

March 25, 2020

**MEASURES TAKEN BY ROMANIA - THE
STATE OF EMERGENCY AMID THE COVID-
19 OUTBREAK**



**MPR PARTNERS
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I. INTRODUCTION

Romania has entered a state of emergency as of March 16, 2020, in order to contain the spread of and fight against the effects of the severe acute respiratory syndrome coronavirus 2, known as SARS-CoV-2.

This document contains high level summaries of some the main provision of certain legal enactments and measures taken by Romania in connection with the COVID-19 outbreak, which may be of interest for the business environment.

Although MPR Partners may, at its discretion, update this document from time to time, this document should not be seen as an exhaustive presentation of all measures taken by Romania during the current turmoil or of the legal implications thereof. For any further details on any of the below or any other aspects, professional advice should be sought.

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II. MOVEMENT RESTRICTIONS

1. Movement of persons

Enactment	<p>Military Ordinance no. 3/2020 regarding measures for prevention of COVID-19</p> <p>Decree no. 195/2020 on the declaration of the state of emergency on the territory of Romania</p>
Subjects	Natural persons
Type	Restriction measure
Content	<p>Movement of persons outside their homes is forbidden, except for, amongst others:</p> <ul style="list-style-type: none"> • trips to the persons` places of work and back home; • trips required for the purchasing of goods for basic needs of persons and domestic animals, as well as goods required to carry out professional activities; • trips for medical assistance that cannot be postponed or rendered from a distance; • trips for humanitarian and voluntary actions; • trips required to conduct agricultural activities; • trips of agricultural producers with a view to sell agricultural products. <p>Movement of persons of over 65 years is permitted only between 11 am and 1 pm for a limited number of reasons, save for persons who need to circulate for professional reasons or in order to conduct agricultural activities.</p>
Duration	For the duration of the state of emergency
MPR Partners	Persons need to hold signed declarations regarding the scope of the

comments	<p>trip and related aspects. In cases of trips to work additional documents are required (please see section XI.37).</p> <p>Where possible companies are required to organize work from home/telework during the state of emergency. Hence trips to work may not be deemed as justified where telework or working from home would have been possible instead.</p>
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2. Entry restrictions for foreign citizens

Enactment	<p>Military Ordinance no. 2/2020 regarding measures for prevention of COVID-19</p> <p>Decree no. 195/2020 on the declaration of the state of emergency on the territory of Romania</p>
Subjects	Foreign citizens and stateless persons
Type	Restriction measures
Content	<p>All foreign citizens and stateless persons are forbidden to enter Romanian territory, with certain exceptions, such as:</p> <ul style="list-style-type: none"> • family members of Romanian citizens; • family members of EU citizens or of EEA citizens or of Swiss citizens that reside in Romania; • persons who have have a long stay visa, a residence permit or equivalent issued by Romanian authorities based on the Government Emergency Ordinance no. 194/2002 or an equivalent document issued by the authorities of other States based on EU law; • persons travelling for professional purposes proven by visa, residence permit or an equivalent document; • diplomats, staff of international organisations, military staff or humanitarian staff; • transit passengers; • passengers travelling for imperative medical or family reasons;

	<ul style="list-style-type: none"> • persons requiring international protection or other humanitarian reasons.
Duration	For the duration of the state of emergency

3. Flight restrictions

Enactment	<p>Military Ordinance no. 3/2020 regarding measures for prevention of COVID-19</p> <p>Decree no. 195/2020 on the declaration of the state of emergency on the territory of Romania</p>
Subjects	Airlines
Type	Restriction measure
Content	<p>All air flights to and from certain countries (e.g. Italy, Spain, Germany, France) are suspended, except for the following:</p> <ul style="list-style-type: none"> • flights carried out with official aircrafts; • correspondence and freight flights; • humanitarian flights; • medical emergency flights; • technical non-commercial authorizations.
Duration	For the duration of the state of emergency

4. Naval restrictions

Enactment	<p>Military Ordinance no. 3/2020 regarding measures for prevention of COVID-19</p> <p>Decree no. 195/2020 on the declaration of the state of emergency on the territory of Romania</p>
Subjects	Legal and natural persons
Type	Restriction measure

Content	<p>Access of pilots on board of ships coming from red or yellow quarantine areas to the Romanian maritime harbours may be made only (i) with protection equipment established by the Constanța Public Health Directorate or (ii) if ships have undergone the requisite quarantine measures.</p> <p>The access of maritime and fluvial-maritime ships to maritime Danube harbours is forbidden until the lapse of the requisite quarantine measures.</p>
Duration	For the duration of the state of emergency

III. OBLIGATION TO CONTINUE ACTIVITIES

5. Continuity obligation for public utility activities

Enactment	Emergency Ordinance 1/1999 regarding the state of siege and the state of emergency
Subjects	Public authorities and companies
Type	Restriction measure
Content	All public authorities and companies that provide public utility activities such as in the field of energy, health, agriculture and food, water supply, communications and transport are obliged to ensure continuous supply to the population and to defense forces.
Duration	For the duration of the state of emergency

6. Continuity obligation for legal professionals

Enactment	Government Emergency Ordinance no. 29/2020 regarding certain economic and fiscal-budgetary measures
Subjects	Public notaries, lawyers and bailiffs
Type	Restriction measure
Content	Public notaries, lawyers and bailiffs must take all the necessary measures to ensure the continuity of their activity, with the observance of the sanitary rules and of other measures set forth by the competent

	<p>authorities during the state of emergency.</p> <p>Non-compliance with the above obligation amounts to a disciplinary offence sanctioned with the exclusion from the profession.</p>
Duration	30 days starting March 16, 2020 (the duration may be extended for another 30 days, depending on the evolution of COVID-19 outbreak).

