

INDUSTRIAL PARKS – INSTRUMENTS FOR BUSINESS GROWTH

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Abstract

The legal regime of industrial parks, in what regards their set-up, organization and functioning, is regulated in a modern approach through Law no. 186 of 25 June 2013. The legal-economic mechanism embodied in the concept of "industrial park" is regulated for the mission of: stimulating direct investments, domestic and foreign, in industry, services, scientific research and technological development and innovation, regional development, development of small, medium and large companies, creating new jobs. No doubt this mechanism is an effective instrument for the growth of a business. For this reason the law regulates the substantive and formal conditions governing the set-up of industrial parks, the competence to handle the application for obtaining the industrial park title and the procedure for issuing the title. The relationship between the manager of the park and its residents is materialized by the conclusion of a management and related services contract, which also stipulates their duties and responsibilities in the operation of the industrial park.

Keywords: *industrial park, manager, founder, resident, management and related services contract*

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1. Introduction

Industrial parks represent one of the legal and economic instruments that the law establishes to create an optimal framework for the development of economic activities and investment environment, to enhance access to opportunities for domestic and foreign direct investments, for the development of small and medium enterprises, implementation of legal means of cooperation between business professionals and other participants from various professional backgrounds and, last but not least, a source of job creation.

***Sedes materie* and the scope of the regulation**

Sedes materie is the provisions of the Law no. 186/2013¹ on the establishment and operation of industrial parks, which creates the legal framework

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for setting up, organizing and functioning of industrial parks. The regulation also applies to the legal regime of the industrial parks existing at the date when this law enters into force and the parks that will be set up in the future.

The legal and economic mechanism embodied in the concept of "industrial park" is regulated in order to meet the following objectives: stimulation of direct, domestic and foreign investments in industry, services, scientific research, technological development and innovation; regional development; the development of large, medium and small enterprises; creation of new jobs.

The setting up and operation of industrial parks is governed by a set of general principles which set forth rights and duties for both residents and participants in the activities carried out in the industrial park's perimeter. These principles concern: equal treatment for all residents of the park; not involving the park manager in abusive practices against park residents; the obligation to comply with internal regulations by all residents of the park; stimulation of new jobs creation to capitalize the local or regional human potential.

2. The founders of the industrial park

The quality of *founders* can be held by the local public administration authorities, natural or legal persons of private law, Romanian or foreign, jointly or separately, who initiate the establishment of an industrial park and fulfil the *non-cumulative* conditions provided by the law: set-up and register a type of company regulated by Law no. 31/1990², which will be the administrator of the park and have the capacity to request the specialized body of the central public administration to issue the title of industrial park, following a specific procedure; are the winners of the privatization process and are awarded the state-owned companies, which owned, at the time of privatization, the existing industrial platforms for which the Government approved the privatization strategy in the form of industrial parks and, subsequently to the conclusion of the contract with the public institution involved in the privatization process exercises the right of option for granting the title of industrial park to the manager of the park, according to the simplified procedure provided by the present law.

The administrator of the park is a private, Romanian and/or foreign legal entity established by the *founders*, in accordance with the law, in order to establish an industrial park, to acquire and hold the title of industrial park, respectively to manage and administer the industrial park. The responsibility

¹ Published in the Official Gazette of Romania no. 421 of 11 July (2013), hereinafter called Law no. 186/2013.

²Published in the Official Gazette of Romania no. 126 of 17 November (1990), amended and supplemented through Law no. 152/2015, consolidated version of 16 July (2015), hereinafter called Law no. 31/1990.

for issuing the Order granting the title belongs to the specialized body of the central public administration, namely to the responsible minister, that is the Ministry of Regional Development and Public Administration. The title may be granted through Government decision in the case of old industrial platforms privatized under a decision issued by the same body.

According to the Law no. 186/2013, a *resident* of the park may be any economic operator, a Romanian and/or foreign legal person, NGOs, research institutions and other non-legal entities operating under the law and carrying out economic activities, scientific research, exploitation of scientific research and / or technological development, agroindustrial, logistic and innovative, industrial, etc. within the industrial park.

The concept of "economic operator" frequently used in legislation, is identified with the types of professionals with legal personality who are susceptible to perform economic activity, identified in the commercial doctrine (Cărpenu, 2016, p.32-36) under the traditional name of "traders", and now being assimilated under the integrating expression of "professionals" enshrined in art.3 of the Civil Code³, and the meaning assigned to the concept of "professional" is the one given by art.8 paragraph 1 of Law no. 71/2011⁴ for the implementation of the Civil Code. Regarding the concept of professional and enterprise, the doctrine (Popa, 2011; Turcu & Botina, 2013 p.1-4) states that the professional exploits an enterprise, which means the systematic pursuit of an organized activity, which consists in the production, management or disposal of goods or the provision of independent services whether or not it has a lucrative purpose.

