
   b) the optimum structure of the shareholders body which is to result after privatization;
   c) the maximum quota of registered capital that can be acquired by natural and/or juristic persons;
   d) the maximum quota of registered capital that may be offered for privatization at a single stage;
   e) the registered capital quota that shall be reserved to the State, under the terms in Art. 5 of the present law;
   f) the classes of shares that may be issued, the value of the issue bonus and of the selling price, in case the most indicated privatization procedure is the increase of the registered capital or a combination of it with the sale of shares by the State Property Fund.

(3) The main elements of the evaluation report and of the feasibility study, adopted by the privatization commission shall be subject to the publicity rules in the principal dailies of national circulation as well as in the main international financial weeklies.

Art. 8. — (1) The measures and procedures used as well as the quotas of registered capital that may be acquired by natural or juristic persons in the privatization process of banking companies shall be established for each case in part by Government decision, at the proposal of the privatization commission, on the basis of the consultation and joint advice of the National Privatization Agency, of the National Bank of Romania, and of the State Property Fund.

(2) The Government, at the proposal of the privatization commission, shall decide on the circumstances in which the privatization conditions of a banking company, established as stipulated in the previous paragraph, may be modified.

Art. 9. — (1) The buying of acquired shares from the State Property Fund by the persons provided under Art. 2 letter b) of the present law shall be made both in Lei and in foreign currency. The sums in foreign currency collected by the State Property Fund for the shares managed in banking companies and which shall form the object of a selling-and-buying contract shall be handed over to the State’s foreign currency reserve, following which, the National Bank of Romania is to discount the equivalent value in Lei of the foreign currency received, at the rate announced for the day when the transaction was effected.

(2) In case the privatization procedure selected is the increase of the registered capital, a combination of it with the sale of shares by the State Property Fund inclusive, the subscription of shares shall be effected in Lei, and their payment shall be both in Lei and in foreign currency.

(3) In case the foreign juristic persons or natural persons shall choose to effect payment of the shares in Lei, fully or in part, they shall have to prove that the respective sums of money were obtained with observation of the foreign currency rules applicable in Romania.

Art. 10. — (1) Commercial banks, juristic persons with Romanian or foreign nationality, unfolding their activity in Romania’s territory, may not grant credits for the payment of shares acquired from the State Property Fund or for the payment of shares subscribed in the case of a
registered capital increase at banking companies that are privatized.

(2) Romanian or foreign natural or juristic persons may not use credits obtained in this country for acquiring in any form shares issued by banking companies coming under the incidence of the provisions under the present law.

(3) In the case of credits obtained from abroad, the constitution of the pledge on the shares that are to be acquired as guarantee for their reimbursement shall be prohibited.

(4) The acquisition of shares with violation of the provisions under paragraphs (1), (2), and (3) shall be sanctioned by absolute nullity.

**Art. 11.** – The provisions under articles 48 and 49 of the Law No. 58/1991 on the privatization of trading companies and under Art. 8 of the Law No. 55/1995 on the acceleration of the privatization process shall not be applicable in the case of banking companies that are being privatized as stipulated in the present law.

**Art. 12.** – (1) The sums of money resulted from the sale of shares managed by the State Property Fund for banking companies that are being privatized according to the present law shall be paid in to the Special development fund at the disposal of the Government.

(2) The mode of utilization of the fund provided under para. (1) shall be established by law.

**Art. 13.** (1) Within sixty days after the privatization of the majority of the registered capital of a banking company, an extraordinary general meeting of shareholders shall be called in the new structure resulted.

(2) The extraordinary general meeting of shareholders provided under para. (1) shall have placed on the agenda the modification of the constitutive deeds and election of the new managers of the privatized banking company.

(3) At banking companies with partial state registered capital, the State Property Fund shall be represented in the managing boards in proportion to the registered capital quota it manages.

**Art. 14.** – (1) Natural or juristic, Romanian or foreign persons acting directly or indirectly, single or together and in connection with third parties, shall not be able to acquire the property right on a number of shares representing more that twenty-per-cent of the total registered capital of a banking company that is being privatized according to the present law, except international financial-and-banking institutions of repute.

(2) In order to be able to obtain the property right on a number of shares representing more than five-per-cent of the total registered capital of a banking company, a natural or juristic, Romanian or foreign person acting directly or indirectly, individually or together and in connection with third parties must first obtain the express agreement of the National Bank of Romania.