IV. STATE OF EMERGENCY AND FORCE MAJEURE

7. Certificates regarding the state of emergency

Enactment	<p>Decree no. 195/2020 on the declaration of the state of emergency on the territory of Romania</p> <p>Order no. 791/2020 of the Ministry of Economy, Energy and Business Environment</p>
Subjects	Legal entities
Type	Support measure
Content	<p>Businesses whose activity is negatively affected in the context of the COVID-19 situation and that benefit from support measures based on Government Emergency Ordinance no. 30/2020 and Government Emergency Ordinance no. 29/2020 may request certificates ascertaining the state of emergency from the Ministry of Economy.</p> <p>There are two categories of certificates, which are to ascertain the extent to which the activity of the applicant was affected by the current situation.</p> <p>The certificates may be used to obtain certain support/facility measures set out by law or in „<i>commercial relationships</i>”</p> <p>The applications submitted in view of obtaining the certificate must be executed (i) with the authorized electronic signature of the legal representative of the enterprise concerned or (ii) they can bear the handwritten signature of the legal representative and be electronically signed by a proxy having an authorized electronic signature</p>
Duration	30 days starting March 16, 2020 (the duration may be extended for

	another 30 days, depending on the evolution of COVID-19 outbreak)
MPR Partners comments	<p>From the legal provisions it is not clear whether all entities affected may request the state of emergency certificate, seen that the Government Emergency Ordinance no. 30/2020 and Government Emergency Ordinance no. 29/2020 refer in principle to SMEs.</p> <p>Due to their use in commercial relationships we reckon that all enterprises affected by the state of emergency should be able to use such certificates in view of force majeure claims. This should be clarified by the Ministry of Economy.</p> <p>MPR Partners holds the requisite authorized electronic signature in view of filing the relevant applications.</p>

V. RELATIONSHIP WITH AUTHORITIES

8. Expiry date for documents issued by public authorities

Enactment	Decree no. 195/2020 on the declaration of the state of emergency on the territory of Romania
Subjects	Legal entities
Type	Support measure
Content	<p>The documents issued by public authorities set to expire during the state of emergency period will remain valid until the expiry of this period.</p> <p>Based on the provisions of the Military Ordinance no. 3/2020 on the measures for preventing the spreading of COVID-19, the above-mentioned documents may be replaced in 90 days from the ending date of the state of emergency.</p>
Duration	30 days starting March 16, 2020 (the duration may be extended for another 30 days, depending on the evolution of COVID-19 outbreak)

9. Relationship with Trade Registry

Enactment	Decree no. 195/2020 on the declaration of the state of emergency on the territory of Romania
Subjects	Trade Registries and legal entities
Type	Restriction measure
Content	Trade Registry operations will only be undertaken online, based on authorized electronic signatures for the period mentioned below.
Duration	30 days starting March 16, 2020 (the duration may be extended for another 30 days, depending on the evolution of COVID-19 outbreak)
MPR Partners comments	MPR Partners is fully able to perform on line registrations, holding authorized electronic signatures. Businesses wishing to perform such registrations themselves should hold authorized electronic signatures.

10. Relationship with judiciary and criminal prosecution bodies

Enactment	Decree no. 195/2020 on the declaration of the state of emergency on the territory of Romania
Subjects	Romanian courts, legal entities and natural persons
Type	Restriction measure
Content	<p>Civil court cases that are not on the special list of urgent cases drawn up on the occasion of the current crisis will be suspended during the state of emergency.</p> <p>Appeal terms running during the state of emergency are deemed as interrupted. New terms will start to run after the cessation of the state of emergency.</p> <p>Criminal prosecutions and criminal trials are suspended, save for the cases set out by law.</p>

Duration	30 days starting March 16, 2020 (the duration may be extended for another 30 days, depending on the evolution of COVID-19 outbreak)
MPR Partners comments	During the state of emergency the civil court shall judge only the urgent cases, a list of which has been published by decision of the by Magistrates Superior Council. Criminal cases have not been suspended.

11. Ultimate beneficiary in case of companies registered with Trade Registry

Enactment	Government Emergency Ordinance no. 29/2020 regarding certain economic and fiscal-budgetary measures
Subjects	Companies
Type	Support measure
Content	The deadline for submitting the declaration on the ultimate beneficiary is prolonged.
Duration	Three months from the ending date of the state of emergency. For the entire state of emergency period, submitting such declaration is suspended.
MPR Partners comments	The ultimate beneficiary declaration is to be submitted with the Trade Registry in view of providing the identification details of the company's ultimate beneficiaries.