The doctrine (Cărpenu, 2016, p.40-50) classifies the *professionals - traders of the economic enterprise* in two categories: natural persons professionals-traders, having the following forms: the authorized person, the individual holder of an individual enterprise and the individual member a family business and legal entities professionals-trader in the following forms: companies, autonomous regies, cooperative companies, cooperative organizations and European cooperative societies. All these entities may be the residents of the industrial park.

Regarding the partnership entities that do not have legal personality, we consider that in this category can be included the *partnership* (Săuleanu, 2012, p.19-24), but also the *simple partnership* as partnership forms without legal personality, regulated by the Civil Code, Book 5, Chapter 7 "The Company Contract".

³Law no. 287/2009 on Civil Code, published in the Official Gazette of Romania no. 511 of 24 July (2009), consolidated version of 27 March 2017, hereinafter called Civil Code.

⁴Published in the Official Gazette of Romania no. 409 of 10 June (2011), consolidated version of 04 February (2016), hereinafter called Law no. 71/2011.

The economic activity within the industrial park can be carried out mainly on the basis of a *management and provision of related services contract*; however, the resident may be the owner or, as the case may be, the lessee of the building, or the tenant of a building located within the industrial park perimeter established under the simplified procedure, which is not the property of the park manager.

3. The substantive and formal requirements for granting the title of industrial park

The application to obtain the title of industrial park shall be submitted by the *founders* of the industrial park as applicants and holders of the application for granting the title of industrial park, both in the general procedure and in the simplified procedure, the matter of each procedure is to be developed in the present study.

3.1 General procedure

3.1.1. Substantive requirements

The application for granting the title of industrial park, signed by the applicant, shall specify the period for which it requests the granting of the title of industrial park, which may not be less than 10 years, with possibility of extension. Extending the operation period of the industrial park is, in our view, a change in the contents of the initially attributed title and may be granted, according to the principle of symmetry, by the authority that issued the title.

The title of industrial park is granted through an Order which is the administrative act, issued to the applicant by the specialized body of the central public administration, namely by the Ministry of Regional Development and Public Administration, which confers the legal regime of industrial park to the industrial platform or to the land destined for the industrial park.

For the title of industrial park to be granted, the cumulative conditions stipulated by the law must be met, namely: the park manager must be registered in the trade registry as a Romanian and/or foreign legal person according to the provisions of Law no. 26/1990 regarding the trade registry⁵; the park manager is not undergoing insolvency or prevention proceedings, namely the proceedings provided by Law no. 186/2013 on insolvency and insolvency prevention proceedings; the park manager does not have any outstanding and unpaid debt, ascertained by a writ of execution, as defined by law, against the consolidated state budget; the land in the industrial park perimeter is eligible; the park manager is to submit the declaration of

⁵ Published in the Official Gazette of Romania no. 121 of 17 November (1990), consolidated version of 11 October (2015), amended and supplemented by Law no. 152/2015, hereinafter called Law no. 26/1990.

eligibility given by the applicant for the title of industrial park, a notarized statement certifying the cumulative fulfilment of the substantive requirements stipulated by Law no. 186/2013. The substantive requirements are specified in art.5 corroborated with art.17, as the case may be, and the formal conditions are mentioned in art.6 of Law no. 186/2013.

The requirements which must be fulfilled by the *land designated for the industrial park* in order to be eligible are also *cumulative* and refer to the following criteria: the land is owned, held in concession/administration/use by the founder, park manager or park residents; the land has access to a European road and/or to a national road and/or to a county road and/or to a ring road; the land has a compact area of minimum 5 hectares, excepting the areas crossed by transport routes; the land is not subject to any registered encumbrance, dismemberment of the ownership right, mortgage, precautionary measure or enforcement procedure, except for any easement for passing, as well as for any mortgages set up in favour of credit institutions from European Union member states, for the purpose of securing the reimbursement of bank loans entered into by the company managing the industrial park aimed at financing the maintenance and/or development and/or refurbishment investments for the industrial park's infrastructure.

3.1.2. Formal requirements

The eligibility documentation for the establishment of the industrial park shall be submitted to the general registry of the Ministry of Regional Development and Public Administration or sent by post. The specialized department has the duty to examine the eligibility documentation submitted by the applicant within 30 days from the date of its registration, and draw-up a reasoned report whereby it can either acknowledge the cumulative fulfilment of the substantive and formal requirements, in which case it proposes to the responsible minister to *award the title of industrial park to the manager of the park*, or finds that the eligibility documentation submitted by the applicant is incomplete and/or does not cumulatively meet all the substantive and formal conditions, indicating explicitly the missing documents and/or unfulfilled form and substantive conditions, in which case it proposes to the responsible minister to *reject the application*.

