

Law 489/2006
on the Freedom of Religion and the General Status of Denominations
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The Parliament of Romania adopts this Law:

CHAPTER I
General Stipulations

Art. 1 – (1) The Romanian State observes and guarantees the fundamental right to freedom of thought, conscience and religion for any individual on the territory of Romania, under the Romanian Constitution and the international treaties Romania is a party to.

(2) No one shall be prevented from adopting a religious opinion or joining a religious faith; no one shall be coerced into adopting a religious opinion or joining a religious faith, contrary to his/her persuasion, and no one shall be subject to any discrimination, or be harassed or placed in an inferior position on account of their faith, membership or non-membership in a religious group, association or denomination, or for the exercise, within the law, of their freedom of religion.

Art. 2 – (1) Freedom of religion includes the right of every individual to have or embrace a religion, to manifest it individually or collectively, in public or in private, through practices and rituals specific to that denomination, including through religious education, as well as the freedom to preserve or change one's religion.

(2) The freedom to manifest one's religion cannot be subject to any restrictions other than those required under the law and which are necessary in a democratic society for the protection of the public, of public order, health or morality, or for the protection of fundamental human rights and liberties.

Art. 3 – (1) Parents or guardians have the exclusive right to opt for their underage wards' religious education, based on their own beliefs.

(2) The religion of a child who has turned 14 years of age cannot be changed without his/her agreement; a child who has turned 16 year of age shall have the right to choose his/her own religion.

Art. 4 – Any individual, cult, religious association or religious group in Romania shall be free to establish and maintain ecumenical and brotherly relations with other individuals, cults or religious groups and with inter-Christian and inter-religious organizations, at both national and international level.

Art. 5 – (1) Any individual shall have the right to manifest their religious beliefs collectively, according to their own convictions and the provisions in this Law, both within religious structures with a distinct legal entity status and within religious structures without a distinct legal entity status.

(2) The religious structures with a distinct legal entity status as regulated by this Law are religious denominations and associations, and the religious structures without a distinct legal entity status are religious groups.

(3) Religious communities shall be free to choose the association structure within which they wish to manifest their religion: denomination, religious association or religious group, in observance of this Law.

(4) In their activities the denominations, religious associations and religious groups are under an obligation to observe the Romanian Constitution, and laws, to not threaten public safety, order, health, morality and the fundamental human rights and liberties.

(5) The processing of personal data concerning religious beliefs or membership of denominations is hereby forbidden, except for the case of a national census as sanctioned under the law or the situation where the concerned individual has provided explicit agreement to that effect.

(6) It is hereby forbidden to compel an individual to declare their religion, in any relationship with public authorities or private-law legal entities.

Art. 6 – (1) A religious group is a form of association, without a distinct legal entity status, of individuals who, without a preliminary procedure, freely adopt, share and practice the same religion.

(2) A religious association is a private-law legal entity, established under this Law, and made up of individuals who adopt, share and practice the same religion.

(3) Under this Law, a religious association can become a denomination.

CHAPTER II Denominations

Section I Relationship between the State and Denominations

Art. 7 – (1) The Romanian State recognizes the denominations’ spiritual, educational, social-charitable, cultural and social partnership role, as well as their status as factors of social peace.

(2) The Romanian State recognizes the important role of the Romanian Orthodox Church and that of other churches and denominations as recognized by the national history of Romania and in the life of the Romanian society.

Art. 8 – (1) Recognized denominations are public-utility legal entities. They shall be organized and shall operate under the Constitution and under this Law, autonomously, according to their own bylaws or canonic codes.

(2) The components of denominations are also legal entities, as they are established in the denominations’ bylaws or canonic codes, if they meet the conditions set in the latter.

(3) Denominations shall operate in observance of the laws and of their own bylaws and canonic codes, whose provisions are only applicable to their followers.

(4) The name of a denomination cannot be identical to that of another recognized denomination in Romania.

Art. 9 – (1) There is no State Religion in Romania; the State is neutral towards any religious persuasion or atheistic ideology.

(2) The denominations are equal before the law and public authorities. The State, though its authorities, shall neither promote nor support the granting of privileges or the instatement of discrimination towards any denomination.

(3) Public authorities shall cooperate with the denominations in matters of common interest and shall support their activity.

(4) The Romanian State, though its jurisdictional public authorities, shall support spiritual-cultural and social activities carried out in other countries by denominations recognized in Romania.

(5) The central public authorities can sign partnerships with recognized denominations, in domains of common interests, as well as agreements for regulating certain aspects specific to the tradition of denominations, which agreements shall be submitted to approval by law.