12. Ultimate beneficiary in case of associations and foundations

Enactment	Government Emergency Ordinance no. 29/2020 regarding certain economic and fiscal-budgetary measures
Subjects	Associations and foundations
Type	Support measure
Content	The deadline for submitting the declaration on the ultimate beneficiary and for the filling in of the relevant documents is

	prolonged.
Duration	Three months from the ending date of the state of emergency. For the entire state of emergency period, submitting such declaration and the filling of the relevant documents are suspended.
MPR Partners comments	The ultimate beneficiary declaration is submitted with the Non-Governmental Organizations Department of the Ministry of Justice and lists the identification details of the ultimate beneficiaries of the association/foundation.

VI. IT AND TELECOMMUNICATIONS

13. Containment of fake news

Enactment	Decree no. 195/2020 on the declaration of the state of emergency on the territory of Romania
Subjects	Hosting and content providers; providers of electronic communication networks
Type	Restriction measure
Content	Hosting and network providers as well as electronic communication providers have the obligation to abide by the decisions of the Romanian national regulator in the field of communications as regards removing content concerning COVID-19 and restricting end users` access to such content.
Duration	30 days starting March 16, 2020 (the duration may be extended for another 30 days, depending on the evolution of COVID-19 outbreak)
MPR Partners comments	The task of identifying and deciding on the fake news character of the information sits with the Strategic Communication Group and the Ministry of Internal Affairs.

14. IT means for verifying quarantine conditions

Enactment	Military Ordinance no. 3/2020 regarding measures for prevention of COVID-19
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	Decree no. 195/2020 on the declaration of the state of emergency on the territory of Romania
Subjects	Relevant public authorities and subjects of the quarantine and self-isolation measures
Type	Restriction measure
Content	In order to enable the verification of compliance with quarantine and self-isolation measures, the national intelligence institutions are to design communication systems and IT applications required for the relevant authorities to communicate permanently and in real time with persons under quarantine or self-isolation.
Duration	For the duration of the state of emergency

VII. TRADE CONDITIONS

15. Possible capping of the price for certain products and services

Enactment	Decree no. 195/2020 on the declaration of the state of emergency on the territory of Romania
Subjects	Legal entities
Type	Restriction measure
Content	The relevant authorities are allowed to cap the prices of medicines and medical equipment, of strict necessity food and of public utility services (electricity and heat, gas, water supply, sanitation, fuels and others).
Duration	30 days starting March 16, 2020 (the duration may be extended for another 30 days, depending on the evolution of COVID-19 outbreak)
MPR Partners comments	Such measures require additional documents from the relevant authorities, establishing the relevant caps.

16. Safety measures for retailers

Enactment	Military Ordinance no. 3/2020 on the measures for preventing the
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	spreading of COVID-19
Subjects	Permitted retailers
Type	Restriction measure
Content	The economic operators have the obligation to mark the area destined for the access of the customers and the sale area with visible signs to guide people to follow a safety distance of at least 1.5 meters.
Duration	Starting with March 24, 2020, throughout the duration of the state of emergency.

17. Rules regarding agri-food markets

Enactment	Military Ordinance no. 3/2020 on the measures for preventing the spreading of COVID-19
Subjects	Agri-food markets
Type	Restriction measure
Content	The managers of agri-food markets are obliged to organize the markets in order to maintain the social distance between the agricultural producers, traders and buyers. Traders and agricultural producers in the agri-food markets are obliged to wear gloves and masks.
Duration	Starting with March 24, 2020, throughout the duration of the state of emergency.

VIII. REQUISITION MEASURES

18. Possible requisition of goods, production capacities and stocks

Enactment	Decree no. 195/2020 on the declaration of the state of emergency on the territory of Romania
Subjects	Legal entities
Type	Restriction measure

Content	Romania may proceed to requisition of goods, production and distribution capacities and stocks, protective equipment, disinfectants and medicines used in the treatment of COVID-19.
Duration	30 days starting March 16, 2020 (the duration may be extended for another 30 days, depending on the evolution of COVID-19 outbreak)
MPR Partners comments	This will be implemented if and where needed. Additional documents will need to be issued by the relevant authorities in view of enforcing this measure. To date there is no information as to such measures being taken.

IX. SHUT-DOWNS

19. Restoration and hotels

Enactment	Military Ordinance no. 1/2020 on certain emergency measures regarding agglomerations of persons and cross-border movement of certain goods
Subjects	Bars, pubs, restaurants, hotels, cafes
Type	Restriction measure
Content	The activity of serving and consuming food and alcoholic and non-alcoholic beverages in restaurants, hotels, cafes or other public places, irrespective if inside or outside of the location, is suspended.
Duration	Starting with March 19, 2020, throughout the duration of the state of emergency.
MPR Partners comments	All activities such as "drive-in", "room-service" or delivery to the customer are permitted.

20. Recreation and personal care

Enactment	Military Ordinance no. 1/2020 on certain emergency measures regarding persons' agglomerations and cross-border movement of certain goods
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Subjects	Entities involved in cultural, scientific, artistic, sports, entertainment, gambling, spa treatment and personal care activities
Type	Restriction measure
Content	<p>All cultural, scientific, artistic, sport, entertainment, gambling, spa treatment and personal care activities, that are held in confined spaces are suspended.</p> <p>It is forbidden to organize, in open spaces, events that entail the participation of more than 100 persons. In case such events are organized with the participation of maximum 100 persons, organizers are obliged to ensure that between each participant there is a distance of at least one meter.</p>
Duration	Starting with March 19, 2020, throughout the duration of the state of emergency.
MPR Partners comments	Organization of events, although not forbidden by the new rules, might be considered to be suspended based on the circulation restrictions enforced by the state.

