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## **REVISED EUROPEAN SOCIAL CHARTER**

8th National Report on the implementation of  
the European Social Charter (revised)

submitted by

**THE GOVERNMENT OF ROMANIA**

(Articles 3, 12 and 13  
for the period 01/01/2005 – 31/12/2007;  
Article 11  
for the period 01/01/2003 – 31/12/2007)

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Report registered by the Secretariat on 15 January 2009

**CYCLE 2009**



**ROMANIA**  
**THE 8<sup>TH</sup> NATIONAL REPORT**  
**ON THE IMPLEMENTATION OF THE REVISED EUROPEAN SOCIAL**  
**CHARTER**

**PRESENTED BY**  
**THE GOVERNMENT OF ROMANIA**

**FOR THE PERIOD 1<sup>ST</sup> JANUARY 2005 – 31<sup>ST</sup> DECEMBER 2007**  
**ON ARTICLES 3 para 1-3, 11, 12, 13 para 1-3**

**It concerns the accepted provisions of the following articles belonging to the thematic group 2 “Health, social security and social protection”: 3 para. 1-3, 11, 12, 13 para 1-3.**

**According to Article C of the Revised European Social Charter and article 21 of the European Social Charter, on the measures adopted to give effect to the accepted provisions of the European Social Charter Revised, ratified on 7<sup>th</sup> May 1999,**

**According to Article C of the ESCR and the Article 23 of the ESC, the copies of this report were communicated to all representative trade unions and employers’ organizations:**

*Trade unions:*

- The National Trade Union Bloc (B.N.S.)
- The National Trade Union Confederation “Cartel Alfa”
- The National Confederation of Free Trade Unions in Romania “Frăția” (C.N.S.L.R. “Frăția”)
- The Democratic Trade Union Confederation in Romania (C.S.D.R)
- The National Trade Union Confederation “Meridian”

*Employer’s organization:*

- The Employers’ Confederation in Romanian Industry C.O.N.P.I.R.O.M
- The National Council of Romanian Employers (Co.NPR)
- The Romanian National Employers’ Organization (P.N.R.)
- The General Union of Industrialists in Romania (U.G.I.R.)
- The General Union of Industrialists in Romania – 1903 (U.G.I.R. 1903)
- The National Confederation of Romanian Employers (C.N.P.R.)
- The National Council of Small and Medium Enterprises in Romania (C.N.I.P.M.M.R.)
- The National Union of Romanian Employers (U.N.P.R.)
- The National Association of Entrepreneurs in Constructions (A.R.A.C.O.)
- The Romanian Employers’ Organization (P.R.)
- The Employers’ Confederation of Services and Trade in Romania (C.P.I.S.C.)
- The Employers’ Confederation “Concordia”
- The National Union of Employers’ with Private Capital in Romania (U.N.P.C.P.R.)
- The Alliance of Employers’ Confederation in Romania (A.C.P.R.)
- The Council of Foreign Investors

### **Article 3 – Right to safe and healthy working conditions**

#### **Paragraph 1 – Issue of safety and health regulations**

The Romania national Policy and Strategy on occupational health and safety for the period 2004-2007 was approved by the joint order of the minister of labour, social solidarity and family and of the minister of health no. 674/10.12.2003 respectively no. 1140 / 10.12.2003.

The draft of the normative act of approval of the strategy, prior to its approval, has undergone tripartite social dialogue, according to legal provisions applicable for such a project. The project was discussed, at that time, within the Social Dialogue Commission of the Ministry of Labour, Social Solidarity and Family.

The Commission for Social Dialogue within the Ministry of Labour, Social Solidarity and Family, ensure a democratic framework in which the social partners are called to debate the legal acts before they enter into the procedure of approval.

The main objectives of the Romania national Policy and Strategy on occupational health and safety for the period 2004-2007 were:

- a. Transposing the *acquis communautaire* in the field, by the year 2006;
- b. Developing and strengthening the institutions that have responsibilities in the implementation of the legislation on occupational safety and health at work;
- c. Development of the activities for prevention of accidents at work and occupational diseases by creating a culture of prevention of occupational risks and effectively combining elements of the theoretical practice;
- d. The development and enhancement of the social dialogue structures in order to increase involvement of social partners both at decision making level and at implementation.

The National Strategy on Safety and health at work is reviewed periodically. At present, is being developed the strategy for the period 2008 - 2013 which follows the objectives set-out by the document **"Improving the quality and productivity at work: Community Strategy 2007-2012 on safety and health at work"**.

2. Elaboration of the National Strategy on Safety and health at work is foreseen in the Institutional Strategic Plan of the Ministry of Labour, Family and Equal Opportunities.

In the process of elaboration of the normative acts were involved both the Economic and Social Council, and the Committee on Social Dialogue within the Ministry of Labour, Social Solidarity and Family.

The Economic and Social Council is the public institution of national interest, tripartite, autonomous established by Law 109/1997, and it has the role to achieve social dialogue at national level between the employers, the unions and the Government and the climate of stability and social peace.

The Economic and Social Council has an advisory role in setting economic strategies and policies, setting down the social conflict cases at branch level or at national level occurred between the social partners and also in the development, promotion and development of social dialogue and social solidarity.

Within the specialized committees of this body, field experts, both from the social partners and representatives of the Government, examines and debates the regulations and they propose, if necessary, amendments which are subject to the approval within the Economic and Social Council plenum.

The Commission for Social Dialogue within the Ministry of Labour, Social Solidarity and Family, ensure a democratic framework in which the social partners are called to debate the legal acts before they enter

into the procedure of approval. The normative act which is regulating the activity of this committee is Governmental Decision No. 314/2001 as amended and supplemented by H.G. No. 569/2002, which refers to the establishment, organization and functioning of social dialogue committees. These committees are set up and operate in all ministries, being composed from representatives of the ministry and representatives of the main trade unions and employers confederations.

## **Paragraph 2 – Issue of safety and health regulations**

The Safety and Health at Work Law no.319/2006, entered into force on 1 October 2006. The Law fully implements the provisions of Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work. According to the Article 51, paragraph 1, lit. a) of the framework law, it was developed the Governmental Decision no.1425/2006 on approving the Methodological Norms for the implementation of the Safety and Health at Work Law no.319/2006.

In accordance with the provisions of art.50 of the Safety and Health at Work Law no.319/2006, the National Commission for Nuclear Activities Control organize, coordinate and control the activity of safety and health at work of their units by delivering prevention and protection services created or designated by it, for the purpose of implementing the provisions of the law referred to above.

The Ministry of Public Health and of the NCNAC are the competent authorities for establishing the dose limits that can not be exceeded at work.

The transposition of the specific directives on safety and health at work resulted in the development of Governmental Decisions, thus Romania aligning to the European legal framework. Following this process, the issues mentioned in the previous report of the Committee for the fields of temporary and mobile construction sites, asbestos, noise and vibration have been resolved.

The national legislative framework on safety and health at work comprise the following normative acts:

1. **Governmental Decision no. 601 of 13/06/2007** for amending certain acts of safety and health at work, that complete the transposition of **Directives 92/57/EEC** - construction sites, **83/477/EEC** - asbestos, **2002/44/EC** - vibration and **2003/10/EC** – noise;
2. **Governmental Decision no. 600 of 13/06/2007** on the protection of young people at work, which transpose the **Directive 94/33/EC**;
3. **Governmental Decision no. 557 of 06/06/2007** on the completion of measures designed to promote the improvement of safety and health at work for employees employed under a contract individual fixed-term employment and temporary employees engaged in temporary employment agents, which transpose the **Directive 91 / 383/CEE**;

**Governmental Decision no. 557/2007** provides that the employer, as defined by the Safety and Health at Work Law no.319/2006, has the obligation to ensure to the employees that are employed under an individual contract of temporary employment and to the temporary employees that are employed through temporary employment agents, same working conditions of safety and health at work, particularly regarding access to personal protective equipment, same as the other employees. The same obligations has also the user, as defined under the Law no. 53/2003 - Labour Code, with the subsequent amendments and complements, unless through the contract, the endowment with personal protective equipment is the task of the temporary employment agent.

The Safety and Health at Work Law no.319/2006 provisions and the legal acts developed under it, applies also to employees employed under an individual contract of employment with temporary length and temporary staff employed to temporary employment agents.

According to the Governmental Decision no. 557/2007, before starting an activity, the employer, respectively the user have the obligation to inform these categories of employees on the professional qualifications, skills or medical services prophylactic activity that applies to the respective activity , and respectively to the major risks specific to the workplace, according to the Safety and Health at Work Law no.319/2006.

The employer, respectively the user obliged to assure funds and necessary conditions for the medical prophylactic services for surveillance of the employees' health, according to the Governmental Decision no. 355/2007 on the supervision of workers health and the provisions of art. Article 7. (6) of the Safety and Health at Work Law no.319/2006.

4. **Governmental Decision no. 1218 of 06/09/2006** laying down minimum requirements for the health and safety at work for the protection of workers from risks related of chemical agents who transpose the **Directives 98/24/EC 2000/39/EC, 91/322/EEC, 2006/15/CE;**

5. **Governmental Decision no. 1146 of 30/08/2006** regarding the establishing the minimum safety and health requirements for the use of work equipment by workers at work which transpose the **Directives 89/655/EEC; 95/63/CE; 2001/45/EC;**

6. **Governmental Decision no. 1136 of 30/08/2006** on the minimum safety and health on workers exposure to risks arising from electromagnetic fields which transpose the **Directive 2004/40/EC;**

7. **Governmental Decision no. 1135 of 30/08/2006** regarding the minimum safety and health requirements for work on board fishing vessels which transpose the **Directive 93/103/CEE;**

8. **Governmental Decision no. 1093 of 16/08/2006** regarding the protection of workers from the risks related to exposure to carcinogen or mutagen agents at work which transpose the **Directive 2004/37/EC;**

9. **Governmental Decision no. 1092 of 16/08/2006** on the protection of workers from risks related to exposure to biological agents in work which transpose the **Directive 2000/54/EC;**

10. **Governmental Decision no. 1091 of 16/08/2006** on the minimum safety and health requirements for the workplace which transpose **Directive 89/654/EEC;**

11. **Governmental Decision no. 1058 of 09/08/2006** on the minimum requirements for improving the safety and protection of health workers who may be exposed to a potential risk due to explosive atmosphere transposing **Directive 99/92/CE;**

12. **Governmental Decision no. 1051 of 09.08.2006** on the minimum safety and health requirements for manual handling of masses presenting risks to workers, in particular back injury diseases transposing **Directive 90/269/EEC;**

13. **Governmental Decision no. 1050 of 09/08/2006** on the minimum requirements for ensuring the safety and health of workers in mining and quarrying drilling transposing **Directive 92/91/EEC;**

14. **Governmental Decision no. 1049 of 09/08/2006** on the minimum requirements for ensuring the safety and health of workers in mining and quarrying surface or underground, which transposes the directive **92/104/CEE;**

15. **Governmental Decision no. 1048 of 09/08/2006** on the minimum safety and health for use of personal protective equipment at work that implement the **Directive 89/656/EEC;**

16. **Governmental Decision no. 1028 of 09/08/2006** on the minimum safety and health requirements regarding the use of the equipment with display screen which transposes the **Directive 90/270/CEE;**

17. **Governmental Decision no. 1007 of 02/08/2006** concerning minimal requirements on safety and health related to medical assistance onboard vessels which transpose the **Directive 92/29/EEC;**

18. **Governmental Decision no. 971 of 26.07.2006** the minimum requirements for the provision of safety and/or health signs at work that implement the **Directive 92/58/EEC;**

19. **Governmental Decision no. 300 of 02.03.2006** on the minimum safety and health requirements for temporary or mobile construction sites which transpose **Directive 92/57/EEC;**

20. **Governmental Decision no. 1876 of 22 /12/2005** on the minimum health and safety requirements regarding the exposure of workers to the risks arising from vibration which transpose the **Directive 2002/44/EC;**

21. **Governmental Decision no. 493 of 12/04/2006** on the minimum safety and health requirements regarding the exposure of workers to the risks arising from noise which transpose the **Directive 2003/10/EC;**

22. **Governmental Decision no. 1875 of 22/12/2005** on the protection of workers from the risks related to exposure to asbestos at work which transpose the **Directives 83/477/EEC, 91/382/EEC; 2003/18/EC.**

2) As regards the field of competence of the Ministry of Labour, Family and Equal Opportunities, for achievement of the objective within the framework of the "Romanian Policy and Strategy for Safety and Health at Work during 2004-2007" – referring to the transposing of the *acquis communautaire*, we must mention that in the elaboration process of the regulations there have been involved the employers and

workers organisations through consultations within the Economic and Social Council and the Commission of Social Dialogue.

In order to implement the national policy, an important role in disseminating the information is held by the European Agency for Safety and Health at Work Informational Network - Focal Point Romania.

The main aim of the network in the field of health and safety at work is to collect and disseminate information that can serve to improvement of the work conditions within enterprises and the safety and health at work in general.

The network in the field of safety and health at work includes the key players organizations working together in order to collect and provide information on safety and health at work.

### **Paragraph 3 — Provision for the enforcement of safety and health regulations by measures of supervision**

1. The procedure of declaration / investigation / registration of the work accidents suffered the first changes as a result of the adoption of the Law on security and health nr.319/2006 through the Order of the Minister of labour, social solidarity and family no. 755/2006 for the approval of the form for the work accident registration - FIAM , published in the Official Gazette of Romania, Part I, no. 887 of 31 October 2006. This represented a transitional measure, in the year 2007 this legislation was repealed and replaced by Order of the Minister of labour, social solidarity and family no. 3 of 3 January 2007 on the approval of the form for the work accident registration - FIAM published in the Official Gazette of Romania no. 70 of 30 January 2007, which took into account the Eurostat methodology relating to registration of work-related accidents.

In applying GD nr.300/2006 on temporary and mobile sites, it was drafted Order of the Minister of labour, social solidarity and family no 242 of 23 March 2007 for approval of the Regulation on specific training of safety and health coordinator during the project elaboration and / or realization of construction for temporary or mobile sites.

In 2007 it was set up a working group which aims at preparing the code of conduct providing practical guidelines to help the workers exposed to the risks of noise in the entertainment industry and their employers.

In order to better implementation of legislation in the following period will be taken similar actions aimed at drawing up guidelines for implementing Governmental Decision transposing EU directives.

**For the period covered by the report (2005-2007) the following pieces of legislation have been adopted in the field of safety and health at work (their English translation can be found: <http://www.inspectmun.ro/Legislatic/SSM%20engleza.html>):**

- *Government Decision no 1207/2005* for the modification and completion of the technical Norms on preparation of explosives, experimentation with, discarding, transportation, storing, handling and use of such substances used in any other operations specific to the activities conducted by the enterprises dealing with explosives, as well as the authorization of pyrotechnists and shotfirers approved through the Government Decision no 536/2002;
- *Government Decision no 809/2005* for the modification of the Government Decision no 115/2004 regarding the establishing of safety requirements for personal protective equipment and the conditions for their placement on the market;
- *Government Decision no 1876/2005* on the minimum safety and health requirements regarding the exposure of workers to the risks arising from physical agents (vibration);
- *Government Decision no 1875/2005* on the on the protection of workers from the risks related to exposure to asbestos at work;
- *Law no 319/2006* on the safety and health of workers at work;

- *Government Decision no 1425/2006* for the approval of the Methodological Norms/Standards concerning the enforcement of the provisions of Law no 319/2006 on the safety and health of workers at work;
- *Government Decision no 1218/2006* on the protection of the safety and health of workers from the risks related to chemical agents at work;
- *Government Decision no 1146/2006* concerning the minimum safety and health requirements for the use of work equipment by workers at work;
- *Government Decision no 1136/2006* on the minimum safety and health requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields);
- *Government Decision no 1135/2006* concerning the minimum safety and health requirements for work on board fishing vessels;
- *Government Decision no 1093/2006* on the protection of workers from the risks related to exposure to carcinogens or mutagens at work;
- *Government Decision no 1092/2006* on the protection of workers from risks related to exposure to biological agents at work;
- *Government Decision no 1091/2006* on the minimum safety and health requirements for the workplace;
- *Government Decision no 1058/2006* on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres;
- *Government Decision no 1051/2006* on the minimum safety and health requirements for the manual handling of loads where there is a risk particularly of back injury to workers;
- *Government Decision no 1050/2006* on the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling;
- *Government Decision no 1049/2006* on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries;
- *Government Decision no 1048/2006* on the minimum safety and health requirements for the use by workers of personal protective equipment at the workplace;
- *Government Decision no 1028/2006* on the minimum safety and health requirements for work with display screen equipment;
- *Government Decision no 1007/2006* on the minimum safety and health requirements for improved medical treatment on board vessels;
- *Government Decision no 971/2006* on the minimum requirements for the provision of safety and/or health signs at work;
- *Government Decision no 493/2006* on the minimum safety and health requirements regarding the exposure of workers to the risks arising from physical agents (noise);
- *Government Decision no 461/2006* for the modification of the *Government Decision no 752/2004* establishing requirements for the placement on the market of the equipments and protection devices for use in potentially explosive atmospheres;
- *Government Decision no 300/2006* on the implementation of minimum safety and health requirements at temporary or mobile constructions sites;
- *Government Decision no. 557/2007* on the completion of measures aimed to improve the safety and health at work of the employees working under an individual work contract concluded for a limited duration and of the temporary employees employed by temporary work agents;
- *Government Decision no. 600/2007* on the protection of young people at work.

***Statistics for the inspection visits, employees covered by inspections, sanctions applied as well as the activities stopped for the period 2005-2007***

	2005	2006	2007
<b>No of enterprises visited</b>	68,745	83,493	77,399
<b>No of inspections conducted</b>	70,181	87,220	81,049
<b>Total number of employees at the economy level</b>	5,907,662	5,898,501	5,767,440
<b>Total number of employees at enterprises covered by</b>	2,424,041	2,394,506	2,447,348



<b>OSH inspections</b>			
<b>Percentage of the total number of employees at enterprises covered by inspections out of the total number of employees at the economy level (%)</b>	41.03	40.60	42.43
<b>No of sanctions applied</b>	8,521	22,045	28,572
<b>Monetary value of the sanctions applied (lei)</b>	10,272,610	40,853,710	49,969,300
<b>No of installations stopped from operation</b>	1,440	3,580	5,691
<b>No of enterprises whose activity has been stopped</b>	85	138	479
<b>No of submissions for legal proceedings</b>	177	172	132

**Sanctions applied in different economic sectors in the period 2005 – 2007**

Economic sectors	No of sanctions applied		
	2005	2006	2007
Agriculture	341	1,068	1,028
Mining	126	264	212
Transport	126	991	1,399
Industry, commerce and other economic sectors	7,928	19,722	25,933

**Statistics for work accidents for the period 2005-2007.**

Year	Total no of employees at the economy level	Total number of injured persons	Total number of fatal accidents	Total number of injured persons with temporary incapacity to work	Collective Accidents			Incidence rate		Gravity Index
					Total No	Total number of victims	Deceased	Fatal accidents	Total	
2005	5,907,662	5,030	531	4,499	49	237	63	0.09	0.85	50.4
2006	5,898,501	5,005	417	4,588	47	205	50	0.07	0.85	52.8
2007	5,767,440	4,601	388	4,213	39	196	40	0.07	0.80	45.6

**2) Persons injured in accidents at work - distribution on economic sectors (2005 – 2007)**

**Incidence rate (I.R.) / ECONOMIC SECTORS - 2005**

C	DESCRIPTION OF ECONOMIC SECTOR	No. of workers	Injured workers			Incidence rates		Collective Accidents		
			Total	Fatal	Temporary Incapacity to Work	Fatal	Total	No.	Victims	Fata
11	AGRICULTURE/HUNTING/RELATED SERVICE ACTIVITIES	303,678	69	22	47	0.07	0.23	1	3	(
12	FORESTRY/LOGGING/RELATED SERVICE ACTIVITIES	96,374	93	27	66	0.28	0.96			
15	FISHING/FISH HATCHERIES AND FISH FARMS/RELATED SERVICE ACTIVITIES	12,039	0				0.00			
0	EXTRACTION /AGGLOMERATION	35,090	378	12	366	0.34	10.77			

	OF COAL									
1	EXTRACTION OF HYDROCARBONS/ RELATED SERVICE ACTIVITIES	74,803	101	7	94	0.09	1.35			
2	EXTRACTION/PROCESSING OF RADIOACTIVE MINERALS	2,550	0				0.00			
3	EXTRACTION/PROCESSING OF METAL ORES	18,922	56	5	51	0.26	2.96			
4	OTHER EXTRACTION ACTIVITIES	28,899	24	2	22	0.07	0.83			
5	MANUFACTURE OF FOOD PRODUCTS AND BEVERAGES	245,856	207	21	186	0.09	0.84	2	7	4
6	MANUFACTURE OF TOBACCO PRODUCTS	7,026	3		3		0.43			
7	MANUFACTURE OF TEXTILE PRODUCTS	195,954	61		61		0.31			
8	MANUFACTURE OF CLOTHING ARTICLES/ARTICLES OF FUR	312,782	141	20	121	0.06	0.45	2	32	10
9	TANNING AND DRESSING OF LEATHER; MANUFACTURE OF LUGGAGE, HANDBAGS AND FOOTWEAR	84,133	83	6	77	0.07	0.99	3	23	4
10	MANUFACTURE OF WOOD, PRODUCTS OF WOOD AND CORK/ MANUFACTURE OF ARTICLES OF STRAW AND PLAITING MATERIALS	93,683	254	14	240	0.15	2.71			
11	MANUFACTURE OF PULP, PAPER AND PAPER PRODUCTS	18,091	50	7	43	0.39	2.76	1	6	3
12	PUBLISHING, PRINTING AND REPRODUCTION OF RECORDED MEDIA	36,104	4		4		0.11			
13	MANUFACTURE OF COKE, REFINED PETROLEUM PRODUCTS AND NUCLEAR FUEL	24,795	16	1	15	0.04	0.65			
14	MANUFACTURE OF CHEMICALS AND CHEMICAL PRODUCTS	71,660	83	10	73	0.14	1.16	1	5	3
15	MANUFACTURE OF RUBBER AND PLASTIC PRODUCTS	119,645	113	2	111	0.02	0.94			
16	MANUFACTURE OF OTHER NON-METALLIC MINERAL PRODUCTS	78,435	148	14	134	0.18	1.89	2	6	1
17	MANUFACTURE OF BASIC METALS	92,055	236	11	225	0.12	2.56	2	6	1
18	MANUFACTURE OF FABRICATED METAL PRODUCTS/STRUCTURAL METAL PRODUCTS	122,368	241	16	225	0.13	1.97	1	3	1
19	MANUFACTURE OF MACHINERY AND EQUIPMENT	208,111	190	3	187	0.01	0.91	1	4	0
20	MANUFACTURE OF OFFICE MACHINERY AND COMPUTERS	27,825	2		2		0.07			
21	MANUFACTURE OF ELECTRICAL MACHINERY AND APPARATUS	74,249	115	2	113	0.03	1.55			
22	MANUFACTURE OF RADIO, TELEVISION AND COMMUNICATION EQUIPMENT AND APPARATUS	15,755	7		7		0.44			
23	MANUFACTURE OF MEDICAL, PRECISION AND OPTICAL INSTRUMENTS, WATCHES AND CLOCKS	20,770	8	3	5	0.14	0.39	1	5	3
24	MANUFACTURE OF ROAD	63,970	89	1	88	0.02	1.39			

	TRANSPORT EQUIPMENT									
i5	MANUFACTURE OF OTHER TRANSPORT EQUIPMENT	80,522	162	11	151	0.14	2.01			
i6	MANUFACTURE OF FURNITURE/OTHER MANUFACTURING	158,802	215	10	205	0.06	1.35			
i7	RECYCLING/RECYCLABLE MATERIALS	17,813	46	6	40	0.34	2.58			
i0	PRODUCTION AND DISTRIBUTION OF ELECTRICITY/GAS/WATER	126,280	115	13	102	0.10	0.91	3	14	4
i1	COLLECTION/PURIFICATION AND DISTRIBUTION OF WATER	47,815	48	3	45	0.06	1.00	1	3	(
i5	CONSTRUCTION	366,803	696	125	571	0.34	1.90	12	42	7
i0	SALE, MAINTENANCE AND REPAIR OF MOTOR VEHICLES AND MOTORCYCLES; RETAIL SALE OF AUTOMOTIVE FUEL	88,288	47	6	41	0.07	0.53	3	12	2
i1	WHOLESALE TRADE AND COMMISSION TRADE, EXCEPT OF MOTOR VEHICLES AND MOTORCYCLES	152,374	148	22	126	0.14	0.97	2	22	4
i2	RETAIL TRADE, EXCEPT OF MOTOR VEHICLES AND MOTORCYCLES	461,349	56	10	46	0.02	0.12			
i5	HOTELS AND RESTAURANTS	103,524	40	2	38	0.02	0.39			
i0	LAND TRANSPORT; TRANSPORT VIA PIPELINES	267,994	204	50	154	0.19	0.76	4	18	4
i1	WATER TRANSPORT	11,474	7	3	4	0.26	0.61			
i2	AIR TRANSPORT	18,700	4		4		0.21			
i3	SUPPORTING AND AUXILIARY TRANSPORT ACTIVITIES /ACTIVITIES OF TRAVEL AGENCIES	53,400	68	11	57	0.21	1.27			
i4	POST AND TELECOMMUNICATIONS	96,124	70	11	59	0.11	0.73	1	3	3
i5	FINANCIAL INTERMEDIATION (EXCEPT INSURANCE AND PENSION FUNDING)	79,177	7	3	4	0.04	0.09			
i6	INSURANCE AND PENSION FUNDING, EXCEPT COMPULSORY SOCIAL SECURITY	23,919	2	1	1	0.04	0.08			
i7	AUXILIARY ACTIVITIES TO FINANCIAL INTERMEDIATION	10,130	0				0.00			
i0	REAL ESTATE ACTIVITIES	18,361	10	1	9	0.05	0.54			
i1	RENTING OF MACHINERY AND EQUIPMENT WITHOUT OPERATOR AND OF PERSONAL AND HOUSEHOLD GOODS	5,743	0				0.00			
i2	COMPUTER AND RELATED ACTIVITIES	27,756	2	1	1	0.04	0.07			
i3	RESEARCH AND DEVELOPMENT	25,252	8	2	6	0.08	0.32			
i4	OTHER BUSINESS ACTIVITIES	89,270	87	10	77	0.11	0.97	2	9	(
i5	PUBLIC ADMINISTRATION AND DEFENCE; COMPULSORY SOCIAL SECURITY	146,067	40	5	35	0.03	0.27	1	4	1
i0	EDUCATION	473,708	35	7	28	0.01	0.07	1	3	1
i5	HEALTH AND SOCIAL WORK	282,317	62	4	58	0.01	0.22	1	3	(
i0	SEWAGE AND REFUSE DISPOSAL, SANITATION AND SIMILAR ACTIVITIES	39,168	58	4	54	0.10	1.48	1	4	(

11	VARIOUS ACTIVITIES OF MEMBERSHIP ORGANIZATIONS	28,231	1	1		0.04	0.04			
12	RECREATIONAL, CULTURAL AND SPORTING ACTIVITIES	43,037	17	3	14	0.07	0.40			
13	OTHER SERVICE ACTIVITIES	64,614	3		3		0.05			
15	PRIVATE HOUSEHOLDS WITH EMPLOYED PERSONS	9,477	0				0.00			
16	PRIVATE HOUSEHOLD ACTIVITIES /MANUFACTURE OF GOODS FOR THE HOUSEHOLD CONSUMPTION	2,255	0				0.00			
17	PRIVATE HOUSEHOLD ACTIVITIES /SERVICES FOR HOUSEHOLD PURPOSES	432	0				0.00			
19	EXTRA-TERRITORIAL ORGANIZATIONS AND BODIES	1,864	0				0.00			
<b>TOTAL ON ALL ECONOMIC SECTORS</b>		<b>5,907,662</b>	<b>5,030</b>	<b>531</b>	<b>4,499</b>	<b>0.09</b>	<b>0.85</b>	<b>49</b>	<b>237</b>	<b>63</b>

#### incidence rate (I.R.) / ECONOMIC SECTORS - 2006

Division <sup>1/</sup>	DESCRIPTION OF ECONOMIC SECTOR	No. of workers	Injured workers			Incidence rates		Collective Accidents		
			Total	Fatal	Temporary Incapacity to Work	Fatal	Total	Total	Fatal	
11	AGRICULTURE/HUNTING/RELATED SERVICE ACTIVITIES	285,506	64	12	52	0.04	0.22	1	3	1
12	FORESTRY/LOGGING/RELATED SERVICE ACTIVITIES	94,457	90	20	70	0.21	0.95			
15	FISHING/FISH HATCHERIES AND FISH FARMS/RELATED SERVICE ACTIVITIES	12,191	1	1		0.08	0.08			
0	EXTRACTION /AGGLOMERATION OF COAL	31,333	345	11	334	0.35	11.01	4	26	1
1	EXTRACTION OF HYDROCARBONS/ RELATED SERVICE ACTIVITIES	71,691	80	12	68	0.17	1.12	1	4	4
2	EXTRACTION/PROCESSING OF RADIOACTIVE MINERALS	2,231	3		3		1.34			
3	EXTRACTION/PROCESSING OF METAL ORES	13,759	32	1	31	0.07	2.33			
4	OTHER EXTRACTION ACTIVITIES	27,893	18	4	14	0.14	0.65			
5	MANUFACTURE OF FOOD PRODUCTS AND BEVERAGES	244,615	209	21	188	0.09	0.85			
6	MANUFACTURE OF TOBACCO PRODUCTS	6,681	7		7		1.05			
7	MANUFACTURE OF TEXTILE PRODUCTS	197,345	54		54		0.27			
8	MANUFACTURE OF CLOTHING ARTICLES/ARTICLES OF FUR	312,912	96	4	92	0.01	0.31	2	17	1
9	TANNING AND DRESSING OF LEATHER; MANUFACTURE OF LUGGAGE, HANDBAGS AND FOOTWEAR	82,571	62		62		0.75			
10	MANUFACTURE OF WOOD, PRODUCTS OF WOOD AND CORK/	88,989	248	15	233	0.17	2.79	2	9	