Art. 10 – (1) Expenditures for maintaining denominations and for their activities shall be financed primarily from their own income, as created and managed under their bylaws.

(2) The denominations can set contributions from their worshipers in order to support their activities.

(3) The State shall promote citizen support for denominations through tax breaks, and shall encourage sponsorship of denominations, under the law.

(4) On request, the State shall support the pay funds for the clerical and non-clerical staff of recognized denominations through contributions, based on the number of their worshipers who are Romanian citizens and based on their genuine needs of subsistence and activity. The State shall grant higher contributions for the pay fund of denomination employees to denomination units that have a low income, under the law.

(5) No one can be coerced, through administrative measures or other methods, to contribute to the funds of a religious denomination.

(6) Recognized denominations can receive material support from the State, on request, for expenditures related to the operation of denomination units, for repairs and new buildings, based on the number of worshipers as resulting from the latest census and based on their genuine needs.

(7) The State shall also support the activity of recognized denominations in their capacity as providers of social services.

(8) On request, the public authorities shall grant any individual the right to receive counseling according to his/her religious beliefs, by enabling religious assistance.

Art. 11 – State support can also come in the form of tax breaks, under the law.

Art. 12 – The use of funds received from the State budget or local budgets and observance of the destination for assets received as property or for use from the local or central public authorities shall be subject to auditing by the State.

Art. 13 – (1) Relationships between denominations, as well as between religious associations and groups shall be based on mutual understanding and respect.

(2) Any form, means, act or action of religious defamation and antagonism, as well as public offending of religious symbols are forbidden in Romania.

(3) Preventing or interfering with the freedom of exercise of a religious activity that is carried out under the law constitutes a criminal violation.

Art. 14 – (1) Every denomination must have a national leadership or representation body.

(2) Denomination units, including branches without a distinct legal entity status, will be established and organized by denominations according to their own bylaws, regulations and canonic codes.

(3) The establishment of a denomination unit must be reported, for recording purposes, to the Ministry of Culture and Religious Denominations.

(4) The denomination units that have been recently established as legal entities can request and be granted financial support, under the law.

Art. 15 – The seals and stamps used by a denomination or by a local denomination unit must include the official name under which the denomination was recognized, or the initials of that name.

Art. 16 – (1) In the exercise of their activities, recognized denominations can use any language they choose. Financial and accounting records shall be kept in the Romanian language.

(2) In their official relations with the authorities of the State the denominations shall use the Romanian language.

Section II

Recognition as a denomination

Art. 17 – (1) Recognition by the State as a denomination is acquired through a Government Decree, following a proposal submitted by the Ministry of Culture and Religious Denominations, and goes to religious associations that, through their activities and number of worshipers, provide guarantees of sustainability, stability and public interest.

(2) Recognition of bylaws and canonic codes is granted insofar as they do not, in their contents, threaten public safety, order, health and morality or the fundamental human rights and liberties.

Art. 18 – A religious association that requests recognition as a denomination shall apply at the Ministry of Culture and Religious Denominations, and shall provide the following documents:

a) proof they are legally established and have been operating uninterruptedly on Romanian territory, as a religious association, for at least 12 years;

b) the original membership lists containing a number of Romanian citizens resident in Romania equal to at least 0.1% of Romania's population, according to the latest census;

c) their own declaration of faith and bylaws for organization and operation, that include: name of the denomination, its central and local organization structure, form of leadership, management and oversight, representative bodies, manner of establishing and dismantling of denomination units, status of its employees, as well as provisions specific to the respective denomination.

Art. 19 – (1) Within 60 days of the date the application was filed the Ministry of Culture and Religious Denominations shall submit the recognition documentation to the Government, accompanied by its own consultative opinion report concerning the documentation on file.

(2) If the documentation is incomplete or the bylaws contain provisions that are contrary to the law, such documentation shall be sent back to the applicant, accompanied by the relevant explanations, so it can be amended or supplemented, and the finalization deadline shall be extended accordingly.

Art. 20 – (1) Within 60 days of receiving the consultative opinion report, the Government shall return a justified decision to grant or deny the application.

(2) That Government Decree shall be published in the Official Journal, Part I, and can be challenged in court, under the law.

(3) In case its application is denied, a religious association can repeat the procedure for recognition as a denomination only if they can produce evidence that the grounds for denial have ceased to exist.

(4) The rights and obligations pertaining to the recognized denomination status can be exercised as of the date the Government Decree to grant recognition comes in force.

