



# GENERAL CONSIDERATIONS AND CONCEPTUAL DELIMITATIONS REGARDING THE MILITARISATION OF ECONOMIC OPERATORS WHOSE ACTIVITY IS DIRECTLY RELATED TO PROVIDING DEFENCE RESOURCES

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*The gradual process of planning and preparing for the mobilisation of national economy includes the set of measures that are taken in peacetime in order to capitalise on the entire economic potential of the country and subordinating it to the national defence effort, and is realised through drawing up and approving the Mobilisation Plan of the National Economy for Defence, sized for a period of one year and valid for four years.*

*During the state of mobilisation, the implementation of this plan involves the implementation of the measures established by the Mobilisation Plan, adapted to the situation arising at a given moment, as well as some hypothetical measures that can support the achievement of the final goal. Thus, the possible militarisation of economic operators whose activity is directly related to the resources needed for defence is a subject of study that cannot be analysed outside of other specific procedures such as, for example, economic reconversion, requisitions of goods and the provision of services in the public interest, the mobilisation at work of persons with military obligations, etc.*

*Keywords: militarisation; economic operators; mobilisation of the economy; military leadership; military commander; production capacity; war economy*



## INTRODUCTION

The recent evolution of the geostrategic situation, having a direct effect on the security of the NATO member states and the safety of its citizens, for which measures are required to counteract the dangers through the development of economic-military capabilities, creates the necessary premises to ensure an efficient, coherent and judicious management of defence resources, by referring to the national priorities, interests and objectives aligned with the collective ones, according to the assumed international commitments.

In this context, for the fulfilment of the duties of the Government regarding the preparation of the national economy and the territory for defence, the main vector of reference is the priority provision of the requests for products and services necessary for the forces of the national defence system, as well as those necessary for the functioning of the national economy and the population during a state of siege, mobilisation or war.

For the first time, the mobilisation of the national economy was an object of study for specialists in economic-military issues, as a result of the lessons identified from the analysis of the conduct of the two world wars whose characteristics highlighted the increased role of economic potential as a factor of military power, under the conditions in that the reserves of armaments, ammunition, combat equipment and other materials had to ensure the necessary requirements for the entire period of conflict.

Today, the evolution of the situation at Romania's Northeast border highlights other essential needs of the economy besides the classic military equipment, ammunition and combat equipment. We refer to critical railway, road, air and maritime infrastructures, products of particular importance for the economy and the population (*primary energy resources, electricity, food products for the National Defence Forces and for the rational consumption of the population, medicines,*

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vaccines and services for human use), cyber security services and software development etc.

In the gradual implementation of the mobilisation of the national economy, we distinguish two phases: *the preparation phase*, which is carried out in peacetime and includes the set of measures that are taken in order to capitalise on the entire economic potential of the country and subordinating it to the national defence effort, and *the execution phase*, in which the measures established in the previous stage are implemented through the specific mobilisation plans.

This last phase, actually the one that is the object of our study, during which the possibility of militarisation of economic operators is established by law, as a specific process of mobilising the national economy but which cannot be analysed apart from other specific processes such as, for example, economic reconversion, the requisition of goods and the provision of services in the public interest, the mobilisation to the workplace of persons with military obligations etc.

### CONSIDERATIONS REGARDING THE MILITARISATION OF ECONOMIC OPERATORS

Thus, the project of the *Mobilisation Plan of the National Economy for Defence*, sized for the first year of the war and valid for a period of four years, stipulates the tasks of all the structures engaged in the national defence effort, as well as the human, material and financial resources that they will engage for this purpose. After its approval by the Decision of the Supreme Council of National Defence, based on their obligations, the public administration authorities, public institutions and economic operators establish and maintain in time of peace capacities and mobilisation reserves necessary to carry out the respective tasks, creating the conditions necessary for the transition of the national economy from the state of peace to the state of war.

According to the provisions and under the conditions established by law (Law no. 45/1994), upon the proclamation of a *state of siege* or *emergency situation*, upon the *declaration of mobilisation* or a *state of war*, goods belonging to economic operators, public institutions, other legal entities and individuals may be requisitioned, fit citizens can be called to active duty, under the conditions provided by law.