(3) The acquirement of the property right on the shares of a banking company that is being privatized, with violation of the dispositions provided under paragraphs (1) and (2), shall constitute deviation from the norms of banking prudence and shall be sanctioned with deprivation of the acquirer from the exercise of the corresponding voting rights as well as with the obligation for him to transfer the registered capital quota thus acquired, as stipulated by law.

(4) The National Bank of Romania shall notify to the managing boards of the privatized banking companies on the loss of the voting right, in the cases provided under para. (3) as well as about the obligations incumbent on the persons in question.

(5) In the case in which the shares acquired with violation of the provisions under paragraphs (1) and (2) shall not have been transferred within ninety days after the date when the violation was found, the National Bank of Romania shall order the banking company in question to cancel the respective shares, to issue new shares bearing the same number, and to sell them, the price collected having to be consigned at the disposal of the initial acquirer, after deduction of selling expenses.

**Art. 15.** – The anticipated selling-and-buying contracts of the shares as well as any other agreements in connection with this operation, concluded before the period established by the statutory acts governing the privatization of
the banking company in question shall fall under absolute nullity.

Art. 16. — On the basis of the reports of the privatization commissions, the Government, together with the National Bank of Romania, shall inform the two Chambers of Parliament every three months on the evolution of the privatization process of the banking companies and its results.

Art. 17. — (1) Operations in connection with the privatization process of the banking companies, forming the object of the present law, shall not be subject to the financial control of the State Audit Office.

(2) The State Audit Office may exclusively exercise the preventive check on the sums of money transferred to the Special development fund at the disposal of the Government.

Art. 18. — (1) The present law shall come into force within thirty days after its publication in the “Monitorul Oficial” (Official Gazette of Romania).

(2) Within the term provided under para. (1), the National Privatization Agency, the State Property Fund, and the National Bank of Romania shall subject to the Government for approval the organizational measures essential for the application of the present law.

* The Law No. 83/15 April 1998 — Law on banks’ bankruptcy proceedings — was published in the “Monitorul Oficial” (Official Gazette of Romania), Part I, No. 159/22 April 1998.
d) to adjudge proceedings instituted by the judge-syndic for the annulment of transfers with a patrimonial character, antecedent to the petition in bankruptcy;
e) to adjudge the creditors’ or debtor bank’s contestations of the measures taken by the judge-syndic;
f) to confirm the scheme of apportionment of the funds obtained from liquidation;
g) to settle objections to the half yearly reports and the final report of the judge-syndic;
h) to give orders for the beginning and ending of the bankruptcy proceedings.

Art. 4. – The decisions of the tribunal shall be final and executory. Under the conditions of the law, they can be disputed with appeal.

Art. 5. – The judge-syndic shall be appointed by the chairman of the tribunal, on the grounds of the Law No. 92/1992 on the judicial organization.

Art. 6. – In discharging his duties, which imply the application of banking regulations, the judge-syndic may also request the opinion of the National Bank of Romania in its capacity of banking supervising authority.

Art. 7. – The judge-syndic’s main duties within the framework of the present law shall be:

a) the examination of the debtor bank’s activity, in relation to the \textit{de facto} position; preparation of a detailed report on the causes and circumstances which have led to the stoppage of payments, mentioning the persons to whom it would be imputable; and subjection of that report to the tribunal within thirty days after his appointment;

b) the guidance of the persons employed to help him;

c) the initiation of legal action at the tribunal for the annulment of fraudulent acts concluded by the debtor bank to the prejudice of the creditors’ rights as well as of transfers with a patrimonial character, of certain commercial operations concluded by the debtor bank, and of the constitution of certain guarantees granted by it;

d) the maintenance or cancellation of certain contracts concluded by the debtor bank;

e) the admission of the liquidation scheme of certain goods from the debtor bank’s assets up to the balancing of the liabilities;

f) the application of seals, the inventorying of the debtor bank’s goods, and the taking of adequate measures for their conservation at the beginning of the bankruptcy proceedings;

g) the examination of the debts, and formulation of objections to them, if such be the case;

h) the prosecution of the collection of debts from the debtor bank’s assets, resulted from transfers of goods or sums of money, effected by it before the filing of the petition in bankruptcy;

i) the liquidation of goods from the debtor bank’s assets;

j) the reception of payments on the debtor bank’s account and consignment of the sums of money in a banking account opened within twenty-four hours at the National Bank of Romania in the name of the debtor bank, with exclusive right of disposition in the interest of the bankruptcy proceedings;

k) notification of the tribunal about any problem which should require a solution given by it;

l) the carrying out of any acts of proceeding requested by the present law.