Art. 21 – On proposal from the Ministry of Culture and Religious Denominations, the Government can, through Decree, withdraw the status of recognized denomination when that denomination's activity seriously threatens public safety, order, health, morality or the fundamental human rights and liberties.

Art. 22 – (1) Amendments and supplements to bylaws on organization and operation or to canonic codes shall be reported, for purposes of obtaining recognition, to the Ministry of Culture and Religious Denominations.

(2) Administrative documents issued on the basis of this Section, as well as the failure to issue such documents by their legal deadline, can be challenged in court, under the law.

Section III

Employees of the denominations

Art. 23 – (1) Denominations elect, appoint, hire or terminate staff according to their own bylaws, canonic codes or regulations.

(2) The employees of denominations can be disciplined for violating the denomination's doctrine principles or moral principles, based on the denomination's bylaws, canonic codes or regulations.

(3) Clerical staff and that which is assimilated to clerical staff in the recognized denominations cannot be compelled to reveal facts entrusted to their knowledge or learned during the exercise of their functions.

(4) The exercise of the function of priest or any other position that involves the exercise of the function of priest, without explicit authorization or agreement from those religious structures, whether they be legal entities or not, shall constitute a criminal violation.

Art. 24 – (1) The employees and insured staff of denominations, whose Retirement Offices are part of the State system of social security, shall be subject to the relevant State law on social security.

(2) The employees and insured staff of denominations, who have their own private Retirement Offices or pension funds, shall be subject to the regulations adopted by the leadership of their denominations, according to their bylaws and in agreement with the general principles of relevant State law on social security.

Art. 25 – Clerical staff and that which is assimilated to clerical staff, as well as monastic staff that belong to recognized denominations shall be exempt from military service.

Art. 26 – (1) Denominations may have their own religious courts for matters of internal discipline, according to their bylaws and internal regulations.

(2) Internal discipline matters are subject to bylaws and canonic regulations exclusively.

(3) The existence of a denomination's religious courts does not preclude applicability of Romanian law on infractions and criminal violations.

Section IV *Assets of the denominations*

Art. 27 – (1) Recognized denominations and their units can own and acquire, as property or for use, movable assets and real estate, of which they can dispose according to their own bylaws.

(2) Holy assets, namely those devoted directly and exclusively to the faith, as established through a denomination's own bylaws based on its traditions and practices, cannot be seized and are not subject to a statute of limitations, and can be disposed of only in accordance to bylaws specific to that denomination.

(3) The stipulations in paragraph (2) do not affect the recovery of holy assets that were abusively seized and forfeited by the State in the period 1940 – 1989, as well as of those take over by the State without any title.

Art. 28 – (1) Local denomination units can have and maintain, alone or in association with other denominations, denomination graveyards for their worshipers. Denomination graveyards shall be managed according to the regulations of the denomination that owns them. The denomination identity of historic graveyards is protected by law.

(2) In the locations that do not have a local public graveyard and certain denominations do not have their own graveyard, deceased persons who were members of

those denominations can be buried according to that denomination's rites in the existing functional graveyards.

(3) The stipulations in paragraph (2) do not apply to graveyards that belong to the Mosaic and Muslim denominations.

(4) The authorities of the local public administration are under the obligation to establish local public graveyards in every village and town.

(5) Village or town graveyards shall be organized of such manner as to include appropriate sections for every recognized denomination, if so requested by the denominations that operate in the respective village or town.

Art. 29 – (1) Denominations have the exclusive right produce and sell objects and goods needed for their religious activity, under the law.

(2) The use of musical works in the activity of recognized denominations shall be exempt from the dues normally owed to IPR authorities.

Art. 30 – Church or similar assets located in other countries and owned by the Romanian State or denominations can make the object of bilateral agreements signed by the Romanian State, on the request of interested parties.

Art. 31 – (1) The assets that a denomination acquires in any manner – contributions, donations, inheritance – as well as any other assets that become the legal property of a denomination cannot be subject to subsequent reclamation action.

(2) Individuals who leave a recognized denomination cannot raise claims to the assets of that denomination.

(3) Asset-related disputes between recognized denominations shall be settled amiably and, failing that, shall be subject to common law litigation.

(4) In case a denomination is stripped of its status as recognized, under this Law or following dissolution, its assets' destination shall be the one stipulated in its bylaws.

Section V

Education organized by denominations

Art. 32 – (1) The teaching of religion in the public and private education system is guaranteed by law for recognized denominations.

(2) The religion-teaching staff in public schools shall be appointed in agreement with the denomination they represent, under the law.