	MANUFACTURE OF ARTICLES OF STRAW AND PLAITING MATERIALS									
1	MANUFACTURE OF PULP, PAPER AND PAPER PRODUCTS	17,580	49		49		2.79			
2	PUBLISHING, PRINTING AND REPRODUCTION OF RECORDED MEDIA	39,255	12		12		0.31			
3	MANUFACTURE OF COKE, REFINED PETROLEUM PRODUCTS AND NUCLEAR FUEL	24,639	9	5	4	0.20	0.37	1	3	
4	MANUFACTURE OF CHEMICALS AND CHEMICAL PRODUCTS	68,796	81	5	76	0.07	1.18			
5	MANUFACTURE OF RUBBER AND PLASTIC PRODUCTS	119,395	99	3	96	0.03	0.83	2	7	
6	MANUFACTURE OF OTHER NON-METALLIC MINERAL PRODUCTS	77,771	109	10	99	0.13	1.40			
7	MANUFACTURE OF BASIC METALS	88,372	219	13	206	0.15	2.48	3	11	
8	MANUFACTURE OF FABRICATED METAL PRODUCTS/STRUCTURAL METAL PRODUCTS	125,021	289	19	270	0.15	2.31	3	12	
9	MANUFACTURE OF MACHINERY AND EQUIPMENT	197,299	188	6	182	0.03	0.95			
0	MANUFACTURE OF OFFICE MACHINERY AND COMPUTERS	29,758	6		6		0.20			
1	MANUFACTURE OF ELECTRICAL MACHINERY AND APPARATUS	82,355	96	4	92	0.05	1.17	3	10	
2	MANUFACTURE OF RADIO, TELEVISION AND COMMUNICATION EQUIPMENT AND APPARATUS	15,891	8	1	7	0.06	0.50			
3	MANUFACTURE OF MEDICAL, PRECISION AND OPTICAL INSTRUMENTS, WATCHES AND CLOCKS	21,360	7	1	6	0.05	0.33			
4	MANUFACTURE OF ROAD TRANSPORT EQUIPMENT	62,332	119	2	117	0.03	1.91	1	11	
5	MANUFACTURE OF OTHER TRANSPORT EQUIPMENT	82,199	209	5	204	0.06	2.54	1	4	
6	MANUFACTURE OF FURNITURE/OTHER MANUFACTURING	170,300	231	3	228	0.02	1.36			
7	RECYCLING/RECYCLABLE MATERIALS	23,428	50	3	47	0.13	2.13			
0	PRODUCTION AND DISTRIBUTION OF ELECTRICITY/GAS/WATER	128,670	99	10	89	0.08	0.77	1	5	
1	COLLECTION/PURIFICATION AND DISTRIBUTION OF WATER	47,176	38	1	37	0.02	0.81			
5	CONSTRUCTION	361,410	698	90	608	0.25	1.93	7	24	
0	SALE, MAINTENANCE AND REPAIR OF MOTOR VEHICLES AND MOTORCYCLES; RETAIL SALE OF AUTOMOTIVE FUEL	90,282	52	6	46	0.07	0.58	2	6	
1	WHOLESALE TRADE AND	151,566	157	22	135	0.15	1.04			

	COMMISSION TRADE, EXCEPT OF MOTOR VEHICLES AND MOTORCYCLES									
02	RETAIL TRADE, EXCEPT OF MOTOR VEHICLES AND MOTORCYCLES	459,791	70	4	66	0.01	0.15	1	4	
05	HOTELS AND RESTAURANTS	104,624	44	1	43	0.01	0.42			
10	LAND TRANSPORT; TRANSPORT VIA PIPELINES	271,783	182	33	149	0.12	0.67	3	12	
11	WATER TRANSPORT	11,490	9	3	6	0.26	0.78			
12	AIR TRANSPORT	18,843	6		6		0.32			
13	SUPPORTING AND AUXILIARY TRANSPORT ACTIVITIES /ACTIVITIES OF TRAVEL AGENCIES	54,203	74	10	64	0.18	1.37	1	7	
14	POST AND TELECOMMUNICATIONS	93,192	48	5	43	0.05	0.52	1	3	
15	FINANCIAL INTERMEDIATION (EXCEPT INSURANCE AND PENSION FUNDING)	77,157	17	1	16	0.01	0.22			
16	INSURANCE AND PENSION FUNDING, EXCEPT COMPULSORY SOCIAL SECURITY	34,056	1		1		0.03			
17	AUXILIARY ACTIVITIES TO FINANCIAL INTERMEDIATION	13,050	0				0.00			
20	REAL ESTATE ACTIVITIES	18,839	9		9		0.48			
21	RENTING OF MACHINERY AND EQUIPMENT WITHOUT OPERATOR AND OF PERSONAL AND HOUSEHOLD GOODS	6,086	1		1		0.16			
22	COMPUTER AND RELATED ACTIVITIES	31,831	11	3	8	0.09	0.35	1	4	
23	RESEARCH AND DEVELOPMENT	24,807	10	1	9	0.04	0.40			
24	OTHER BUSINESS ACTIVITIES	89,402	107	17	90	0.19	1.20	2	6	
25	PUBLIC ADMINISTRATION AND DEFENCE; COMPULSORY SOCIAL SECURITY	152,589	73	13	60	0.09	0.48	1	3	
30	EDUCATION	471,707	36	3	33	0.01	0.08			
35	HEALTH AND SOCIAL WORK	283,938	80	4	76	0.01	0.28	2	6	
40	SEWAGE AND REFUSE DISPOSAL, SANITATION AND SIMILAR ACTIVITIES	37,925	62	3	59	0.08	1.63			
41	VARIOUS ACTIVITIES OF MEMBERSHIP ORGANIZATIONS	28,458	2	1	1	0.04	0.07			
42	RECREATIONAL, CULTURAL AND SPORTING ACTIVITIES	41,107	26	5	21	0.12	0.63	1	8	
43	OTHER SERVICE ACTIVITIES	62,759	3		3		0.05			
45	PRIVATE HOUSEHOLDS WITH EMPLOYED PERSONS	9,531	0				0.00			
46	PRIVATE HOUSEHOLD ACTIVITIES /MANUFACTURE OF GOODS FOR THE HOUSEHOLD CONSUMPTION	2,252	0				0.00			
47	PRIVATE HOUSEHOLD ACTIVITIES /SERVICES FOR HOUSEHOLD PURPOSES	471	0				0.00			

19	EXTRA-TERRITORIAL ORGANIZATIONS AND BODIES	1,581	0				0.00			
<b>TOTAL GENERAL ECONOMIE</b>		<b>5,898,501</b>	<b>5,005</b>	<b>417</b>	<b>4,588</b>	<b>0.07</b>	<b>0.85</b>	<b>47</b>	<b>205</b>	<b>50</b>

**incidence rate (I.R.) / ECONOMIC SECTORS - 2007**

DIVISION	DESCRIPTION OF ECONOMIC SECTOR	No. of workers	Injured workers			Incidence rates		Collective Accidents		
			Total	Fatal	Temporary Incapacity to Work	Fatal	Total	Total	Fatal	
1	AGRICULTURE/HUNTING/RELATED SERVICE ACTIVITIES	270,272	66	11	55	0.04	0.24	1	3	
2	FORESTRY/LOGGING/RELATED SERVICE ACTIVITIES	88,985	96	31	65	0.35	1.08			
5	FISHING/FISH HATCHERIES AND FISH FARMS/RELATED SERVICE ACTIVITIES	12,050	2	1	1	0.08	0.17			
0	EXTRACTION /AGGLOMERATION OF COAL	29,779	287	4	283	0.13	9.64			
1	EXTRACTION OF HYDROCARBONS/ RELATED SERVICE ACTIVITIES	64,783	64	3	61	0.05	0.99			
2	EXTRACTION/PROCESSING OF RADIOACTIVE MINERALS	2,008	4		4		1.99			
3	EXTRACTION/PROCESSING OF METAL ORES	7,229	5	1	4	0.14	0.69			
4	OTHER EXTRACTION ACTIVITIES	26,188	20	3	17	0.11	0.76			
5	MANUFACTURE OF FOOD PRODUCTS AND BEVERAGES	246,677	197	6	191	0.02	0.80			
6	MANUFACTURE OF TOBACCO PRODUCTS	6,474	2	1	1	0.15	0.31			
7	MANUFACTURE OF TEXTILE PRODUCTS	187,108	57		57		0.30			
8	MANUFACTURE OF CLOTHING ARTICLES/ARTICLES OF FUR	308,527	74	3	71	0.01	0.24	1	3	
9	TANNING AND DRESSING OF LEATHER; MANUFACTURE OF LUGGAGE, HANDBAGS AND FOOTWEAR	77,817	31	1	30	0.01	0.40			
0	MANUFACTURE OF WOOD, PRODUCTS OF WOOD AND CORK/ MANUFACTURE OF ARTICLES OF STRAW AND PLAITING MATERIALS	92,702	198	21	177	0.23	2.14	1	3	
1	MANUFACTURE OF PULP, PAPER AND PAPER PRODUCTS	16,164	38	2	36	0.12	2.35	1	4	
2	PUBLISHING, PRINTING AND REPRODUCTION OF RECORDED MEDIA	36,381	13		13		0.36			
3	MANUFACTURE OF COKE, REFINED PETROLEUM PRODUCTS AND NUCLEAR FUEL	22,013	7		7		0.32			

4	MANUFACTURE OF CHEMICALS AND CHEMICAL PRODUCTS	64,859	84	10	74	0.15	1.30	2	10	
5	MANUFACTURE OF RUBBER AND PLASTIC PRODUCTS	119,914	105	5	100	0.04	0.88			
6	MANUFACTURE OF OTHER NON-METALLIC MINERAL PRODUCTS	72,581	99	6	93	0.08	1.36			
7	MANUFACTURE OF BASIC METALS	81,958	171	7	164	0.09	2.09	1	3	
8	MANUFACTURE OF FABRICATED METAL PRODUCTS/STRUCTURAL METAL PRODUCTS	125,913	196	10	186	0.08	1.56	2	8	
9	MANUFACTURE OF MACHINERY AND EQUIPMENT	191,237	118	4	114	0.02	0.62			
0	MANUFACTURE OF OFFICE MACHINERY AND COMPUTERS	29,847	5	2	3	0.07	0.17	1	3	
1	MANUFACTURE OF ELECTRICAL MACHINERY AND APPARATUS	78,031	95	3	92	0.04	1.22	1	4	
2	MANUFACTURE OF RADIO, TELEVISION AND COMMUNICATION EQUIPMENT AND APPARATUS	15,328	9	1	8	0.07	0.59			
3	MANUFACTURE OF MEDICAL, PRECISION AND OPTICAL INSTRUMENTS, WATCHES AND CLOCKS	20,883	10	1	9	0.05	0.48			
4	MANUFACTURE OF ROAD TRANSPORT EQUIPMENT	54,166	130	4	126	0.07	2.40	1	16	
5	MANUFACTURE OF OTHER TRANSPORT EQUIPMENT	82,589	142	7	135	0.08	1.72	1	3	
6	MANUFACTURE OF FURNITURE/OTHER MANUFACTURING	158,832	192	1	191	0.01	1.21	3	9	
7	RECYCLING/RECYCLABLE MATERIALS	24,615	39	5	34	0.20	1.58			
0	PRODUCTION AND DISTRIBUTION OF ELECTRICITY/GAS/WATER	123,195	104	8	96	0.06	0.84	1	5	
1	COLLECTION/PURIFICATION AND DISTRIBUTION OF WATER	45,870	52	6	46	0.13	1.13	2	6	
5	CONSTRUCTION	375,548	710	97	613	0.26	1.89	8	30	1
0	SALE, MAINTENANCE AND REPAIR OF MOTOR VEHICLES AND MOTORCYCLES; RETAIL SALE OF AUTOMOTIVE FUEL	88,640	47	8	39	0.09	0.53	1	5	
1	WHOLESALE TRADE AND COMMISSION TRADE, EXCEPT OF MOTOR VEHICLES AND MOTORCYCLES	154,174	154	19	135	0.12	1.00	1	3	
2	RETAIL TRADE, EXCEPT OF MOTOR VEHICLES AND MOTORCYCLES	442,939	107	8	99	0.02	0.24			
5	HOTELS AND RESTAURANTS	108,447	41	3	38	0.03	0.38			
0	LAND TRANSPORT; TRANSPORT VIA PIPELINES	274,661	204	27	177	0.10	0.74	4	49	
1	WATER TRANSPORT	11,333	8	1	7	0.09	0.71			
2	AIR TRANSPORT	18,652	4		4		0.21			



3	SUPPORTING AND AUXILIARY TRANSPORT ACTIVITIES /ACTIVITIES OF TRAVEL AGENCIES	54,464	83	8	75	0.15	1.52			
4	POST AND TELECOMMUNICATIONS	91,274	68	11	57	0.12	0.75	1	5	
5	FINANCIAL INTERMEDIATION (EXCEPT INSURANCE AND PENSION FUNDING)	76,255	21	2	19	0.03	0.28	1	3	
6	INSURANCE AND PENSION FUNDING, EXCEPT COMPULSORY SOCIAL SECURITY	34,223	4	1	3	0.03	0.12			
7	AUXILIARY ACTIVITIES TO FINANCIAL INTERMEDIATION	13,053	0				0.00			
0	REAL ESTATE ACTIVITIES	19,841	13	2	11	0.10	0.66			
1	RENTING OF MACHINERY AND EQUIPMENT WITHOUT OPERATOR AND OF PERSONAL AND HOUSEHOLD GOODS	5,944	9	1	8	0.17	1.51	1	9	
2	COMPUTER AND RELATED ACTIVITIES	33,404	6		6		0.18			
3	RESEARCH AND DEVELOPMENT	22,989	9	1	8	0.04	0.39			
4	OTHER BUSINESS ACTIVITIES	93,031	132	13	119	0.14	1.42			
5	PUBLIC ADMINISTRATION AND DEFENCE; COMPULSORY SOCIAL SECURITY	154,952	72	9	63	0.06	0.46	1	4	
0	EDUCATION	454,458	35	2	33	0.00	0.08	1	4	
5	HEALTH AND SOCIAL WORK	278,685	77	1	76	0.00	0.28	1	4	
0	SEWAGE AND REFUSE DISPOSAL, SANITATION AND SIMILAR ACTIVITIES	38,879	58	4	54	0.10	1.49			
1	VARIOUS ACTIVITIES OF MEMBERSHIP ORGANIZATIONS	28,250	3		3		0.11			
2	RECREATIONAL, CULTURAL AND SPORTING ACTIVITIES	40,468	19	2	17	0.05	0.47			
3	OTHER SERVICE ACTIVITIES	54,354	5		5		0.09			
5	PRIVATE HOUSEHOLDS WITH EMPLOYED PERSONS	9,029	0				0.00			
6	PRIVATE HOUSEHOLD ACTIVITIES /MANUFACTURE OF GOODS FOR THE HOUSEHOLD CONSUMPTION	2,346	0				0.00			
7	PRIVATE HOUSEHOLD ACTIVITIES /SERVICES FOR HOUSEHOLD PURPOSES	484	0				0.00			
9	EXTRA-TERRITORIAL ORGANIZATIONS AND BODIES	1,688	0				0.00			
<b>TOTAL ON ALL ECONOMIC SECTORS</b>		<b>5,767,440</b>	<b>4,601</b>	<b>388</b>	<b>4,213</b>	<b>0.07</b>	<b>0.80</b>	<b>39</b>	<b>196</b>	<b>4</b>

**Article 11 – The right to protection of health**  
**Paragraph 1 – Removal of causes of ill health**

**a. The organization of the system**

The health social insurance system is managed and operated by the National House for Health Insurance (NHHI) - an autonomous public institution, of national interest, with legal personality.

NHHI has as main aim the ensuring of the uniform and coordinated operation of the health social insurance in Romania, in order to implement government policies and programs in health sector, having under subordination the county health social insurance houses and the Health Social Insurance House of Bucharest Municipality.

Health social insurances represent the main system for financing the health care of population, which provides access to a package of basic services to the insured, package that includes medical services, health care, medicines, medical materials, medical devices and other services to which these people are entitled. All these are supported from the Single National Fund for Health Social Insurance.

**b. Benefits in kind and money granted by the health social insurance system in Romania**

**A. Medical Benefits**

*Legal framework:* Law no. 95/2006 on health reform - Title VIII "Health social insurance"

*Field of application:*

*Insured persons* - all Romanian citizens with residence in the country and foreign nationals and stateless persons residing or domiciled in Romania – insured with the payment of social insurance contributions (CASS).

*Persons insured without paying CASS* - children up to the age of 18 years, young people aged 18 years till the age of 26 years if they are students, apprentices and students, the co-insurers (husband, wife, dependent parents supported by a person insured), people provided for in special laws (politically and ethnic persecuted, veterans, war disabled and widows, revolutionaries etc.), disabled people that do not earn incomes from work, sick with diseases included in the national health programmes, if they do not earn incomes from employment, pension or other resources, pregnant women and confinement women if they do not have any income or have incomes below the basic minimum gross wage in economy (540 RON as from July 2008).

*Persons covered by payment of contribution from other sources* - people who are on leave for temporary incapacity of work, granted following an accident at work or an occupational disease, people who are on parental leave for upbringing the child up to the age of 2 years and up to the age of 3 years if the child is disabled, people who are running a punishment with deprivation of liberty or are in preventive arrest, persons receiving unemployment benefits, those who are returned or expelled or are victims of trafficking and are during the necessary procedures to establish their identity, persons who are part of a family who has the right to social welfare, pensioners, for the pension income up to the limit of income subject to tax (1,000 RON) etc.

*Types of medical benefits:*

In Romania, the insured benefit from the package of basic services in case of sickness or accident, the first day of sickness or accident to date and to healing.

The insured have the right to and benefit from:

- curative medical services provided in the offices of family medicine in ambulatory and hospitals which have a contractual relationship with the health insurance houses;
- emergency medical services;
- certain dental services;
- drugs with or without personal contribution, based on medical prescription, sanitary materials and medical devices;
- physical and therapeutic treatment and recovery;
- health care services at home;
- preventive health care services and health promotion, monitoring the developments in pregnancy and confinement, physical and psychomotor tracking in development of infants and children, periodic checks to detect diseases that may have major consequences in morbidity and mortality, certain immunization, family planning services.

*Terms for opening the entitlement to benefits:*

The entitlement to benefits is opened at the time of first payment of the contribution, and is not subject to the achievement of any periods of contribution.

The insured benefit in a non-discriminatory manner from the same package of basic services, regardless of the modality of insurance (paid contribution, exempt from contribution, payment of contribution from other budgetary sources).

## **B. Cash benefits for sickness and maternity**

*The legal framework:* Government Emergency Ordinance no. 158/2005 on leave and allowances Health Insurance

*Field of application:*

Protected persons are as follows: the insured, Romanian citizens, nationals of other countries or stateless persons, during the period in which they domiciled or had residence in Romania, namely:

- people with individual employment contract, including public officials;
- persons working in elective positions or appointed under the executive, legislative or judicial authority, during the term of office;
- cooperative members of an organization of cooperation crafts;
- unemployed (people receiving monthly financial entitlements supported from the budget for unemployment insurance);

N.B.: these categories of insured persons are required to leave and health social insurance allowances, the contribution being borne by the employer.

The national legislation has provided for the possibility of a voluntary insurance, on the basis of statement of insurance for leave and benefits for people who are not mandatory insured and are as follows:

- a. associates, comanditars or shareholders;
- b. directors or managers who concluded an administration or management contract;
- c. members of a family association;
- d. authorized to conduct independent activities;
- e. people that are do not earn income (it is granted only for maternity leave and for ill child care leave)

*Conditions for opening the right:*

The insured are entitled to compensation for temporary incapacity of work, due to ordinary illness or accidents outside of work, as well as for maternity allowance, if they have a contribution length of at least 1 month (22 working days) in the last 12 months proceeding the month covered by the medical leave.

For the medical and surgical emergency, cancer, tuberculosis, AIDS, as well as cases of infectious and

contagious disease group A, the right to compensation is not conditional on the achievement of the contribution length.

**Other cash benefits:**

a) medical leave and benefits for the prevention of illness and recovery ability to work, exclusively for situations arising as a result of accidents at work or occupational disease, and they include:

- allowances for the reduction of working time with a quarter of the normal work duration - is paid for up to 90 days;
- leave and indemnity for quarantine;
- spa treatment - spa treatment duration is between 15 - 21 days.

b) leave and compensation for the care of sick children aged up to 7 years and childcare of children with disabilities aged up to 18 years for inter-current disease. The duration of granting compensations is up to 45 calendar days per year per child, except where the child is diagnosed with infectious and contagious diseases, cancer, is immobilized in gypsum, is subject to surgery.

c) leave and maternal risk allowance - are granted to pregnant female employees and/or mothers to protect their health and safety and/or the unborn child or their child. Total duration is 120 days.

Ministry of Public Health has proposed for the period 2008-2010, improving the health of the population and achieving a modern and effective health system, compatible with the health systems in the European Union, made permanent in the service of citizen.

In this respect, the medium-term priorities of the Ministry of Public Health are the following:

- Actual implementation of equal access of citizens to basic health care
- Increase the quality of life by improving quality and safety of the medical act
- Reach the health and demographic indicators in more developed countries, while decreasing the pathology specific to underdeveloped countries.

In order to improve the health of the population and prevent diseases, every year there are carried out National Health Programmes, developed and implemented separately or jointly by the Ministry of Public Health and the House National for Health Insurance.

Thus, for 2008, there were approved by the Government Decision no. 357/2008, the national health programmes, designed to maintain and improve the health of the population.

The financial resources to finance the national health programmes have come from the state budget, from the own revenues of the Ministry of Public Health and transfers from the budget of the Ministry of Public Health to the Single National Fund for Health Social Insurance.

Health indicators:

- Life expectancy at birth for both sexes, for the period 2005-2007: 72.61 years
- Life expectancy at birth for men, for the period 2005-2007: 69.17 years
- Life expectancy at birth for women, for the period 2005-2007: 76.14 years
- Births in Romania in 2007: 10/1000 inhabitants
- Natal increase of population in 2007: -1.7
- The main mortality causes in Romania in 2007:
  1. diseases of the circulatory system: 717/100,000 inhabitants
  2. tumors: 210.7 / 100,000 inhabitants
  3. digestive system diseases: 67.63 / 100,000 inhabitants.
  4. diseases of the respiratory system: 58.8 / 100,000 inhabitants
  5. trauma, poisoning - 56.9 / 100,000 inhabitants
- Infant mortality in 2007: 12.00 / 1,000 live births
- Interruption of pregnancy in 2007: 639.1 per 1,000 live births
- Mortality 0-4 years: 2.9 per 1,000 persons 0-4 years
- Maternal mortality in 2005: 24/100,000 live births

- The main infectious and parasitic diseases in Romania in 2007:
  1. Tuberculosis
  2. Syphilis
  3. Viral hepatitis
  4. Trichinosis
  5. Salmonelloza
- Medical and health staff in 2007:
  - Doctors - 48,199
  - Residents per 1 doctor - 447
  - Doctors at 10,000 inhabitants - 22.4
  - Environmental health personnel - 136,353
  - Residents per 1 medical assistant - 1939
  - Medical assistants to 10,000 inhabitants - 63.3
- Pregnant women: in 2007 have been taken in record 172,376 pregnant women in November compared with 178,160 pregnant women registered in 2006.

Equipping hospitals with medical equipment with advanced technology , Romania 2006							
Type of unit	Scanners for:		Gamma Apparatus	Apparatus for:			
	Computerized tomography	Tomography with emission of positrons		Magnetic rezonance (RMN apparatus)	Digitala ngio-graphy (DSA apparatus)	Shredding the renal-litotriptor calculus (LSI apparatus)	Terapy with radiations (RAD apparatus)
<b>Total</b>	<b>57</b>	<b>1</b>	<b>25</b>	<b>19</b>	<b>25</b>	<b>28</b>	<b>107</b>
<b>Hospitals</b>	<b>53</b>	<b>1</b>	<b>23</b>	<b>18</b>	<b>25</b>	<b>28</b>	<b>102</b>
<b>Policlinics</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Centers for diagnosis and treatment</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Specialized medical centers</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Specialized ambulatories</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Hospital ambulatories</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>3</b>

### Access to health care

According to Article 214 para.(1) of Law no. 95/2006 with subsequent amendments stipulates that "the assured people from states with which Romania has concluded international agreements on provisions in the field of health care benefit from other benefits granted on the territory of Romania, under the terms of those documents."

The Department for Investments in Medical Apparatus inside the Ministry of Public Health collects concrete applications for medical devices submitted by all health units in the country and has created a database on the needs of medical devices for 2008. These applications must be accompanied by reports made by public health units in accordance with Order no. 1204/2005 on the recording and reporting of medical devices in public health units, published in the Official Journal no. 1003/17/11/2005. Under this Order, users of medical devices are required to provide a documented record of the medical devices and to report to the Ministry of Public Health all the medical devices existing in the unit, recorded in the accounts as fixed assets, regardless of the modality of procuring them.

In 2008 it was held an extensive investment program for the development and modernization of the health system and for the needs of medical equipment, by types and medical units at national level, which is produced after a thorough analysis of the applications for equipments by the Directorate General for Policies, Strategies and Quality Management in Health with the participation of Specialty Committees of the Ministry of Public Health, based on an assessment of both data extracted from reporting results according to procedures specified in the Order, and requests made by public health units, applications that are endorsed by the County Public Health Units. The implementation of programs for endowment with medical equipment is in conjunction with the programs for insurance and health care development at regional and national level.

Maternal and infant mortality is a subject that is the attention of authorities who determine health policies in Romania. Analysis of maternal mortality is important in the context of public health as an indicator of the development of medical services, but also as an indicator of the development of a country. The index of maternal mortality in Romania in 2007 was 0.15 per 1000 live births similar to that in 2006, but it situated in the improvement trend of the recent years, values being 0.17‰ in 2005, 0, 24‰ in 2004, 0.3‰ in 2003 and 0.22‰ in 2002. These values are included in the positive evolution trend of the last 16 years, evolution which was stopped by the growth in 2003. The latest results represent the minimum for the period 1990-2006.

The decrease of maternal mortality in recent years has been mainly due to decreasing mortality by abortion, and this rate reached a value of 0.05‰ in 2006 compared to 0.07‰ in 2005. In 2006 maternal mortality by abortion recorded the lowest rate for the past 23 years. Evolution for 2006 lead to a maternal mortality by abortion with a value below that of mortality by direct obstetric risk (0.10‰), while in 2004 they had equal values.

In 2006 there were made 150,246 interruptions of pregnancy compared with 163,359 interruptions of pregnancy carried out in 2005, meaning 26.8 interruptions of pregnancy in 1000 women, compared with 28.1 fertile interruptions of pregnancy in 1,000 fertile women in 2005. Most of them are registered in rural areas. The existence of deaths caused by abortion and implicitly the interruptions of pregnancy by empirical methods is a proof of the gaps existing in health education of the population, of the need to support the work of family planning and promote modern methods of contraception. The share of death by abortion is given by the group of women aged 35-39 years (33.33%) and 25-29 years (25%). The decrease of mortality through abortion was due to the activities of procurement and distribution of contraceptives through the National Program for Health of Women and Children. Thus, the clinics of family planning have been distributed free to those eligible hormonal contraceptives, barrier and intrauterine devices funded from the state budget and by international donations.

Infant mortality returns since 2005 among the demographic indicators with positive development. In 2004 its value has climbed slightly, in 2005 the decreasing tendency became obvious and the indicator fell to 15 per 1000 live births, while in 2006 it fell to 13.9‰ from 16.8‰ in 2004.

However Romania continues to maintain first place in Europe as regards the rate of maternal mortality.

The shares held by the Ministry of Public Health to improve health are governed by the following strategic/acts:

- Strategy on reproductive health and sexuality;
- G.D. no. 1088/2004 for approval of the National Strategy on Health Services and of the Action Plan for health sector reform;
- Law no. 424/2004 on the ratification of the Agreement between the Government of Romania and United Nations Fund for Population for the application mutatis mutandis of the Agreement between the Government of Romania and the United Nations Development Program, signed in Bucharest on 23 January 1991, the activities and personnel of the United Nations Fund for Population in Romania, agreed through exchange of letters signed in New York on 5 May 2003 and in Bucharest on 13 November 2003;

- H.G. No. 47/2002 for approving the Memorandum of Understanding between the Government of Romania and the Government of the United States, signed in Bucharest on 14 November 2001;
- Framework-agreement on the terms of providing medical care within the system of social health insurance and its Methodological Rules, since 2001 provide for the granting of medical assistance free of charge to all pregnant women, newborn and infants, regardless of their social status;
- Order of the Minister of Public Health no. 1881/2006 on prioritizing hospital units, the wards and compartments of obstetrics-gynecology and neonatology.

The specifically focused interventions of the Ministry of Public Health on the health needs of women materialized in annual national programs within which there were implemented subprograms/interventions for women's health. They concerned:

- Increase access and degree of use of family planning services and modern methods of contraception in order to reduce the number of abandoned children and maternal mortality;
- Reduce maternal mortality by obstetric risk and the infant mortality by increasing access to and quality of service pre-, intra- and post-natal;
- Improving early found genital and breast cancer.

It also has been covered the legal framework that provides maternity protection at work, represented by GEO no. 96/2003 approved by Law no. 25/2004.