In the situations provided above, with the approval of the Supreme Council of National Defence (Law no. 45/2004), economic operators whose activity is directly related to the provision of resources necessary for defence *could be militarised*, and their organisation and operation established by decision of the Government.

The dynamic development of society in the last century has filled the dictionaries with a multitude of terms denoting a huge number of new concepts, among which is the term *militarisation*, which generally describes a phenomenon that is by no means new, but one that has manifested itself clearly in this period, being analysed in detail in the works of renowned political scientists, sociologists and historians. According to them, "*militarisation*" is the process of the penetration of military ideology into all spheres of a country's life, the transfer of the economy, political ideology and most scientific and technical fields in a military channel (Hona, 1998). In other words, the main characteristic of militarisation is the transition of the economy from a state of peace to a state of war in order to ensure the increase of military potential. On the one hand, this implies a constant increase in budget expenditures for the military-industrial complex, in order to maintain a high level of the quantity and quality of defence resources, to the detriment of funds allocated for the development of other spheres (*e.g. social, cultural, public, life, etc.*). On the other hand, militarisation directly stimulates research and development in scientific and technological fields.

Obviously, in specialised literature, the phrase "*action to militarise*", or "*militarisation*" as a noun, is defined by direct association with other terms (*countries, territories, economies, enterprises, etc.*), having similar meanings, such as: *to organise militarily; to subordinate to military purposes; to provide with armed force; to organise militarily (a country, an institution, etc.); to give a military character; to subordinate the goals of militarism; to subordinate (a territory, an enterprise) to a military regime, sometimes directly to the army, and use them for military purposes; to subordinate the development of the economy to military, war preparations requirements; to subordinate enterprises, territories, etc. a military regime or military purposes; to organise militarily.*



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*The Ministry of National Defence (Law no. 355/2009) which unitarily coordinates the planning and evaluation of the preparation for the mobilisation of the defence forces and monitors the execution of these activities, through the Defence Staff and the specific structures within the other public institutions/authorities with attributions in the field national defence and security, including the activity of militarised economic operators to meet the demands of the armed forces.*

The legislation incidental to the matter not being sufficiently developed with regard to the subsequent normative acts and/or internal regulations, it is necessary to detail certain aspects regarding the conduct of this process and the responsibilities they have, both the structures with direct responsibilities regarding the implementation of these legislative provisions, and the operators economies in the hypothetical situation of going through the successive stages of the “militarisation” process.

Thus, we can appreciate that direct responsibilities regarding the militarisation of economic operators whose activity is directly related to the provision of resources necessary for defence are attributed to the following structures:

❖ *The National Administration of State Reserves and Special Issues*, the specialised structure of the Government, as a specialised body of the central public administration for the activity of preparing the national economy and the territory for defence, under the coordination of the General Secretariat of the Government, which sends the proposals of the ministries responsible for militarisation of the economic operators whose activity is directly related to the provision of the resources necessary for defence to the Supreme Council of National Defence for approval;

❖ *relevant ministries*, which are responsible for restructuring, reorganising and streamlining the activity of each economic operator with full and/or majority state capital subordinated, under authority or in coordination, based on their own reorganisation/restructuring plans validated in the meeting of the General Assembly of shareholders and approved by a decision of the Government, at their initiative or the one of the coordinating institution within the National Defence Forces System, with the approval of the specialised authority and the Supreme Council of National Defence, if they concern strategic capabilities;

❖ *The Ministry of National Defence (Law no. 355/2009)*, which unitarily coordinates the planning and evaluation of the preparation for the mobilisation of the defence forces and monitors the execution of these activities, through the Defence Staff and the specific structures within the other public institutions/authorities with attributions in the field national defence and security, including the activity of militarised economic operators to meet the demands of the armed forces;

❖ *economic operators (Law no. 477/2003)* with tasks assigned in the mobilisation plan, each in their field of activity, who must provide (Law no. 232/2016) the necessary measures in order to adapt the organisational structure<sup>1</sup> to function in case of mobilisation or war, under the conditions of their militarisation, using all the economic and human potential at their disposal, for the full realisation of their tasks.