(3) In case a teacher commits serious violations of his denomination's doctrine or morals, that denomination can withdraw its agreement that he teach religion, which will lead to the termination of that person's labor contract.

(4) On request, in the situation where the school cannot provide teachers of religion who are members of the denomination the students are members of, such students can produce evidence of studies in their respective religion that is provided by the denomination they are members of.

Art. 33 – (1) Denominations have the right to establish and manage education facilities for the training of their religious staff, of religion teachers, as well as of other specialists needed in their religious activity, under the law.

(2) Every denomination is free to establish the formats, level, numbers and admission plan for their own education facilities, under the law.

Art. 34 – (1) Denominations develop their own education plan and curriculum for undergraduate theological studies and the curricula for the teaching of religion. Such plans and curricula shall be submitted at the Ministry of Culture and Religious Denominations for review, and at the Ministry of Education and Research for approval.

(2) As regards higher education, education plans and curricula shall be developed by the education institutions, based on agreement with the respective denomination, and shall be approved by the University Senates.

Art. 35 – (1) The teaching staff of the theological education facilities that are integrated in the public education system shall be recognized by the Ministry of Education and Research, under the law, based on preliminary agreement from the relevant bodies of the denominations concerned.

(2) The teaching staff of the theological education facilities that are not integrated in the public education system shall be appointed by the relevant bodies of the denominations concerned, according to their bylaws. The staff who teaches religion in schools must meet the requirements of Law #128/1997 on the Status of Teaching Staff, as subsequently amended and supplemented.

Art. 36 – (1) In children's institutions operated by public agencies, or by private entities or by denominations, religious education shall be provided to the children according to their religious membership.

(2) In children's institutions, irrespective of their financing entity, religious education for children whose religion is not known shall only be provided based on agreement from the persons who are in charge of them under applicable law.

Art. 37 – The pay of teaching and administrative staff in theological education facilities that are not part of the public system shall be provided by the denominations. On request from the denominations the State, through the Ministry of Culture and Religious Denominations, can provide a contribution towards that pay, proportionally with the number of that denomination's worshippers.

Art. 38 – Recognition of diplomas and certificates of theological studies obtained in another country shall be made according to the law.

Art. 39 – (1) Recognized denominations have the right to establish and manage denomination education facilities of all levels, profiles and specialties, under the law.

(2) Diplomas for the graduates of private education facilities of a denomination shall be issued according to applicable law.

(3) The State shall provide financial support for denomination education, under the law.

(4) Denomination education facilities shall have organizational and functional autonomy, according to their standards and canons, and in observance of the legal provisions applicable to the national education system.

(5) Pupils or students can enroll in denomination education, irrespective of religion or persuasion, and they are guaranteed freedom of religious education according to their own religion of persuasion.

CHAPTER III Religious associations

Art. 40 – (1) Freedom of religion can also be exercised in religious associations, which are legal entities comprised of at least 300 members, citizens of Romania or resident in Romania, who associate in order to manifest a religious belief.

(2) A religious association receives legal entity status by registering with the Registry of Religious Associations, which shall operate at the Clerks' Office of every Trial Court in whose jurisdiction the association's head office is located.

Art. 41 – (1) Any one of the members, based on a power of attorney given by the rest of the members, can apply for the registration of that association with the Registry of Religious Associations.

(2) The registration application shall be accompanied by the following documents:

a) notarized articles of incorporation, which shall include the name of the religious association – which cannot be identical or similar to that of a denomination or another recognized association – identification and signature of the members, head office, starting assets in the equivalent of at least twice the national monthly pre-tax pay, contributed in currency or in kind by the members, as well as the first management structures;

b) declaration of faith and status of the religious association, which must include: its central and local organization structure for management, administration and oversight, manner of establishing and dismantling local units, rights and obligations of members, the main activities the association intends to undertake in order to attain its spiritual goals; other stipulations specific to that particular religious association;

c) evidence of existence of a head office and starting assets;

d) consultative opinion from the Ministry of Culture and Religious Denominations;

e) evidence the chosen name is available, obtained from Ministry of Justice.

Art. 42 – (1) Within 3 days of applying for registration and filing the documents required under Art. 41 (2), a judge, appointed by the court's Chief Judge, shall verify their compliance with the law and shall return a decision to list the association in the Registry of Religious Associations.

(2) Once the registration is complete, the judicial decision to that effect shall be automatically announced to the local fiscal authority that has jurisdiction over the association's head office, for tax registration, and will include the registration number given in the Registry of Religious Associations.