At present we are considering revising the legal framework for analysis of maternal mortality and the introduction of confidential analysis of maternal deaths and cases of near-miss.

The loan for the reform of health system - Phase II funded by the IBRD and the EIB is based on Law no. 171 of 9 June 2005 for the ratification of loan agreement between Romania and the International Bank for Reconstruction and Development for financing the Project on health sector reform - Phase II, signed on 28 January 2005, as well as on Government Decision no. 442 of 12 May 2005 for approval of the funding contract between Romania and the European Investment Bank for financing the project on the rehabilitation of the health sector, signed on 28 February 2005. Project completion is December 2009.

The project aims to reduce mortality and premature death, ensuring a fair access to health services and improving the effectiveness of the health sector. The overall objective of the project is to provide services more accessible, improved quality and improved health outcomes for people who require assistance to maternal and neonatal medical emergency and primary health care in rural areas. Component 1 of the project, maternal and neonatal care, refers to the rehabilitation of maternity units and neonatal medical care and providing medical equipment, technical assistance and training of personnel in providing services in modern obstetrics, gynecology and neonatology.

**Paragraph 2 - Provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health.**

Romania has undertaken a series of measures aimed at promoting health and encouraging individual responsibility in matters of health.

Thus, in the meaning of Art.11.2 of the European Social Charter Revised, Romanian authorities have approved in 2008, the conduct of the following national health programs: The National Program on Health Promotion, the National Program for Women's and Children's Health, the National Program on community assistance and health actions, the National Program on assessment on the health status of the population in primary health care.

The National Program on Health Promotion aims to improve the health of the population by promoting a healthy lifestyle and combat the main risk factors. The sub-programmes inside the National Program on health promotion are as follows: (1) The Program on promoting a healthy lifestyle, (2) The Program on communication, information and promotion of actions in the national health programs, (3) The Program on reducing tobacco consumption.

The National program for Women's and Children's Health aims to increase access and quality health services to women and children.

The National Program on assessment on the health status of the population in primary health care has as objectives: assessing the health of the population and risk factors in order to preserve and promote health and prevent disease and complications; raising-awareness on the weight of risk factors for diseases with major impact on public health; improve the health of the population by increasing population access to preventive healthcare and increasing life expectancy; counseling and clinical and biological screening with a view to early detection of cancer, cardiovascular etc., depending on the risk factors identified during the assessment of the population health.

The National Program on community assistance and health action aims to improve the health of the population, by increasing access to medical services provided at community level for the vulnerable population in the areas.

Since 1996 in the schools in Romania is taught as optional subject "Education for health". The introduction of this study in the general education has as objectives:

- to ensure pupils' education for a healthy lifestyle;
- to facilitate access to accurate information, opinion, both in urban and rural areas;
- to achieve, indirectly, adult education;
- to decrease the number of illnesses and behaviors with risk to health;
- to contribute to increasing the quality of medical act.

Also, the Ministry of Public Health supports and participates in programs/ projects/ activities aimed at promoting health.

**Paragraph 3 - Take appropriate measures designed inter alia to prevent as far as possible epidemic, endemic and other diseases, as well as accidents.**

There were developed national programs on communicable diseases. They include:

1. The National Immunization Program, which aims to protect population health against major diseases that are preventable by vaccination.
2. The National Program for transmissible diseases (HIV infection, tuberculosis, hepatitis, viral infections, sexually transmitted diseases and other priority transmissible diseases) aims at monitoring and controlling of HIV/ AIDS, tuberculosis, viral hepatitis, sexually transmitted infections and other priority transmissible diseases.
3. The National Program on the surveillance and control of hospital-acquired infections, with the objective of enhancing the quality of medical services in hospitals by improving the management of hospital-acquired infections.
4. The National Program on monitoring the determining factors in life and at work, which aims to protect public health by preventing diseases associated with the determining risk factors in life and at work.
5. The National Program on hematology and transfusion security.

Also, Romania has an ongoing program to control tobacco consumption - which aims to decrease tobacco consumption by discouraging smoking and encouraging the beginning of smoking cessation.

Since 2007, the Ministry of Public Health has joined the initiative of WHO Regional Office for Europe ongoing campaign "European Week Vaccination." This is a campaign to raise awareness of the importance of vaccination of children and respect the right of every child to vaccination.

In the year 2004 was approved by Order of the Ministry of Health no. 123, The National Action Plan for



the supervision and control of transmissible diseases, and in 2005 was approved by Order no. 883 of 16.08.2005, the methodology for early warning and rapid response in case of transmissible diseases. Also, the Ministry of Public Health supports and participates in programs/ projects/ activities aimed at promoting health.

Statistical data:

- A representative study at the national level, achieved in 2001, showed that in Romania, 37.6% of men and 12.5% of women in age group 20-64 years were active smokers.
- Consumption of alcohol recorded per capita has remained relatively constant since 1980, ranging between 10-12 liters of pure alcohol per year. In recent years, beer has become the most consumed type of alcohol, followed closely by wine and spirits. The unregistered consumption of alcohol biases, perhaps, this distribution towards wines and spirits.
- Vaccinations and revaccinations Romania in 2007: 7,184.1 thousands

The State Sanitary Inspection of the Ministry of Public Health is the authority empowered to exercise the official control in the fields of public health. The areas in which it operates are the following:

- Food,
- Water,
- Waste,
- Life environment of the population,
- Environmental work,
- Units of education, recreation and leisure,
- Sanitary, pharmaceutical, transfusion and transplant units,
- Cosmetics, biocides,
- Tobacco products,
- Medical devices.

The activity of the State Sanitary Inspection aims to detect the risk factors for public health, to analyze the risks posed by them to health, the establishment and/or the setting up of measures to eliminate or, as the case may be, to diminish the risks.

The representatives of county health inspections and of the Health Inspection in Bucharest verify the compliance of sanitary rules with the laws in force, through planned and thematic control actions, made following the complaints of individuals, legal entities, or at the request of other national and international institutions, by rapid alert systems. Also they participate in control actions, according to their prerogatives, under the "National Program for Prevention - Objective: Preventing diseases through the monitoring of factors that determine the life and work environment." Among these actions there are:

- Inspection of the risk factors in food;
- Monitoring of toxic infections provoked by food;
- Inspection activities on the action of risk factors upon the environment;
- Health surveillance in relation to the quality of drinking water, bathing water quality;
- Inspection of cosmetic products;
- Monitoring and inspection of the management of medical waste;
- Inspection activities on the action of risk factors in children and young people communities and of hygienic and sanitary conditions in the camps and colonies etc.

On the occasion of control actions, for the nonconformities found in relation with the legal provisions in force, there are set deadlines to remedy the deficiencies, there are applied sanctions by sending warnings and fines, as well as the suspension or prohibition of companies' activities. In situations of risk for the public health, the health inspectors can forbid the marketing, may decide to withdraw the products and may require any special measures that the situation requires.

### **Air pollution**

The acquis communautaire in the field of air quality was fully transposed into the national legislation by:

- Emergency Governmental Ordinance (EGO) no. 243/2000 on atmosphere protection approved by Law no. 655/2001
- EGO no. 12/2007 for the amendment of certain legal acts which are transposing the acquis communautaire in the environmental protection field, approved by Law no. 161/2007
- Ministerial Order (MO) no. 592/2002 for the approval of Norms establishing the limit values, the threshold values and the assessment criteria relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead (PM<sub>10</sub>, PM<sub>2.5</sub>), benzene, carbon monoxide and ozone in ambient air
- MO no. 27/2007 for the amendment of certain orders which are transposing the acquis comunitare in the environmental protection field
- Governmental Decision (GD) no. 543/2004 on the elaboration and implementation of air quality management plans and programs in order to reach the limit values in a certain period of time
- GD no. 210/2007 for the amendment of certain legal acts which are transposing the acquis communautaire in the environmental protection field
- MO no. 448/2007 on approval of Norms for evaluation of arsenic, cadmium, mercury, nickel and aromatic polycyclic hydrocarbons in ambient air
- MO no. 35/2007 on approval of Methodological Guide for elaboration and implementation of the Plans and Programs for air quality management
- MO no. 745/2002 establishing the agglomerations and the classification of agglomerations and areas for the assessment of the air quality in Romania

The air quality is assessed, at the national level, through the National Monitoring System for Air Quality, composed more than 100 automatic monitoring stations, equipped with instruments for analyses of SO<sub>2</sub>, NO/NO<sub>x</sub>, CO, O<sub>3</sub>, PM<sub>10</sub>. This system is managed, at the county level by the Environmental Protection Agencies (EPAs).

The air quality data are sent on-line from the stations direct to the local EPAs, to the public information panels and to the dedicated web site: [www.calitateaer.ro](http://www.calitateaer.ro)

In case of exceeding the limit values occurred for one or more pollutants, the local EPA will identify the operator responsible with this exceeding, and start to draw up the plans and programs for air quality management. These plans and programs contain the actions and the measures for short and long time in order to attain the limit values.

According with the EGO no. 243/2000, the National Environmental Guard is the responsible institution to apply penalties for unconformity. In case the operator has been identified as responsible for the exceeded limit values for pollutants, the National Environmental Guard applies penalties according with the specific regulations into force.

### **Asbestos**

In accordance with the provisions of the *Governmental Decision no. 124/2003 concerning the prevention and reduction of environmental pollution by asbestos*, the economic operators from this field stopped the production and the marketing of the asbestos and the products containing asbestos. Some of the economic operators have readjusted their production; others are in the liquidation procedure. However, for environmental protection, the disposal in a safety way of the asbestos waste will be continuously monitored in accordance with the legal provisions into force:

- MO no. 95 from 12 February 2005 for establishing acceptance criteria and preliminary acceptance procedures of waste to landfills and the national list of accepted waste for each class of landfill (transposing Council Decision 2003/33/CE establishing criteria and procedures for waste acceptance to landfill and Annex II from Directive 1999/31/CE) and
- GD no. 349 /2005 on the landfill of waste (transposing Directive 1999/31/CE on the landfill of waste).

In the field of food hygiene, Romania, as a member state of the European Union applies the provisions of the European legislation, namely the provisions of European Parliament and Council Regulation no. 852/2004/EC regarding food hygiene.

The national legislation containing provisions contrary to the European legislation in the field of food safety, including Government Decision 1190/2002 was repealed, and currently is in force the Government decision no. 836 of 25 July 2007 on the modification and completion of supervisory norms, sanitary inspection and control of natural areas used for bathing, approved by G.D. no.88/2004.

The National Authority for Consumer Protection has the role to coordinate and accomplish the Government strategy and policy in the field of consumers' protection, taking action on preventing and fighting against harmful practices to life, health, security or economic interests of consumers and assesses the effects, on the market, of the supervisory systems of products and services destined to them.

**The consumer protection policy for the period 2005-2008** has the following general objectives in order to promote the consumer interests on the market:

1. Realization of a high level of consumer protection;
2. Effective enforcement of consumer protection rules;
3. Strengthening the information, consulting and education of the consumers.

The strategy, through its objectives and priorities, aims the realization of a consumer protection in Romania similar with the one existing in the member states of the European union, including health, safety, economic interests, consumers information and education as well as promotion of the consumer organizations to participate actively in making the consumer protection policy.

Regarding the measures that have to be taken in order to prevent the activities injurious to health like smoking, The National Authority for Consumer Protection verified if there are respected the provisions of the Law no 349/2002 (amended by Government Ordinance no. 13/2003, Law nr. 275/2003, Law no. 90/2004, Law no.553/2004) regarding the smoking in public alimentary places (bars, restaurants, coffee houses, etc) as well as in discos, clubs and other similar public places

As the result of the control actions, NACP disposes notifications and infringement penalties, including temporary stop of the economic operators activity until the remediation of the non-conformities.

## **ASBESTOS**

In accordance with Government Decision no. 124/2003 on preventing and combating environmental pollution by asbestos, economic operators in this area have ceased production and marketing of asbestos and asbestos products. Some of the operators re-adapted their production, while others are in liquidation proceedings. However, in order to protect the environment, the monitoring of safe disposal of asbestos waste will continue in accordance with the laws in force, namely:

- Order no. 95 of 12 February 2005 on the establishment of acceptance criteria and acceptance procedures for waste storage and the national list of waste accepted in each class of waste storage (it transposes the Council Decision 2003/33/EC establishing criteria and procedures for accepting waste storage as a result of art. 16 and Annex II to Directive 1999/31/EC) and
- G.D. 349/2005 on the waste storage (it transposes Directive 1999/31/EC on waste storing).

## **Measures to fight against smoking, alcohol consumption and drug addiction**

### **I. Policies in the field of reducing drug demand, including alcohol and tobacco**

#### **I.1. Strategic documents and primary legislation in this area**

**A. The 2005-2012 National Anti-Drugs Strategy**, by which the Government of Romanian declares

publicly the fight against drugs as a national priority, has been prepared in accordance with the requirements and the European strategy in this area. The 2005-2012 National Anti-Drugs Strategy was approved by Government Decision nr.73/2005.

Under this document, by the end of the period 2005-2012, Romania will work in an integrated system of institutions and public services, which will ensure reduction in the incidence and prevalence of drug use among the general population, health care, psychological and social assistance and increase efficiency of activities to prevent and combat illicit production and trafficking of drugs and precursors.

The aim of the strategy in the first stage (2-4 years) is to maintain a low level of drug use among the general population and, in the second stage, to reduce cases of new consumers, in parallel with the reduction of organized crime in connection with drugs.

The overall objective of the component on prevention of drug use is awareness and involvement of the entire population, especially children and young people, in universal, selective and indicated programs to prevent drug use, in order to strengthen the influence of protection factors and reduce the influence of risk factors.

The specific objectives of prevention programs in schools are:

- development of attitudes and practices among the general population which attends a form of education, through school and leisure, with a view to adopt a healthy lifestyle without tobacco, alcohol and drugs.
- increasing the influence of protection factors at small ages in order to avoid or at least delay the beginning of consumption of alcohol, tobacco and drugs.
- raising awareness and educate the school population in order to avoid experimental/ recreational drug consumption and the shift to the regular use of it.

The specific objectives of the prevention of drug use in the family are as follows:

- raising awareness and motivating the parents with a view to their active and objective involvement, in correlation with the other areas of preventive intervention.
- provide prevention programs that allow parents to become active in preventing drug use within the family.
- develop training programs for parents in order to increase the influence of protection factors and decrease the risk of drug use.

The specific objectives of the prevention programs implemented in the community are:

- Initiate and conduct by the local authorities of projects of local interest, in public-private partnership, for anti-drug protection of their communities, with the support of county Centers for prevention, drug evaluation and counseling.
- Encourage and support by local authorities, including financially, the initiatives of NGOs that are involved in preventing drug use in local communities.
- Develop and conduct programs financed from the state budget for the prevention of drug use in regional areas of interest, differentiated in relation to the number of consumers, consumer preferences, occupational status, the characteristics of groups at risk, features of economic development, tourism, infrastructure, environment etc.
- Initiation and development of appropriate projects and programs for the benefit of local communities, to strengthen civic, cultural and spiritual education, which is the alternative of living healthy, cultivating the abstinence from drugs, including alcohol and tobacco, encouraging the formation of a social climate to prevent stigmatization and marginalization of people affected by drug use.
- Creating opportunities and stimulating the participation of media to projects and campaigns drug, through specific programs.
- Develop programs to inform and raise awareness of the general population for acquiring an attitude of tolerance in order to reduce marginalization and stigmatization of drug users and an attitude of responsibility in preventing consumption.

- Developing a system of evaluation and monitoring, integrated and individualized for children and young people at risk, to facilitate the process of maturation, social integration, education and training.
- Raising awareness, informing and empowering all media for the transmission of messages of preventive character, based on scientific evidence.
- Develop anti-drug programs to inform and educate, addressed to all persons in military service and other professional categories involving responsibility and public risk.
- Expanding education programs to promote a healthy lifestyle and to prevent drug use among all people in prison.
- Improving the legislative provisions for the implementation of anti-drug protection measures, including for the athletes.
- Create and develop a national integrated system of services specialized on the prevention of drug use, as well as a national system of vocational training in this area, including the elaboration and validation of the minimum quality standards for prevention services .

**B. The 2005-2008 Government Program, Chapter 27 “National Policy and Security”, Subheading III, "Internal Affairs"** emphasizes that the Government will follow institutional reconstruction of central authority in this area, correlative with the implementation of policies that will target mainly *preventing and combating crime, introducing quality standards for public services*, as well as implementing the regulations and directives issued by the Council on border control and visas.

Regarding the institutional capacity, according to this document, the Romanian Government, through the public authorities responsible for internal affairs, must adopt measures aimed to strengthen the ability to use effectively and in a sustainable way the financial and human resources available, for the purpose of providing quality public services. The strengthening of the institutional capacity will be focused on the resources management, the setting up of minimum standards for quality public services and the establishment of a monitoring and evaluation system of public services and public servants.

In Chapter 27 of the 2005-2008 Government Program, one of the strategic objectives of the chapter on preventing and combating crime is "combating trafficking and drug use."

The **strategic objectives** undertaken in the Government Program, in chapter "B.4.Traffick and drug use" are:

- implementation of the national strategy to combat trafficking and consumption of drugs in accordance with EU strategy to combat drug trafficking;
- strengthening of customs control;
- using investigators covered in actions to combat networks of drugs traffic;
- strengthen the Anti-Drug Unit from the Directorate General for Combating Organized Crime and Drugs, of the Romanian Police;
- achieve an integrated management in the field of combating trafficking and drug use, among the General Directorate for Combating Organized Crime and Drugs of the Romanian Police, the Directorate for Combating Cross-border Crime in the Romanian Border Police, the Directorate General of Customs and the Ministry of Public Health. The system will be jointly approved by the relevant ministries.

**C. The 2005-2007 Strategy for the reform of the judiciary system** includes targets related to the social reintegration of prisoners, improving health care, prevention and combating drug use in prisons.

- **Government Decision no.323/2005** on the approval of Action Plan to implement the National Anti-drug Strategy for the period 2005-2008, published in the Official Journal no. 376/2005.
- **Law no. 143/2000** on preventing and combating trafficking and consumption of illicit drugs, published in the Official Journal no.362/2000, with subsequent amendments. The changing of this law was aimed primarily at introducing alternative treatment for "holding to drug use", the conceptual demarcation between consumer and dependent consumer", introducing the notions of "integrated therapeutic program" etc.
- **Government Decision nr.860/2005** for approval of the Regulation on the implementation of Law no. 143/2000 on preventing and combating trafficking and consumption of illicit drugs, with subsequent amendments, published in the Official Journal no.749/2005.

- **Government Decision nr.1243/2005** to approve "The Great Romanian Anti-Drugs Alliance" (MARA), published in the Official Journal no. 949/2005.
- **"The Great Romanian Anti-Drug Alliance"** (MARA) aims at the establishment and implementation of a national integrated system to prevent and combat trafficking and consumption of illicit drugs.

In terms of the prevention of drug use, this system aims to:

- Create a regional institutional network for implementation of projects in partnership with local administration, NGOs and local structures;
- Develop an integrated information system to facilitate the collection, in a unitary form of data and information on preventing and combating trafficking and consumption of illicit drugs, as well as their statistical evaluation;
- Systematic assessment of the dynamics of drugs phenomenon and implementation of national policies in the field;
- Adapting specialized structures for combating trafficking and consumption of illicit drugs to European standards;
- Specialization of professionals in the field;
- Coordinate the relevant institutions on the basis of assessments and studies.

The specific objectives of MARA program in the field of prevention, during the 5 years implementation period (2005-2009) are:

1. developing sectoral prevention sub-programs.
2. the development of prevention, drug evaluation and counseling services and setting up of complex contained in the therapeutic circuit for drug consumers.
3. computerization of the national integrated system for monitoring the dynamics of consumption and trafficking of illicit drugs.

**The role of the National Anti-Drug Agency** of coordination in the field of prevention and combating trafficking and consumption of illicit drugs is exercised primarily through the establishment of a **single concept** and a **unitary strategic direction** to approach the phenomenon, applicable to all state authorities, other institutions and non-governmental organizations involved. The **coordination** entails the establishment of unique criteria and indicators for assessing the phenomenon of drugs by all the institutions involved in the component for drug prevention, with the 3 sub-components (school, family and community).

**Projects implemented by the National Anti-Drug Agency in order to prevent the consumption of tobacco, alcohol and illicit drugs:**

## **A. National projects**

### **A.1. MY ANTI-DRUGS MESSAGE**

The project initiator is the National Anti-Drug Agency and partner is the Ministry of Education, Research and Youth.

Purpose of the project: prevention of drug use by involving pupils and students in extracurricular activities - cultural, artistic and sports - through which to promote an anti-drug message of positive type.

**The 4th edition of the 2006-2007** national contest "My anti-drugs message" had the following sections:

- web page (on 3 categories: presentation page of an institution, presentation page of a project, information page of magazine-type);
- short films, digital photography, spot;
- literary essay and epigram;
- visual arts - drawing, painting, graphics (new section);
- drug anthem (new section);
- sport - handball, volleyball, basketball, soccer, rugby.

The national contest offered the premises for promoting alternatives to a healthy lifestyle among pupils and students.

The contest brought together more than 220,000 pupils and students of about 4,000 schools and 300 high schools, which have competed for 81 prizes granted to the best works.

The 4th edition of the contest ended on 29 October 2007, with the gala award at the National Children's Palace, where approx. 500 pupils from Bucharest attended as spectators.

Currently is ongoing the 5<sup>th</sup> edition of the contest, the novelty of it being the inclusion of a new section named "Environmental projects".

#### **A.2. The project "SCHOOL – THRESHOLD OF LIFE"**

The project was implemented in the school year 2006 - 2007, by the National Anti-Drug Agency (NADA) in collaboration with the Directorate-General of Police of Bucharest, the School Inspectorate of Bucharest and in the high schools in Bucharest.

The purpose of the project was to lower the crime rate and juvenile delinquency and to maintain a low level of drug use in the schools in Bucharest. It was envisaged to create awareness and involve the social actors with key responsibilities in preventing juvenile delinquency and crime, drug use, as well as involve students, teachers and parents in joint projects and activities designed to strengthen the influence of protective factors and to reduce the influence of risk factors.

The activities carried out included the following: the establishment of prevention groups in each high school, consisting of specialists of NADA, the police of proximity, education advisers, representatives of pupils and parents; the achievement in each high school of activities to prevent delinquency, crime and drug use, by the following methods: information on the risks associated with drug use, conducted debates, brainstorming and play of roles.

#### **A.3. The campaign "OPTIONS: ACCESS TO SUCCESS"**

The aim of the campaign: information and awareness about the risks of drug use by students in 17 high schools in Bucharest. The campaign was conducted during October 2007 - May 2008.

The original element of the campaign is the theatre play "100% drugs risk" on the theme of drug use, designed by the band of professional actors TRANSCENA specifically to be represented in high schools. Before each performance there were held information sessions with pupils on the risks of drug use. In the show students discuss and negotiate with people the best solutions for the main character: a young woman who gets to consume heroin. Starting from these recorded feedbacks, there will be completed the teaching material for parents.

The campaign is conducted by the National Anti-Drug Agency, Association TRANSCENA, and the Foundation for Education. The show is a theater production of ARCUB and Association TRANSCENA.

#### **A.4. The project on prevention in the family "PROTEGO"**

The project "PROTEGO - family education for skills on preventing addiction", implemented in 2006-2007, in 27 Centers for Drug Prevention, Assessment and Counseling. The project was implemented in 47 schools, where the meetings informed of the effects of drug use, risk and family protective factors. There were trained 4728 parents, of which 399 were enrolled in the project. Following the final assessment there were a number of 408 direct beneficiaries and 1506 indirect beneficiaries.

In the year 2006-2007, 300 sequential activities to prevent drug use were held in the high schools in Bucharest, where approximately 15,000 students have participated in.

#### **A.5. The indicated prevention campaign "alternative"**

The campaign was launched in partnership with the National University of Theater and Cinematography, as an activity of the twinning project RO/04/IB/JH-08, "Strengthening the institutional capacity of the Romanian agencies involved in the reduction of drug use" (Activity 24).

The aim of the campaign was increasing the addressability of population with increased risk of consumption and of drug users to the integrated support services.

The overall objective of the campaign was to change consumption attitudes and behaviors of high-risk population and drug users, by informing and promoting integrated support services (objective of motivational type).

The direct beneficiaries of the campaign were young drug users or high-risk consumers, aged 16-25 years, and the indirect beneficiaries were parents and professionals in the field of health care and social assistance.

The campaign was conducted during October 2007 - February 2008.

#### **A.6. The project "THROUGH CULTURE AGAINST DRUGS - SIBIU 2007" (June 11-13 2007)**

The project was conducted in the context of having the city of Sibiu the European Capital of Culture. It consisted of supporting cultural, scientific and sports events with anti-drug messages, as an alternative healthy lifestyles to drug use. In the event were also involved the "Foundation for Education," "International Anti-Drug Brigade" and the Association "Therapeutic Community Moeltrup" (Denmark).

#### **A.7. The information and counseling telephone lines**

The free phone line TEL-GREEN, as a type of community service for informing the public, parents, adolescents and young people at increased risk of drug use, is operational from April 2005. In 2007 there were recorded 534 calls, of which 130 have been calls for consumption of injectable heroin, 44 calls for consumption, use and abuse of alcohol, and 97 calls for consumption of tobacco.

#### **A.8. Creating and developing a network of anti-drugs volunteers**

In 2007, a new methodology for working with volunteers was developed, the purpose of which is to increase the volunteers' efficiency.

The methodology includes those actions and activities, useful in the development of volunteer work at the centers, starting from the description of recruitment of volunteers and ending with monitoring and evaluating them.

The total number of volunteers accredited by the National Anti-Drugs Agency is 1341, of which:

- The number of volunteers accredited by the National Anti-Drugs Agency is 137;
- The number of volunteers accredited by the Centers for Prevention, Assessment and Counseling is 1204.

Examples of good practices in activities with volunteers: 2007 Gala Awards NADA, prevention campaigns, the International Day against drug abuse, the NGOs Fair, events for leisure time.

#### **A.9. Local projects**

In the period 2007 - June 2008, the Anti-Drug Centers for Prevention, Evaluation and Counseling (CPECA) have implemented over 230 projects to prevent drug use.

In the counties where the centers are older than some of the projects, the latest have been resumed and developed as a result of the good results recorded in the first implementation.

Among the examples of good practice there can be noted: "Be SMART without tobacco" and "I know, I am informed", CPECA Bacau; "Let's talk" - CPECA Sector 3; "Together for Life", CPECA Calarasi;



"The future belongs to you", CPECA Cluj; "Anti-drug clubs", "It's up to you," "Friends, help kids say yes to life!", CPECA Constanta; "Choose to be independent", CPECA Dâmbovița; "Mark 10 to health", CPECA Timiș; "Give a chance of life", CPECA Vaslui; "Anti-drug partnership in school", CPECA Tulcea; "With the pencil in drug fight", CPECA Braila; "Tradition and healthy lifestyle", CPECA Arges; "Cineforum anti-drugs", CPECA Satu Mare; "Healthy through sport", CPECA Gorj; "Together against drugs", CPECA Maramures; "Learn to say NO to temptation", CPECA Galați; "Free without drugs", CPECA Mehedinți; "Being informed = Being able to decide", CPECA Brasov; "A healthy mother, a healthy child", CPECA Braila; "The School of young mothers", CPECA Buzau; "United for the children's future" - CPECA Călărași, "Skills for life – basic education to prevent drug use", CPECA Covasna.

In the field of prevention of drug use within the minority groups, it worth being mentioned few examples of good practice at local level: CPECA Alba: Partnership signed with Roma Party, branch of Alba County, information activities in the city of Aiud at the local headquarters of the Roma Party. Beneficiaries: 20 young Roma and local leaders. CPECA Brăila: "Closer to culture, further from drugs" is aimed at preventing drug use by transmitting information on the drug phenomenon and the promotion of activities that constitute an alternative leisure. CPECA Călărași: Round table on "Multiculturalism and public order." CPECA Dâmbovița: information activities on prevention of risks associated with drug injections – prevention of HIV infection, attended by 28 young Roma. The activity was carried out in collaboration with Roma Party - Pro Europe - Branch Dâmbovița, the Authority for Public Health and the NGO "Save the Children" Bucharest.

#### **A.10. International projects to prevent drug use**

- The "**Partnership against drugs - a partnership for influencing policies for an appropriate provision of services against drug addiction**", funded by World Learning, was implemented during 2006 - 2007, in partnership with the Foundation for Community Care (FIC) and the Romanian Anti-Drugs Association (ARAS). The project aimed to develop a long term partnership between the NGOs and the public institutions in order to create a mechanism for planning the policy interventions against addictions and a functional network of services for people who consume drugs;
- The regional project "**Peer Drive Clean**" completed in June 2008 was aimed at informing, educating and raising awareness of young people who are attending school for drivers, about the risks of drug use when driving. The project was initiated by the Mistel Institute (Germany), in partnership with governmental institutions and NGOs in Europe (Portugal, the Netherlands, Belgium, Spain, Austria, Estonia, Romania, Slovenia and Italy). In 2007 there have been supported by peers, information and education sessions in schools and high schools for car drivers in Bucharest.
- The project "**Daidalos**" developed and initiated by the organization Social Cooperative Community Oasi 2 San Francisco Onlus - Trani (Italy) in cooperation with non-governmental organizations and public institutions in Romania, Bulgaria and Moldova. The National Anti-Drug Agency is a partner and will participate actively in the specific activities of the project.

#### **Projects to prevent tobacco consumption**

**The national project "Classes without smoking"** (sustainable project, at its 4<sup>th</sup> edition) was implemented by NADA, in partnership with Ministry of Education, Research and Youth, the Association Pure Air Romania, the Regional Office of the International Council in the field of Addictions for Eastern Europe and Central Asia (ICAA), International Federation of Educational Communities of Romania (FICE).