The report drawn up by the specialized department shall be communicated, within 48 hours, to the applicant through registered letter with acknowledgment of receipt or by any electronic means that can prove the complete reception of the submitted document and confirmation of receipt by the applicant. Within 30 days of receipt of the report, the applicant is entitled to *complete the eligibility documentation, otherwise risking losing this procedural right*.

If the applicant has completed the eligibility documentation in due time, *the specialized department* reviews the documentation and, within

maximum 15 days from the date of expiry of the aforementioned period, draws up a new reasoned report by which it can adopt one of the solutions mentioned above, *granting the title or*, as the case may be, *rejecting the application*.

Within 30 days from the date of receipt of the reasoned report issued by the specialized department, *the minister of regional development and public administration will issue a reasoned order approving or rejecting the applicant's application*, the Order must to state the aspects regarding the duration of the park title and the granting of the industrial park title to the park manager. The order issued by the relevant minister shall be communicated to the applicant after its publication in the Official Gazette of Romania, Part I.

The title of industrial park is issued to the manager of the park on the basis of the order of the minister or, in the case of the old privatized industrial platforms, on the basis of a Government decision or special law. The title of industrial park entitles the manager and the residents of the park to the facilities consisting of exemptions and other facilities under the conditions provided by the 2015 Tax Code.⁶

The title of industrial park is valid for the land, the infrastructure of the industrial park and for the duration determined expressly by the Order of the responsible minister. Law no. 186/2013 provides for the possibility of revoking or even cancelling the title if the legal provisions in the matter are breached.

3.1.3. Revoking the title of industrial park

The title of industrial park may be revoked, by an order issued by the competent minister on the proposal of the specialized department, if the following conditions are met cumulatively: the existence of a major deficiency; the park manager had been notified by the competent ministry about the major deficiency justifying the adoption of the measure; the park manager did not remedy the major deficiency within 90 days from the date of its notification by the competent ministry, term which has not been extended under the law.

However, by a motivated order of the responsible minister, the term may be extended, even consecutively, provided the park manager proves that he/she has taken steps to remedy the major deficiency, but that could not be achieved within the time limit, for objective reasons.

The revocation of the industrial park title does not exonerate the beneficiaries of the facilities that are obliged to maintain the investment for which they have benefited from state aid for at least 5 years since its completion, if they are large enterprises, respectively for a period of 3 years, if

⁶Law no. 227/2015, published in the Off. Gazette of Romania no. 688/10 September (2015), subsequently amended and completed, hereinafter called Tax Code, consolidated version of 01 January (2018).

they are small and medium-sized enterprises; otherwise, they are obliged to repay the state aid they received.

3.1.4. Cancellation of the title of industrial park

The cancellation of the title of industrial park is a consequence of the breach of the legal provisions governing the establishment of industrial parks.

3.1.5. Cessation of the title of industrial park

The validity of the industrial park title ceases in the cases referred to in art.21 of Law no. 186/2013 more precisely: at the request of the park manager; upon the expiry term stipulated in the title for the duration of the industrial park; by declaring the bankruptcy of the park manager based on a final court decision; by the division of the park manager; by the judicial dissolution of the park manager on the basis of a final court decision.

The rightful cessation of the title of industrial park shall be established, in all cases, by the order of the competent minister, issued at the motivated proposal of the specialized department.

3.1.6. Simplified procedure

The granting of the title of industrial park under the simplified procedure implies compliance with the substantive and formal requirements stipulated by the Law no. 186/2013, in chapter IV entitled "Simplified Procedure".

Thus, the *cumulative substantive conditions* stipulated by art.17 refer to: the approval, by Government decision, of the privatisation strategy in the form of an industrial park of the (trading) company which was the owner of the existing industrial platform at the moment of privatisation; the winning of the privatisation process by the founders who, through privatisation, were transferred the ownership of the state-owned (trading) companies which owned the existing industrial platform, in respect to which the Government approved the privatisation strategy in the form of an industrial park and subsequently to the conclusion of the contract with the public institution involved in the privatisation process, exercised its right of option for granting the title of industrial park in favour of the park manager, according to the simplified procedure; in the situation of privatised (trading) companies, which are undergoing insolvency and against which the forced execution procedure for debts owed to the state budget has begun, the discharge of these receivables is approved by Government decision, by transferring all the assets of these debtors to the ownership of the concerned central or local public administration authorities, provided they establish industrial parks and invest in them; the park manager is legally registered in the trade registry as a Romanian and/or foreign legal entity and it may be: a privatised company, or,

as the case may be, a newly established company; the shareholders of the park manager are the founders (defined in pt.2) individually and/or together, as the case may be, with the privatised company itself; the manager of the park is not undergoing insolvency or prevention proceedings; the manager of the park does not have any outstanding and unpaid debt to the consolidated state budget, ascertained by enforceable title; the land within the perimeter of the industrial park and the infrastructure of the industrial park are the property of the park manager or, as the case may be, the resident of the industrial park; the consent of the local public administration authority regarding the establishment of the industrial park - in the form of a local or county council decision, as the case may be.