Starting from the interpretation of the legislative provision, according to which those economic operators “whose activity is directly related to the provision of resources necessary for defence” can be militarised (Ib.), we can appreciate that the process of militarisation is implemented by;

- economic operators in the national defence industry with or without mandatory tasks established by the Mobilisation Plan of the National Economy for Defence;
- economic operators with mandatory tasks established by the Mobilisation Plan of the National Economy for Defence and/or those nominated to ensure the continuity of economic and social activities;
- economic operators that are potential suppliers of products and services for defence, who have completed the process of economic reconversion following which they can produce/provide products and/or services necessary to meet the needs of the forces of the national defence system.

Thus, *the militarisation of economic operators* is in a direct causal relationship with *the economic reconversion*, a process of modification, adaptation of the object of activity of an economic operator or an industrial branch, the workforce, etc. to new needs (e.g. the re-profiling of some factories and plants that are able to switch to war production with some changes in equipment and re-technology).

The experience of the two world wars demonstrated that the military production of specialised peacetime enterprises was not sufficient to ensure the needs of war, which is why the enterprises specialised

<sup>1</sup> It is drafted on the basis of the Ops Plans in special work regime, drawn up in peacetime, classified “secret level”, and is ensured by mobilisation at the workplace and by summoning people for the provision of services in the public interest, under the conditions of art. 29 of Law no. 477/2003, republished.



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*Weapons Factory Cugir SA, established in 1799, during the Austro-Hungarian Empire, one of the first metallurgical factories in Transylvania, where the first steel manufacturing workshops were founded, expanded starting from 1926, by building new lines of production. Due to the militarisation of the factory during the war, the factory switched to the production of parts and assemblies for artillery technique.*

in the manufacture of construction machinery, tractors and trucks were re-adjusted in order to produce parts of exchange and sub-assemblies necessary for the manufacture of tanks and armoured personnel carriers, those specialised in the manufacture of cars, measurement and control apparatus, electrical equipment for the manufacture of aircraft engines, machine guns, etc., the fine mechanics factories have switched to the production of precision equipment of various types.

For example, we bring to your attention a few cases recorded in the historical documents of the time. The first one, *Weapons Factory Cugir SA*, established in 1799, during the Austro-Hungarian Empire, one of the first metallurgical factories in Transylvania, where the first steel manufacturing workshops were founded, expanded starting from 1926, by building new lines of production. Due to the militarisation of the factory during the war, the factory switched to the production of parts and assemblies for artillery technique (in collaboration with the London Company “*Vickers Armstrong Ltd.*”). Later, the takeover of the factory by the Czechoslovak company “*Zbrojovka – Brno*” led to a redesign of production for infantry weapons and ammunition, based on documentary licenses.

The second example is the *Johann Weitzer SA Car Factory and Iron Foundry* in Arad, which had all the necessary machinery for the production of passenger and freight cars, tanks, metal bridges and diesel engines, as well as other machines and installations, transmission bodies for industry, castings, tramcars, steam boilers, etc., during the First World War. After militarisation it received orders to equip the Austro-Hungarian army with platform wagons for howitzers, sleeper wagons for troops, field kitchens, howitzers and field guns, ammunition boxes and genius tools (Truță, 2022, p. 11).

The third example is that of the militarisation of the mines in Jiu River Valley, which was mentioned in the press (Boboc, 2022, p. 1). During the Second World War, the war economy needed coal, therefore the mines of Jiu River Valley were militarised, the commander of the Petroșani mines being Lieutenant-Colonel Ion Gavrilescu. The army would return to the mines of Jiu River Valley (1949) through the establishment of the Directorate of Military Labor Detachments, subordinated to the General Directorate of the Labour Service,

based in Bucharest and the Office of Labour Detachments from the Coal Industry (1958).

With the motivation that labour was still needed to fulfil the production plan and that militarisation was the only solution to save mining, immediately after the miners’ revolt in 1977, several detachments, brigades and mining/construction battalions were created that would be definitively disbanded in 1990.

This “*kind*” of militarisation was justified in those days, through the reports and briefings sent to the first secretary of the Romanian Communist Party, according to which the mining foremen declared that “*the plan in Jiu River Valley will not be accomplished until we militarise the workers, as in the Romanian Railways, because people are no longer conscientious about their work, they demand a lot from society in exchange for minimal efforts. What would happen if the workers at Romanian Railways were also absent from work like those at the mine?*”, and the difficulties that arise in not realising the plan were due to the fact that: workers’ consciousness was weak (Ibid).