The project aims to prevent tobacco consumption among children in the age group 11 - 15 years, by developing personal and social skills.

From November 2006 until May 2007, it was held **the 3<sup>rd</sup> edition of this European project**, which brought together, along with Romania, other 18 states. The project was expanded nationally, with the exception of Maramures and Bistrita-Nasaud counties. It also was made a web page ([www.clasefarafumat.ro](http://www.clasefarafumat.ro)) where all materials and the project data became accessible to the public at large.

During the reference period, inside the project the specialists of the Center for Evaluation and Counseling, together with their partners, organized information and education sessions on the risks of tobacco consumption. They were instructed 1,940 teachers and approximately 90,000 parents who have spread knowledge and skills acquired to a number of 45,811 students (direct beneficiaries of the project), which means 43 classrooms in each mentioned county (district of Bucharest).

The assessment of the results, which took into account the number of people (both smokers and non smokers) who have not smoked in the competition are being finalized.

**The national campaign organized on the occasion of World Day without Tobacco**, celebrated every year on May 31, provides the information and public awareness about the risks arising from the consumption of tobacco, the practices of companies producing tobacco, the demarches initiated by the international fora on combating the spread of diseases associated with tobacco consumption, as well as the right of each of us to live healthy.

The proposed slogan for this year by the World Health Organization, on the occasion of World Day Without Tobacco, was: "Youth Without Tobacco", a slogan which is part of a call to action to young people, policy makers, civil society and the general public in order prohibit total advertising and promotion of tobacco products and to promote legislative measures that could lead to decreased consumption of tobacco in the general population and among adolescents and young people in particular.

In this context, to mark the National Day without Tobacco in 2008, the National Anti-Drug Agency organized a campaign to raise awareness of parents, young people, teachers, policy makers, journalists, public opinion, about the importance of the adoption and implementation of legislative measures to prohibit all forms of advertising and promotion of tobacco products.

The national campaign was implemented by organizing a contest of open letters, between 500-1000 words, with the theme "Youth without Tobacco", addressed to adolescents and young people aged 14-16 years in urban high schools.

The campaign materials used at national level were: 4000 posters A3 and 10,000 flyers with messages adapted after WHO proposals.

**The national campaign organized on the occasion of the National Day without Tobacco in 2008**, marked in the third week of November (the Thursday in the third week), provides the opportunity for information and public awareness about the risks arising from the consumption of tobacco, the tobacco companies' practices, the approaches made by international fora on combating the spread of diseases associated with tobacco consumption and the right of each of us to live healthy.

**The campaign called "Environments 100% free of tobacco smoke"** implemented on the occasion of th World Day and the National Day without Tobacco (2007) was aimed at raising awareness of the general population on the need to respect the laws in this field and get involved in promoting free of smoke spaces, thus respecting the right of every person to breathe clean air.

The proposed objectives were:

- information to the public on the benefits of free of smoke spaces;
- raising awareness of the need to respect the legislative ban on smoking in public spaces.

The national campaign's message on the National Day without Tobacco was "Create and enjoy free of smoke places!"

## **Article 12 – Right to social security**

### **Paragraph 1 – Existence of a social security system**

In 1997, by the Law nr.145/1997 it was introduced the social health insurance system. It was thus given up the model for such funding by the state health system and it was adopted the health system based on health insurance (Bismarkian system). The system involves raising revenues through mandatory contributions and specific ways of redistribution and allocation of funds in the health system.

Law no. 145/1997 on social health insurance has undergone numerous changes after its adoption, and later it was abrogated by the Government Emergency Ordinance no. 150/2002 on the organization and functioning of the health social insurance system. At present, social health insurances are covered in Title VIII of the Law no. 95/2006 on the health reform, law which repealed GEO no. 150/2002.

According to Art. 208 of Law no. 95/2006, the health social insurance represent the main financing system in the protection of population's health, which provide access to a package of basic services to the ensure. The objectives of this system are: the protection of the endured against the cost of medical services in case of sickness or accident and insurance and protection of the ensured in a universal, fair and non-discriminatory manner. In the spirit of the law, the ensured are all Romanian citizens with residence in the country, as well as foreign citizens and stateless persons who have requested and obtained the right to extend the temporary stay or have permanent residence in Romania and provide proof of payment contribution to the fund. In this position, the person signs an insurance contract with the houses of health insurance, either directly or through an employer.

The objectives of the health social insurance system are as follows:

- a) protect the ensured persons against the costs of medical services in case of sickness or accident;
- b) protect the ensured persons in a universal, fair and non-discriminatory way, in terms of efficient use of the Single National Fund for Health Insurance.

According to Art.123 of Law 95/2006 with subsequent amendments, the following categories of persons benefit from the insurance, without payment of a contribution:

- a) all children aged up to 18 years, youth aged between 18 and 26 years if they are students, including graduates from high school until the start of the academic year, but no more than 3 months, students or apprentices and if they not achieve income from work;
- b) youths aged up to 26 years who come from the state child protection system and do not realize income from employment or are beneficiaries of social aid granted under the Law no. 416/2001 on minimum income guaranteed, with subsequent amendments; husband, wife and parents without own income, in the maintenance of a person insured;
- c) those persons whose rights are established by Decree-law no. 118/1990 on the granting of rights to persons persecuted for reasons of political dictatorship starting from 6 March 1945 and those deported abroad or formed prisoners, republished, as subsequently amended and supplemented by Government Ordinance no. 105/1999 on the granting of rights to persons persecuted by the regimes established in Romania with effect from 6 September 1940 until 6 March 1945 on the grounds of ethnicity, approved with amendments and completions by Law no. 189/2000, with subsequent amendments by Law no. 44/1994 on war veterans and certain rights of the disabled and widows of war, republished, with subsequent amendments by Law no. 309/2002 on the recognition and grant of certain rights to people who have made the military service within the Directorate General of Labor Service between 1950 - 1961, with amendments and completions, as well as individuals referred to in Art. 3 (1) b) of the Law no. 341/2004 on gratitude to the heroes and martyrs who have contributed to the victory of the Romanian Revolution of December 1989, as amended and supplemented, if do not earn other income than from cash rights granted by these laws, as well as from pensions;

- d) people with disabilities who do not earn incomes from employment, pension or other sources, except those from the Government Emergency Ordinance no. 102/1999 on the special protection and employment of persons with disabilities, approved with amendments and completions by Law no. 519/2002, with subsequent amendments;
- e) sick people with diseases included in the national health programs established by the Ministry of Public Health, until they get cured from that respective disease, if they do not realize income from work, pension or from other resources;
- f) pregnant women and women in confinement if they do not have any income or have incomes below the basic minimum gross salary in economy.

(2) There are deemed insured the persons under one of the following situations, during that period, with the payment of the contribution from other sources, under this law:

- a) are on leave for temporary incapacity of work, granted following an accident at work or an occupational disease;
- b) are in parental leave for upbringing the child until it reaches the age of 2 years, or 3 years in the case of children with disabilities;
- c) are accomplishing a punishment or deprivation of liberty in preventive arrest;
- d) persons who receive unemployment benefits;
- e) shall be returned or expelled or are victims of trafficking and are in the procedures necessary to establish their identity;
- f) persons who are part of a family who has the right to social welfare, according to Law no. 416/2001, with subsequent amendments;
- g) pensioners, for the pension income, up to the limit on income subject to tax;
- h) persons who are in the enforcement of measures provided for in Art. 105, 113, 114 of the Criminal Code, people who are in the interruption or postponement of execution of sentences for imprisonment, if you do not have income.

### **The calculation for temporary incapacity of work**

A. In order to determine the amount of the allowance for temporary incapacity for work due to illness or ordinary accident outside of work is applicable Art. 65 of the European Code of Social Security.

The amount is determined by applying a percentage of 75%, and in severe cases, expressly provided by law, the percentage is 100%, to the basis of calculation established by law.

The basis for calculating the allowance is determined as monthly average income in the last 6 months, based on which the contribution for leave and allowances in those respective months was paid.

B. The wage of a male qualified employee's whose earnings are referred to in paragraph 3 of Art. 65 of the Code: 984 RON.

According to Art. 2 letter a) of GEO no.158/2005 on leaves and health insurance, to which the policyholders are entitled, are the medical leaves and allowances for temporary incapacity for work, due to ordinary illness or accidents outside the workplace. According to Article 10 of the same act, the basis for calculation of such benefits is determined as average of the monthly income in the last 6 months of the 12 months which represent the contribution period, up to a maximum of 12 minimum gross national wages, based on which is calculated the contribution for leave and allowances.

**The gross monthly allowance for temporary incapacity for work is determined by applying 75% to the calculation basis afore-mentioned.**

**The gross monthly allowance for temporary incapacity for work caused by tuberculosis, AIDS, cancer and a infectious and contagious disease in Group A, as well as by medical and surgical emergency is 100% of the calculation basis.**

The standard beneficiary was chosen a mechanic because it represents the highest number of skilled workers in manufacturing industry, according to Table 6 "The employees, the major groups of occupations, by gender and by activities in the national economy on 31 October 2006", page 89 of the paper "Distribution of employees on the group made wage in October 2006".  
The total number of employed mechanics and employees who worked in October 2006 is 439,338.

*Calculation of temporary incapacity for work for the standard beneficiary.*

Standard beneficiary: man.

The wage before the occurrence of risk: 984 RON

Average wage income:  $984 \times 6 = 5904$ ;  $5904 / 6 = 984$  (it was considered that the recipient had a standard income for 6 months).

The allowance for temporary incapacity of work (for an ordinary disease):  $984 \times 75\% = 738$  RON,

D. The amount of benefits during the reference period is RON 738 and RON 984 (100%).

### **Unemployment insurance**

During the reference period, January 1<sup>st</sup>, 2005- December 31<sup>st</sup> 2007, the legal framework in force on the unemployment insurance system and employment stimulation is represented by the Law no.76/ 2002 on the unemployment insurance system and employment stimulation with its further amendments and complements issued for applying this law.

Through the mentioned above normative act, there are stipulated measures for the increase of the employability of the jobseekers as well as for the stimulation of the employers to employ the unemployed and for the job-creation, mainly through: vocational information and counseling, job-matching, vocational training, counseling and assistance to start an activity as self-employed or to start-up a business, financial support to employ the unemployed for community work, stimulating the employers to create new jobs and to employ the unemployed coming from the most disadvantages groups, encouraging labor mobility by granting incentives (installment bonuses) to the unemployed who find employment in a locality other than that there they reside in, and, subsequently, change their residence or they find employment further from their residence (employment bonuses), stimulating employment of the graduates of educational institutions pr special schools, being at least 16 years old, registered with the agencies for employment by granting incentives (employment bonuses), refunding 50% of the employer's expenditures for the vocational training of their own staff.

For creating new jobs by way of setting up and developing small and medium sized enterprises, cooperative units, family associations as well as for developing independent activities performed by authorized natural persons, low-interest credits are granted according to the normative act from the Unemployment Insurance Fund.

The measures from Law no.76/ 2002 with its further amendments and complements have as a purpose the achievement of the following labor market objectives:

- a) to prevent unemployment and to fight against its social effects;
- b) to integrate or re-integrate the jobseekers into the labour market;
- c) to support the employment of persons belonging to categories disadvantaged on the labour market;
- d) to ensure equal opportunities on the labour market;
- e) to stimulate the unemployed to take-up employment;
- f) to stimulate the employers to hire jobseekers;
- g) to improve the structure of employment by economic branches and geographical areas;
- h) to increase the labour force mobility in view of the structural changes the national economy is undergoing;

- i) to provide protection within the framework of the unemployment insurance system.

The provisions of this law shall be implemented without any discrimination based on age, gender, race, nationality, language, ethnic origin, social category, beliefs, and political or religious affiliation.

The special measures and entitlements granted by this law to persons belonging to disadvantaged categories do not represent discrimination in the sense of its provisions.

Beneficiaries of the Law no.76/2002 with its further amendments and complements are the jobseekers who are in one of the following situations:

- a) have become unemployed according to its provisions
- b) were not able to take-up employment after graduating from an educational institution or after completing the compulsory military service;
- c) have a job but, due to various reasons, would like to change it;
- d) have obtained a refugee status or other form of international protection, according to the law;
- e) foreigners who have been employed or have earned an income in Romania, according to the law;
- f) have not been able to take-up employment following repatriation or release from prison.

Under the unemployment insurance system, are insured, according to this law, natural persons, called hereinafter insured persons.

The insured persons may be:

- a) Romanian citizens who are employed or earn incomes in Romania, according to the law;
- b) Romanian citizens working abroad, according to the law;
- c) foreigners who, during a period of time when they have their domicile or residence in Romania, are employed or earn an income, according to the law.

The insured persons have the obligation to pay their unemployment insurance contribution and are entitled to unemployment benefit, according to this law.

The following persons are compulsory covered by the unemployment insurance system as a consequence of the law:

- a) persons who perform activities based upon an individual labor contract or persons who perform activities based exclusively upon a civil convention for service providing and earn a gross income during a calendar year equivalent to 9 minimum economy-wide gross wages;
- b) civil servants and other persons who perform activities based upon an appointment document;
- c) people who perform activities in elected positions or are appointed within the executive, legislative or judicial authority, during their mandate;
- d) military staff employed with a contract;
- e) people who have working relations as co-operative members;
- f) other persons who earn an income from activities performed according to the law and who do not find themselves under any of the situations mentioned under a)-e).

The following persons can be insured against unemployment in Romania, according to the Law no. 76/2002 with its further amendments and complements:

- a) sole associate, associates;
- b) administrators who have concluded contracts according to the law;
- c) persons authorized to perform independent activities as self-employed;
- d) members of family associations;
- e) Romanian citizens working abroad, according to the law;

f) other persons who earn an income from activities performed according to the law and who do not find themselves into any of the situations mentioned under a)-e).

The persons who can insure themselves in the unemployment insurance system in Romania can conclude an unemployment insurance contract with the employment agency within the area of which their domicile or, where appropriate, residence is located if they are at least 18 years old and are insured in the public system of pensions and the health insurance system. The monthly income for which the persons mentioned above are insured cannot be lower than the minimum economy-wide gross wage.

The budget of the Unemployment Insurance Fund includes the revenues and expenditures of the unemployment insurance system.

The revenues of the Unemployment Insurance Fund budget consist of:

- a) contributions by the employers and legal persons assimilated to employers, according to this law
- b) individual contributions by the persons insured compulsory by the law ;
- c) contributions due by the persons who conclude unemployment insurance contracts;
- d) revenues from other sources, including foreign funding.

The unemployment benefit granted according to Law no.76/2002 with its further amendments and complements is a partial compensation of the income of the insured person following job-loss, or of the income of graduates of educational institutions or of military personnel who completed their compulsory military service and were not able to take-up employment.

In order to establish the right to the unemployment benefit, the unemployed provided are individuals who may be in one of the following situations:

- a) their individual labour contract has been terminated for reasons they cannot be made responsible for;
- b) their public service relations have been terminated for reasons they cannot be made responsible for;
- c) the mandate for which they have been either appointed or elected has ended, if they were not previously employed or if it is no longer possible to resume their activity due to the fact that the employer closed down his business;
- d) military staff hired with a contract which has been terminated before completing the period for which it had been concluded;
- e) their working relations as a cooperative member have been terminated for reasons they cannot be made responsible for;
- f) they have concluded an unemployment insurance contract and do not earn any income or the income they earn from activities authorised according to the law is lower than the unemployment benefit they would have been entitled to according to the law;
- g) have stopped their activity as a consequence of retirement for disability reasons and, in case of recovery of their working capacity, may no longer take-up employment because the employer closed down his business or due to the lack of a vacancy having the same nature as the position they previously had;
- h) upon end of the paid leave for child care until he/she reaches 2, respectively 3 years old in the case of a disabled child, according to the law, it was not possible to resume activity because the employer closed down his business;
- i) were unable to reintegrate on the labour market after the end of the active military service, due to the final termination of their employer's activity;
- j) their reinsertion into work, as ordered by a final legal decision, is no longer possible within the undertakings where they have been previously employed because their activity was closed down or within the undertakings that have taken-over their patrimony;

- k) their activity, performed exclusively based upon a civil convention, has been terminated.

The persons who couldn't find employment after graduation an educational institution or after completing the military service are considered unemployed if they meet the following conditions:

- a) are graduates of educational institutions, having at least 16 years old, and within 60 days from graduation could not find a job according to their vocational training;
- b) are graduates of special schools for disabled people or of educational institutions, being at least 16 years old and, weren't able to find employment according to their vocational training;
- c) people who, before completing the compulsory military service, had no job and within 30 days from their discharge were not able to take-up employment.

The unemployed shall receive unemployment benefit if they meet simultaneously the following conditions:

- a) have completed a contribution period of minimum 12 months during the last 24 months prior to the registration of their application;
- b) do not earn any income or earn from legally authorized activities incomes which are lower than the unemployment benefit;
- c) do not meet the requirements for retirement, according to the law;
- d) are registered with the employment agencies within the area of which they domicile or residence, respectively is located, if they had their last job or they earned incomes in that locality.

The unemployed considered unemployed are entitled to unemployment benefit if they meet simultaneously the following conditions:

- a) are registered with the employment agencies within the area of which their domicile or residence is located;
- b) do not earn any income or earn from legally authorized activities incomes which are lower than the unemployment benefit;
- c) do not meet the requirements for retirement, according to the law.

The persons who, at the date of requesting the right, refuse a job appropriate to their training or educational background situated with no more than 50 km away from their domicile or refuse to participate in the services for employment stimulation and vocational training offered by the employment agencies will not receive unemployment benefit.

The graduates who, at the date when they request the benefit are still studying do not benefit from the unemployment benefit.

The unemployment benefit is granted upon request to the unemployed, where appropriate, from the date of:

- a) termination of the individual labour contract;
- b) termination of the public service relations;
- c) end of the mandate for which they have been appointed or elected;
- d) termination of the contract of military staff hired with a contract;
- e) termination of co-operative member status;
- f) termination of the unemployment insurance contract;
- g) end of the reason for which they were retired;
- h) end of reason the work or service relations were suspended;
- i) the legal decision becoming final;
- j) cease of the activity performed exclusively upon a civil convention basis;



- k) expiration of the 60-day period since the graduation for the graduates of educational institutions being at least 16 years old who didn't find employment according to their vocational training;
- l) are graduates of special schools for disabled people or of educational institutions, being at least 16 years old and, weren't able to find employment according to their vocational training;
- m) people who, before completing the compulsory military service, had no job and within 30 days from their discharge were not able to take-up employment.

The unemployment benefit is granted from the date stipulated if the application is registered with the employment agency within 30 days from that date. If the application is registered after the 30-day period expired but not later than 12 months from the date stipulated data, the unemployment benefit is granted starting from the date of registering the application.

The maximum 12-month period is the deadline for losing the rights.

The unemployment benefit is granted to the unemployed people for periods of time established differently according to their contribution period, as follows:

- a) 6 months for a contribution period up to 5 years but not lower than 1 year;
- b) 9 months for a contribution period from 5 to 10 years;
- c) 12 months for a contribution period higher than 10 years.

The unemployment benefit is granted to the persons assimilated to the unemployed for a 6-month period.

The persons who receive unemployment benefits have the following obligations:

- a) to come monthly, according to a schedule or anytime they are requested, to the employment agency where they are registered in order to receive support for taking-up employment;
- b) to communicate within 3 days to the employment agency where they are registered any modification of the conditions which have led to granting the benefit;
- c) to participate in the services for employment stimulation and vocational training offered by the employment agency where they are registered;
- d) to seek actively a job.

The payment of the unemployment benefit granted according to Law no.76/2002 with its further amendments and complements to the beneficiaries is terminated as follows:

- a) at the date of taking-up employment, according to the law, for a period longer than 12 months;
- b) at the date when they earn from legally authorized activities a monthly income higher than the unemployment benefit;
- c) within 90 days from issuing the functioning authorization for self-employment activities or the registration certificate, according to the law, if they earn a monthly income higher than the unemployment benefit;
- d) at the date of the unjustified refusal to take-up employment according to their training or educational background in a workplace located with not more than 50 km from their domicile;
- e) at the date of the unjustified refusal to participate in the services for employment stimulation and vocational training or at the date of dropping-out these services for reasons they can be made responsible for;
- f) if the retirement period for disability reasons exceeds 12 months;
- g) at the date of meeting the conditions for old age retirement, from the date of the request for the early retirement or from the date when the disability pension becomes final;
- h) at the date when the beneficiary leaves the country for more than 3 months;
- i) at the date of beginning a prison sentence for a period longer than 12 months;

- j) in case of the beneficiary's decease;
- k) upon expiration of the terms stipulated in art. 45 par. (2) and (3);
- l) upon expiration of the terms stipulated in art. 39 par. (1) and art. 40 par. (1), respectively;
- m) at the date of enrolling in a type of education of the persons assimilated as unemployed mentioned in art.17 align (2)., let. a) and b), respectively to art. 40 align (1) from the Law 76/2002.

According to Law no.76/2002, with its further amendments and complements, for the unemployed who benefit of the unemployment benefit according to the provisions of the law, it is mandatory to participate in job matching services at the request of the agencies for employment they are registered with.

According to the art.37 align (3) from the mentioned methodological norms the following situations the persons are not held responsible for:

- a) giving birth to a child;
- b) marriage;
- c) sickness
- d) in case of death of the husband, wife or up to second degree relatives;
- e) caring out the military obligations
- f) force majeure

Compared to those mentioned above and, taking into account the provisions of the art.25 from the methodological rules of applying the Law 76/2002, approved by the Government Decision no.174/2002, with the further amendments and complements, we specify that other situations and reasons than those regulated by the legal provisions invocated are imputable to the beneficiary of the unemployment benefit, as a person who participate in employment stimulation and vocational training services, representing an unjustified refusal in terms of the art.44 letter e) from Law no.76/2002, with the amendments and complements.

The cease of the unemployment benefits is made in accordance to the art.45 align.(1) from the Law no.76/2002, with further amendments and complements, as follows:

- a) at the date when they did not observe the obligation stipulated in art. 41 par. (1) a);
- b) during the compulsory military service;
- c) at the date of employment, according to the law, with an individual labour contract for a fixed-term period shorter than 12 months;
- d) at the date of leaving the country for a period shorter than 3 months, upon request;
- e) during the period of time he/she is under preventive arrest under a prison sentence no longer than 12 months;
- f) at the date of retirement for disability reasons;
- g) during the period of receiving the allowance for a temporary loss of the working capacity, the allowance for maternal leave and the allowance for child care leave until the child reaches the age of 2 or 3 years old in the case of the disabled child, respectively;
- h) during the period of a temporary loss of working capacity longer than 3 days following injuries occurred during the training, retraining and upgrading courses or other types of vocational training, during and as a result of the on-the-job training;
- i) during the period of receiving severance payments, according to the law.

The payment is resumed, after its suspension under the conditions provided for in align.(1) a), from the date of the application by the beneficiary, but not later than 60 calendar days since the suspension date.

The payment is resumed, after its suspension under the conditions provided for in align.(1) b)-i), from the date of the application by the beneficiary, but not later than 30 calendar days since the end of the situation which has led to the suspension..

The suspension period provided for in art.45 align. (1) a) is part of the period for granting the unemployment benefit.

Besides the unemployment benefit, as a social protection measure with a passive feature, the Law no.76/2002, with further amendments and complements, also regulates a series of measures for employment stimulation in order of increase the employability of the jobseekers.

The increase of the employability of the jobseekers as well as for the stimulation of the employers to employ the unemployed and for the job-creation, mainly through: vocational information and counseling, job-matching, vocational training, counseling and assistance to start an activity as self-employed or to start-up a business, as well as employment stimulation measures addressed to the persons who benefit of the unemployment benefit according to the law, or to the graduates of the educational institutions.

According to the Law 76/2002, with its further amendments and complements, the unemployed, and also the persons assimilated to the unemployed people who, before completing the compulsory military service, had no job and within 30 days from their discharge were not able to take-up employment, to whom the right to receive the unemployment benefit was decided, according to the law and take a full-time job according to the law and, as a consequence of taking-up employment, they don't receive the unemployment benefit, they benefit, since the time of employment until the end of the period for which they would have been entitled to receive the unemployment benefit, from a monthly tax-free amount from the Unemployment Insurance Fund equal to 30% of the established unemployment benefit and, by case, changed in accordance to the law.

The persons mentioned also receive this benefit if, during the period when they have the right to receive the unemployment benefit, their service or work relations with the first employer cease and they are hired by another employer. The benefit will be granted until the end of the period for which the person has the right to receive the unemployment benefit.

The persons who don't benefit of the mentioned measure are the persons hired by employers with who they had working or service relations in the last 2 years and also the persons for whom the unemployment benefit was ceased as a consequence of employment, according to the law, for a period up to 12 months, as a consequence of changing the work individual contract period, (a period longer than 12 months), the unemployment benefit is not granted anymore.

According to the Law 76/2002, with its further amendments and complements, the graduates of educational institutions and the graduates of special schools, older than 16 years, registered to the employment agencies, receive, in the situation when they take a full-time job for a period longer than 12 months, from the Unemployment Insurance Fund, a bonus equal with a minimum economy-wide gross wage, which is actual at the date of taking up employment.

Also, if the graduates for whom the right of receiving the unemployment benefit was decided take a full-time job for a period higher than 12 months, when they still receive the unemployment benefit, they receive an amount equal to the unemployment benefit, from the Unemployment Insurance Fund, to which they would have the right, in the limits of the law, until the end of the period of unemployment benefit, provided in the case that they are not employed. These rights are provided for the graduates who continue their working or service relations for a period higher than 12 months from the date of employment. The minimum economy-wide gross wage, taken into account when the unemployment benefit is calculated, to which these graduates have the right, in the limits of the law, if they are not employed, is the minimum economy-wide gross wage, in force at the date of their employment.

The persons who do not benefit by the provisions of the specified measures are as follows:

- a) the graduates who, when they graduated, they had working or service relations;
- b) graduates who are hired by employers with who they had working or service relations for the past 2 years;
- c) the graduates who, at the date of requesting the right, are attending a type of education;

- d) graduates of education institutions for which the employers have the obligation, according to the law, to hire their graduates;
- e) graduates for whom the unemployment benefit ceased as a consequence of taking up employment, according to the law, for a period higher than 12 months and, further, as a consequence of changing the period of the work individual contract, (the period higher than 12 months), providing the unemployment benefit ceased.

According to the Law no.76/2002, with its further amendments and complements, the persons who, during the period when they receive the unemployment benefit, take-up employment according to the law in a locality located with more than 50 km away from the locality where they have their stable domicile, benefit from a tax-free employment bonus covered from the Unemployment Insurance Fund budget equal to two minimum economy-wide gross wages in force at the date of granting.

Also, the persons who, during the period when they receive the unemployment benefit, take-up employment, according to the law, in another locality and subsequently change their domicile will receive an employment bonus equal to 7 minimum economy-wide gross wages in force at the date of granting.

## **Article 12, paragraph 1 and 2**

### **The material and personal field of application of Law no. 19/2000 on the public system of pensions and other social insurance rights:**

In the Romanian public pensions system, the social insurance benefits represent replacement incomes awarded in case of total or partial loss of insured incomes, as a result of old age, disability or death.

The social insurance benefits are awarded in the form of pensions (old age, early retirement, partial early retirement, disability and survivor's pensions), aids (death aids) and other categories of benefits as stipulated by the current law in force (benefits for sickness prevention and work capacity rehabilitation).

In the considered period of reference, the following categories of persons were necessarily covered, by law effect:

- I. the persons employed on individual labor contract basis and the public officers;
- II. the persons holding elected positions or appointed by the executive, legislative or judicial authorities, on the period of their legal mandate and also members of a handicraft cooperative, whose rights and obligations are assimilated, in terms of the present law, to those of the persons mentioned under point I;
- III. the persons benefiting of monthly pecuniary rights paid from the Unemployment Fund Budget;
- IV. the persons whose gross income per calendar year amounts at minimum 3 average national gross wages and find themselves in one of the following situations:
  - a) unique partner, sleeping partner, shareholder or partner;
  - b) administrators or managers hired on the basis of an administration or management contract;
  - c) family partnerships' members;
  - d) authorized self-employed persons;
  - e) employees of international institutions, if not insured by the latter;
  - f) other persons earning incomes from professional activities.

V. the persons whose aggregated gross incomes per calendar year amounts to minimum 3 national average gross wages, and find themselves in two or more of the categories stipulated in point IV;

In the public pensions system, the possibility of getting covered based on a social insurance contract was also stipulated for the persons who were not necessarily covered neither by the public pension system nor by other social insurance systems not integrated in the public system, those who did not benefit of social insurance benefits from the public system, those who did not attend university courses, as well as those who did not attend the regular military service.

Since the 22nd of July 2007, the insurance ceilings have been eliminated, the self-employed persons getting the obligation to be insured, on condition of earning professional incomes, regardless the amount thereof.

The condition of a minimum ceiling of earnings which imposed the mandatory insurance within the public pension system was maintained for the persons who found themselves in two or more of the situations stipulated under par. 4.

Since January the 1st 2008, all the conditions regarding the minimum amount of incomes from which resulted in the obligation of being covered by the public pension system have been eliminated.

Since the same date, the possibilities of concluding a voluntary insurance contract in the public pension system have been extended upon all the natural insured persons, regardless their coverage by the public pension system.

The enlargement of basis of contributors to public pension system, by the mandatory coverage by public pension system of all natural persons carrying out professional incomes, regardless of the amount thereof, will guarantee the social protection of all professionally active categories of population.