Art. 8. – The debtor bank and any of the creditors may introduce a petition of appeal against the measures taken by the judge-syndic, in the cases expressly provided under the present law. Such a petition of appeal shall have to be filed within ten days after the date on which the measure was taken, and its adjudication shall be made within not more than thirty days. If it considers necessary, the tribunal may hold a session, with summoning of the author of the petition of appeal, of the debtor bank, of the creditors, and of the National Bank of Romania, with participation of the judge-syndic.
Art. 9. – At any stage of the bankruptcy proceedings, the tribunal may replace the judge-syndic with another, by a motivated interlocutory judgement pronounced in the court chamber.

Art. 10. – In all cases of bankruptcy, at the proposal of the judge-syndic and with the advice of the National Bank of Romania, the tribunal shall appoint an official receiver who shall have to be a specialist juristic person, constituted in keeping with the law.

Art. 11. – An official receiver shall be invested with powers of management and control on the debtor bank, and may take any measures he would consider necessary for the liquidation of the debtor bank’s assets in order to obtain their optimum turning to account even in cases in which the debtor bank’s authorization was withdrawn. These measures shall regard the following aspects:

a) to continue or, in a justified way, discontinue any operations;

b) to borrow money, with the debtor bank’s assets as guarantee or without guarantee;

c) to establish anew the interest rates corresponding to the debtor bank’s liabilities, on condition, however, that any new level of the interest rate should not be lower than the lowest level practiced in the banking market;

d) to hire the personnel required for the liquidation;

e) to conclude any document in the name of the debtor bank, to initiate or defend and to coordinate any legal action or proceeding, in its name.

The official receiver shall prepare a monthly report on the evolution of the bankruptcy proceedings, to be presented for approval to the judge-syndic, after which he shall also send it to the National Bank of Romania. Such a report shall include information referring to the total value of claims against the debtor bank and the total value of the debtor bank’s assets which were sold.

CHAPTER III
Proceedings of information of the tribunal

Art. 12. – The bankruptcy proceedings shall begin on the basis of a petition filed by the debtor bank or by its creditors at the National Bank of Romania.

The tribunal entitled to adjudicate the petition shall be that under whose jurisdiction is the debtor bank’s registered office.

Art. 13. – The bankruptcy proceedings of a bank shall, as a rule, be commenced after the finding by the National Bank of Romania that the application of the measures of special supervision, deployed for the purpose of the bank’s recovery, have not led to the avoidance of the insolvency condition.

Art. 14. – The debtor bank, which is no longer able wholly to meet its exigible debts with the available sums of money may present to the relevant tribunal a petition asking to be subject to the provisions under the present law.

The bank’s petition shall be signed by the persons who, according to the provisions of the law, have the capacity to represent it.

Art. 15. – The debtor bank’s petition shall be attended by the following deeds:

a) the balance sheet and copies from the current books of accounting;

b) a list of all the goods; for buildings, data from the real estate books shall be listed;

c) a list of the names and addresses of the creditors, whichever might be their claims – certain or under condition, liquid or non-liquid, due or not due, uncontested or contested – showing the sum of money, the cause and priority rights;

d) the profit and loss account for the year previous to the filing of the petition.

Art. 16. – Any creditor who has a certain and exigible claim may present to the tribunal a petition against a debtor bank which has been for at least thirty days in stop-page of payments.
The creditor cannot file the petition without proving that, previously, as a result of introducing an action of enforcement on the debtor bank’s account, the National Bank of Romania, in its capacity of garnishee, had communicated that the respective bank is in a position of stoppage of payments of more than 30 days.

**Art. 17.** The National Bank of Romania, in its capacity as banking supervision authority, will be in a position to file a petition against the bank subject to the application of measures of supervision and special administration, and which have not led to the recovery of the bank which is in a situation of not wholly meeting payments.

**Art. 18.** After filing the petition, introduced according to articles 14, 16, and 17, the tribunal shall notify this fact to the interested parties and to the office of the trade register where the debtor bank is incorporated, for entering the mention.