21. Commercial centers

Enactment	Military Ordinance no. 2/2020 on the measures for preventing the spreading of COVID-19
Subjects	Commercial centers
Type	Restriction measure
Content	<p>Temporary suspension of the retail commercial activities within commercial centers, except for groceries, pharmacies, veterinary shops and cleaners.</p> <p>By way of Military Ordinance no. 3/2020 on the measures for preventing the spreading of COVID-19, the temporary suspension will not be applicable:</p> <ul style="list-style-type: none"> • in cases where the electronic products and home appliances are delivered by the seller to the buyer; • for the locations that sell medical optics products and services.

Duration	Starting with March 22, 2020, 22.00, Romanian time, throughout the duration of the state of emergency.
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X. PHARMA AND HEALTHCARE

22. Potential requisition of products, raw materials and manufacturing facilities

Enactment	Decree no. 195/2020 on the establishment of the emergency state in Romania
Subjects	Producers of medicinal products and medical devices
Type	Restriction measure
Content	As mentioned at section VII above, Romanian public authorities may requisition production units of materials and equipment necessary for fighting the spread of COVID-19. Hence, the manufacturing sites of medicinal products and medical devices may potentially be considered by the authorities in this context.
Duration	March 16, 2020 – April 16, 2020 (duration of the emergency state). May be extended.
MPR Partners comments	In order to decrease the risks of assets being requisitioned, the producers may consider voluntary measures aimed at helping with the crisis (e.g. reconversion of certain production lines in view of delivering products sought after during this period).

23. Potential price capping for medicinal products and medical devices

Enactment	Decree no. 195/2020 on the establishment of the emergency state in Romania
Subjects	Producers and distributors of medicinal products and medical devices
Type	Restriction measure
Content	As mentioned in section VI above, authorities may cap the prices of specific products, at the level of the average price registered during the last three months before the emergency state. The medicinal products and medical devices are included among such products.

Duration	March 16, 2020 – April 16, 2020 (duration of the emergency state). May be extended.
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24. Measures to increase supply and simplify reimbursement of medical services and medicinal products

Enactment	Decree no. 195/2020 on the establishment of the emergency state in Romania
Subjects	Healthcare services providers
Type	Support measure
Content	<p>The legal enactments regulating the provision of medical services and medicinal products within the social security system (namely the laws establishing national health programs and the Framework-agreement) were extended beyond March 31, 2020 for the entire duration of the emergency state with the view to implement the following principles:</p> <ul style="list-style-type: none"> • medical services for treatment of COVID-19 cases and complications are provided for all persons on the territory of Romania, the corresponding expenses being covered from the budget of the Sole National Health Insurances Fund (FNUASS); • medical services and medicinal products may be granted and validated without signing in with the national health insurance card and without observing the maximum reporting term (<i>i.e.</i> three business days); • in case of hospitals having concluded contracts with the health insurance houses, the services contracted and reimbursed from the budget of FNUASS or of the Ministry of Health will be reimbursed even if the contracted number of cases or the contracted level of activity is exceeded; • medical services provided by primary healthcare units and specialized ambulatory will be reimbursed based on the current level of activity within the limits of 8

	<p>consultations/hour;</p> <ul style="list-style-type: none"> • general practitioners may prescribe medicinal products to patients with chronic conditions, including the restricted medicinal products on the List of reimbursable medicinal products. <p>During the emergency state, new healthcare programs for preventing and fighting COVID-19 may be introduced.</p>
Duration	March 16, 2020 – April 16, 2020 (duration of the emergency state). May be extended.

25. Purchasing of medicinal products at prices higher than the maximum approved ones

Enactment	Decree no. 195/2020 on the establishment of the emergency state in Romania
Subjects	Healthcare services providers, producers or distributors of medicinal products
Type	Support measure
Content	Healthcare units are allowed to procure medicinal products for the treatment of COVID-19 patients at prices exceeding the maximum prices approved by the Ministry of Health.
Duration	March 16, 2020 – April 16, 2020 (duration of the emergency state). May be extended.

26. Capping the clawback tax percentage

Enactment	Decree no. 195/2020 on the establishment of the emergency state in Romania
Subjects	Producers of medicinal products
Type	Support measure

Content	The value of the clawback tax percentage for the first quarter of 2020 is capped at the level applicable in the IV th quarter of 2019.
Duration	March 16, 2020 – April 16, 2020 (duration of the emergency state). May be extended.
MPR Partners comments	This measure is intended to secure supply of medicinal products by increasing the budget for reimbursed products.

27. “Off-label” prescriptions of medicinal products

Enactment	Decree no. 195/2020 on the establishment of the emergency state in Romania
Subjects	Healthcare services providers
Type	Support measure
Content	Prescriptions of “off-label” medicinal products for COVID-19 patients are permitted after these treatments are approved by the medicinal product policy committee within the respective healthcare unit.
Duration	March 16, 2020 – April 16, 2020 (duration of the emergency state). May be extended.
MPR Partners comments	This measure derogates from Law no. 95/2006 on health reform.