#### Statistical data for the concerned period of reference:

##### 1. Number of insured persons:

- Nominal statements:
  - 2005 – 5,071,771
  - 2006 – 5,280,848
  - 2007 – 5,505,419
- Insurance statements (self employed):
  - 2005 – 115,522
  - 2006 – 114,166
  - 2007 – 111,065
- Insurance contracts (voluntary insurance):
  - 2005 – 67,298
  - 2006 – 70,918
  - 2007 – 76,001

##### 2. Number of pension beneficiaries, on pension categories and the rate of replacement of incomes by pensions :

- The state social insurances:
  - 2005: 4,610.6 thousands of pensioners and 35.8% - the replacement rate calculated in relation with the average net wage
  - 2006: 4,633 thousands of pensioners and 36.1% - the replacement rate calculated in relation with the average net wage
  - 2007: 4,643.5 thousands of pensioners and 38.3% - the replacement rate calculated in relation with the average net wage
- Total old age pensions:
  - 2005: 3,036 thousand of pensioners and 41.8% - the replacement rate calculated in relation with the average net wage
  - 2006: 3,027.6 thousands of pensioners and 42% - the replacement rate calculated in relation with the average net wage
  - 2007: 3,037.6 thousands of pensioners and 44.4% - the replacement rate calculated in relation with the average net
- Early retirement pensions:

- 2005: 11.9 thousands of pensioners and 52.4% - the replacement rate calculated in relation with the average net wage
  - 2006: 12.1 thousands of pensioners and 51,2% - the replacement rate calculated in relation with the average net wage
  - 2007: 11.4 thousands of pensioners and 53,7% - the replacement rate calculated in relation with the average net wage
- Partial early retirement pensions:
    - 2005: 112.8 thousands of pensioners and 32,7% - the replacement rate calculated in relation with the average net wage
    - 2006: 119 thousands of pensioners and 33,3% - the replacement rate calculated in relation with the average net wage
    - 2007: 117 thousands of pensioners and 36,3% - the replacement rate calculated in relation with the average net wage
- Disability:
    - 2005: 822.9 thousands of pensioners and 27,9% - the replacement rate calculated in relation with the average net wage
    - 2006: 860.4 thousands of pensioners and 28,9% - the replacement rate calculated in relation with the average net wage
    - 2007: 876.6 thousands of pensioners and 30,3% - the replacement rate calculated in relation with the average net wage
- Survivors:
    - 2005: 627.2 thousands of pensioners and 17.3% - the replacement rate calculated in relation with the average net wage
    - 2006: 613.9 thousands of pensioners and 17,7% - the replacement rate calculated in relation with the average net wage
    - 2007: 600.8 thousands of pensioners and 18,8% - the replacement rate calculated in relation with the average net wage
- Pensioners taken over from the former system of pensions for farmers:
    - 2005: 1.291.8 thousands of pensioners and 11,8% - the replacement rate calculated in relation with the average net wage 2006: 1.005.5 thousands of pensioners and 13,6% - the replacement rate calculated in relation with the average net wage 2007: 931,9 thousands of pensioners and 15,2% - the replacement rate calculated in relation with the average net wage

### **Calculation of old age pension for the standard beneficiary**

Standard recipients: man.

The standard recipient is represented by a workman because they are the largest number of skilled workers in manufacturing.

In addition to the afore-mentioned aspects, in accordance with the European Code of Social Security, it was chosen as a standard beneficiary a workman because they represent the largest number of skilled workers in manufacturing, 439,338 people, according to Table 6 "The employees, the major groups of occupations, gender and activities in the national economy on 31 October 2006", page 89 of the paper "Distribution of employees on wage group made in October 2006".

*Ordinance no. 42 of 16 August 2006 on the rectification of the social security budget for 2006:*

- According to art. 9 of the Ordinance no. 42 on correction of the social security budget for 2006, the pension point, determined according to art. 80 of Law no. 19/2000 on public pension and other social security, with subsequent amendments, is 339.3 RON, and is applied since 1 September 2006.

In accordance with Table 4 of the paper "Distribution of employees on the wage groups earned in October 2006", the average gross wage earned by the employees who have worked 22 days in October, by gender and activities of the national economy, the average gross salary earned by the employees in manufacturing is 984 RON.

### **The calculation of old-age pension**

#### **October 2006**

The value of pension point: 339 RON

Salary earned before the occurrence of the risk: 722 RON

Score:  $722/984 = 0.733$

The pension amount:  $339 \times 0.733 = 248,487$

Replacement rate:  $248/722 = 0.343$

### **Family benefits**

The **state allowance for children** is a universal right granted by the state for all children without discrimination. From this law benefit all children up to 18 years old and children of foreign nationals and persons without citizenship residing legally in Romania. For children with disabilities, including children with disabilities of HIV/AIDS type, the state allowance is granted in amount increased by 100%.

The person or legal representative of the family who took in placement one or more children receives a **monthly placement allowance**. The allowance is paid for each child for whom it was taken the placement measure. Meanwhile, from this allowance benefit also the children for whom it was established the guardianship. For children with disabilities, including children with disabilities of HIV/AIDS type, the placement allowance is granted in amount increased by 50%.

The **complementary family allowance**, established since 2004, is granted differentiated according to family structure and taking account of its revenues. The allowance is granted to families consisting of husband, wife and dependent children up to 18 years and who reside together. The family allowance is granted to family members who are Romanian citizens who live in Romania, as well as citizens of other states or stateless persons who domicile or reside in Romania.

There are considered as part of the family also the adopted children, entrusted or given in family placement, according to the law. For families receiving social welfare, the complementary family allowance amount is increased by 25%.

In order to support mono-parental families, it was established the **allowance to support mono-parental families**. This allowance benefits families consisting of a single person and dependent children up to 18 years and who live together with that person. There are considered as part of the family also the adopted children, entrusted, in placement or for which it was set the guardianship. The allowance is granted differentiated on family structure and also taking into account the earnings in the family.

Families who have dependent children of school age receive complementary family allowance, and the allowance for mono-parental family support, if the children are integrated a form of education organized by law.

With effect from 1 January 2006, people who in the last year prior to the birth date of a child have achieved 12 months of professional income, receive parental leave for child upbringing until is aged 2

years or, in the case of a child with disabilities, until the child is 3 years, as well as an **allowance for child upbringing**. Persons who are entitled to receive the allowance for child upbringing, who achieve professional income subject to income tax, benefit from a bonus the amount of which is set by the legislation in force, waive the allowance. The bonus is actually a measure of support to people who are returning to work before the end of the 2, and 3 years, in the case of children with disabilities. From this allowance, respectively bonus, optionally benefit any of the natural parents of the child and parents who have adopted children, which has been entrusted with the child, for the purpose of adoption or placement, and the person who was appointed guardian. The two benefits are granted for the first 3 births.

In order to support the family, it was continued the program on providing the **allowance for newborn children**. This allowance is paid only once at the birth for each of the first 4 children born alive. Also, for each new child born from 1 January 2007 is given a free trousseau which includes clothing, underwear and products for care. The trousseau is granted only once by the local public administration, when the mother and child leave the maternity or when the birth certificate is issued.

In order to respect the principle of reconciling family and professional life, employers give **crèches tickets** to employees whose children receive services in nurseries.

In order to **protect persons with disabilities** the reporting period was characterized by the existence of a package of benefits, namely a **monthly allowance** provided to persons with severe or pronounced disabilities who have no incomes. For people with severe or pronounced disabilities who earn incomes, the amount of monthly allowance is differentiated. Meanwhile, blind adults are entitled to **social allowance**, regardless of the incomes which they earn, but differentiated according to the degree of disability that the person has. Blind persons with severe disabilities who earn wage income on a individual contract of employment, benefit in addition to their wage from a monthly allowance of which amount is set by legislation.

From 1 January 2007, the legislation on special protection of disabled persons has been amended, and the benefits are as follows: **monthly allowance and monthly complementary budget** whose beneficiaries are adults with disabilities, and the amount is variable depending only on the degree of disabilities, disregarding the earnings.

The person who has in care or supervise dependent children with disabilities receive under the new legislation the following rights:

1. the person/parent enrolled in the state insurance system receives:

- the leave for parental up to the age to 7 years;
- the allowance for upbringing the disabled child until it reaches the age of 3 years, respectively 7 years;
- the allowance for upbringing the disabled children aged between 3 and 7 years;
- the complementary monthly budget regardless of income, differentiated by the degree of disability of the child.

The parent can return to the labor market before the child turns the age of 3 years, respectively 7 years, giving up the right to allowance.

2. the person/parent with disabilities who has a dependent child with disabilities and who does not earns revenues, other than those arising from the legislation on the protection of persons with disabilities, receives:

- the monthly allowance for upbringing the child with disabilities, until it reaches the age of 3 years;
- the monthly allowance for upbringing the child aged between 3 and 7 years;
- the complementary monthly budget regardless of incomes, differentiated by the degree of disability of the child;
- the monthly allowance depending on the degree of disability, regardless of income.

3. the person/parent who is not in the system of state insurance receives:



- the monthly allowance for upbringing the child with disabilities, in terms provided by GEO no. 148/2005 on family support to raise children, approved with amendments and completions by Law no. 7/2007, with subsequent amendments, in amount of 300 RON until the child reaches the age of 3 years, and for child aged between 3 and 7 years the amount is 150 RON;
- the complementary monthly budget regardless of incomes, differentiated by the degree of disability of the child.

4. the person with disabilities that has no incomes other than those arising from the legislation on the protection of persons with disabilities and has a dependent child with disabilities receive an allowance in amount of 450 RON, until the child reaches the age of 2 years, and a monthly amount of 150 RON for the children aged between 2 and 7 years.

5. a work schedule reduced to 4 hours for the parent/person who has in care a dependent child with severe or pronounced disabilities, until it reaches the age of 18 years.

6. medical leaves, granted under the law, for childcare with disabilities who require internment, or ambulatory treatment or at home for inter-current disease, and for the recovery/rehabilitation, until the child reaches the age of 18 years old.

In accordance with the provisions of Law no. 47/2006 on the national system of social assistance, the right to social assistance is guaranteed for all Romanian citizens who are domiciled or resident in Romania, without any discrimination. Meanwhile, the law provides that the right to such measures and citizens of other states, stateless persons, and any other person who has acquired a form of protection and has his domicile or residence in Romania.

The system of social assistance, in accordance with the Romanian legislation, represents a component of the social protection system and includes social services and benefits, based on the principle of non-contributivity.

Following these provisions it can be concluded that reporting on the chapter related to family benefits of the European Code of Social Security is based on subparagraph b) of Article 41.

Year 2006

	<b>FAMILY BENEFITS</b>	<b>The monthly average number of beneficiaries</b>
1.	State allowance for children <b>TOTAL</b> , out of which paid by: • Ministry of Labor, Family and Equal Opportunities • Ministry of Education and Research • Directorates general for social assistance and child protection	<b>4,270,759</b> 1,479,588 2,741,576 49,595
2.	Complementary family allowance <b>TOTAL</b> , out of which paid for: • families with 1 child • families with 2 children • families with 3 children • families with 4 and more children	<b>651,666</b> 270,242 270,844 69,791 40,789
3.	Allowance to support mono-parental families <b>TOTAL</b> , out of which paid for: • families with 1 child • families with 2 children • families with 3 children • families with 4 and more children	<b>244,845</b> 143,822 66,461 22,322 12,240
4.	Allowance for family placement	<b>49,866</b>
5.	Allowance for newborn children	<b>184,477</b>

		(total number)
6.	Allowance for child upbringing	186,342
7.	Incentive for child upbringing	11,369
8.	The social allowance for blind people	82,462
9.	Monthly allowances granted to adults with severe and pronounced disabilities	274,486

The total number of beneficiaries of family benefits at national level: 5,956,272 persons

The total number of residents (1 July 2004): 21,673,328 persons

The total number of beneficiaries as percentage of the total number of residents: 27.48%

The social benefits as defined by Law no. 47/2006 on the national system of social assistance means financial transfers and include family allowances, social benefits, allowances and facilities. The Code provides for family allowances to be granted to families and focus on birth, education and child care. Specific legislation which governs the system of family allowances provides for cash supply, whereas the money are allocated from the state budget.

year 2006

	<b>FAMILY BENEFITS</b>	<b>AMOUNT</b>	<b>PERIODICITY</b>
1.	State allowance for children *)	24	monthly
2.	State allowance for children with disabilities	48	monthly
3.	Complementary family allowance, of which for: • families with 1 child • families with 2 children • families with 3 children • families with 4 and more children	34 40 45 50	monthly
4.	Allowance to support mono-parental families, of which for: • families with 1 child • families with 2 children • families with 3 children • families with 4 and more children	50 59 67 76	monthly
5.	Allowance for family placement	82	monthly
6.	Allowance for family placement of children with disabilities	123	monthly
7.	Allowance for newborn children	195	once, when the child is born
8.	Allowance for child upbringing	800	monthly
9.	Incentive for child upbringing	300	monthly
10.	Social allowance for the blind with severe disabilities	178	monthly
11.	Social allowance for the blind with pronounced disabilities	89	monthly
12.	Monthly allowances granted to adults with severe and pronounced disabilities, with no incomes	158	monthly
13.	Monthly allowances granted to adults with severe disabilities who earn incomes	79	monthly
14.	Monthly allowances granted to adults with pronounced disabilities who earn incomes	47	monthly

\*) From 1 January 2007 the state allowance given to children aged between 0 - 2 years and 3 years respectively for a child with disabilities has been 200 RON.

The granting of family benefits is for all persons residing on the Romanian territory without requiring a contribution period to the system. We underline that the system of social assistance, where family allowances are part of it, is a non-contributory system.

Given the non-contributory system of family benefits in Romania, reporting will be done in accordance with the minimum gross salary in economy for the year 2006, namely 330 RON. On 1 July 2004, the total number of all resident children aged 0 - 18 years was 5,956,272.

In year 2006:

$$1.5\% \times 330 \text{ RON} \times 5,956,272 = 29,483,546.4 \text{ RON}$$

Year 2006

	<b>FAMILY BENEFITS</b>	<b>Amounts paid - RON -</b>
1.	State allowance for children	1,263,822,295
2.	Complementary family allowance	316,730,482
3.	Allowance to support mono-parental families	165,108,064
4.	Allowance for family placement	52,397,940
5.	Allowance for newborn children	36,175,154
6.	Allowance for child upbringing	1,661,174,033
7.	Incentive for child upbringing	36,175,154
8.	Social allowance for blind people	143,643,309
9.	Monthly allowances granted to adults with severe and pronounced disabilities	359,088,238
<b>TOTAL</b>		<b>4,034,314,669</b>

$$(330/4.034.314.669) \times 5,956,272 \times 100 = 48.72\%$$

The procedure for suspension of family benefits payment is provided by the special legislation governing the system.

The payment of state allowance for children is suspended in the event that for 3 months the legal representative of the child did not enter in the possession of his/her due rights. The payment of complementary family allowance and the allocation to support mono-parental families is suspended in the month following that in which it was identified one of the following situations:

- when there was no proof of attending the school courses by the children;
- during the entrusting of a child to a welfare institution or to a professional child carer.

As regards the suspension of the right to the allowance for child upbringing, as well as of the incentive, this can be done only when:

- a) the recipient is deprived of his/her parental rights;
- b) the recipient is removed, according to the law, from the exercise of guardianship;
- c) the recipient no longer meets the conditions laid down by law in order to entrust the child for adoption;
- d) the recipient no longer meets the conditions laid down by law in order to keep the placement measure;
- e) the recipient is running a punishment or deprivation of liberty for more than 30 days;
- f) the child is abandoned or is interned in a public or private child care institution;
- g) the recipient died;
- h) it was noticed that for 3 consecutive months there was a postal return.

Payment of compensation shall be suspended from the day following that on which the subject performed professional income tax on income and payment support suspended from the day following that on which the recipient no longer perform professional income subject to income tax.

Moreover, during the reference period January 1, 2005 – December 31, 2007, regarding the legal framework established concerning the unemployment insurance system and employment stimulation through enforcement of the law no.76/2002 many of legal events developed, regarding, among others, the way of unemployment benefit is provided.

In this sense, through the Government Decision no.144/2005 for amending and completing the Law no.76/2002, normative act who entered in force at January 1, 2006, the way of granting the unemployment benefit was regulated, depending on the contribution period accomplished and on the contributions paid to the Unemployment Insurance Fund Budget, thus wishing to eliminate the injustice generated by applying the legal provisions which were in force before the specified date, according to what, the rights of unemployment benefits are granted in the same amount for all the persons facing the unemployment risk.

According to the Law no.76/2002, with its further amendments and complements, in force starting with January 1, 2006, the amount of the unemployment benefit provided for the unemployed is an amount provided monthly and in a differentiated way, depending on the contribution period, as follows:

- a) 75% of the minimum economy-wide basic gross wage in force at the date of its determination, for the persons with a contribution period higher than one year;
- b) The amount specified at the letter a) to which an amount calculated through the application on the average between the monthly gross wage from the last 12 months of contribution, of a differentiated percentage quota depending on the period of contribution.

The percentage quota specified is differentiated by the periods of contribution, as follows:

- a) 3% for the persons with a contribution period higher than 3 years;
- b) 5% for the persons with a contribution period higher than 5 years;
- c) 7% for the persons with a contribution period higher than 10 years;
- d) 10% for the persons with a contribution period higher than 20 years.

For the persons who were insured in the base of an unemployment insurance contract, in order to establish the amount which is calculating through applying a differentiate percentage quota, depending on the contribution period, the monthly income declared in the unemployment insurance contract will be taken into account.

The unemployment benefit provided to the persons assimilated to the unemployed is a fixed amount, monthly, whose amount represents 50% from the minimum economy-wide gross wage, in force at the date of its determination.

We specify that, through the regulation of unemployment benefit granting, depending on the period of contribution accomplished and on the contributions paid to the Unemployment Insurances Fund Budget, the objective was to ensure also a social security adequate to the persons who face this risk and also to determine those persons to search actively for a job adequate to their vocational training and their options.

Thus, the persons who have period of contributions higher than 20 years in the Unemployment Insurances System, usually having employment difficulties, receive a social security adequate to the situation when they face the risk of unemployment, which is reflected by the unemployment benefit amount and by the period when it is provided.

Thus, more than the amount representing 75% of the minimum economy-wide basic gross wage in force at the date of its determination, these persons also receive an amount calculated through the application on the average of the monthly gross wages from the last 12 months of contribution, of a percentage quota of 10%.

Regarding the unemployment benefit amount provided for the persons who have a period of contribution between 1 and 3 years, we specify that this is an amount representing 75% of the minimum economy-wide basic gross wage in force at the date of its determination.

The specified amount, corresponding to the period when the unemployment benefit was provided, ensures a social security corresponding to those persons, stimulating them, at the same time, to actively search for a job adequate to their vocational training and their options.

According to the art.159, align.(1) from the Law no.53/2003 – Labor Code, with its further amendments and complements, the minimum economy-wide gross wage, corresponding to the full-time working schedule, is established through Government Decision, after consulting the employers associations and the trade unions.

Regarding the contribution of the unemployed not receiving unemployment benefits, from the total number on unemployed, we present bellow the statistical situation for the period January 1, 2005 – December 31, 2007:

Year	Total average number of unemployed	Out of whom women	Total average number of unemployed receiving unemployment benefit	Total average number of unemployed not receiving unemployment benefit	The percentage of unemployed not receiving unemployment benefits from the total number of unemployed (%)
2005	513.721	213.631	195.445	318.276	62,0
2006	484.698	198.351	178.530	306.169	63,2
2007	386.667	167.323	128.561	258.106	66,8

### **Article 12 paragraph 3**

#### **Ensuring equal treatment for all beneficiaries of the Romanian public pension system**

**In 2005, based on provisions of Government Decision no. 1550/2004 upon the operations to be carried out aimed at the reassessment of public pensions and of Government Emergency Ordinance no. 4/2005 upon the reassessment of public pensions taken over from the former system of state social insurances, as approved by Law no. 78/2005, the pensions were reassessed.**

By pensions reassessment process, was set up the average annual number of pension points in accordance with the calculation formula introduced by Law no. 19/2000, for all the pension benefits taken over from the former system of state social insurances.

The above described process aimed at ensuring the *equal treatment, the preservation of acquired rights and the uniqueness of applicable legislation*, for the pensions awarded within the public system, regardless of the legislation in force on the initial date of pensions rights setting up, by using the same pension's calculation formula. **Thus, the pension benefits awarded in the public system were put on equitable basis.**

It means that **all pension benefits are set up according to same legal principles**, regardless of retirement date and of the legislation in force on the pensions setting up date, the benefits being calculated base don the wages and permanent increments awarded along the professional career of each pensioner.

The pensions' re-calculation process was not a process of pensions increase. This measure aimed at ensuring the equity between all pensioners of public pensions system.

During **the four steps** of pensions' re-calculation process, the pensions of 3,557,474 **pensioners** were re-calculated, more than 4.1 millions pension files being subjected to re-analyses (including a number of about 500 thousands of farmers pensions awarded to persons with contributory periods accomplished within both systems).

As a consequence of this process, a number of 1,614,405 persons (**45.38%**) have got a number of pension points higher than the one in payment and in 2005 they received some extra amounts. **The average pension** of this category of beneficiaries reached, that year, 330 RON, **the average increase amounting at 58 RON**, which is equivalent **with a raise of 21.3%** as against the amount recorded before reassessment, of 272 RON.

Split on pension categories, the most significant increases were recorded by:

- 3rd degree disability pensions – 51.59%;
- survivors – 28.23%;
- 2nd degree disability pensions – 24.61%;
- Old-age pension for incomplete length of contribution – 24.71%;
- Old-age pension for full length of contribution – 19.03%.

The increases resulted as a consequence of reassessment process:

- ✓ 258.5 thousands of persons (16%) benefited of pensions raises higher than 100 RON;
- ✓ 412 thousands of persons (25.52%) benefited of pensions raises between 51 RON 100 RON;
- ✓ 714 thousands of persons (44.23%) benefited of pensions raises between 11 RON and 50 RON;
- ✓ 230 thousands of persons (14.24%) benefited of pensions raises lower than 10 RON.

### **The protection of purchasing power of farmer pensioners**

One of the basic measures comprised by the Government Program for period 2005 – 2008 aimed at a rate of increase of farmers' pensions to exceed the rate of increase of pensions paid within the public system. Thus, measures aimed at the raise of purchasing power of pensioners with contributory periods accomplished in the farming sector have been adopted.

The Government Decision no. 777 on July the 14th 2005 on the raise of farmers pensions, stipulated a 10% raise of average annual number of pension points resulted by accounting, according to law, every contributory year accomplished within the former farmers cooperatives (the former CAP's), of every contributory year accomplished by the farmers with individual households located in non-cooperative areas, up to the date when Law no.80/1992 on farmers pensions and other rights came in force, as well as by accounting all the contributory periods accomplished, in accordance with the formerly mentioned piece of legislation, between July 29th 1992 and the 1st of April 2001.

The result of social protection measures that the farmers pensioners have benefited of, the average amount of farmers pension increased three times along a period of three years (January 2005 – January 2008), the amount thereof raising from 79 RON to 239 RON.

### **Taking over the data from employment cards, regarding the contributory periods accomplished in the public pension system before the 1st of April 2001, in accordance with provisions of Government Decision no. 1768 of 22 December 2005**

The records regarding the contributory periods accomplished prior to law no.19/2000 coming in force, are held by The National House of Pensions and Other Social Insurance Rights, based on data comprised by the statement (nominal) submitted, according to law terms, by the legal persons assimilated tot hem or by the natural persons subjected to the obligation of insuring themselves buy law effect or who have concluded insurance contracts.

According to provisions under art. 160 of Law no.19/2000 on the public system of pensions and other social insurance rights, the professional career certified up to the 1st of April 2001, are recognized as contributory periods in the public pension system.

According to law provisions, the professional history accomplished prior to that date is, basically, proved, by the workbook records.

For the purpose of a safer and faster procedure of setting up the pension rights and also for a higher quality of services provided to citizens, currently is in progress the activity of taking over the information comprised by the workbooks of insured persons, as concerns the contributory periods accomplished before 1<sup>st</sup> of April 2001.

The above mentioned action is carried out prior to the date of pension rights setting up and is independent from the genuine procedure of pension setting up.

This process will, finally result in the taking over, within the database of National House of Pensions and Other Social Insurance Rights, of the records of all contributory periods and, consequently, will put at the disposal of insured persons, prior to their retirement, all the information upon the contributory periods to be accounted in pensions amount setting up.

This facility, used in other countries, separates the responsibilities related to taking over within the system of data regarding the contributory periods and the wages used in setting up the pension rights, from the responsibilities of making the calculations needed for pension s rights setting up.

This action consists in taking over the data relative to the contributory periods accomplished by all owners of workbooks, for the professional history prior to the 1st of April 2001, regardless of the place where these documents are kept

The employment cards are gradually taken over, over a period of three years, by the territorial houses of pensions, based on a plan, directly from their custodians (territorial work inspections, natural or legal persons), as well as through the county labour employment agencies).

This process aims at taking over the data necessary for setting up the length of contributory period and of the annual number of pension points, as well as the scanning of workbooks and the creation of an electronic archive, as the first stage of the process of electronic archiving of pension files.

Taking over the basic data required for setting up the contributory periods and for setting up the annual average number of pension points will make possible to release certificates confirming the contributory periods accomplished even prior to Law no.19/2000 coming in force, as comprised by the workbooks..

Up to current date, have already been taken over the data from 4,765,398 workbooks, and it is estimated that up to the end of current year, will be taken over the records from other 475, 046 workbooks.

### **New measures related to the setting up and payment of benefits awarded by the public pension system**

#### **Benefits' setting up-related measures**

Since July 2007, in pension' setting up, for the periods prior to 1963, the minimum wage was replaced by the average national wage, according to provisions of Government Emergency Decision no. 19/2007.

This measure was adopted taken into account the fact that, in the course of pensions reassessment process, the wages of a great number of pensioners have not been recorded in their workbooks for the periods prior to year 1963 and, in most of the cases, the possibility to prove them, by certificates, is not possible, either duet o the legislation in force in that period, or due to the dissolution of more companies from that period or duet o the fact that their archives were destroyed in time.

A number of **1.68 millions pensioners** have benefited of this measure, the average raise being of about **30 RON**.

#### **Payment-related measures**

Up to the end of year 2006, the pensions awarded in the Romanian pension system, were mainly paid by The National Company "Posta Romana", as well as through some banks - S.C. Banc Post SA, Casa de

Economii și Consemnațiuni – CEC S.A., wherein the pensioners opened accounts for pensions payment. This procedure was regulated by concluding conventions with the 2 mentioned companies.

The beneficiaries of public pensions system with residence abroad might benefit of provisions of the convention concluded with SC Banc Post SA.

For the purpose of ensuring an appropriate environment of competition aimed at diversifying the manners of paying pensions and taken into account the need to regulate the cross border transfer of pensions, in the application of Regulations no. 71/1408/CEE on June the 14th 1971 upon the application of social security regimes to employees, self-employed persons and their families members, has been adopted the Emergency Ordinance no. 69 on the 13th of September 2006 for adjusting and completing Law no. 19/2000 on the public system of pensions and other social insurance rights. .

According to the above mentioned piece of legislation provisions, the pension is paid personally to the pensioner, to the person appointed by this by a special mandate or to his legal representative, according to his option, by postal voucher, current account or card account, according to the terms negotiated by the conventions concluded by NHPSI with the national Company "Poșta Romana" - S.A., as well as with bank institutions.

According to law terms, the beneficiaries of pensions set up within the public pension system, as well as of some other pecuniary rights set up by the territorial houses of pensions, who have no residence in Romania, have the possibility to transfer their rights abroad

It is worth to mention that the cross borders transfer of benefits has become effective since July 2008.

#### Increases of pension point's value

The regulations in force up to year 2005 provided the gradual coverage of estimated index of consumption prices as against month December of former year by applying, in the last month of each quarter, of a percentage of indexation equal with the product of all indexes of consumption prices indexes foreseen for each month of the quarter.

Taken into account the substantial decrease of inflation in the last years, since 2005 the foreseen index of consumption prices is covered on an annual basis, at the beginning of every year. This measure does not lead to a decrease of the amount of pecuniary rights of pensioners.

The value of a personal pension point is set up by the Law on State Social Insurances Budget. This value is set up by updating the value of a pension point recorded in month December of every year with at the least the inflation rate foreseen for the next budgetary year by the organization with charges in this matter.

The value of a personal pension point may be raised by the laws for rectifying the state social insurances budget in relation with the evolution of macro economical indexes.

The economical increase of 7.7% from GDP recorded in 2006 (the highest level within European Union) made possible the permanent increase of the pension point value, as follows:

- in January - 9,3% equivalent with 323.1 RON
- in September - 5% equivalent with 339.3 RON

For year 2007, the value of a personal pension point was raised, in a first stage, with 16,8% (starting with January the 1st), thus reaching at 396.2 RON.

In September 2007 the value of a pension point increased by 5%, from 396.2 RON to 416 RON.

Taken into account that the budgetary execution for year 2007 resulted in a surplus, starting from November was possible the increase in advance of pensions, the value of a pension point rising from 416 RON to 541 RON.



In conclusion, the real purchasing power of Romanian pensioners raised by 70% in November 2007 as against December 2004

### **The externalization of certain benefits formerly paid from the state social insurances budget**

For the purpose of balancing the state social insurances budget and for guaranteeing the benefits awarded within the public pensions system, since January the 1st 2005, the pensions or the amounts corresponding to the annual average number of personal pension points set up on the basis of the career carried out in farming sector, have been externalized, and follow to be paid from the state budget, based on provisions of Law no. 352 on the 15 July 2005 for adjustment and revision of Law no. 19/2000 on the public system of pensions and other social insurance rights.

This externalization was due to the semi-voluntary nature of former regulations on pensions and other social insurance rights awarded to persons who worked in the farming sector.

The improvement of living standards of the elderly is made, at the level of the public pension system, both by resetting on basis of equity social insurance system and by its reform. For this aim, the Government had adopted a series of legislative measures to lead at the redesign of public system of social insurances by eliminating some benefits non-related directly to pensions.