Art. 43 – Religious associations can establish subsidiaries that have legal entity status, according to their bylaws, under the procedure stipulated at Art. 41 and 42.

Art. 44 – (1) Religious associations shall receive tax breaks related to their religious activity, under Law #571/2003 on the Tax Code, with its subsequent amendments and supplements.

(2) Religious associations shall also come under the relevant stipulations of Article 10 (2), Art. 15, Art. 16 and Art. 28 in this Law.

Art. 45 – A jurisdictional court of law shall rule to dissolve a religious association when that association, through its activities, poses serious threats to public safety, order, health, morality and the fundamental human rights and liberties, or when that religious association pursues a goal that is different from the one it was established for.

Art. 46 – The stipulations in this Article shall operate in conjunction with those in Government Order #26/2000 on Associations and Foundations, as approved with amendments and supplements through Law #246/2005.

Art. 47 – (1) Existing associations, established according to the laws on associations and foundations, whose main objects are the exercise of a religious faith and who desire to acquire the status of religious association, must file with their local Trial Court for a transformation of that association, for its being stricken from the Registry of Associations and Foundations and for its registration with the Registry of Religious Associations at the Clerk's Office of the same Trial Court, accompanied by the relevant documentation stipulated at Art. 41.

(2) The application must bear the signatures of the legal leadership structures of the association, and must explicitly request the transformation of the original association into a religious association.

(3) The delegate-judge shall rule both on the transformation of the association and on its registration, and shall establish for how long the association has had the exercise of a religious faith as its object.

(4) The operation duration found by the court shall be taken into consideration and added to the overall period of existence of the religious association with a view to the latter's acquiring recognized denomination status.

Art. 48 – (1) In all manner of motions and judicial action concerning the acquisition or loss of the status of religious association each session shall be conducted in the presence of a prosecutor and of a summoned representative of the Ministry of Culture and Religious Denominations.

(2) Decisions or rulings returned by a court of law in cases concerning religious associations can be challenged within 15 days of pronouncement, in an appeal on law at the Tribunal.

CHAPTER IV
Transient and final stipulations

Art. 49 – (1) At the date this Law is enacted, there are 18 recognized denominations in Romania, as seen from the Appendix that constitutes an integral part of this Law.

(2) Within 12 months of the enactment of this Law, the denominations existing in Romania and included in the Appendix to this Law shall submit their bylaws and canonic codes to the Ministry of Culture and Religious Denominations, in order to obtain recognition.

(3) Recognition shall be granted through the mechanism of the Government Decree, based on a proposal from the Ministry of Culture and Religious Denominations, and shall be published in the Official Journal, Part I. The stipulations of Art. 17 (2) shall apply accordingly.

Art. 50 – (1) Any amendment or supplement to this Law shall be brought after preliminary consultation with the recognized denominations and in observance of the legal regulations on decision-making transparency.

(2) The representatives of religious denominations have the right to take part, as guests, in the debate in Parliament and in the proceedings of its Committees concerning the draft pieces of regulation on religious life, the activity of denominations, denominational education, social assistance and national heritage issues that involve the denominations.

Art. 51 – On the date this Law is enacted, Decree #177/1948 on the General Status of Religious Denominations, published in the Official Journal of Romania, issue #178 of 4 August 1948, as subsequently amended and supplemented, as well as any other provisions contrary to this Law, shall have been repealed.

Appendix

List of Recognized Denominations in Romania

1. Romanian Orthodox Church
2. Serbian Orthodox Bishopric of Timisoara
3. Roman-Catholic Church
4. Romanian Church United with Rome, Greek-Catholic
5. Archbishopric of the Armenian Church
6. Russian Old-Rite Christian Church of Romania
7. Reformed Church of Romania
8. Evangelical Church of Romania
9. Evangelical Lutheran Church of Romania
10. Unitarian Church of Transylvania
11. Union of Christian Baptist Churches of Romania
12. Christian Church of the Gospel in Romania – Union of Christian Churches of the Gospel in Romania
13. Romanian Evangelical Church
14. Pentecostal Union – The Apostolic Church of God of Romania
15. Adventist Seventh-Day Christian Church of Romania
16. Federation of Jewish Communities of Romania
17. Muslim Denomination
18. Religious Organization Jehovah's Witnesses

This Law was adopted by the Parliament of Romania, in observance of the provisions of Art. 75 and Art. 76 (1) of the Constitution of Romania, as republished.

Speaker of the Chamber of Deputies

for Chairman of the Senate

Bogdan Olteanu

Doru Ioan Taracila

Bucharest, 8th of January 2007

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