The applicant submits the *notarized declaration of eligibility* to initiate the procedure for granting the title of industrial park.

As regards *formal conditions*, the legal representative of any of the founders shall sign the application for the granting of the industrial park title indicating the duration for which the title is requested, which may not be less than 10 years, with the possibility of extension.

The documentation attached to the application for the title includes, in addition to the declaration of eligibility, *a set of documents attached in original*, as provided by art.18 of Law no. 186/2013, namely: trade registry excerpt issued by the competent trade registry office, indicating the manager of the park; the tax certificates issued by the competent tax authorities showing that the park manager has no outstanding and unpaid debts to the consolidated state budget, ascertained by enforceable title as well as the land register excerpt.

The attached set of documents *must also include certified copies*, in accordance with the original: certificate of ownership / concession on the land designated for the industrial park; the park manager's registration certificate; park manager's tax registration certificate; the contract concluded between the founders and the public institution involved in the privatisation process, through which the state holdings of state owned companies were sold, in respect to which the Government approved the privatisation strategy in the form of an industrial park; the Government's decision approving the privatisation strategy in the form of an industrial park of the (trading) company which was the owner of the existing industrial platform at the moment of privatisation; map and documentation of the land and infrastructure of the industrial park.

The assessment procedure for granting the title of industrial park is similar to the general procedure to which refer the legal provisions in the chapter dealing with the regulation of the simplified procedure.

Thus, the specialized department analyses the applicant's eligibility documentation within a maximum of 15 days from the date of its registration, and draws up a reasoned report through which, it either acknowledges the cumulative fulfilment of the substantive and formal requirements, and therefore

grants the title of industrial park to the park manager, or finds that the eligibility documentation submitted by the applicant is incomplete and / or does not cumulatively meet all the substantive and formal requirements, stating explicitly what are the missing documents and/or unfulfilled substantive or formal requirements, and therefore proposes to the minister of regional development and public administration to reject the applicant's application.

The applicant is entitled to *complete the eligibility documentation*, otherwise risking to lose this procedural right, within 15 days from the date of receipt of the reasoned report drawn up by the specialized department, situation in which the specialized department proceeds to the review of the completed documentation, within maximum of 15 days, and draws up a new reasoned report, whereby it may adopt one of the above-mentioned solutions, namely, propose the granting of the title or, as the case may be, reject the applicant's application.

Within 30 days from the date of receipt of the reasoned report from the specialized department, the minister of regional development and public administration has the responsibility to issue the Order approving or rejecting the request of the applicant. The Order is communicated to the applicant by registered letter with signature of receipt, within 5 days from the date of its issuance.

4. The functioning of industrial parks

The industrial park operates under the direct management and administration of the park manager who is empowered to enforce the rules and general principles relating to the establishment and operation of industrial parks.

Thus, the manager of the industrial park is entitled to adopt *regulations* concerning the management and administration of the industrial park, which are characterized by the legal text analysed as being *unilateral legal acts* regulating any aspects regarding the organization, operation and development of the industrial park, having *general binding power* for all residents of the park.

Specifically, the issues that are the subject of the regulations concern: the strategy of organization, operation and development of the industrial park; the procedure for selecting the residents of the park; the framework contract of management and provision of related services; provision of utilities within the industrial park; the pedestrian and motorized traffic regime within the industrial park; the calculation method for individual expenses and collective expenses; the infrastructure of the industrial park; destination of units; measures to protect the environment; any other matters concerning the organization, operation and development of the industrial park.

The draft regulation shall be published on the website of the park manager at least 30 days before the date set for its adoption and shall be adopted by the executive statutory body of the park manager. The regulation shall be published in the final version adopted on the web site of the park manager.

Residents of the park as well as any interested person may, within 15 days of the publication of the regulation, make a claim to the court requesting the regulation to be declared void and invalid when it was adopted in breach of the legislation in force. The claim to the court is settled by the court having jurisdiction at the headquarters of the park manager, as a matter of urgency and with priority, summoning the plaintiff and the manager of the park and the statement of defence, as a procedural act formulated by the defendant, is not mandatory. Upon request, the court may order suspension of the regulation that is claimed to be declared invalid, until the claim before the first-instance is settled.

The decision of the court of first instance is subject to appeals which are exercised under the Civil Procedure Code. An analysis of jurisprudence on industrial parks in the doctrine (Varga, 2016), namely Decision no. 47 of September 24, 2015, the Court of Appeal Cluj, Section II, criticizes of the solution given in this case having as object the regulator of jurisdiction.