Thus, some pieces of legislation were adopted: *The Emergency Governmental Decision no.148/2005 on supporting families in children's raise* which stipulates the payment of this type of benefit from the state budget, as well as the *Government Emergency Ordinance no. 158/2005 on the medical leaves and the state health insurance social insurance indemnities*, which stipulates the payment from the unique national fund of short-term health insurance benefits, awarded on the basis of a medical certificate.

Consequently, the state social insurances budget basically covers the value of pensions which leads to the effective management of these funds so as to cover the expenses needed for increasing amount of pensions to be set up or which are already in payment, as well as to the financial consolidation of the public pension system

According to the Law no.76/2002, with its further amendments and complements, as they were in January 1, 2006, the amount of the unemployment benefit provided for the unemployed was a tax-free monthly fixed amount equal to 75% of the minimum economy-wide basic gross wage in force at the date of its determination.

Also, the unemployment benefit provided for the persons who are assimilated to the unemployed represents 50% from the minimum economy-wide gross wage, in force at the date of its determination.

Through the Government Decision no.144/2005 for amending and completing the Law no.76/2002, normative act who entered in force at January 1, 2006, the way of granting the unemployment benefit was regulated, depending on the contribution period accomplished and on the contributions paid to the Unemployment Insurance Fund Budget, thus wishing to eliminate of the inequity which is a consequence of applying the legal provisions which were in force before the mentioned date, according to which the right to unemployment benefit is provided in the same amount to all the persons who are facing the risk of unemployment.

According to the provisions of the Law no.76/2002, with its further amendments and complements in force starting with the January 1, 2006, the amount of the unemployment benefit provided for the unemployed is an amount granted monthly and differentiated, depending on the contribution periods, as follows:

- a) 75% of the minimum economy-wide basic gross wage in force at the date of its determination for the persons who have a contribution period of at least one year;

- b) The amount provided at the letter a) to what there will be added an amount calculated through applying it to the average of the monthly gross wage from the last 12 months of contribution, of a differentiate percentage quota depending on the contribution period.

The specified percentage quota is differentiated by the contribution period, as follows:

- a) 3% for the persons with a contribution period higher than 3 years;
- b) 5% for the persons with a contribution period higher than 5 years;
- c) 7% for the people with a contribution period of at least 10 years;
- d) 10% for the people with a contribution period of at least 20 years;

For the persons who were insured under an unemployment insurance contract, when identifying the amount calculated by applying a different percentage rate based on the contribution period, it has to be taken into consideration the monthly income stated in the unemployment insurance contract.

The unemployment benefit granted to the unemployment persons is a monthly fixed amount equal to 50% of the minimum economy-wide basic gross wage in force at the date of its determination.

By the provisions of the Emergency Ordinance of the Government no. 144/2005 it was also possible to conclude optional insurance contracts in the unemployment insurance system together with social and health insurance.

In the same time, with a view to stimulating the graduates to take-up employment and to encourage them to keep the work relationships, a series of new measures were regulated by the emergency ordinance mentioned above.

Therefore, the graduates of educational and special institutions, having minimum 16 years, registered with the agencies for employment, in the case of full-time employment, for a period higher than 12 months, benefit from the unemployment insurance budget of a tax-free bonus, equal to a minimum economy-wide basic gross wage in force at the date of its determination.

In the same time, the graduates who are entitled to the unemployment benefits and who take-up employment during this period benefit from a tax-free amount equal to the unemployment benefit they were entitled to if they didn't take-up employment until the expiration date of granting unemployment benefits.

#### **Article 12, paragraph 4, questions 1 and 3**

The new legislative framework established by Law no. 19/2000 on public pension and other social security rights, with effect from 1 April 2001, is a modern regulator in matters of social security rights, which incorporates the spirit of European regulations governing this area, this legislation removing barriers on citizenship.

Thus, in accordance with art. 4 of the law, policy holders in the public system can be Romanian citizens, nationals of other countries or stateless persons, for the period during which, according to the law, domicile or residence in Romania.

According to art. 8 of Law no. 19/2000 on the public pension system and other social security rights, there are deemed contribution periods those periods in which people have paid social security contributions in the public system in Romania and other countries, under the conditions laid down by international conventions or agreements to which Romania is a party.

Social security rights and benefits which are due in the public system in Romania can be transferred to countries where the policy holders establish their domicile or residence, as regulated by international agreements and conventions to which Romania is party.

For the reference period, entered into force bilateral agreements or conventions for security/social insurance with the following countries: Luxembourg, Germany, Hungary, Austria, Bulgaria, Macedonia, Portugal and Spain.

By concluding agreements and conventions of social security in the reference period, it was envisaged the compliance with the four basic principles of coordination of social security systems: equality of treatment between citizens of the contracting parties, single law applicable to migrant workers moving within the territory of several Member States, the aggregation of insurance periods in order to determine the granting of benefits and social security, export of benefits on the state of domicile.

It was also envisaged to implement the principle of equal treatment, in order to eliminate both direct and indirect discrimination; the agreements/conventions referred to do not contain provisions to impose additional conditions for the granting of rights to benefits to citizens of other contracting parties (e.g. request them to make additional periods of insurance to acquire the right to benefits), or to distinguish between citizens of both parties as regards the categories of benefits granted, as well as in terms of their amount.

The provisions of the agreements/conventions analyzed do not discriminate not directly, neither indirectly, by not imposing measures that could affect the citizens of the other Contracting Party, although apparently they would be treated equally with the Romanian citizens (being of a contributory type, pension benefits do not raise the issue of minimum residence periods).

In accordance with the provisions of the afore-mentioned agreements, the transfer of benefits for old age, invalidity and survivors (including aid death) can not be denied or conditioning. Also, the same provisions take into account periods of insurance completed under the law of the other Contracting Party.

After Romania's accession to U.E. (01.01.2007), there are applicable the provisions of Regulation (EEC) no. 1408/71 on the application of social security systems to employees, independent workers and members of their families who move within the community and Regulation (EEC) no. 574/72 on the application of Regulation no. 1408.

Thus, it results that in relations with most member countries of the Council of Europe, Romania applies in practice modalities to respect the principles of coordination in matters of social security, either directly by entering into bilateral agreements or implicitly by acquiring the status of membership EU.

To ensure equal treatment for all beneficiaries of the public pension system and taking into account the requests from those who do not have their domicile in a Member State of the European Union or European Economic Area and nor can appoint a resident representative on in Romania, was referred to the possibility of payment of due rights in the public and outside their territory.

Thus, according to art. 90 para.9 of Law no. 19/2000, as amended and supplemented by the Emergency Ordinance no. 69/2006, the beneficiaries of the public pension system who do not have permanent residence in Romania, may opt to transfer abroad those rights.

Under the law, beneficiaries of pension rights set out in the public system of pensions and other financial entitlements established by territorial retirement homes, which have no permanent residence in Romania, may opt to transfer abroad of those rights.

The Romanian policies ensure the right to work and appropriate social security, being forbidden any direct or indirect discrimination concerning the unemployment based on age, gender, race, nationality,

language, ethnic origin, social category, beliefs, and political or religious affiliation, handicap, family situation or responsibility, belonging or activity in a trade union.

Under the provisions of the Law no. 76/2002, with its subsequent changes and complements, the beneficiaries of this law's provisions can be also foreigners or stateless who are employed or earn an income, according to the law.

According to this law, the foreigners or the stateless foreigners who, during a period of time when they have their domicile or residence in Romania, are employed or earn an income, according to the law, can be insured under the unemployment insurance system in Romania.

With a view to granting the unemployment benefit, the applicants are requested to meet simultaneously more conditions, among which the condition concerning the minimum contribution period completed under the unemployment insurance system in Romania, of 12 months during the last 24 months prior to the registration of their application.

According to the Law no. 76/2002, with its subsequent changes and complements, it is considered contribution period is the period during which the employees or, where appropriate, the employers have paid unemployment contributions under the unemployment insurance system in Romania, as well as in other countries, under the conditions regulated by international agreements and conventions which Romania is a party to.

According to the same law, the proper rights under the unemployment insurance system in Romania can be transferred in the countries where the insured persons have their domicile or residence, in the currency of the respective countries or in another agreed currency, under the conditions regulated by international agreements and conventions which Romania is a party to.

Compare to the above mentioned, we specify that in the case of risk of losing the job, for the citizens of the parties-countries to the Social European Charter or to the Revised Social European Charter that are employed or earn an income in Romania, according to the law, is ensured the social protection, by granting unemployment benefits for a period of 12 months as well as by free access to any services promoted by the National Agency for Employment, under the conditions of the Law no. 76/2002, with its subsequent changes and complements, with a view to their reintegration into the labour market, under the same conditions as the Romanian citizens.

### **Article 12, paragraph 1, 2 and 3, questions 2 and 3**

By the approval and the implementation of the National Program for Employment in 2005, the NAE's management aimed to the employment of at least 370.000 persons.

The economic-social situation registered at territorial level, the net results of the implementation of the programs intended for increasing the rate of employment as well as the legal changes from this area, imposed the need to include, in the approved program for 2005, three special programs:

- the Program 180 – the program for the localities from the disadvantaged areas as well as localities with an unemployment high rate 46.670 persons;
- the Jiului Valley Program – aiming to increase employment and to improve life conditions from this area and envisaging the employment of 8.210 persons;
- the Danube Delta Program – a special program envisaging the employment of 190 persons.

The National Program for Employment envisaged all the categories of jobseekers, but it was also structured on targeted groups.

Taking into consideration the proposals of the county agencies for employment and of the Bucharest municipality agency, it was established, by this plan, the employment of 53.740 persons from the targeted groups, as follows:

- 13.475 long-term unemployed persons aged under 25;
- long-term unemployed persons aged over 25;
- 6.440 Roma persons;
- 795 disabled persons;
- 895 graduates aged over 18 coming from social care institutions;
- 630 persons released from prison;
- 235 persons at risk of being trafficked;
- 25 immigrants;
- 15 refugees;
- 5 foreigner citizens.

The National Program for Employment was also structured according to the employment stimulating measures, in accordance with the possibility of allocating financial resources to support these measures.

It envisaged a balance between the stimulating measures for the employers and those from which benefit directly the jobseekers.

The structure of the National Program for Employment in 2005 envisages the employment stimulation by types of active measures, as follows:

218.485 persons	by labour exchange activity;
17,815 persons	by the employment of the educational institutions graduate, through job subsidies;
8,475 persons	by financing SMEs and granting non-refundable funds;
37,565 persons	by granting allowances for the unemployed persons who take-up employment prior to the expiration period of unemployment;
13,030 persons	by hiring unemployed persons aged over 45 or unemployed who are single providers of family income, through job subsidies;
860 persons	by stimulating employers to hire persons who are 3 years away until they meet the requirements for retirement;
4,150 persons	by stimulating measures of labour force mobility;
260 persons	by employing the disabled persons, through job subsidies;
33,640 persons	by financing the labour force expenditures for temporary employment of the unemployed persons in community interest services;
1,160 persons	by concluding solidarity contracts according to the Law no. 116/2002 on combating social exclusion.

Throughout the 3 special programs included in the National Program for Employment were employed:

- 73.912 persons through the 180 Program;
- 8.047 persons through Jiului Valley Program;
- 253 persons through Danube Delta Program.

Most jobs were taken-up in the development regions: North-East (82.344 jobs), South (80.311 jobs), West (78.383 jobs).

From the total number of the employed persons, 66.674 persons are from the targeted groups as follows:

- 658 disabled persons;
- 10.366 Roma persons
- 28 persons released from prison;
- 244 graduates aged over 18 coming from social care institutions;
- 11.948 long-term young unemployed persons;
- 43.412 long-term adult unemployed persons;
- 4 persons at risk of being trafficked;

- 14 foreigner citizens.

Structured on age groups, the number of employed persons is as follows:

- 117.438 persons aged under 25;
- 148.701 persons aged between 25-35;
- 134.624 persons aged between 35-45;
- persons aged over 45.

In 2005, the information and vocational counseling activity carried-out within the centres for career information and counseling addressed to any category of persons.

By the end of 2005, through the county agencies a number of 105.308 persons were counseled /informed and a number of 19.851 persons were employed.

Through labour exchange services 376.396 persons were employed, out of which 152.310 were women.

The labour exchange activity was obviously fostered by the organization, at national level, of the general jobs fair for all the categories of jobseekers, as well as for educational institutions graduates, women, disabled persons, last-year-students and Roma persons, substantially improving the balance demand-offer on the labour market.

Through the organization of the job fairs, 24.230 persons were employed as follows:

- 6,458 persons through the women jobs Fair;
- 11,507 persons through the general jobs Fair;
- 1,266 persons through Roma persons jobs Fair;
- 191 persons through disabled persons jobs Fair;
- 204 persons through students jobs Fair;
- 4,604 persons through graduates jobs fair.

One of the important active measures for increasing the rate of employment is the vocational training seeing that ensuring the development of the unemployed persons vocational skills 2 objectives are reached: immediately meeting the labor market's requests and anticipating future labor market evolutions.

At the end of 2005 a number of 16.096 persons were employed as a result to the courses completion.

Through assistance and consultancy services for starting an activity as self-employed or starting-up a business a number of 7,214 persons were assisted, out of which 922 persons managed to start an activity as self-employed or to start-up a business.

These services materialized in providing legal information, efficient management methods and techniques, consultancy offered by the service providers contracted under the law and specialized persons within county agencies, respectively the Bucharest municipality agency.

By granting allowances for the unemployed persons that take-up employment prior to the expiration date of the unemployment period, 30,034 unemployed persons were employed prior to the expiration date of the unemployment period, out of which 12.914 are women.

By stimulating labor force mobility 3.823 persons were employed as follows:

- 2.063 persons were employed in a locality located with more than 50 km away from the locality where they have their stable domicile;
- 1.760 persons who change their domicile as a result to their being employed;

With a view to preventing unemployment of the educational institutions young graduates, the Agency activated on the labor market by implementing active measures for job subsidies taken-up by this category of persons.

By this active measure 20.720 graduates were employed until 31.12.2005, as follows:

- 24,78% lower secondary education graduates or graduates of art and crafts schools;
- 28,71% secondary and post-secondary education graduates;
- 46,5% university graduates.

An important action that helped graduates employment was the organization of graduates' job fair, at national level, on 23 September 2005.

Out of the total number of 27,700 graduates who participated in this job fair, 4,604 graduates were employed.

As regards the disabled persons employment, by the efforts of the National Agency for Employment and implicitly of the county agencies, respectively of the Bucharest Municipality Agency, until the end of 2005 were employed 658 persons belonging to this category.

With a view to identifying and to facilitating the access for disabled persons to vacant jobs, on 18 July 2005 was organized the vacant job fair for disabled persons.

Out of the total number of 3.175 disabled persons participating in the fair, 158 disabled persons were employed.

The unemployment amongst the persons aged over 45 and single providers of family income became a major issue on the labour market, because these categories of persons face difficulties in integrating on the labour market.

Until the end of the year, through this active measure 20.764 persons aged over 45 or single providers of family income were employed. Out of these, 15.970 are persons aged over 45 and 4.794 single providers of family income.

By the labour force temporary employment in community interest public works, were employed 66.112 persons on fixed term period, out of which 18.579 persons were employed for a period of minimum 6 months by labour force temporary employment in community interest public works.

By concluding solidarity contracts according to the Law no. 116/2002 on preventing and combating social marginalization, 1.260 persons that risked social and vocational marginalization were employed.

By stimulating employers with a view to hiring persons who are 3 years away from retirement, in 2005 were integrated on the labour market 622 persons from this category.

As regards the activity of providing loans in favorable conditions in order to create new jobs, in 2005 there were 148 loan beneficiaries, out of which 43 new set-up companies. The newly created jobs were taken-up in 2005 by a number of 3.045 persons, out of which 1.607 unemployed persons.

In 2005, the total number of person who benefited from active employment measures was 747.225. Out of this number, 423,482 come from urban area and 323,743 come from rural area.

The structure on age categories is as follows: persons aged under 25: 178.836, persons aged between 25-35: 210.218, persons aged between 35-45: 195.912, persons aged over 45: 161.259.

Out of a total of 747,225 persons who accessed the employment stimulation active measures, 925 are disabled persons, 20,595 are Roma persons, 462 are young people coming from child protection system and 79,551 are long-term unemployed persons.

The overall objective of the National Program for Employment for 2006 was the employment of at least 380,000 persons, as follows:

- by labour exchange activity 224.735 persons;
- 14.740 persons through vocational information and counseling;
- 16.690 persons through vocational training courses;

- 33.000 persons through allowances for the unemployed persons who take-up employment prior to the expiration of the unemployment benefits period;
- 20.265 persons through employers stimulation in order to hire persons aged over 45 or unemployed persons that are providers of single parent family income;
- 1.070 persons through employers stimulation in order to hire persons who are 3 years away from retirement;
- 4.180 persons through labour force mobility;
- 19.120 persons through employers stimulation in order to hire university graduates;
- 7.150 persons through granting low rate interest loans;
- 1.110 persons through consultancy and assistance services in order to start an activity as self-employed or to start-up a business;
- 35.455 persons through subsidizing the expenditures with labour force for temporary employment in local development works (community interest public works);
- 1.430 persons through concluding solidarity contract with the insertion employers for the young people who meet the conditions of the Law no. 116/2002 on combating the social exclusion.

The program contains a special program, the Program 180– aiming the localities from the disadvantaged areas as well as the localities with a high unemployment rate (40.900 persons), in the framework of which there are 2 subprograms:

- Jiului Valley Program – designed to increase employment and to improve life conditions in this area, through which was stipulated the employment of at least 7.840 persons;
- Danube Delta Program – a special program through which was stipulated the employment of 85 persons;

Following the implementation of the National Program for Employment, in 2006, were employed 509.127 persons, as follows:

- following the labour exchange 389.407 persons were employed, out of which 151.824 were women;
- following the information and counseling activity 20.673 persons were employed.

The labour exchange activity was also fostered by the organization, at national level, of the jobs Fair for all the jobseekers categories.

Through jobs fair organization 25,355 persons were employed, as follows:

- 13,302 persons through the general jobs fair;
- 1,516 persons through the Roma persons jobs fair;
- 282 persons through the jobs fair for the young persons coming from social institutions;
- 2,694 persons through the jobs fair for different occupations;
- 4,594 persons through the graduates jobs fair;
- 3,012 persons through the jobs fair for different targeted groups.

Through the assistance and counseling services for starting an activity as self-employed or to starting-up a business were assisted a number of 17.762 persons, out of which 633 persons managed to start an activity as self-employed or to start-up a business.

The services rendered have been materialized in provision of legal information, effective methods and management techniques, consultancy offered by the service providers contracted under the law and specialized persons within the county agencies for employment, of the Bucharest Municipality respectively.

By granting allowances for the unemployed who take up employment before the end of the unemployment benefit period, 28,014 jobless have been employed until the end of the period for which they would have been entitled to receive the unemployment benefit, out of which 11,770 were women.



By fostering the labour force mobility, 3,626 people have been employed, namely:

- 1,790 persons were hired in a locality located at a distance with more than 50 km away from the place of their stable domicile;
- 1,836 people who changed their domicile, following their entering into work.

In order to prevent the unemployment amongst young graduates of educational institutions, the National Agency took actions on the labour market by implementing the active measure of job subsidizing, filled by this category of people.

In 2006, 16,414 graduates have been employed through the means of this active measure, out of which:

- 3,284 graduates of lower secondary school or of arts and crafts schools;
- 5,964 graduates of upper secondary schools or post-secondary schools;
- 7,166 graduates of higher education.

A major action that contributed to the employment of graduates, was the organization at national level of the Job fair for graduates, held on September 22<sup>nd</sup> 2008

Out of the total number of 26,133 graduates who participated in the job-fair, 4,549 graduates of educational institutions have been inserted into labour (17.40%).

In addition, another measure that helped the employment of the educational institutions graduates was to grant employment bonuses. In 2006, such bonuses have been granted to a number of 5,429 graduates.

Through the endeavors of the National Agency for Employment, of the county agencies and of Bucharest Municipality respectively, up to the end of 2006, 775 disabled people have took-up employment through various active measures.

The unemployment amongst people over 45 years old and people providers of single parent-families income has become a major issue on the labour market, as these categories of people face great difficulties in filling a job.

Through the means of this active measure 21,323 persons over 45 years old or persons who are providers of single-parent family income have been employed by the end of 2006. Out of them, 20,334 are unemployed over 45 years old and 998 unemployed who are single parents-providers of family income.

Through the temporary labour employment in community-interest public works, 56,422 people were employed with fixed term labour contract, out of which 9,179 have been hired on a minimum 6-month period.

It was managed to turn into work at national level 1,705 persons subject to social and professional marginalization risk, following the conclusion of solidarity contracts as per Law No.116/2002 on preventing and fighting social marginalization.

By fostering the employers to hire people with 3 years until the retirement period, it was possible to employ on the labour market, in 2006, 567 persons belonging to this category.

As regards the activity of granting credits in favorable conditions in order to create new jobs, in 2006, 93 beneficiaries of credits were registered, out of which 27 were new set-up companies. In 2006, the new created jobs have been filled with 2,018 people, out of which 1,234 unemployed people.

At the beginning of 2005, the main indicators defining the civilian labor force based on their participation in the economic activity, according to the data provided by the National Institute of Statistics (Labour Force Balance at January 1<sup>st</sup> 2005), were the following:

- Total population – 21,658.5 thousand persons;
- Labour resources – 13,701.9 thousand persons (63.3% of the country's total population);

- Population outside labour resources – 7,956.6 thousand people;
- Active civilian population – 8,796.2 thousand people;
- Population in vocational training and other types of active age population – 4,905.7 thousand people;
- Employed civilian population – 8,238.3 thousand people;
- Employees – 4,652.7 thousand persons;
- Other categories included in employed civilian population – 3,585.6 thousand people.

Thus, in 2005, the registered unemployment did not record major fluctuations, with a difference of 0.8 percentage points between the unemployment maximum and minimum levels, the maximum level of 6.4% being reached in January and the minimum of 5.6% registered in May, June, July and September.

The amplitude of the 0.8% percentage point, lower as against the ones registered in the previous years (when these were of 1.7 p.p. in 2004, 2.1 p.p. in 2003, 5.4 p.p. in 2002, and 3 p.p. in 2001) shows the flattening tendency of the unemployment rate curve at national level.

By analyzing the unemployment monthly records it was possible to notice that the unemployment rates at national level were at the lowest levels registered in the previous years. This phenomenon can be explained by the increased capacity of the economy to strengthen the existing jobs and to create new jobs thus offering employment opportunities for the jobseekers, following the economic growth registered in 2005 as well.

For 2006, the total number of persons entered into active measures for employment stimulation was of 916,720 persons. Among them, a number of 471,752 are coming from urban area and a number of 444,986 from rural area. The structure by age groups is the following: people aged under 25: 197,374, people aged between 25 – 35: 244,934; persons aged between 35 – 45: 248,100; persons aged over 45: 226,312.

The overall objective of the 2006 National Program for Employment was to provide employment for at least 400,000 persons.

Taking into account the regional employment gaps, as well as the social and economic conditions specific to certain areas, the program comprises a special program, Program 150 – envisaged for localities from rural and urban areas, comprising 16,000 persons, within which two sub-programs can be identified:

- Program for urban localities - 25 – intended to increase employment and improve the living conditions in this area, through which the employment of at least 9,985 persons was envisaged;
- Program for rural localities - 125 – special program envisaging the employment of 6,015 persons.

As a result of the implementation of the employment program in 2007, 506,804 persons were employed, out of which 477,572 persons were employed through the effort of the county and Bucharest agencies for employment, standing for 94.23% of the total people employed in 2007 and 53.38% from the 894,547 people who addressed to active measures for employment stimulation.

Taking into account that the number of persons registered in the records as jobseekers was of 1,083,491, out of which 1,060,578 unemployed, and the number of employed persons was 506,804, the “Employability of the jobseekers” indicator registered at national level a value of 46.78%, as compared to the 40% programmed for the mentioned period.

As a result of the labour exchange services, 391,882 persons were employed, out of which 294,786 persons with open-end contract and 97,096 with fixed term contract.

The labour exchange activity was strongly supported by the organization of Job Fairs.

Year 2007 was the second year when the flexibility of this measure was ensured, as it was envisaged to organize only two general job fairs at national level (for all categories of jobseekers and for graduates of educational institutions) and as many job fairs as needed at local level.

Besides the two general job fairs, job fairs for Roma persons and for graduates leaving child care institutions were organized.

At local level, upon market request, were organized job fairs for women in various occupations (textile assembler, glass blower, civil servants, construction workers, leather workers, commerce workers, medical aids, wood processors) and for activity sectors, for collective laid-offs and for persons with disabilities.

Through the job fairs organized during 2007, 23,762 persons were employed, as it follows:

- General Job fair – 12,004;
- Job fair for graduates – 3, 712;
- Job fair for Roma persons – 1, 771;
- Job fair for young people leaving child care system – 253;
- Job fair for various occupations – 4,931;
- Job fair for disadvantaged groups – 1,091.

For getting close to the service beneficiaries coming from Roma persons category as well as to the persons from rural areas, the agency continued the information campaign and to offer specific services, directly inside communities, with the help of the employment caravans, action initiated in 2005.

Starting with the second half of 2007, the employment caravan was carried-out in a different manner, namely, the vocational counseling by applying specific questionnaires was implemented.

The results registered in 2007 as a result of this action are summarized as follows:

#### *Employment caravan for Roma persons*

Within the actions carried-out by the local agencies inside Rroma communities, 46,545 Rroma persons participated, out of which 19,637 women. The number of counseled persons was of 9,995, out of which 4,279 women.

17,196 persons, out of which 6,583 women were registered in the database, and following this action 3,753 persons were employed, out of which 1,199 women, and other 13,847, out of which 5,363 women being scheduled to be included in the active measure programs.

#### *Employment caravan in rural areas*

In all 2,827 localities envisaged within official statistics, activities were carried-out, some localities being visited more than one time. The number of the persons participating to the caravan was 41,193 and the number of new registered persons was 32,733.

The number of counseled persons was 19,188 and the number of the employed persons was 13,571. 25,690 persons were registered within various active measures which stands for 78% from the persons registered within the record as a result of the caravan.

The vocational information and counseling services play a key role in the activity developed by the Public Employment Services, the results of the implementation of other types of employment stimulation measures being based, to a large extent, on the quality of these services, in particular the vocational training.

A number of 618,527 jobseekers, registered with the agencies for employment, have benefited in 2007 from vocational information and counseling services, out of which 470,296 newly registered people and 148,231 persons who were registered to the counseling services in the previous months.

By analyzing the vocational information and counseling activity at the national level, during the period 2005-2007, an ascending evolution concerning the number of the beneficiaries of the vocational information and counseling services is noticed.

Following the provision of information and counseling services by NAE, the number of persons employed during 2007 is of 62,866.

In 2007 it was envisaged to include 46,999 persons in free-of-charge vocational training courses according to the law, which represents 85.45% from the number planned to be included in 2007.

Out of them, 42,234 persons were unemployed, exceeding the planned number with 3,5% and 4,765 persons were beneficiaries of free of charge vocational training courses, other than the unemployed, representing 33.6% of the planned number.

In 2007, 67% of the people comprised in training courses have graduated, many of the programs being in progress, being expected to be completed during 2008.

The 46,999 persons, beneficiaries of free-of-charge vocational training were comprised in 2,486 vocational training programs, out of which 2,229 for the unemployed, 104 courses designed for penitentiary prisoners and 137 courses were organized within companies' quarters.

Persons between 35-45 year old (31.44% from the total of the participant unemployed) were more open to participating in training course. It can be noticed that young people and persons aged over 45 have difficulties in accepting a new qualification, proving a lower flexibility.

The vocational training courses, started in 2007, comprised also persons belonging to disadvantaged groups on the labour market, out of which we mention:

- Long term unemployed, 3,104, out of which:
  - adults over 25 year old: 2,246;
  - young people up to 25 year old: 858;
- 21,147 persons carrying-out activities in rural areas (out of which 20,992 unemployed);
- 106 persons with disabilities;
- 1,613 Roma persons;
- 1,744 prisoners;
- 2,800 people employed and comprised in training courses in order to prevent unemployment.

The activity sectors which most of the courses have been organized for and where a great number of persons were included, are the following: agriculture (agriculture and zoo-technical worker), constructions (mason and worker in civil construction structures), electronic engineering, automatics, electronics, informatics/information technology (data input, validation and processing operator, computer and network operator), commerce (commerce worker and food goods retailer), food, beverage and tobacco industry (waiter and cook).

Starting with 2007, following legislative changes, the stimulation of the employment of graduates has taken new aspects, aimed at both segments of the labour market: employer and graduate.

Subsidies granted to employers for hiring education graduates, differentiated according to the employee's educational level, had an important contribution to the employment of the young people registered with the agency.

By using all media regarding active measures for young people, the career information and counseling for last-year students, the job-fair for graduates made possible to provide employment for 36,645 graduates, as follows:

- 12,182 graduates (45.71%) by concluding open-ended individual labour contracts, through job subsidies;
- 14,463 graduates (54.28%), by concluding open-ended individual labour contracts, but without job subsidies;

Out of the 2,182 graduates employed under job subsidizing, 1,624 are graduates of secondary education or graduates of art and crafts schools; 5,412 are upper secondary and post-secondary education graduates and 5,146 graduates of higher education.

An important contribution to the employment of graduates has had the organization, at national level, of the Job Fair for graduates on September 22<sup>nd</sup>, 2007.

Out of the total number of 25,663 participants in the Job Fair, 11,367 graduates were selected for employment, out of which 3,712 were hired.

Starting with 2006, young graduates, who are hired with regular working hours, for a period of over 12 months, are receive a tax-free bonus equal with a guaranteed minimum economy-wide basic gross wage, in force at the date of employment.

In 2007, 6,044 graduates benefited from these employment bonuses.