28. Direct purchasing of materials and medicinal products

Enactment	Decree no. 195/2020 on the establishment of the emergency state in Romania
Subjects	Healthcare services providers, producers and distributors of materials and medicinal products
Type	Support measure
Content	The county public health authorities and the healthcare units may purchase materials and medicinal products necessary throughout

	<p>the pandemic duration by direct procurement, with financing from the Ministry of Health budget.</p> <p>Ministries with own healthcare system may also perform direct procurement for their own healthcare units from their own budgets, as well as from those of the healthcare units.</p>
Duration	March 16, 2020 – April 16, 2020 (duration of the emergency state). May be extended
MPR Partners comments	This measure is a derogation from the public procurement legislation. This provision may be subject to interpretations, as it refers to the pandemic as a time reference and not as an objective of the purchase.

29. Transport of medical devices and sanitary products for COVID-19 infections

Enactment	Military Ordinance no. 1/2020 on certain first-aid measures concerning crowds of persons and cross-border movement of goods
Subjects	Producers and distributors of medical devices and sanitary materials
Type	Restriction measure
Content	<p>It is prohibited to transport medical devices and sanitary materials that ensure the prevention and treatment of COVID-19 associated diseases, as well as of the medicinal products included in the National Catalog of prices for the medicinal products approved for sale in Romania (Canamed), if the transport has as purpose the distribution of such products outside the Romanian territory.</p> <p>Transportation of ensembles and sub-ensembles of medical devices which were manufactured in Romania for external beneficiaries is not subject to the restriction.</p> <p>Other exceptions may be instituted by order of the Ministry of Health.</p>
Duration	March 18, 2020 – April 16, 2020 (duration of the emergency state)

MPR Partners comments	<p>Although this measure appears to breach the free movement of goods and products within the European Union, the Treaty on the Functioning of the European Union expressly allows member states to take measures having an effect equivalent to quantitative restrictions when these are justified by general, non-economic consideration. The Court of Justice has expressly recognized that protection of public health stands as a valid justification for taking such restrictive measures.</p> <p>Although the ordinance specifies that the measure will be enforced by the National Fiscal Administration Authority (ANAF), we believe that this is a clerical error and that the competent authorities are Romanian Border Police and the public health authorities (similar to other transportation related measures imposed by the ordinance) may be concerned.</p>
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30. Restrictions to operate for dental practices

Enactment	Military Ordinance no. 2/2020 on measures to prevent the spread of COVID-19
Subjects	Dental practices
Type	Restriction measure
Content	The activity of dental practices is temporary suspended, except for dental emergency interventions.
Duration	March 22, 2020 – April 16, 2020 (duration of the emergency state)

31. Restrictions to operate for most retailers in malls, except for pharmacies

Enactment	Military Ordinance no. 2/2020 on measures to prevent the spread of COVID-19
Subjects	Pharmacies
Type	Restriction measure
Content	Unlike most retailers in shopping centres, the activity of which is

	suspended throughout the emergency state, the pharmacies remain unaffected by such restrictions to operate.
Duration	March 22, 2010 – April 16, 2020 (duration of the emergency state)

32. Approved treatment protocol for COVID-19

Enactment	Order no. 487/2020 of the Minister of Health approving the treatment protocol for the infection with SARS-Cov-2
Subjects	Concerned healthcare providers
Content	The enactment approves the Romanian treatment scheme and other recommendations concerning Covid-19 patients based on previous experience with SARS, MERS and available international evidence to date regarding SARS-Cov-2.

XI. EMPLOYMENT

33. State subsidized leave for parents with children in school

Enactment	<p>Law no. 19/2020 on granting days off to parents to watch over their children in case of temporary closing of educational establishments (“Law no. 19/2020”)</p> <p>Government Decision no. 217/2020 on the application of the provisions of Law no. 19/2020 on granting days off to parents to watch over their children in case of temporary closing of educational establishments</p> <p>Emergency Government Ordinance no. 30/2020 on the amendment and completion of a series of normative acts and establishing certain measures in the field of social protection in the context of the current epidemic situation determined by the spreading of the SARS-CoV-2 coronavirus</p>
Subjects	<p>The employers and their relevant employees who meet the following criteria:</p> <p>(i) they have children up to 12 years of age enrolled in an education institution (in case of children with disabilities,</p>

	<p>the age limit is extended to 18);</p> <p>(ii) the relevant job does not enable the parent to work from home.</p> <p>This law is also applicable to the legal representative of a child or to the person designated by law to exercise the relevant parental rights and obligations.</p> <p>This law will not be applicable to the parents that have their employment contract suspended due to the reduced / interrupted activity of the company.</p>
Type	Support measure
Content	<p>Law no. 19/2020 enables one parent/sole parent to request and receive personal days in order to supervise their children during the suspension of school activity.</p> <p>The number of personal days is all the working days until the declared state of emergency is over, save for school holidays.</p> <p>The daily salary to be paid to parents benefiting from this law amounts to 75% of their corresponding salary per 1 day of work, within the limits of the daily correspondent of 75 percent of the gross medium salary used for the purpose of the state social insurance budget.</p> <p>The salary for personal days is to be paid from the employers' personnel expenses budget and to be recovered from the Romanian State.</p>
Duration	30 days starting March 16, 2020 (the duration may be extended for another 30 days, depending on the evolution of COVID-19 outbreak).