Starting from the presumption that none of the examples are relevant to the current situation, we believe that currently, the militarisation of economic operators aims to ensure the necessary conditions for the accurate and timely completion of the tasks they have established through the *Mobilisation Plan of the National Economy for Defence*, as well as to ensure the integrity of the objectives, installations, equipment and the patrimony that they own and consists in placing under the regime of control, discipline and military jurisdiction of all personnel, who are considered to be mobilised to the workplace or called for services of services in the public interest, in accordance with the position he holds in the military record documents (person with or without military obligations).

During the period in which the economic operator is militarised (from the date of publication in the Official Gazette of the Government Decision on the organization and operation of the economic operator during militarisation, until the date of demilitarisation/demobilisation), it is under the control of the Ministry of National Defence (Law no. 355/2009), provided directly or through the structures under its composition or subordination, as the case may be.



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*During the period of militarisation, the administrative management of the economic operator can be carried out on the basis of a special mandate granted by the relevant ministry and approved by the Ministry of National Defence which will establish the administration/management mode and the exceptional and derogatory measures that must be taken by the economic operator to accelerate the militarisation process, depending on the strategic situation and the implementation concept.*

For situations where militarised economic operators represent a strategic interest, the Ministry of National Defence, which according to the law has the obligation to monitor them during the militarisation period, can establish a military leadership (manager/director/commander/military representative, etc.) at the location of the operator, designated exclusively for the implementation in the form of military provisions/ordinances of the measures necessary for the administrative management of the economic operator.

By referring to the already existing legislative provision (Law no. 45/2002), according to which, in order to ensure unitary leadership, during the state of war, the establishment of the position of “military commander” subordinated to the National Military Command Center is stipulated for each county and for Bucharest, we can conclude that, only during this state, the military leadership of the economic operator could be temporarily subordinated to the Military Command of the County/Municipality of Bucharest (CSAȚ Decision no. 18/2012), a military authority whose attributions are approved by annex no. SG no. 863/2013 to the Decision mentioned as a reference.

Thus said, during the state of mobilisation, the military leadership of the economic operator responds to the circumstantial imperatives imposed by the monitoring obligation that the Ministry of National Defence has during the militarisation of economic operators, through permanent cooperation with the line ministries whose attributions are established according to the law.

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In this sense, the provisions of *Law no. 355 regarding the regime of the state of partial or total mobilisation of the armed forces and the state of war* should be considered, according to which, upon

the declaration of the state of mobilisation or the state of war, some attributions of authorities of the specialised central public administration and authorities of the local public administration can pass under the responsibility of the military authorities, as were provided for in the decision of the Parliament or in the decree of the President of Romania regarding the declaration of the state of mobilisation or the state of war, a situation in which the civil authorities of the public administration continue to exercise the powers that were not transferred to the military authorities and have the obligation to fulfil exactly the provisions of the military ordinances.

Also, during the militarisation, possible measures can be considered, such as state aid provided by law that can be granted to economic operators, in compliance with the requirements regarding the protection of national security interests that refer to the production or trade of armaments, ammunition or war material.

In this context, the main attributions of the military management/monitoring bodies aim at the activities necessary for the realisation of military, sensitive and strategic products, as well as the other related operations, so that it ensures the protection of Romania’s national defence interests, including essential national security interests, of the government commitments assumed in the relationship with the NATO and European Union structures, as well as for meeting other obligations assumed by Romania through treaties, strategic partnerships and international agreements, as follows:

- supervising the strict application by the management bodies of the economic operators of the legal provisions regarding the production capacities and/or defence services held, as well as the observance of work discipline;
- tracking the adoption and application of measures for the full use of the inventory of the production capacities and/or services for defence of an economic operator, the transition to the state of keeping/maintaining them or some assets within them that are exclusively intended to satisfy the demands of the forces of the national system of defence in time of mobilisation or war, as well as to ensure the technical-functional parameters that allow re-commissioning according to strategic needs;