Although the measure for employment stimulation by granting credits from the Unemployment Insurance Fund is not so attractive as during the previous years, due to the evolution on the bank interests markets, as well as to the conditions imposed by law related to the employment of the unemployed, the agency contributed to the start-up and development of businesses that led to new job creation in the national economy.

In 2007, by granting low-interest credits in order to create new jobs, 879 persons were employed, out of which 587 amongst unemployed people. By granting credits with an interest rate of 25% of the official interest rate of the National Bank in the counties with higher unemployment rate, 762 persons were hired on the new created jobs, which stand for 86.68% of the total number of persons employed by this active measure at national level.

As far as concerns the value structure of the credits granted for job creation, it is relevant that the balance favors the production – 69.27% from total value allotted, while the services represents a percentage of 19.30%, and the tourism 4.60%.

With a view to preventing long-term unemployment, financial resources were ensured for granting allowances for taking-up employment before the end of the period of entitlement to unemployment benefit, for 24,665 unemployed, out of which 11,251 women.

The structure by age groups of the persons employed by means of this measure is as follows:

- 1,305 persons aged under 25;
- 4,659 persons aged between 25-35;
- 9,002 persons aged between 35-45;
- 9,699 persons aged over 45.

This measure proved to be more efficient to people belonging to the age group over 35 year old, showing these persons are more interested to be employed as soon as possible after finding a job.

Unemployment amongst people aged over 45 and providers of single-parent family income is still one of the critical issues of the labour market.

In 2007, 101,053 persons with over 45 year old or providers of single-parent family income were employed, out of which 21,862 people (21,046 unemployed with over 45 year old and 816 providers of single-parent family income) were employed by job subsidizing.

According to the duration of the individual labour agreements, the structure of people employed belonging to this category is the following:

- 56,565 people hired upon conclusion of open-ended individual labour contracts, without job subsidizing;
- 22,626 people employed by concluding fixed-term labour contracts.

Geographic mobility is encouraged by granting employment bonuses or installation bonuses, accordingly. This can be a solution for covering the shortage of labour force in certain areas, regions or economy sectors, but with limited results.

Although financial resources were available for all persons the program envisaged to employ through this measure (at least 3,595 persons), only 3,098 persons were employed by granting mobility bonuses, the balance slightly favoring people who have changed their place of residence, thus: 1,424 people, following their employment in a locality located more than 50 km away from the locality they reside in, and 1,674 people who have changed their place of residence after taking-up employment.

Structured by age, the beneficiaries of this active measure are as follows:

- 659 persons aged under 25;
- 892 persons aged between 25-35;
- 781 persons between 35-45;
- 766 persons aged over 45.

By implementing the wide range of active measures envisaged to promoting the social inclusion of the employable disabled persons, it was managed to employ 1,072 persons, out of which 286 persons hired through the job subsidies for employers. A special contribution to achieving these results was made by 8 job-matching and counseling centers for persons with disabilities (8 set-up within the project “Counseling services for disabled people” financed under IBRD - RO 4616 and centre founded in partnership with a Romanian-German foundation), as well as by the information campaign carried-out in 2007 about the services offered by NAE to foster the employment of disabled persons.

Thus, within the 9 specialized centers, 938 persons with disabilities benefited from information and counseling services, which stands for 50.21% from total disabled people counseled at national level.

The difficulties that the disabled people face when integrating into labour market are highly various, mainly due to: availabilities the community and employers have to provide, adjustment of the workplace by employers; mentality related to using these persons in practical activities, employers would rather pay the penalties foreseen by the law in case of not complying with the provision regarding the employment of disabled people.

Taking into account the policy for encouraging the self employment by supporting the entrepreneurial activities of the people ensured in the unemployment system, the agency acted, through its own effort and through specialized service providers, towards offering to the unemployed free-of-charge assistance and consultancy services for starting an independent activity.

In 2007, 13,144 persons addressed to these services, upon request.

The number of those who succeeded to start-up an independent activity or a business, following the assistance and consultancy services for initiating an independent activity or a business was of 581 persons (235 women), much less than the number planned for 2007.

Mainly, this was caused by the providers’ low offer of business consultancy and assistance services and it focuses especially in urban areas, where the unemployment rate is usually low, but also by the jobseekers’ inability in starting-up and developing independent activities (being also justified by the unemployed structure in terms of education and qualification level, based on agency’s records).

The National Agency for Employment gives its support to the communities mostly affected by unemployment by implementing programs having as objective to provide to unemployed temporary employment in community local development services.

In 2007, 53,007 unemployed were hired with a fixed-term contract under such programs, out of which 17,080 (32.22%) were employed for a period of at least 6 months.

Out of the number of persons employed by temporary employment programs, 19.7 %, representing 10,440 persons, belong to the category of people facing real difficulties to reintegrate on the labour market, as follows: 5,558 long-term unemployed, 4,846 Roma persons, 36 disabled persons.

7,040 unemployed were temporarily employed in the disadvantaged areas, which stands for 13.28% of the total number of unemployed hired at national level.

In 2007, in order to ensure the personalized social accompaniment provided by Law No.116/2002 on preventing and fighting the social marginalization, 2,212 solidarity contracts were concluded and 1.076 insertion employers have been identified.

During 2007, 2,476 persons belonging to the young people at risk of social marginalization have been provided with job-matching and counseling services.

1,976 persons were employed (out of which 144 based on an open-ended labour contract), as follows:

- 240 young people leaving placement centers and child care centers from specialized public services and private bodies authorized in the field of child protection (12.1%);
- 93 single young parents (4.7%);
- 227 young married parents (21.6%);
- young married persons without children (17,6%);
- 1 young person with a family who carried out a detention period (0,1%);
- 867 persons coming from other categories of young persons facing difficulties (43,9).

A special contribution to the employment of the social marginalized persons had the job-fair for young persons who leave child care institutions, planned to take place up to October, 31<sup>st</sup>, 2007 depending on the labour market demands.

This job fair was organized in 29 county agencies for employment and that of Bucharest Municipality.

At national level, 494 companies were present and 7,178 jobs were offered.

There were 2,967 participants, 998 of them being selected for employment and 253 young persons who left the child care institutions were employed.

Under the Redeployment Program, co-financed from loan BIRD RO 4616, in 2007, 44 contracts of active measures were concluded:

- 37 contracts were concluded for implementing the active measures for fighting unemployment for the laid-off civil staff.
- 7 contracts were concluded for implementing the active measures for fighting unemployment in the benefit of the laid-off staff from units of Ministry of National Defense.
- 22 contracts were completed and 22 contracts are underway, due in 2008, out of the 44 concluded contracts.

From the total 44 contracts concluded and finalized in 2007, 22 contracts were finalized and 22 are ongoing and envisaged to be finalized in 2008.

From the contracts concluded and completed in 2007, 1001 persons were included in active measures, and 200 persons were employed at the end of the programs.

## **ARTICLE 13**

**Paragraph 1 – „to ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance, and, in case of sickness, the care necessitated by his condition”**

### **1. The general legal framework.**

In Romania the Ministry of Labor, Family and Equal Opportunities is the authority responsible for the elaboration of the social policies in the fields of social assistance, social inclusion and also for the family policies. The main strategic directions adopted by the Ministry of Labor, Family and Equal Opportunities within the social assistance system, for the period 2005-2007, are oriented in favor of the family and its members' support, with a view to increase the degree of the familial cohesion, taking into account that family is the indispensable fundament for the harmonious development of the individual.

**In the period 2005 - 2007 the Romanian Government had as a main goal to continue the reforms process based on the actual needs of the citizens and of the Romanian society. For this period the Government has established the following objectives:**

- » to improve the socio-economic situation of the family by reinforcing the passive social protection/social aid for the families in difficulty, with special needs and to create active measures for social solidarity616

- ▶▶ to assure the minimum income guaranteed, for the poorest social categories, based on the real needs of these persons, outrunning the level of their poverty but without discouraging the attitude for work.

In the year 2005, has been reorganized the institutional framework in the social assistance field by approving at 16<sup>th</sup> June 2005 “**the Memorandum on administrative reform of the social assistance field**”, through which it was set up an efficient and modern institutional system capable to ensure a coordination of the social assistance policies and programs, a better administration of the social benefits as well as to ensure a permanent monitoring of the social rights of the citizens in accordance with legislation in force. By adopting this document were created the premises for adapting the national legislation to European requests.

In order to implement the provisions of this Memorandum, in 2006 was modified the Law 705/2001 on the national social assistance system for clarifying the terminology, the aspects related to the organization and the system structure and for distribution of the responsibilities between different governance levels with the aim to eliminate the overlapping with some other existent normative acts.

It was adopted the **Law no. 47 regarding the national system of social assistance**, which has established new modern principles for intervention in this field and also a new institutional framework for sustaining the implementation of the active or passive social protection, in order to strengthen the social cohesion and to increase the quality of life.

According to this law social benefits are financial transfers and include: family benefits, social aids, indemnities and facilities. The family benefits are granted to the family in case of birth, for the education of the children and for carrying and raising the child. The social assistance benefits are granted to the persons or families in difficulty and who have insufficient incomes for their minimum needs. These are means tested benefits, based on the evaluation of family’s incomes with specific instruments. The indemnities and the facilities are granted in order to favor the social inclusion of persons and to assure an autonomous life. The state also grants some indemnities in the cases of calamities for those persons or families who suffer damages due to situations as natural catastrophes or natural disasters, recognized by law. These benefits are granted taking into account the family context, the incomes of the person or the family who demands the benefit, the conditions of living and the medical state of the persons. These benefits are granted by the central or local public authorities, in accordance with the Romanian legislation. The benefits are paid in cash or in kind, from the state budget or after case, from local budget, and the granting procedures are stipulated through special law.

Also, by this law was created new institutional structures necessary to achieve an efficient administration and management of the social benefits, as follows:

- ▶▶ **Social Inspection** – has been organized in 2007 and its main goal is to monitor and verify the implementation of the legislation in the field of social services and social benefits, as well as to control the activity of the institution with responsibilities in the field. The organization of the Social Inspection is stipulated by the Government Emergency Ordinance no. 130/2006 regarding Social Inspection and Government Decision no. 1059/2007 regarding the Regulation for organizing and functioning of Social Inspection;

- ▶▶ **National Agency for Social Benefits** will be an institution dedicated exclusively to use efficiently financial resources, avoiding the possible fraud and ensuring a unitary system of payment and administration of all the social benefits through county structures. (County Agencies for Social Benefit). The organization of the National Agency for Social Benefits is stipulated by the Government Emergency Ordinance no. 116/2007. Also, in 2007, has started the configuration of an IT System which will be an efficient working instrument for monitoring all the social benefits.

- ▶▶ **Social Observatory** – its main goal will be to collect, analyze and evaluate the data from the social field, data necessary to fundament and improve the social policy as well as to monitor and evaluate the social impact of those.



For the purpose of defending the right of citizens to health and life, and to prevent and limit the consequences of a natural disaster or a disaster, the staff of the public services and hospital emergency pre-hospital is forbidden to participate in strikes or other claiming actions designed to affect the activity by lowering the capacity of intervention or the quality of the medical act, organized by trade unions or other organizations during the regular or extended working hours.

The following categories of persons benefit from health social insurance without paying contributions, and have the right to the same package of medical services as the people who pay contributions:

- all children up to the age of 18 years, young people aged between 18 and 26 years old, if they are pupils, apprentices or students and if they do not earn incomes from employment;
- young people aged up to 26 years who emerged from the state child protection system and do not realize incomes from employment or are not beneficiaries of social assistance;
- husband, wife and parents without their own income, which are dependent from an insured person;
- persons with disabilities who do not earn incomes from employment, pension or other sources, with the exception of disability allowance;
- pregnant women and confinement women if they do not have any income or have incomes below the basic minimum gross salary in economy.

People who are part of a family who has the right to social assistance enjoy the same rights, and the payment of their contributions are borne from the local budgets.

It worth being mentioned that in order to ensure the access of persons who are not insured in the health social insurance system to certain medical services, Art. 220 of Law no. 95/2006 stipulates the right to receive medical services only in case of medical and surgical emergencies and diseases with endemic and epidemic potential, as well as those provided in the National Immunization Program, monitoring the developments in pregnancy and confinement, family planning services, inside the minimum package of medical services.

## **2. The measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

For the period 2005-2007 the Government has contributed decisive in taking measures of proper economic development and social protection, reducing poverty and preventing the social exclusion becoming a major objective of the Government. In order to improve the life conditions of people: the right to food, clothes and adequately house, in this period have been developed the following programs:

### **1. Social aid:**

On July 2001 was approved by the Romanian Parliament the Law 416/2001 concerning setting up the minimum income guaranteed in order to improve the situations for the people affected by the transitional process at the economy market. This law stipulates granting of social benefits for the families and persons without incomes or small incomes, in situations and in periods in which these cannot assure by their own efforts the minimum life conditions.

As a result of the monitoring activity of the implementation of Law 416/2001, realized at central and local level, were identified some dysfunctions and difficulties in applying the provision of this law, which determined the diminution of the stipulated social impact. The main dysfunctions and difficulties identified were:

1. **partial payment and in some cases of non-payment the social aids**, because of the lack of funds in local budgets and also because the funds were allocated without taking into account the local social need.
2. different interpretation of the provision of Law 416/2001 at local level, regarding the establishment of the monthly net incomes of the families which was taken into account for granting the social aid. The establishment of the monthly net incomes resulted from rent or capitalization of some goods was made differently by Decisions of the Local Councils.

3. **aleatory distribution of the hours of community work**, without a monthly schedule for these activities and without a clear evidence of these hours of work;
4. **absence of the provisions regarding the activities of control and sanctions** for non- applying the provision of law.

In order to avoid the dysfunctions and difficulties in applying the provision of Law 416/2001, in 2006, this Law has been modified and completed by **Law no.115/2006**. The Law concerning the minimum income guaranteed, with modifications and completions, regulates the following:

- ▶▶ set up of the monthly level for the minimum income guaranteed in accordance with family structure as follows:

Family type	The minimum income guaranteed levels by Law 416/2001 (lei)		
	- 2005-	- 2006-	- 2007-
single person	88,3	92	96
families of 2	158,4	166	173
families of 3	220	231	241
families of 4	272,5	287	300
families of 5	325,4	341	356
for each additional person exceeding the number of 5, who is a family member.	22	23	24

- ▶▶ the minimum income guaranteed is ensured by the local councils through granting a social aid allowance and is set as the difference between the MIG levels that are stipulated by law in accordance with family structure and the monthly net income of the eligible family, or single person.
- ▶▶ the families and single persons with monthly net incomes under the level of MIG have the right to a social aid for family increased with 15% as long as at least one of the family members demonstrates to hold an labor agreement, or a civil agreement or provides services in order to obtain some incomes.
- ▶▶ one of the persons of age, able to work from the family which receives the minimum income guaranteed shall carry out community actions or other works for local benefit which mayors assign to them, not exceeding the regular work schedule, on a monthly basis, and respecting the labor security and hygienic norms. If they refuse, the right of social aid allowance will be suspended;
- ▶▶ If the person nominated to carry out community actions or other works for local benefit has temporary work incapacity, the obligation to provide community working hours can be transferred to other persons in the family receiving social aid, by the agreement of the mayor. The documents to prove the temporary inability of work or, where appropriate, total or partial loss of working capacity are as follows:
  - a) decision issued by the medical doctor expert in the social insurances from the County Houses for Pensions for invalidity pensioners ;
  - b) certificate issued by the medical expertise of persons with disabilities, for the persons with disabilities;
  - c) medical certificate establishing the capacity of work, issued by a medical expert of social insurances from the County Houses for Pensions for people with chronic diseases which are not insured in the public pension system.
  - d) medical certificate issued by the family doctor or, where applicable, practitioner, for people with diseases that cause temporary incapacity for work.
- ▶▶ the number of hours are calculated taking into account the amount of social aid for a family or for a single person and with a tariff adequate to the amount of the minimum gross wage compared with average monthly period of the work time.

- ▶▶ the mayors have the responsibility of establish a monthly action plan for the hours of community work which have to be accomplish by the persons able to work from the families who are beneficiaries of social aid.
- ▶▶ the persons able to work, who don't realize incomes from salaries or from other activities, are taken into account when is established the number of the family members for the calculation of the income level per family, only if they prove to be in the evidence of the County Agencies for Employment and they didn't refuse a job or the participation to the employment stimulation services or professional training services offered by these institutions..According to Law 76/2002 a *jobseeker* is the person registered with the National Agency for Employment or with another employment service provider, authorized according to the law, in order to receive support in taking-up employment. A person cannot refuse a job if this is appropriate to their training or educational background and is situated with no more than 50 km away from their domicile.
- ▶▶ establishment of the minimum limits at national level and also, the possibility of the local councils to establish their own evaluation criteria of the monthly net incomes of the families resulted from rent or capitalization of some goods.
- ▶▶ including some provisions about the possibility that County Departments for Labor and Social Protection to control and monitor the application of this law and also including some contravention sanctions in case of non-application of law's provisions.
- ▶▶ the necessary funds for the payment of the social aid are sustained from the local budgets, mainly in amounts broken down from some revenues of the state budget. In this regard, is emphasized the major contribution of state budget to the payment of social aid. However, there are some situations when the local authorities have deficiencies of grounding the necessary funds for the payment of social aids. For that reason, there are some delays in the payment of the social aids in certain places. But, there are not registered any cases in which the requests of the social aids are rejected by the local authorities because of lack of financial resources.
- ▶▶ the possibility to appeal against any decision of the mayor for approval/ disapproval/ suspending/ modifying the right to social aid or any decision for reimbursement of the sums which have been unduly paid, according to the provisions of Law no. 554/2004 regarding the administrative disputes, with modifications and completions.

During 2005-2007, increased of the population revenues had a direct impact on diminishing the poverty and especially the extreme poverty.

- ▶▶ **The number of requests for the social aid** actually paid at 31 December 2005 was 383.671, in 2006 the number diminished to 337.246, and in 2007 the number of requests was 289.535.
- ▶▶ Depending on the number of the social aid request can be established the family structures who can receive the minimum income guaranteed. It is visible in the table below that **single persons represent the dominant structure, both nationally and in each of the areas of development.** Among other structures, the dominant are the families with 2 and 3 persons.

**Situation regarding the number of social aid requests  
by regions of development and family structure  
- 2007 -**

Regions of development	Single persons	Family structure				
		2 persons	3 persons	4 persons	5 persons	more than 5 persons
<b>TOTAL</b>	<b>94.891</b>	<b>59.086</b>	<b>48.319</b>	<b>42.557</b>	<b>23.656</b>	<b>21.026</b>
<b>NORD-EAST</b>	17.683	11.197	10.367	9.985	6.112	6.570
<b>SOUTH-EAST</b>	15.330	9.573	7.300	6.461	3.298	2.634
<b>SOUTH MUNTENIA</b>	16.081	10.045	8.063	6.795	3.388	2.647
<b>SOUTH-WEST OLTENIA</b>	14.544	10.013	8.194	8.053	3.954	2.362
<b>VEST</b>	7.434	3.418	2.390	1.773	911	934
<b>NORTH-WEST</b>	11.978	6.566	4.626	3.668	2.410	2.681
<b>CENTRE</b>	10.272	6.992	6.489	5.232	3.314	3.062

<b>BUCHAREST - ILFOV</b>	1.569	1.282	890	590	269	136
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- Most approved requests for social aid are in the following regions of development: North - East, South - West Oltenia and South - Muntenia. Also, it can be seen that the greatest decrease of the number of requests for social aid, in absolute value, is recorded in the North - East, South Muntenia and West Oltenia.

**Number of social aid requests by regions of development  
2006 – 2007**

Regions of development	In payment at 31 December 2006	In payment at 31 December 2007	The decline in absolute terms of the number of social aid request 2006 - 2007	%	% the number of social aid requests in 2007 compared to 2006
<b>TOTAL</b>	<b>337.246</b>	<b>289.535</b>	<b>47.711</b>	<b>100 %</b>	<b>14,15</b>
NORD-EAST	70.780	61.914	8.866	18,58	12,53
SOUTH-EAST	50.360	44.596	5.764	12,08	11,45
SOUTH MUNTENIA	55.055	47.019	8.036	16,85	14,60
SOUTH-WEST OLTENIA	54.827	47.120	7.707	16,15	14,06
VEST	20.993	16.860	4.133	8,66	19,69
NORTH-WEST	37.191	31.929	5.262	11,04	14,15
CENTRE	42.567	35.361	7.206	15,10	16,93
BUCUREȘTI - ILFOV	5.473	4.736	737	1,54	13,47

- **The amounts granted** as a social aid decreased in 2006 compared to the year 2005 with 10% respectively from 472 million lei at 449 million lei. For the year 2007 were granted 396.6 million lei.

**Comparative situation of the number of social aid actually paid  
in 2006 and 2007**

Regions of development	Average monthly number of social aid paid in 2006	Average monthly number of social aid paid in 2007	% the number of social aid request benefits in 2007 compared to 2006
NORD-EAST	50.082	47.184	5,8
SOUTH-EAST	46.880	41.569	11,3
SOUTH MUNTENIA	48.987	38.274	21,9
SOUTH-WEST OLTENIA	45.521	39.293	13,7
VEST	23.227	15.697	32,4
NORTH-WEST	29.752	26.206	11,9
CENTRE	31.165	27.517	11,7
BUCUREȘTI - ILFOV	5.119	4.496	12,2
<b>TOTAL COUNTRY</b>	<b>6016</b>	<b>5480</b>	<b>14,4</b>

- **The average amount of social aid:** the average amount of social aid paid in 2006 increased by 0.1% compared to the year 2005, from 132 lei to 133 lei. In the year 2007 the average amount was 138 lei.

**The average amount of social aid in 2007 compared to 2006**

Regions of development	The average amount of social aid	
	2007	2006
<b>TOTAL</b>	<b>138</b>	<b>133</b>
NORD-EAST	133	151
SOUTH-EAST	132	124
SOUTH MUNTENIA	141	132
SOUTH-WEST OLTENIA	129	119
VEST	148	136
NORTH-WEST	136	126
CENTRE	156	145
BUCHAREST - ILFOV	152	149

► Families receiving the minimum guaranteed income who are in difficulty following the death of a family member can receive a **funeral aid**, granted by the local public authorities. In 2006, 4,239 funeral aids were granted, and the amount spent from the local budgets was 1.1 million lei, and in the year 2007 were granted 4,588 funeral aids aid and the amount spent with this destination was 1.6 million lei.

- Preventing and combating social marginalization stipulated by Law 116/2002 concerning the preventing and combating social marginalization, approved in Mars 2002.

The situation at the national level, in 2006, is the following :

Crt. No.	Measures	Number of excluded persons	Number of excluded families	Number of beneficiaries	Number of beneficiaries families	SUMS	
						(RON)	
						Needed	Spend
1.	Acces to dwelling	30.613	14.962	7.720	4.514	78.947.485	17.951.347
2.	Acces to necessary public services	110.548	51.360	79.834	37.579	36.261.410	10.254.492
3.	Other measures	173.855	83.689	142.863	56.041	56.916.758	53.930.366
<b>Total</b>		<b>315.016</b>	<b>150.011</b>	<b>230.417</b>	<b>98.134</b>	<b>172.125.653</b>	<b>82.136.205</b>

Souces: Ministry of Labour, Family and Equal Opportunities

Besides the measures regarding the access to dwelling and necessary public services, provided in the normative act, the local councils initiated other measures too, such as:

- funeral aids,
- emergency aids (grocery)
- aids for support debts payment,
- financial aids for medicines supply,
- financial aids for persons in extreme need as a consequence of heath status,
- financial aids for taxes payment,
- Reduction/exemption from building and land taxes payment for persons with disability and families who are benefiting from social aids;
- assumption some lands for dwelling construction;
- free meal to the canteen of social aids;
- commutation for pupils transport;
- services of attendance to the domicile;
- transport to the hospital for the persons in need;
- payment for crèche;
- scholarship;
- socio-medical assistance to domicile for ageing persons and persons with disabilities;
- prevention of unwanted pregnancies;

- payment of medicine family insurance;
- personal assistance;
- social allowances for blind persons;
- access to TV cable;
- subsidies granted to associations and foundations;
- counseling for persons who executed punishments privative of liberty, in order to be socially reintegrated;
- services plans for prevention separation of children from their parents;
- social counseling, juridical and psychologically,
- scholarship for pupils in excluded families.

In year 2006 it was approved Law no. 95/2006 on the reform in the field of health care which provided that for persons who are members of families which benefit from social aid, the payment of health care contributions are ensured from the local budgets. Contributions for health insurance for persons benefiting from social aid are established by applying the percentage quota provided by law over the social aid granted, in the terms of law, for insuring the guaranteed minimum income.

The National program for employment excluded persons was issued taking into consideration the need for extenuate social effects of the restructuration process in the economy, and also the risk of social exclusion for some categories of persons who are confronting with difficulties in employment.

The law no 116/2002, regarding prevention and also social exclusion fight, aims to guarantee the effective access of citizens, especially youth, to fundamental rights, such the right to job, to dwelling, to medical assistance, to education and institution some measures for prevention and fight social exclusion.

In this sense, the abovementioned law, and also Norms for applying this law, approved by GD no.1149/2002, establishes, for employment: training, mediation and employment of the youth aged between 16-25 years, by social customized , granted by specialized personal of the National Agency for Employment.

This is realized based on a solidarity contract concluded between youth who are benefiting from provisions of Law no. 116/2002 and county agency for employment and Bucharest Agency for Employment.

In 2007 were trained 2,476 persons belonging to disadvantaged categories, were concluded 2,212 solidarity contracts and were identified 1076 employers of insertion.

The 2,212 solidarity contracts were concluded with the following categories of beneficiaries:

- 334 youth from placement centers and centers for receiving children inside the public and private specialized services bodies authorized in the field of child protection (15,1%);
- 108 single youth with children (4, 8%),
- 439 youth with family with children (19,8%);
- 354 youth family without children (16%)
- 2 family with families who executed punishments (0,1 %);
- 975 persons who belonging other youth in need (44,1%).

The situation regarding the level of education of the persons who concluded solidarity contracts in 2007 according to the Law no. 116/2002 is the following:

- 1,097 persons with general studies, unfinished or without studies (49, 6%);
- 692 persons with training studies (31,3%)
- 384 persons with medium studies (17,4%)
- 39 persons with superior studies (1,8%)

Regarding the access to a job, during 2007, were employed a number of 1.976 persons from which 1.832 employed with individual labor contract on determined period and 144 persons employed with individual labor contract on a non-determined period.

The 1,976 individual labor contracts were concluded with the following persons:

- 240 youth from placement centers and centers for receiving children from specialized public services and private bodies authorized in the field of child protection (12, 1%)
- 93 single youth with children (4, 7%),
- 427 youth with families with children (21, 6%),
- 348 youth with family without children (17,6%)
- 1 young person with family who executed a punishment (0,1%)
- 867 persons belonging to other categories of youth in need (43,9%).

The structure on training levels of those 1,976 persons who concluded individual labor contract according to the Law no. 116/2002, in 2007, is the following: 942 persons with unfinished or without studies (47.7%), 618 persons have vocational education (31.3%), 380 persons have secondary education (19.2%) and 36 persons have superior education (1.8%).

Implementing the Program for employment the persons social marginalized, had a direct impact for the youth employment who are confronting with the risk of professional exclusion. In this sense, analyzing the number of persons employed in 2007 (1,976 persons), comparative with 2006 year (1,705 persons), is found out an increase with 271 employed persons.

From the total number of 1,976 persons employed in 2007, a number of 1.441 persons were employed through granted mediation services that represents 72.9% from the total employed persons, 523 were employed by granted services for professional training that represents 26.5% from the total employed persons and 12 persons were employed through organizing training courses that represents 0.6% from the total of employed persons.

At national level, the amount paid from the unemployed budget insurance to the employers of insertion, who employed persons socially marginalized in 2007, amounted to 11,849,201 RON.

### **3. Financial benefits for house heating.**

There are means tested benefits granted according to the Government Emergency Ordinance no. 5/2003 for granting house heating benefits and some financial facilities for the payment of thermal energy, with modifications and completions. Have the right to this aid the families and the single persons who use thermal energy in centralized system for house heating and for the preparation of warm water, the persons who use natural gases for house heating, the persons who use woods, coals and oil gases for house heating.

The provisions of Government Emergency Ordinance no.55/2004 regarding some financial measures for granting the benefits for house heating, stipulated how to grant aid for house heating until the cold season 2005 to 2006. The provisions of this legislation were repealed in 2006.

In this regard, for the cold season November 2006 - March 2007, was adopted the Government Emergency Ordinance no.57/2006 for modifying and completing the Government Emergency Ordinance no.5/2003 on granting financial benefits for house heating or some facilities for paying the thermal energy for population. By these changes was proposed to replace the existing system of granting house heating benefits by value tickets, with a more quickly and efficiently system. So, was changed the procedure of granting the house heating benefits in a fix amount by a procedure of offsetting the actual percentage of the value of thermal energy invoice between 100% and 10% depending on the average level of monthly net income per family member.

In order to eliminate the differences encountered, it was necessary to modify also the Government Emergency Ordinance no.5/2003 by the Government Emergency Ordinance no.107/2006 so that all categories of persons can benefit from the measures envisaged during the remainder of the cold season already started, January - March 2007.

The levels of income of the families have been increased and completed for all heating systems: thermal energy in centralized system, natural gas and wood, coal, oil gases. The beneficiaries of house heating benefits the families and single persons whose average monthly net income per family member is up to 500 lei. If until the cold season 2006 - 2007 the benefit for house heating with wood, coal, oil gases was granted only for the beneficiaries of social aid, starting from January 2007 this benefit is granted also to other categories of beneficiaries, and to all those who realize incomes per family member up to 500 lei and use this type of fuel.