34. Work from home / telework during the state of emergency

Enactment	Decree no. 195/2020 on the declaration of the state of emergency on the territory of Romania
Subjects	All employees working for private legal entities/public institutions
Type	Support measure

Content	The employers will introduce, where possible, measures to enable employees to work from home or will implement telework during the state of emergency. Such measure may be taken by the employer's decision, no addendum to the employment agreement being required.
Duration	30 days starting March 16, 2020 (the duration may be extended for another 30 days, depending on the evolution of COVID-19 outbreak).
MPR Partners comments	Compliance with health & safety regulations must still be ensured in case of work from home and teleworking, there being no derogation for the same.

35. Labour inspections during COVID-19

Enactment	Decree no. 195/2020 on the declaration of the state of emergency on the territory of Romania
Subjects	Directly targeted: labour inspectorates Indirectly targeted: employers
Type	Support measure
Content	Inspections within the premises of the employers by the territorial labour inspectorates are suspended. Nonetheless, the following inspections are not suspended: (i) those ordered by the minister of labour and social protection or (ii) those ordered by the Labour Inspectorate in relation with the implementation of the decisions of the National Committee for Special Emergency Situations and (iii) those necessary to investigate complaints about deeds that have a high degree of social danger and (iv) for the investigation of work accidents.
Duration	30 days starting March 16, 2020 (the duration may be extended for another 30 days, depending on the evolution of COVID-19 outbreak).
MPR Partners	It follows from the above that work accidents will still be

comments	investigated, even if occurred at the employee's home.
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36. Validity of the collective labour agreements during COVID-19

Enactment	Decree no. 195/2020 on the declaration of the state of emergency on the territory of Romania
Subjects	Employers and employees
Type	Support measure
Content	All collective labour agreements will maintain their validity during the state of emergency.
Duration	30 days starting March 16, 2020 (the duration may be extended for another 30 days, depending on the evolution of COVID-19 outbreak).

37. Incentives granted by the state during the temporary reduction / interruption of activity

Enactment	Emergency Government Ordinance no. 30/2020 on the amendment and completion of several enactments and establishing certain measures in the field of social protection in the context of the current epidemic situation determined by the spreading of the SARS-CoV-2 coronavirus
Subjects	The businesses entitled to this incentive are the following: <ul style="list-style-type: none"> (i) businesses subject to total or partial interruption of activity imposed by the public authorities – <i>see</i> section VIII above; (ii) businesses which reduce their activity due to the effects of the COVID-19 pandemic and that do not have the financial capacity to pay all the salaries of their employees, provided that the decrease of the businesses' revenue is of at least 25% compared to the average income as of January to February 2020.
Type	Support measure
Content	During the current state of emergency, under certain conditions the companies who reduce / interrupt their activity due to the COVID-19

	<p>crisis will be entitled to receive from the Romanian state an indemnity equal to 75% of the base salary of the affected employees but no more than 75% of the gross medium salary for 2020.</p> <p>The employers will initially bear the salary indemnity and will be subsequently reimbursed by the Romanian state up to the above-mentioned threshold.</p>
Duration	30 days starting March 16, 2020 (the duration may be extended for another 30 days, depending on the evolution of COVID-19 outbreak).

38. Employee ID or employment certificate

Enactment	Military Ordinance no. 3/2020 on measures to prevent the spread of COVID-19
Subjects	Employers and employees
Type	Restriction measure
Content	During the current state of emergency, the employees need to hold their employee ID or an employment certificate issued by the employer at all times in order to travel to the place(s) where they usually perform their activity.
Duration	Starting with March 25, 2020 and until the state of emergency is over.

XII. TAX MEASURES

39. Extension of legal deadlines for the payment of taxes on assets

Enactment	Government Emergency Ordinance no. 29/2020 regarding certain economic, fiscal and budgetary measures
Subjects	Natural and legal persons
Type	Support measure
Content	The legal deadline for the payment of the first instalment of the yearly tax on buildings, land and motor vehicles, as well as granting the bonus for the full anticipated payment of the same is

	extended until June 30, 2020.
Duration	The measure shall apply only with regard to the year 2020.

40. Extension of legal deadlines for restructuring of the outstanding budgetary obligations

Enactment	Government Emergency Ordinance no. 29/2020 regarding certain economic, fiscal and budgetary measures (amending Government Ordinance no. 6/2019 regarding the establishment of certain tax facilities)
Subjects	Private or public legal persons, except for public institutions and administrative-territorial units
Type	Support measure
Content	The person which as of December 31, 2018 had outstanding budgetary obligations amounting to at least RON 1 million can notify the Romanian authorities of their intention to have these obligations restructured for a period until July 31, 2020. The request must be submitted until October 30, 2020.
Duration	This measure will be time barred if relevant steps are not undertaken respectively until July 31, 2020 and October 30, 2020.
MPR Partners comments	The budgetary obligations referred to comprise the obligations to pay any amount that corresponds to the general consolidated budget, individualized in enforceable titles issued according to the law. For the purpose of this measure, the budgetary obligations declared by the debtor or established by the competent fiscal body by decision after January 1, 2019, but related to the fiscal periods up to December 31, 2018, are also considered.