All expenses for these measures shall be borne from the assets of the debtor bank.

**Art. 19.** At the first term of judgement, the tribunal shall examine the petition and, in case the debtor bank shall not oppose the position of insolvency, shall order the immediate beginning of the bankruptcy proceedings of the debtor bank.

The appeal against the petition of commencement of the bankruptcy proceedings may be introduced within five days after the date of the filing of this petition.

The tribunal shall adjudge the contestation within ten days after its filing, which term may be extended by further ten days only once.

The judgement with regard to the beginning of the bankruptcy proceedings of the debtor bank shall be communicated forthwith to the Guarantee Fund of Deposits in the Banking System, with a view to the application of the regulations concerning the payment of guaranteed deposits.

**Art. 20.** The tribunal shall communicate to the National Bank of Romania its decision with regard to the beginning of the bankruptcy proceedings of the debtor bank. The National Bank of Romania shall forthwith close the accounts of the debtor bank, opened at the National Bank of Romania, and shall open a new account with the mention „bank in bankruptcy“. In this account shall be transferred the sums of money existing up to that date in the bank’s accounts. Further, the financial operations of the bank in bankruptcy shall proceed through this account exclusively.

**Art. 21.** The other proceedings of carrying on the operations of liquidation are provided under the law No. 64/1995 on the judicial reorganization and bankruptcy proceedings, with the subsequent modifications, chapter III, section 6, „Bankruptcy“, which shall also be applied adequately to the bankruptcy of banks proceedings.

**CHAPTER IV**

**Responsibility of the management bodies and of auditors of the bank in bankruptcy**

**Art. 22.** The tribunal may dispose that part of the liabilities of the bank in a state of bankruptcy be borne by members of the management bodies — managers, directors, and auditors, as the case may be, if they have contributed to the bankruptcy of the bank by one of the following deeds; if they have:

a) used the bank’s goods or credits to their own profit;

b) made trading operations to their personal interest, under the coverage of the bank;

c) disposed in their personal interest the continuation of an activity obviously leading the bank to a stoppage of payments;

d) kept fictitious books, caused to disappear some accountancy documents, or have not kept the books conformably to the law;

e) misappropriated or hidden part of the bank’s assets, or increased fictitiously its liabilities;

f) made use of ruinous means to raise money for the bank in order to delay the stoppage of payments;
g) paid or disposed to be paid preferentially to a creditor or at the expense of the other creditors, in the month previous to the stoppage of payments.

Application of the provisions under para. (1) shall not abolish the application of the criminal law for the deeds constituting offences.

Art. 23. — The sums of money paid according to Art. 22 para. (1) shall enter into the debtor bank’s assets and be destined to the payment of the debts.

Art. 24. — With a view to the taking of the measures provided under Art. 22 para. (1), the tribunal may be informed by the judge-syndic, by any of the creditors, by the National Bank of Romania, or it may take notice ex officio, on the grounds of the data in the file of the cause, and shall order protective measures.

Art. 25. — Enforcement against the persons provided under Art. 22 para. (1) shall be carried out according to the provisions of the Code of civil procedure.

Art. 26. — The bankruptcy proceedings shall be closed when the tribunal shall have approved the final report, when all funds and goods from the assets of the bank in a state of bankruptcy were apportioned, and the unreclaimed funds have been deposited with the National Bank of Romania. As a result of a petition of the judge-syndic, the tribunal will give a decision, closing the bankruptcy proceedings. The decision shall be served, in writing, on all creditors, on the debtor bank and on the National Bank of Romania, which shall close the account „bank in bankruptcy“ existing with it, and shall transfer the possible sums of money remaining in the account to the state budget. These sums of money may be solicited by entitled persons within the legal term of limitation.

CHAPTER V

Transitory and final provisions

Art. 27. — The provisions of the present law shall be completed, to the extent of their compatibility, with those of the Code of civil procedure.

Art. 28. — The procedures of reorganization and of judicial liquidation of banks, opened before the date of coming into force of the present law, shall be continued and closed under the terms of the Law No. 64/1995 on the proceedings of judicial reorganization and of bankruptcy, with subsequent modifications and completions.

Art. 29. — The present law shall come into force after thirty days from the date of its publication in the “Monitorul Oficial” (Official Gazette of Romania), Part I.

Art. 30. — On the date of coming into force of the present law, any provisions to the contrary shall be abrogated.