The doctrine criticizes the court's decision and notes that as long as the provisions of Law no. 186/2013 do not establish any delegation of power and do not qualify the acts issued by the manager of the industrial park as having the nature of the administrative acts, "the court in charge of settling the disputes arising from the operation of the industrial parks has to implement the provisions in the existing form, hence the documents issued by the administrator of the park do not have administrative nature."

It is also noted in the criticism of the decision that: "It should not be overlooked that the law does not make a qualification either with regard to the capacity of the managers of the industrial parks or regarding the legal nature of the acts concluded to ensure the functioning of these entities. The only certainty is the fact that certain tax incentives are obtained as a result of being part of an industrial park, this being one of the main reasons why they are established. It would be far out of line and inconsistent with the legal provisions, however, to consider that any public power prerogatives may be held by and conferred to the managers of the industrial parks based on the incentives."

Consequently, the assessment made in the appealed decision, according to which in the procedure for issuing the regulation of the park, the park manager acts under a public power regime as a public authority, his action seeking to satisfy a general interest, is considered unfounded by the doctrine invoked *ut supra*. The court's decision established the competence of the fiscal administrative court to settle disputes concerning the regulation of the industrial park, and the criticism brought to the decision suggests that this competence rests indeed with the county court, but not with the court of administrative fiscal contentious.

The rights and obligations assumed by the park manager and his/her residents are configured and found in the *management and related services contract*, which is also aligned with the legal regulations on the management

and administration of the industrial park. In the above-mentioned context, the law also provides for the rights and obligations incumbent on the manager and, respectively, on the residents of the industrial park.

4.1. The responsibilities and obligations of the industrial park manager

The manager of the industrial park exercises a complex set of rights and obligations, which also highlight the responsibilities which he has the duty to fulfil.

The duties and obligations of the manager are specified in art.11 of Law no. 186/2013 and refer to: observance and monitoring the application of general principles of operation of industrial parks; selection of park residents from the economic operators who have registered offers under the terms of the regulation adopted for this purpose; the conclusion of management and provision of related services contracts with the residents of the park, selected according to the regulation; ensuring to the benefit of the park residents of the right to use the units that represent the object of the management and related services contracts concluded with them; ensuring for the benefit of the park residents, including those carrying out economic activities, scientific research and technological development, agroindustrial, logistic, innovative activities, the right to use the common infrastructure; performing maintenance, repairs and/or upgrades on the park's infrastructure so as to ensure normal use of the park, of the exclusive infrastructure and common infrastructure by park residents; the conclusion of contracts with primary utilities suppliers, among which are exemplified those providing heat, water, sewerage, telecommunications, natural gas; elaboration of the strategy for organization, operation and development of the industrial park; ensuring the publication of the notices through its own website and the notice board; administration of the financial funds obtained from the management of the industrial park, in accordance with the strategy of organization, operation and development of the industrial park; attracting any sources of funding from any credit institution for the purpose of financing or co-financing, as appropriate, any investment projects for the maintenance and / or development and / or refurbishment of the industrial park infrastructure, in accordance with the organization, operation and development strategy the industrial park; attracting any sources of financing from private investors by issuing bonds under the conditions regulated by the legislation in force regarding the companies regulated by Law no. 31/1990, in accordance with the strategy of organization, operation and development of the industrial park; collaboration and cooperation with central and/or local public authorities, domestic and / or community, in order to ensure the observance of the law within the industrial park, as well as in order to implement the strategy for the development of the industrial park; collaboration and cooperation with non-governmental

organizations, chambers of commerce and industry and, in general, with any natural or legal person, in order to implement the strategy for the development of the industrial park.

In the category of rights that the administrator of the industrial park is entitled to exercise, Law no. 186/2013 mentions the following examples: collect from the residents of the park of the sums of money owed to the administrator, based on the management and provision of related services contract; issue mandatory regulations for park residents, including for those carrying out economic, scientific and technological development, agro-industrial, logistic, innovative activities; the notification of any competent public authorities, according to the law, regarding the breach of the legal provisions within the industrial park.

The management and provision of related service contract may contain stipulations agreed upon by the park manager and park residents, also regarding additional obligations, duties and/or rights of the park administrator under the conditions and in compliance with the regulations. Thus, the contract can also contain the parties' agreement on that the park manager can distribute through his own networks the necessary utilities (electricity, natural gas, water, sewage, etc.) to all residents of the industrial park, according to the law.