41. Elimination of late payment interest rates and penalties

Enactment	Government Emergency Ordinance no. 29/2020 regarding certain economic, fiscal and budgetary measures (amending Law no. 207/2015 regarding the Fiscal Procedure Code)
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Subjects	Natural and legal persons
Type	Support measure
Content	The fiscal obligations due from the date of entry into force of the ordinance (i.e. taxes, contributions and other amounts that constitute revenues of the general consolidated budget) and not paid until its expiration date are not considered outstanding and no late payment interest and penalties shall accrue.
Duration	The ordinance entered into force on March 21, 2020 and ceases to produce effects after 30 days from the termination of the state of emergency.

42. Suspension or non-commencement of enforcement measures

Enactment	Government Emergency Ordinance no. 29/2020 regarding certain economic, fiscal and budgetary measures (amending Law no. 207/2015 regarding the Fiscal Procedure Code)
Subjects	Natural and legal persons
Type	Support measure
Content	Enforcement measures by way of garnishment of budgetary debts are suspended or shall not be commenced, provided that they do not concern criminal matters (in which case the enforcement measures shall continue).
Duration	The ordinance entered into force on March 21, 2020 and ceases to produce effects after 30 days from the termination of the state of emergency.

43. Modification of the computation method of advance quarterly payments of the yearly profit tax

Enactment	Government Emergency Ordinance no. 29/2020 regarding certain economic fiscal and budgetary measures
Subjects	Legal persons that are subject to profit tax, which apply the system of

	declaration and payment of the annual profit tax, with advance payments made quarterly
Type	Support measure
Content	<p>The advance quarterly payments for 2020 shall be capped at the level of the amount resulting from the calculation of the current quarterly profit tax.</p> <p>The same calculation method applies for (i) the other quarters of 2020; (ii) the remaining quarters of the modified financial year that ends in 2020; as well as for (iii) the quarters of the modified financial year that starts in 2020, which are included in the calendar year 2020.</p>
Duration	The measure shall apply only with regard to the year 2020.

XIII. OTHER FINANCIAL SUPPORT MEASURES

44. State guarantees

Enactment	Emergency Ordinance no. 29/2020 on certain economic, fiscal and budgetary measures (amending Emergency Ordinance no. 110/2017 on the support program for Small and medium-sized enterprises "IMM INVEST ROMÂNIA)
Subjects	SMEs
Type	Support measure
Content	<p>The program consists of granting state guarantees to each beneficiary for one of the following categories of loans:</p> <p>(i) one or more credits for investments and/or one or more credits/lines of credit for working capital, guaranteed by the State, through the Ministry of Public Finance, at a maximum of 80% of the value of the financing, excluding interest, commissions and bank charges related to secured credit; the maximum cumulative value of State guaranteed financing that can be granted to a beneficiary within this facility is RON 10,000,000; the maximum value of the credits/lines of credit for financing the working capital granted to a beneficiary cannot exceed the average of the expenses related to the</p>

	<p>working capital of the last 2 fiscal years, within the limit of RON 5,000,000; for investment loans, the maximum value of the financing is RON 10,000,000; or</p> <p>(ii) one or more guarantees for credits/lines of credit for financing working capital, excluding interest, commissions and bank charges related to the State guaranteed credit, up to a maximum of 90% granted to a micro-enterprise or small enterprise, with a maximum value of RON 500,000 for micro-enterprises respectively maximum RON 1,000,000 for small businesses.</p> <p>The Ministry of Public Finance grants interest on credits/credit lines for financing working capital and investment credits for both point (i) and (ii).</p>
Duration	<p>The interest subsidy period is from the moment of granting the credits/ lines of credit contracted after the entry into force of the Emergency Ordinance no. 110/2017 and may last until March 31, 2021.</p> <p>The maximum duration of financing is 120 months in the case of investment loans and 36 months (prolonged from 24 months) in the case of credits/lines of credit for working capital. The credits/lines of credit for working capital can be extended by a maximum of 36 months (prolonged from 24 months).</p>

45. Postponement for the payment of utilities and rent

Enactment	Emergency Ordinance no. 29/2020 on certain economic, fiscal and budgetary measures
Subjects	SMEs
Type	Support measure
Content	Small and medium-sized enterprises which have totally or partially interrupted their activity based on the decisions of the public authorities during the state of emergency and which are in the possession of a certificate of emergency benefit from the postponement of the payment for utilities (electric power, natural gas, water, telephone and internet service) as well as from the

	postponement of the payment for the immovable assets used as headquarters and secondary offices.
Duration	30 days starting March 16, 2020 (the duration may be extended for another 30 days, depending on the evolution of COVID-19 outbreak).

46. No penalties for delayed performance in contracts concluded with public authorities

Enactment	Emergency Ordinance no. 29/2020 on certain economic, fiscal and budgetary measures
Subjects	SMEs
Type	Support measure
Content	Small and medium-sized enterprises which have totally or partially interrupted their activity based on the decisions of the public authorities during the state of emergency and which are in the possession of a certificate of emergency will not incur penalties for the delayed performance of agreements concluded with public authorities during the state of emergency.
Duration	30 days starting March 16, 2020 (the duration may be extended for another 30 days, depending on the evolution of COVID-19 outbreak).