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- checking the measures taken regarding the organisation of production and work to achieve the tasks provided for in the mobilisation plan, monitoring compliance with the quality of the products and the rhythmicity/periodicity of the delivery of the assumed defence products and services;
- monitoring the compliance with the standards applicable in the field of the measures taken at the level of the economic operator regarding the specific activities of certification/homologation/qualification of products/processes/services;
- supporting the administrative management in order to remove the difficulties and constraints arising in the direct process or related operations of the realisation of military, sensitive and strategic products (research-development, design, trial and testing, manufacturing, modernisation, maintenance, storage, scrapping and decommissioning, development, holding, sale-purchase, rental and transport), as well as for the development of technological and industrial cooperation operations of the economic operator;
- checking and coordinating the way to secure production capacities (ensuring the conditions of the technological climate imposed by the relevant regulations, their guarding and security conditions, so that production can be resumed with minimal expenses and in the shortest time);
- collaborating with the specialised bodies of the relevant ministries in order to apply protection and/or evacuation measures, as the case may be, specific to the personnel and the assets of the economic operator by ordering the operative measures necessary to ensure the continuity of the production process;
- approving restructuring/reorganisation changes, changing the main object of activity and/or the destination of the production capacities and/or services of the economic operators subject to the militarisation process, based on the operation plans in the special work regime and the military records and mobilisation at work for personnel with military obligations, according to the law;

- monitoring damages, destructions, losses of materials and personnel, as well as the degree of damage to production capacities, as well as ordering the necessary measures for the partial or total recovery of the losses incurred;
- sanctioning the violations/contraventions committed by the personnel of the militarised economic operator, criminal, contraventional, disciplinary or material, as the case may be.

### FINAL CONSIDERATIONS

The recent geopolitical and economic developments, namely the emergence of a conflict zone near Romania's borders, require measures, concrete actions and *investments by the state in military or dual-use production capacities* necessary to satisfy product demands and services of the National Defence Forces System during the state of mobilisation and/or the state of war, so that they can be prepared to protect the essential interests and security of the Romanian state, as well as to honour their obligations as a EU and NATO member state.

Taking into consideration, as concrete example, the lessons identified during the mobilisation of the parties involved in the conflict in Ukraine, the European reaction is different from country to country, but no comment captures exactly what could be the solution by which a state engaged in an armed conflict can resolve successfully the issue of securing resources for defence. According to Edward Lucas of the Center for European Policy Analysis (CEPA), "*a real war economy*" is when "*armed men come and take control of your factory and produce more weapons*" (Schultz, 2023), as is actually happening now in Russia, which has already taken these steps in this respect.

However, the position that Romania has, at a short distance from an ongoing war, invites us to a serious reflection on the subject addressed, being obliged to identify solutions through which, from the perspective of the unfavourable change in the balance of power in the current East-European area, the state's resources should be planned during the peace time, according to economic, social, military and other priorities, so that a satisfactory level of security can be ensured and maintained at all levels of its manifestation.

In this context, the militarisation of economic operators whose activity is directly related to the provision of the resources necessary



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The militarisation of economic operators whose activity is directly related to the provision of the resources necessary for defence represents a required, but quite controversial measure nowadays, if it is seen only as an integral part of a process equivalent to the “wartime economy” in which requires the complete reconfiguration of the economic system and the concentration of production on supporting the national defence effort generated by the ever-present risk of a possible conventional, non-conventional or hybrid conflict that we have before our eyes.

for defence represents a required, but quite controversial measure nowadays, if it is seen only as an integral part of a process equivalent to the “wartime economy”, which requires the complete reconfiguration of the economic system and the concentration of production on supporting the national defence effort generated by the ever-present risk of a possible conventional, non-conventional or hybrid conflict that we have before our eyes.

Confident that our country could become one of the great military powers of Europe, together with Poland, by concentrating some military resources on the national territory, in an allied context, as well as by supplementing military spending and armament production in Romania, we will be able to change our place on the economic map, a situation in which Romania must identify those directions of action aimed at increasing economic productivity, and *the extreme solution of militarisation of economic operators* can be replaced by taking urgent measures for the economic and financial recovery of economic operators strategic interest in developing a strong defence military industry, with new jobs and adequate economic results.

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