4.2. Rights and obligations of park residents

The capacity of resident of the industrial park can be obtained by economic operators, Romanian and/or foreign legal persons, which operate in compliance with the law and carry out economic activities, scientific research, exploitation of scientific research and/or technological development, agroindustrial, logistics and industrial and other activities, within the industrial park, *as owner or tenant, as the case may be, of a real estate situated within the perimeter of the industrial park*, established according to the simplified procedure, which is not the property of the park manager.

The capacity of resident of the industrial park can be exercised by the economic operators mentioned above who are eligible to acquire this status in respect to one or several units within the industrial park, either as a co-contractor of the park manager under a management and related services contract, or as owner, concessionaire or co-contractor of the park manager under a management and related service contract or, as the case may be, as owner or tenant of one or several real properties located within the perimeter of the industrial park constituted according to the simplified procedure, which is not the property of the park manager.

The capacity of resident of the industrial park is acquired from the date of conclusion of the management and related services contract, or, as the case may be, from the date the industrial park title is issued according to the simplified procedure.

The set of rights that can be exercised by the resident of the park are listed in Law no. 186/2013 and refer to: the right to use the unit(s) that are the object of the management and related services contract, in useful and undisturbed conditions; the right to exclusive use of the infrastructure of the unit(s) that make the object of the management and the related services contract, in useful and undisturbed conditions; the right to use the common infrastructure, under useful and undisturbed conditions; the right of pre-emption in the case of sale of the leased property.

Correlatively, the resident also undertakes obligations such as: to pay to the administrator of the park the amounts provided in the management and related services contract; in the case of residents who have acquired this capacity under the simplified procedure, they only pay to the manager of the park the common maintenance costs and the cost of the utilities provided, but not more than the supply price charged by the authorized operator; compliance with regulations issued by the park manager; to use the unit(s) and the associated exclusive infrastructure, respectively the common infrastructure, with the diligence of a good owner, not to degrade or deteriorate them, so that, except for normal wear, they are maintained in the state they were at the moment when the management provision of related services contract was concluded, an obligation which, in the simplified procedure, covers the entire infrastructure of the park; to respect the destination set out in the management and related services contract; not to make any changes to the related unit(s) and infrastructure or to the common infrastructure; not to assign to third parties the rights arising from the management and related services contract; to observe the traffic rules within the premises of the industrial park, developed by the park manager; to comply with all obligations regarding the technical conditions provided by the legislation in force on environmental protection.

The management and related service contract may stipulate, with the agreement of the parties, any other obligations and/or additional rights of the park residents in compliance with the regulations.

Regarding the *legal liability of the park residents*, it can be incurred for *failing to fulfil any obligations incumbent upon them* towards the park manager, in accordance with the provisions of the law, the regulations and the terms of the management and provision of services related contract. In this case, the administrator of the park is entitled to *apply penalties* against the residents of the park, in accordance with the provisions of the regulations in force.

5. The management and provision of related services contract

The management of the industrial park is mainly carried out on the basis of the management and provision of related services contracts concluded between the park manager and the residents of the park selected from economic operators who have submitted offers under the terms of the regulation adopted for this purpose.

The management and provision of related services contract is concluded by direct negotiation or by any other means agreed by the park manager, its content being drawn by the park manager and adopted through the regulation, these being unilateral legal acts, which the park manager adopts in compliance with the provisions of the law, and by means of which are regulated any aspects related to the organization, operation and development of the industrial park, with a general binding power for all the residents of the park.

The management and provision of related service contract is a *special contract* named this way through the special regulation on industrial parks, namely Law no. 186/2013 and therefore its content must reflect the requirements as well as the set of rights and specific obligations provided under the legislative act. In this respect, it should be outlined that Law no. 186/2013 stipulates, in imperative terms, the obligation of the parties to include a termination clause (*commissoria lex*), according to art.1553 of the Civil Code, its termination occurs based on the notification of conventional termination by the park manager, in the event of payment default by the park resident of the amounts agreed in the management and related service contract, after more than 30 days from the due date.

The content of the management and related service contract may include any other termination clauses for non-performance of other contractual obligations agreed by the park manager and park residents. The management and related service contract ceases in the following cases: upon expiration of the term; the termination, revocation or cancellation of the industrial park title; in the case of bankruptcy of the resident of the park. In the case of termination and/or cessation, the park manager has the right to take possession of the unit which made the object of the management and related services contract immediately, by its own means.

Conclusions

Law no. 186/2013 introduces for the business environment a very extensive regulation both regarding the granting of the title of industrial park in general procedure or simplified procedure, as well as regarding the revocation, cancellation or cessation of the title of industrial park.