XIV. COMPETITION

47. Enforcement of antitrust law

Enactment	Statement of the Romanian Competition Council, March 2020
Subjects	All companies (in particular, manufacturers of basic products, distributors of same, wholesalers, online platform managers)
Type	Support measure
Content	<ul style="list-style-type: none"> In the context of the current crisis, companies may need to cooperate in order to ensure the supply and fair distribution of scarce products to all consumers. For example, wholesalers may

	<p>coordinate freight transports in order to ensure the supply of the whole range of basic products, as well as home deliveries for the categories of persons who are unable to leave their homes.</p> <ul style="list-style-type: none"> • Companies should ensure that their products are available at competitive prices. As such, online platforms managers may adopt measures for the limitation of unjustified raises of prices for basic products and services. Furthermore, competition laws allow manufacturers to set maximum prices for their products which may prove useful for limiting the unjustified raises of the prices at distribution level. • The Romanian Competition Council will scrutinize the conduct of the companies in order to detect any abusive practices such as cartels or excessive pricing. • If companies have doubts about the compatibility of such initiatives with the relevant competition law, they can contact the Romanian Competition Council for guidance.
Duration	30 days starting March 16, 2020 (the duration may be extended for another 30 days, depending on the evolution of COVID-19 outbreak).
MPR Partners comments	This recommendation has been issued by the Romanian Competition Council in application of the Joint statement by the European Competition Network (ECN) on application of competition law during the Corona crisis, March 2020.

48. State aid

Enactment	Communication from the European Commission: Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak of March 23, 2020, C(2020) 1863 final
Subjects	EU Member States and State aid recipients
Type	Framework for support measures
Content	In accordance with Article 107(3)(b) of the Treaty on the Functioning of the European Union ("TFEU"), the Commission may declare compatible with the internal market State aid "to remedy a serious

disturbance in the economy of a Member State`.

The Temporary Framework is meant to allow Member States to support the economy by taking State aid measures that would otherwise be restricted, and which can be rapidly approved by the Commission after notification thereof, if they fulfill the necessary conditions.

The Temporary sets out the following types of aid that Member States are allowed to grant:

- direct grants, selective tax advantages and advance payments up to EUR 800,000 per company for urgent liquidity needs;
- State guarantees for loans taken by companies from banks to cover immediate working capital and investment needs;
- loans with favorable interest rates to companies for covering immediate working capital and investment needs;
- safeguards for banks that channel State aid to the real economy; it is noteworthy that this form of aid is deemed as aid to the banks' clients and not as an aid to the banks; however, the Temporary Framework also provides guidance on ways to prevent major distortions of competition between banks;
- short-term export credit insurance; the Temporary Framework ensures flexibility regarding the way to prove that some countries are not-marketable risks, with a view to enable short-term export credit insurance to be provided by the State where needed; the Commission may amend the list of marketable risk countries if needed.

In addition:

- Member States may notify to the Commission aid schemes to meet acute liquidity needs and support undertakings facing financial difficulties, also due to or aggravated by the COVID-19 outbreak, based on Article 107(3)(c) TFEU;
- Member States may notify to the Commission aid measures to compensate undertakings in sectors that have been particularly hit by the outbreak (e.g., transport, tourism, culture, hospitality and retail) and/or organizers of cancelled events for damages

	<p>suffered due to and directly caused by the outbreak, based on Article 107(2)(b) TFEU;</p> <ul style="list-style-type: none"> notification of alternative approaches (both aid schemes and individual measures) remains possible in accordance with the general State aid legislation.
Duration	Until December 31, 2020. May be subject to extension.
MPR Partners comments	<p>State aid represents a transfer of State resources which may selectively confer an economic advantage on their recipient.</p> <p>State aid is usually considered incompatible with normal market conditions and thus forbidden.</p> <p>However, facilities that are generally available to all businesses would not normally be deemed as State aid and would not be subject to relevant restrictions.</p> <p>For example, measures applicable to all businesses regarding wage subsidies, suspension of payments of corporate and value added taxes or social welfare contributions, or financial support directly to consumers for cancelled services or tickets not reimbursed by the concerned operators are not subject to the State aid legislation. Such measures are set out in the Commission's Communication on a Coordinated economic response to the COVID-19 outbreak of 13 March 2020.</p> <p>Moreover, State aid may be granted by Member States under certain conditions. To this end, the Member States are normally under the obligation to notify State aid measures to the European Commission and cannot implement such measures prior to EC authorization.</p> <p>However, aside from the provisions of the Temporary Framework, there are certain categories of aid which are exempted from the notification obligation such as the aid measures which fulfill the conditions of the General Block Exemption Regulation no. 651/2014 of June 17, 2014 in application of Article 107 and 108 of the Treaty on the Functioning of the European Union (e.g. aid to make good the damage caused by certain natural disasters) and the <i>de minimis</i> aid measures (aids granted to a company and not exceeding EUR 200,000 over any period of three years), provided by Commission Regulation no. 1407/2013 of December 18, 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the</p>

European Union to *de minimis* aid.

For legal advice regarding any of the above topics or any other legal aspects concerning the current pandemic please contact Alina Popescu, at alina.popescu@mprpartners.com.

For tax advice regarding public measures and any other tax aspects entailed by the current pandemic please contact Felix Tapai, at felix.tapai@mprpartners.com

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