In this respect, the doctrine (Lazăr, L. & Lazăr, S., 2011) states that "Under the current economic conditions, industrial and scientific parks seem to be for the public authorities a solution which cannot be disregarded, considering the advantages they offer, amongst which we outline: transfer of the results of the research and development activities; attracting profits; training young graduates; creating new jobs; attracting private funds to research activities in higher education; capitalizing on the results of scientific research; stimulating entrepreneurial initiative by creating new business opportunities; attracting investment by offering tax incentives; strengthening

synergies between universities and the business environment; as well as the creation of a high-performing environment for businesses by providing beneficiaries with access to infrastructure, consultancy and other services that are necessary for the smooth running of the business."

To exemplify the situations in which the title of industrial park was awarded after the entry into force of Law no. 186/2013, or under the same law the title granted was amended, cancelled or revoked, we included all these aspects in synthetic tables 1 and 2. We find that for a number of 30 industrial parks the title of industrial park was granted between 14.07.2013 - 20.03.2018 under Law no. 186/2013 table 1. Also, during the same period a number of 6 amendments/supplements were made to the titles granted previously, in one case the title was revoked and in one case the title was cancelled under the provisions of the same law- table 2. These operations indicate that the juridical-economic instrument provided by Law no. 186/2013 is one that is used in the performance and development of business, successfully passing the stage of granting the title of industrial park as well as its modifications and additions.

TABLE 1

CRT no.	INDUSTRIAL PARK NAME	ORDER GRANTING THE TITLE OF INDUSTRIAL PARK (No., Date, Publication)
1.	Company „Industrial park” Vâlcea S.A. for the site in Drăgășani, Vâlcea county	Order 3593/20.12.2013 published in Off. Gazette no. 53/22.01.2014
2.	Company „Industrial park” Vâlcea S.A. for the site in Bălcești city, Vâlcea county	Order 3597/20.12.2013 published in Off. Gazette no. 64/24.01.2014
3.	Company Allianso Development Charlotte Six S.R.L. for the site in Ariceștii-Rahtivani, Prahova county	Order 3390/22.11.2013 published in Off. Gazette no. 767/09.12.2013
4.	Investments made in the industrial parks for the sites located in Cluj-Napoca	Order 2980/24.09.2013 published in Off. Gazette no. 610/01.10.2013
5.	Company WDP Development Ro S.R.L. for the site located in Codlea, Brașov county	Order 2237/27.06.2013 published in Off. Gazette no. 417/10.07.2013
6.	Company „Tetarom” S.A. for the site in Feleacu commune, Vâlcele village, Cluj county	Order 2137/10.06.2013 published in Off. Gazette no. 358/17.06.2013
7.	Company „Industrial park Hi” S.R.L., for the site in Hemeiuș commune, Bacău county	Order 1912/20.05.2013 published in Off. Gazette no. 310/29.05.2013
8.	Company „Industrial park Bărcănești S.A.” for the site in Bărcănești commune, Prahova county	Order 2502/16.12.2014, published in Off. Gazette no. 20/12.01.2015 Amended through order no. 171/19.01.2018 published in Off. Gazette no. 121/08.02.2018
9.	Company „Platforma industrială IMM Slobozia” S.R.L., for the site in Slobozia city, Ialomița county	Order 762/16.05.2014 published in Off. Gazette no. 395/28.05.2014
10.	Company Stonextract S.R.L., for the site in Poieni commune, Cluj county	Order 720/09.05.2014 published in Off. Gazette no. 420/06.06.2014
11.	Company „Slatina Industrial Parc S.A.”, for the site in Slatina city, Olt county	Order 28/10.01.2014 published in Off. Gazette no. 96/07.02.2014
12.	Company Miroslava Industrial Parc S.R.L., for the site in Miroslava commune, Iași county	Order 350/17.07.2015 published in Off. Gazette no. 563/28.07.2015
13.	Company „Dibo” S.A., for the site in Brazi commune, Prahova county	Order 256/26.06.2015, published in Off. Gazette no. 504/08.07.2015
14.	Company „Eurobusiness Parc Oradea” S.A., of 2015 is renamed as Company ”Eurobusiness Parc Oradea” - S.A. for the site in Oradea city, Bihor county.	Order 892/05.05.2015 published in Off. Gazette no. 336/18.05.2015
15.	Company „Industrial park Ocna Mureș S.R.L.”, for the site in Ocna Mureș, Alba county	Order 938/13.05.2015 published in Off. Gazette no. 357/18.05.2015
16.	Company High-Tech Industry Park Craiova S.A., for the site in Craiova city, Dolj county	Order 891/05.05.2015 published in Off. Gazette no. 341/19.05.2015
17.	Company „Industrial park Câmpia Turzii” S.R.L., for the site in Câmpia Turzii, Cluj county	Order 768/17.04.2015 published in Off. Gazette no. 278/24.04.2015

18.	Company Schwaben Business Park Petrești S.R.L., for the site in Petrești commune, Satu Mare county	Order 242/04.02.2015 published in Off. Gazette no. 139/24.02.2015
19.	Company „Artemis Real Estate S.R.L., for the site in Sănandrei commune, Timiș county	Order 129/08.01.2015 published in Off. Gazette no. 64/26.01.2015
20.	Company „Banat Park Services S.R.L.”, for the site in Sănandrei commune, Timiș county	Order 3245/20.12.2016 published in Off. Gazette no. 1068/30.12.2016
21.	Company „Parcuri Industriale Bihor S.R.L.”, for the site in Tileagd commune, Bihor county	Order 3246/20.12.2016 published in Off. Gazette no. 1068/30.12.2016
22.	Company „Sepsiipar S.R.L.”, for the site in Sfântu Gheorghe city, Covasna county	Order 3205/14.12.2016 published in Off. Gazette no. 1050/27.12.2016
23.	Company Artemis Real Estate S.R.L., for the site in Giarmata commune, Timiș county	Order 2484/19.09.2016 published in Off. Gazette no. 755/28.09.2016
24.	Company „Electroprecizia” S.A., for the site in Săcele municipality, Brașov county	Order 847/10.06.2016 published in Off. Gazette no. 506/06.07.2016
25.	Company Industrial Park East European Border S.R.L., for the site in Siret municipality, Suceava county	Order 768/26.05.2016 published in Off. Gazette no. 419/03.06.2016
26.	Company „Industrial park Călan S.R.L.”, for the site in Călan municipality, Hunedoara county	Order 495/13.04.2016 published in Off. Gazette no. 300/20.04.2016
27.	Company „Cluj Innovation Park” S.A., for the site in Cluj-Napoca city, Cluj county	Order 6711/07.11.2017 published in Off. Gazette no. 990/13.12.2017
28.	Company „Mg Tec Grup S.A.” for the site in Dej municipality, Cluj county	Order 5933/12.09.2017 published in Off. Gazette no. 801/10.10.2017
29.	Company „Iași Industrial Park S.R.L.”, for the site in Lețcani commune, Iași county	Order 3825/31.07.2017 published in Off. Gazette no. 665/11.08.2017
30.	Company Industrial Park Ișalnița S.R.L., for the site in Ișalnița commune, Dolj county	Order 94/16.01.2018 published in Off. Gazette no. 121/08.02.2018

TABLE 2

CRT NO.	INDUSTRIAL PARK NAME	ORDER GRANTING THE TITLE OF INDUSTRIAL PARK (No., Date, Publication)	ORDER AMENDING, REVOKING, CANCELING OR TERMINATING THE TITLE OF INDUSTRIAL PARK (No., Date, Publication)
1.	Company „Industrial park Fetești” S.A. for the site in Fetești municipality, Ialomița county	Order 357/2002, published in Off. Gazette no. 821/13.11.2002.	Cancelled by Order 1897/16.05.2013 published in Off. Gazette no. 417/10.07.2013
2.	Partnership „Industrial park Botoșani”, for the site in Botoșani city, Botoșani county	Order 170/02.06.2003 published in Off. Gazette no. 394/06.06.09.2003	Amended by Order 2910/06.09.2013 published in Off. Gazette no. 583/13.09.2013
3.	Company „Industrial Parc” S.R.L., for the site in Galați city, Galați county	Order 396/26.10.2004, published in Off. Gazette no. 1027/08.11.2004	Amended and supplemented by Order 509/14.08.2015 published in Off. Gazette no. 641/24.08.2015
4.	Company „Brașov Logistic Park” S.A., for the site in Vlădeni, Brașov county	Order 566/2005, published in Off. Gazette no. 317/14.04.2005	Ceased validity by Order 887/17.06.2016 published in Off. Gazette no. 506/06.07.2016
5.	Company „Aton Transilvania” S.R.L., for the site in Sânnandrei, Timiș county	Order 214/2007, published in Off. Gazette no. 372/31.05.2007	Revoked by Order 235/24.06.2015 published in Off. Gazette no. 489/03.07.2015
6.	Industrial park - infrastructura de afaceri din Oradea municipality, Bihor county	Order 685/15.12.2008, published in Off. Gazette no. 855/19.12.2008	Amended by Order 902/17.06.2016 published in Off. Gazette no. 488/30.06.2016
7.	Company „Eurobusiness Parc Oradea” S.A., for the site in Oradea municipality, Bihor county	Order 137/14.06.2012, published in Off. Gazette no. 408/14.06.2012	Amended by Order 1942/02.12.2015 published in Off. Gazette no. 939/18.12.2015
8.	Industrial park – for two sites in Turda municipality, Cluj county	Order 197/2012, published in Off. Gazette no. 594/20.08.2012	Amended by Order 779/01.10.2015 published in Off. Gazette no. 751/08.10.2015

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