In September 2007 was approved the Government Decision no.1197/2007 which has increased the amounts of house heating benefits with 10.7% for natural gas, 5.4% for wood, coal, oil gases, starting with the cold season in 2007 - 2008. It also increased the limits of incomes by which is granted house heating benefit with 21.9%, the maximum limit increased from 500 lei to 615 lei starting with the rights for January 2008.

Also, was approved the Government Emergency Ordinance no. 121/2007 for modifying and completing the Government Emergency Ordinance nr. 5/2003 with subsequent modifications and completions that has corrected some provisions of the normative act which leads to improve its implementation.

The results for the **cold season 2005-2006** are as follows:

- total number of beneficiaries: **1.467.823 families and single persons**
  - thermal energy: 512.355
  - natural gas: 601.559
  - wood, coal, oil gases (VMG): 353.909
- total amounts granted :**702.19** milion Rol.

The results for the **cold season 2006 – 2007** are as follows:

- total number of beneficiaries: **4.393.053 families and single persons**
  - thermal energy:744.853
  - natural gas: 840.090
  - wood, coal, oil gases (VMG): 306.381
- wood, coal, oil gases (others than VMG): 2.501.726
- total amounts granted: **946.15** milion Rol.

The results for the **cold season 2007 – March 2008** are as follows:

- total number of beneficiaries: **4 313 243 families and single persons**
  - thermal energy: 602.580
  - natural gas: 789.162
  - wood, coal, oil gases (VMG) : 283.664
- wood, coal, oil gases (others than VMG) :2.637.837
- total amounts granted: **1,072.80** milion Rol.



**Evolution of the number of the house heating benefits  
- cold season 2005-2007 -**

		2005-2006		2006-2007		Nov. 2007- Mar. 2008	
Thermal energy		241,73	▲ 38,55%	215,88	▼ -10,69%	172,50	▼ 20,09%
Natural gas		340,00	▲ 178,32%	336,71	▼ -0,97%	309,30	▼ -8,14%
Wood, coal, oil gases (VMG)		120,46	▲ 74,76%	113,57	▼ -5,72%	77,00	▼ 32,20%
Wood, coal, oil gases (others than VMG)				280,00		514,00	
Total payment (million lei)	State budget	581,73	▲ 196,11%	832,58	▲ 43,12%	995,80	▲ 19,60%
	Local budget	120,46	▲ 174,76%	113,57	▼ -5,72%	77,00	▼ 32,20%
Total number of the beneficiaries families:		1 487 423	▲ 193,09%	4 394 645	▲ 194,74%	4 193 289	★ 13,89%
		The average benefit (lei)					
Thermal energy		94,36	▲ 40,62%	57,97	▼ -38,57%	57,25	▼ -1,23%
Natural gas		113,04	▲ 140,59%	80,16	▼ -29,09%	78,39	▼ -2,21%
Wood, coal, oil gases (VMG)		120,46	▲ 74,76%	50,00	▼ -58,49%	54,00	▲ 8,00%
Wood, coal, oil gases (others than VMG)				37,31		38,97	▲ 4,46%
The maximum limits of incomes (lei)							
Thermal energy		310	▲ 10,71%	500	▲ 61,29%	615	▲ 23,00%
Natural gas		310	▲ 10,71%	500	▲ 61,29%	615	▲ 23,00%
Wood, coal, oil gases (VMG)		VMG		VMG		VMG	
Wood, coal, oil gases (others than VMG)				500		615	▲ 23,00%
Maximum amount of the benefit (lei)							
Thermal energy		223	▲ 19,89%	100 %		100 %	
Natural gas		190	▲ 58,33%	210	▲ 10,53%	233	▲ 10,95%
Wood, coal, oil gases (VMG)		48	▲ 9,09%	50	▲ 4,17%	54	▲ 8,00%
Wood, coal, oil gases (others than VMG)				46		50	▲ 8,70%

#### 4. The financial benefits for persons with minimum resources who use natural gases for house heating

The program of granting house heating benefits has been completed for the period 2005 - 2007, by the program of granting financial benefits in amount of 1,500 RON for acquisition and installation of individual heating stations and in amount of 300 RON for acquisition and installation of individual automated burners, according to the provisions of the Government Emergency Ordinance no. 90/2005 regarding the financial benefits program for the persons with minimum resources who use natural gases for house heating.

Have the right to these benefits the families and the single persons who accomplish the following conditions:

- use natural gases for house heating and have terracotta stoves;
- have a monthly net income per member of the family until the minimum gross income guaranteed in payment.
- don't have a thermal central.

The introduction of this measure has been achieved as a result of price increases at natural gas, in order to make efficient the individual consumption of natural gas for persons who use this source of heating.

In 2006 the amount granted for the implementation of this program was 2.54 million RON for a number of 1400 heating station and 465 automated burners.

In 2007, the amount granted for the implementation of this program was 2.5 million RON for a number of 1,639 central heating and 97 automated burners.

#### 5. Emergency aids:

According to Law no. 416/2001 regarding the minimum income guaranteed, with modifications and completions, the families and persons who are in difficult situations because of natural calamities, fires, work accidents and other special circumstances have the rights to these aids.

Emergency aids 2005-2007

-RON -

Year	Number of beneficiaries	Amounts granted
2005	8,160	7,216,758
2006	15,322	4,118,536
2007	17,623	6,334,400

#### 6.The financial aids:

These are means tested benefits granted according to Government Emergency Ordinance no.118/1999 for the establishment of the National Fund for Solidarity, with modifications and completions. These financial aids are granted for families and persons who are into extreme difficulty because of their medical state or some other causes.

Financiar aids 2005-2007:

- RON -

Year	Number of beneficiaries	Amounts granted
2005	4,729	4,747,089
2006	6,416	5,791,604
2007	4,720	4,355,491

**Article 13 paragraph 3**

Romania focused the efforts for developing, besides a system of adequate families benefits, also the social services system. This process of rethinking the system started in 2003 by elaborating and approving Government Ordinance no.68/2003 on social services. Thus, for the first time in Romania this field, this is constituted in the active part of the social assistance system gained the role and the importance due for a modern society.

The most important of the social services in a society being in a permanent evolution is given by the social and economic changes which have the negative effects because can generate situations of vulnerability or may strengthen the vulnerability of some persons groups. The social services allow to the persons, groups and collectivities solving the problems that may appear in their accommodation to a society in evolution. Thus, must to taking into account the fact that social services always enlarge their field of application and are apt to continuous diversification, adapting to the evolution of persons needs.

Taking into consideration these aspects, in 2004, Ordinance no.68/2003 was improved through Government Ordinance no.86/2004, and in elaboration this normative act were taken into consideration more important elements, namely:

**- The role of state in developing social services:**

- Encourage and organize applying social services;
- Promoting participation civil society to creation and maintaining social services.

**- The necessity of creation social services accessible to all persons through:**

- Diversification social services thus to cover the most important part of the identified beneficiaries;
- Facilitation the access of persons to the existent services;

**- Developing efficient and quality social services.**

Ordinance no. 86/2004 for modification and completion Ordinance no. 68/2003 regarding social services provides that supplying social services in Romania to take into account a series of principles, such:

- a) social solidarity;
- b) unicity of person;
- c) liberty of elect social service depending on social need;
- d) equal opportunities and non-discrimination in the access to the social services and in supplying social services;
- e) active participation of the beneficiaries to the all process for supplying social services;
- f) transparence and public responsibility in granted social services;
- g) proximity in supplying social services;
- h) complementarity and integrated approach in supplying social services;
- i) concurrent and competivity in granted and financing social services;
- j) confidentiality;
- k) Partnership between involved parties in the process of supplying social services and its beneficiaries.

Another major element that was improved by promoting this legal act consisted in clarifying the typology of social services, by correlating it with assuming the responsibility of the public authorities for developing them. Thus, the social services were divided in two main categories, as follows:

1. **Primary services** that have as purpose prevention and limitation some difficulty situations or vulnerability that can lead to marginalization or social exclusion and the main categories are:

- activities of identification individuals social need, family or group;
- informing activities about rights and obligations;
- measures and actions for awareness and social sensibility;
- measures and emergency actions in order to reduce crises effects;

- measures and support actions in order to maintain in community the persons in need such social canteen, daily centers and others;
- council measures;
- measures and organizing activities and communitarian developing in the social plan, such encourage associations, participation and social solidarity;
- any other measures and actions that have as purpose prevention or limitation some difficulties situations or vulnerability, that can lead to marginalization or social exclusion.

Public services of social assistance, organized at the local level, has the responsibility for creation, maintaining and developing social services with primary character, depending on the social need identified, with the priority scope for sustaining person in her/him familiar and communitarian life.

2. The **specialized social services** that have as purpose the maintaining, recovery or development of individual capacities for overreach a situation of social need, and can be:

- recuperation and rehabilitation;
- support and assistance for families and children in need;
- informal education for children and adults, depending on the need;
- assistance and support for elderly, including for dependant elderly persons;
- assistance and support for all categories of persons;
- support and orientation for integration, re-adaptation and professional reeducation;
- social and medical caring for the persons in need, inclusive palliative, for carrying out those being in final fazes of diseases;
- social mediation;
- juridical consulting.

The social public service, organized at the county level, has the responsibility of developing and diversify social services specialized, depending on the identified social needs, with the priority purpose of maintaining the social functionality of the persons, following reinsertion in their own environment, in family and local communities.

The granting social services is made by the accredited social services suppliers, who can be physical persons or legal entities, public or private, eliminating thus the provisions by which the main social services supplier is the social assistance public service.

Another very important provision of the Ordinance no.86/2004 is that the granting social services is made decentralized, at the communitarian level, depending of the identified needs, the number of beneficiaries, the complexity of situation in difficulty. This provision aimed to taking into account the fact that in Europe is granted a special attention to the role that public administration authorities plays in ensuring in the respective community a adequate and harmonized frame. This is constituted as a essential condition for ensuring the life quality, socio-economic and cultural integration of all citizens, and also mutual relationship based on respect, solidarity and civic peace.

In order to implement the frame-legislation in the social services field and for implementing the principle of decentralized social services developing, was issued the second legislation to answer the following main elements:

**a) human means:**

- ensuring a sufficient number of personal,
- corresponding training of the personal recruited in the social services developing.

**By the law no. 466/2004 on social assistance status** was creating a professions body that putted in practice knowledge and the values social assistance for intervention and granted persons assistance or communities in need.

**b) Institutional means:**

- realizing measures that encourage territorial decentralization and responsibility local powers;
- encouraging the private initiative in practice social services.

Thus, through Ordinance no. 86/2004 was creating externalization supplying social services by contract of granting social services concluded between social assistance public service and any other social service supplier, based on the concurrence principle. The contract frame was approved through Order no. 606/2004 and contains mainly:

- the contract object;
- the costs of social services that make the contract object;
- payment modalities;
- the duration of the contract;
- the rights and liabilities to the contracting parties;
- supplying conditions for the services;
- possibilities for sub-contracting;
- modalities for cancelling the contract;
- damages;
- procedures for solving the litigation.

#### **c) financial means**

- Creating a dynamic policy with a view to developing social services taking into account the total amount of spending allocated to finance them;
- Allocation of resources to be proportional with the powers and problems of communities;
- Creating a support mechanism by the state for those with private initiatives. This mechanism can be both through direct involvement of state and by providing tax advantages or easing the "social charges" for those who are involved in activities in the social field.

#### **d) ensuring quality social services**

- the provision of social services can be achieved only by accredited providers of social services;
- quality standards.

The implementation of the accreditation process was designed to stimulate development of a system of quality social services. Thus, this accreditation confers, to some extent, the certainty that the providers of social services will provide services that meet certain minimum quality principles, so as to meet the beneficiaries' requirements.

The accreditation of service providers was governed by **Government Decision no.1024/2004** to approve the Norms for the application of the Government Ordinance no.68/2003 on social services, as well as the methodology for accreditation of providers of social services.

Accreditation is achieved at the level of each county and city of Bucharest, by a Committee made up of 9-11 permanent members, including representatives of the de-concentrated structures of the Ministry of Labor, Family and Equal Opportunities, the Ministry of Public Health, Ministry of Education, Research and Youth, representatives of the County Council, the representative providers of public and private social services at the regional level. Also at the meetings of the Committee may be invited as observers two representatives of the beneficiaries.

To be accredited, the providers of social services must meet the following cumulative conditions:

- to be constituted in the terms set by law;
- there are specific provisions in the Act establishing the provision of social services;
- the aims and objectives comply with the fundamental principles of human rights and international and Romanian law;
- the envisaged period of functioning enables the development of social services;

- ensuring material support for the developed social services;
- there is adequate trained staff for providing the services;
- compliance with quality standards for the social services provided;
- development of specific procedures for periodic evaluation of the services.

The check-up of the accuracy of the situation presented by the supplier, and the conditions stipulated by the legal act, is made by the members of the technical secretariat who will prepare an assessment report to be submitted to the accreditation committee.

In the process of accreditation, the compliance with quality standards for the services for which the provider requires accreditation is one of the essential conditions, and the analysis of their performance will be part of the assessment report. Standards that must be met in order to obtain accreditation have been approved by **Order no. 383/2005** for the approval of general standards on the quality of social services and for approval of the methods of evaluating their fulfillment by the suppliers. These standards for social services are based on the European Quality in Rehabilitation Award (EQRM)<sup>1</sup>, a wide-spread system for evaluating the quality at European level which has been developed for social services offered in the field of persons with disabilities, and which also applies to a large extent to other areas of providing social services. EQRM is based on the Model of Excellence in Business and from the concept of total quality management which means not only the service itself, but includes the entire organization that provides the service.

The standards are based only on principles and values, are applicable to all social services and what is more important they lead to a very qualitative approach to the development of social services, having regard to the principle of learning from examples of good practices and so try to continuously improve the activity.

The quality standards were formulated and grouped in 9 chapters that represent the 9 principles of excellence, namely:

- Leadership: efficiency in management and external management
- Rights: respecting and promoting the rights of beneficiaries
- Ethics: respect for the dignity of the person providing services
- Inclusion: providing a variety of services, which give a value for all interested persons
- Orientation towards the person: ensuring the provision of individualized services
- Participation: the participation of the beneficiaries
- Partnership: Cooperation with providers of public and private services in all activities
- Orientation towards results: performance by measurement and monitoring of service supply results
- Continuous improvement: performance review, systematic improvement of services and personnel training.

Standards have been developed so as to be general enough and flexible so as to promote a multidisciplinary vision, while comprehensive, to enable comparison of a service offered by several suppliers. The accreditation of social services providers is for a period of 3 years or, as appropriate, for the duration of social services provision if it is less than 3 years.

In the field of social services, a sectoral legislative framework was developed, taking into account the specific needs of various vulnerable groups: elderly persons, persons with disabilities, children, victims of domestic violence, families in difficulty, people dependent on drugs or other substances etc.

### **1. Social services for elderly:**

If most of the time the specific problems of this important segment of the population have been addressed, most often, referring to the social security system, focusing mainly on the pension system,

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<sup>1</sup> Copy right of EQRM on the principles of excellence in rehabilitation as well as EQRM must be mentioned in all official documents

over the past few years there have been developed a set of measures to prevent problems that occur with increasing age, when the risk of dependency increases.

In this context the legal framework for this segment of the population is represented by Law nr.17/2000 on social assistance to elderly people, and by the 2005 -2008 National Strategy on the development of the social assistance system for elderly.

The services for elderly are defined in the "Community services for elderly" and focus on:

- a) temporary or permanent care home;
- b) temporary or permanent care in a hostel for elderly persons;
- c) care in day centers, clubs for elderly, hostels for temporary care, apartments and social housing, and others.

**a. The services provided at home can be:**

- i) *social services* on personal care, prevention of social exclusion and support for social reintegration, legal and administrative advice, support for payment of certain services and current obligations, housing and household care, help for cleaning, food preparation;
- ii) *socio-medical services* on the support to achieve personal hygiene, rehabilitation of physical and mental capacities, adaptation of housing to the elderly needs and involvement in economic, social and cultural activities as well as temporary care in day centers, night shelters or other specialized centers;
- iii) *medical services* in the form of consultations and medical care at home or in institutions of health care, dental consultations, administration of medicines, provision of sanitary materials and medical devices.

Home care is the most effective strategy for the care of elderly in situation of dependence, not only because it is a method with a lower cost than care in institutions, but because it is favored by all persons, representing an essential attribute to ensure increased quality of life.

To achieve care home in Romania is given priority to programs which enable the development of social infrastructure capable to support a true network of services provided in close relationship with other medical and social structures. This means sufficient financial means, granted in conformity with a well structured and defined model at national level, specialized staff and dimensioned according to the social issues, involvement of civil society, development of volunteering, providing support for families and carers.

Most of dependent elderly people receive care in the family. This reality raises a multitude of problems that need to be resolved. Most carers in the family are women, wives or daughters. But economic realities, the need for additional resources causes women to get employed and the young women to migrate from village to city in search of a job. Many carers are themselves elderly and can become dependent. Caring for the family is done especially in rural areas, where tradition and moral values are kept in a greater proportion.

For the persons who provide home care to the elderly, it was issued the Order of Minister of labour no.392/2000, which approved the methodology for accreditation of persons who grant care home elderly to elderly. Under this order, temporary or permanent care of the elderly at home can be achieved only with their consent, by a person accredited, named caretaker, or by a legal entity with responsibilities in this area, if it avails itself of qualified staff.

Care home aims at providing social and socio-medical services, recommended under the National Assessment Scale of dependent elderly. The de-concentrated structures of the Ministry of Labor, Family and Equal Opportunities approved the accreditation of carer, following a request submitted by those requiring this, where the conditions are fulfilled. Natural or legal persons accredited receive a "certificate of carer for the elderly" which will be issued for a period of one year. Annually or when deemed necessary, the social service of the local councils prepares a report assessing the activities carried out by

the carer, which they transmit to the directorate of work and social protection. Based on this, the certificate may be renewed, suspended or withdrawn.

For supporting the informal carer, local councils may employ, part time or full-time, the spouse or relatives of such person, ensuring payment for this period of work in an amount calculated according to the gross monthly salary of a debutant social assistant who graduated high school. Also while working part time, the work done by the caretaker is considered as full time employment. Staff who provides home care can be employed by local councils and can be paid, depending on the period of care required, by payment by the hour, part-time or full time.

The number of people who have received care at home, in 2007, is presented in the table below:

Source of funding	Children	Elderly	People with disabilities	Other categories of beneficiaries
From the state budget (subsidies under the Law no.34/1998)				
From the local budgets	1,147	6,685	12,732	236
From the budgets of NGOs or other civil society representatives	368	12,233	2,516	1,899

Source: Ministry of Labour, Family and Equal Opportunities

## 2. The services provided in residential institutions

Caring for older people in institutions, i.e. hostels, represents a measure of social assistance ordered with title of exception, taking into account the priority criteria. The main objectives of a hostel are to ensure maximum autonomy and security, the necessary surveillance and medical care services, to provide support for improving physical and intellectual capacities, to stimulate the participation of elderly in society.

The community services provided to elderly people in residential institutions are:

- social services: help with housework, legal and administrative counseling, ways to prevent social exclusion and promote social reintegration, proportionally with the psychical and affective abilities;
- socio-medical services: support for the maintenance and rehabilitation or physical or intellectual capacities, provision of occupational therapy programs, support for the body hygiene;
- medical services: consultations and treatments in medical clinics, in specialized medical institutions or at the person's bed if it is immobilized; service care – infirmary; providing medicines; medical insurance; dental care and advice.

### The situation on residential institutions for elderly persons:

	Hostels for elderly					
	Local budgets			NGOs Budgets		
	Number of units	Number of beneficiaries	Capacity	Number of Units	Number of beneficiaries	Capacity
2005	19	1,891	2,011	na	na	na
2006	54	4,441	4,827	32	1,147	1,267
2007	68	4,711	5,588	38	1,301	1,429

Source: Ministry of Labor, Family and Equal Opportunities

In conclusion:



- The right to social welfare of elderly is in relation to the socio-medical and the economic resources which they possess;
- Persons who have reached the retirement age established by law are considered elderly persons;
- The types of social services provided to elderly is diverse (community services concerning the care given at home, in institutions of social assistance of hostel type, day centers, temporary care homes, apartments and social housing and the like);
- The granting of social assistance, social and medical care: is organized by the local councils which also determine the types of services and their costs; the granting of services may be made directly by local councils or by non-governmental organizations on the basis of contracts concluded with the local councils; people who have incomes 5 times less than the net monthly income taken into account for determining the social aid benefit from these services free of charge;
- Funding: it is achieved mainly through the *local budgets* by granting subsidies in addition to the extra income hostels. The local budget also ensures the financing of expenses for the organization and operation of community services, including those granted at home, for the funeral expenses in cases where there are no legal supporters or they cannot meet their family obligations because of economic or health reasons as well as for the financing of NGOs' social assistance; from the *state budget* there are ensured the costs of investments and capital repairs for the units of social assistance in the disadvantaged areas, the extra-budgetary revenues of hostels are completed, there are granted subsidies for social assistance programs carried out by NGOs as well as other expenses referred to as priority in the annual budget laws. Hostels for elderly persons, have secured current and capital expenditure from extra-budgetary revenues and subsidies from the state budget. The modality to finance the expenditure for the construction, equipping, maintaining, upgrading, operation of hostels for elderly persons who serve more administrative and territorial units, funding made under the conventions concluded between the donors and the local councils concerned, which in reality is done with great difficulty. Therefore, to support the financing of these types of expenses there may be awarded subsidies based on projects well justified in accordance with the provisions of Law no.366/2001 for approving the Emergency Ordinance no.118/1999 on the establishment and the use of the National Solidarity Fund;
- Access of the elderly in hostels is carried out, with priority, for those who are in a situation of dependency and who require constant care, for persons without legal supporters, for people who can not be cared for at home, for people who cannot take care of themselves, people who have no housing, people who do not earn incomes;
- The right to social assistance, at home and in institutions, is determined by the mayor based on a social survey and the recommendations made in accordance with National Scale Assessment. (Government Decision no.886/2000);
- The *monthly contribution for maintenance* is established by the management of the hostel, depending on the degree of dependency and the incomes of the elderly or his/her legal supporters;
- Reorganization of hostels in wards for dependent elderly persons, semi-dependent and for people who are not dependent, thus allowing the transfer from one institution to another of the person assisted;
- Developing partnerships with associations and NGOs, provided by law (services provided at home can be developed by local councils, alone or in partnership with non-governmental organizations);
- Assessing the degree of dependence of elderly persons shall be done based on a modern methodology, compatible with that used by the Member States, i.e. in accordance with the National Scale Assessment approved by Government Decision no. 886/2000; (the dependency refers to the loss of physical, mental, psychological and social autonomy of the person who, in these circumstances, it is unable to perform the usual activities of everyday life; assessment of the dependency situation, resulting in different degrees, determines the setting of types of services fit to give each person a real support, adequate and strictly individualized, at home or, ultimately, in the institutions of social assistance);
- The protection of older people, in the event of concluding legal acts for disposal of personal assets in order to avoid certain forms of abuse related to disposal of property: the elderly are assisted by involving the guardianship authority at the conclusion of notary documents and at ensuring the compliance with the obligations stipulated in the legal acts.

## **2. Social services for people with disabilities**

The responsibility for the development of social services for disabled people rests with the **National**

**Authority for Disabled Persons.** The National Authority for Disabled Persons is a specialized institution of public administration, with legal personality under the coordination of the minister of labor, family and equal opportunities.

The rate of persons with disabilities (children and adults) in the year 2006 was 2.25% of the population (488,054 people of which 261,449 women), registering a slight increase from the year 2007, namely 2.63% (567,542 persons of which 308,812 women).

	<b>Adult persons with disabilities in family care or living independently</b>	<b>Adult persons with disabilities assisted in residential institutions</b>	<b>TOTAL</b>
2006	415,802	17,131	432,933
2007	493,910	16,736	510,646

Source: National Authority for Disabled Persons

In the field of special protection of disabled persons, the year 2006 was the first year of implementing the 2006 - 2013 National Strategy on the protection, integration and social inclusion of persons with disabilities "Equal opportunities for people with disabilities - to a society without discrimination".<sup>2</sup> The main concern was the restructuring of residential institutions of old type by: reducing the number of people assisted, redefining the mandate of the institution, implementing the quality standards for the services provided, re-modeling, re-arrangement, endowment, equipping new centers, training/improvement/ retraining of staff, recruitment of specialized personnel.

The implementation of the National Strategy required the allocation of important financial resources, both national and international, as follows:

⇒ In 2006, from the state budget it was allocated the sum of 3,463,000 RON for the year 2006 to finance projects of special protection and socio-professional integration of disabled adults. Thus, there were financed a number of projects submitted by NGOs, the results being the establishment in 2006 of 23 new social services and vocational training. In 2007, it was allocated the sum of 3,623,000 RON and 18 social services have been set up. For the year 2008 it was allocated the sum of 3,781,000 RON and there will be set up 16 services.

⇒ In 2006 the funds allocated from the state budget amounted to 12,654,000 RON to implement 5 programs of national interest in the field of special protection of disabled persons. The results of these programs were the restructuring of 2 residential institutions which have a capacity of over 200 assisted persons, the vocational qualification of 300 persons with disabilities, the development of 31 service centers for motor neuron recovery of ambulatory type, the training of 160 persons operating in the field.

⇒ In 2006, from the Fund for budgetary reserve available to the Government it was allocated the sum of 14,905,000 RON for the design works for the carrying out of capital repairs for 14 residential centers, as well as for cleaning and equipping of 45 centers;

⇒ Also in 2006, there were carried out capitals repair works to 9 residential centers in Arges, Bacau, Hunedoara, Satu Mare, Tulcea, Alba, Bihor, Ilfov and Maramures counties. The amount allocated from the budget reserve available to the Government was 17,822,000 RON;

⇒ Between 29 November 2005 and 29 October 2007 it was conducted 2003/005-551.01.04 Phare project "Support to reform the system of protection of persons with disabilities." The total amount of the financing scheme was 21,355,195.74 Euro and co-financing from Romania was 4,079,093 Euro. In the non-reimbursable funding scheme, at the end of 2005 there were signed 36 contracts for the financing, having as beneficiaries 20 County Councils and the Local Council of Sector 3 - Bucharest. By the end of the program there were established 78 new services, such as: protected houses (45), integration centers through occupational therapy (5), centers for care and support (13), center of recovery and neuron-psycho rehabilitation (10), day centers (4), recreational centers (1).

<sup>2</sup> Government Decision no. 1175/2005 on the approval of the 2006-2013 National Strategy on the protection, integration and social inclusion of disabled people "Equal opportunities for people with disabilities - to a society without discrimination"

During 1 January 2007 - December 31 2007, the number of social services for adults with disabilities increased, which shows more significant involvement of local authorities in promoting special protection measures for people with disabilities.

The evolution of institutions' and social services' typology for adults with disabilities:

Type of service/ institution	Number of institutions		
	Jan 1 2005	31 Dec 2006	Dec 31 2007
Centers for recovery and neuron-psychical rehabilitation	25	33	45
Centers for integration through occupational therapy	11	18	18
Centers for recovery and rehabilitation	20	21	34
Pilot centers for recovery and rehabilitation	6	5	1
Care and support centers	83	83	98
Day centers	4	8	13
Social centers	0	1	1
Recreational centers	0	1	5
Centers for assistive technologies	0	1	1
Pilot centers for vocational recovery and integration	0	1	1
Neuronal and motor recovery centers	0	34	36
Protected housing	0	14	70
Protected workshops	0	6	11
Vocational training and advanced training centers	0	7	7
Crisis center	0	2	2
Home support	0	2	2
Counseling and assistance services for socio-professional integration	0	2	3

Source: National Authority for Disabled Persons

The National Authority for Disabled Persons has developed an assessment tool, called ROM-CAT used in identifying and analyzing the needs of social services adapted to customers. It also represents a starting point for the composition of the individual rehabilitation plan. The instrument contains an assessment of how to evaluate the professional potential and the professional reintegration, which will lead to providing packages of services for training and professional reintegration. The sections on the vocational assessment ROM-CAT provide a basic orientation on the professional potential and ability to carry out a professional activity. ROM-CAT is also a complex instrument covering various aspects of personal profile. This is necessary whereas the majority of beneficiaries have complex needs, requiring different types of services. Based on this comprehensive assessment of needs, service providers can ensure the customer's access to a continuum of community services, which start from early intervention to support up to handling the case, provided through a multi-disciplinary approach which requires a partnership between different suppliers.

#### *The employment of persons with disabilities*

Employment on the labor market of people with disabilities is one of the most important processes for the active participation of this category in the economic and social life. Increasing employment is one of the objectives of the national strategy, when, on the one hand, there is a lack of support services for these

people to be able to find and keep a job and, on the other hand, it is necessary to diversify the ways of organizing work and facilitate the involvement of employers.

From 1 January 2007, under the new legal framework (Law no. 448/2006 on the protection and promotion of the rights of persons with disabilities) adopted in the field of protection of persons with disabilities, stimulating the employment of people with disabilities has become one of the major objectives of social policies in this area. Thus, "any disabled person who wants to integrate or reintegrate into employment has free access to assessment and vocational guidance, regardless of age, type and degree of disability." The employment of people with disabilities is carried out according to their vocational training and work capacity, in the following forms: on the free labour market, at home and in protected forms. The people with disabilities who get employed are exempted from taxes on wages and cumulate the social benefits for being a disabled person with the wage income. Also, employers who refuse to employ people with disabilities shall be fined.

In order to stimulate employers to employ persons with disabilities, they enjoy certain rights, namely:

1. deduction, in calculating the taxable profits, of the expenses made with the adjustment of the protected jobs and the purchase of machinery and equipments used in the production process by the person with disabilities;
2. deduction, in calculating the taxable profits, of the expenses made with the transport of people with disabilities from home to work, as well as of the transport costs of raw materials and finished products to and from the domicile of the person with disabilities, committed to work at home;
3. payment from the unemployment insurance budget of the specific expenditure with the vocational training, vocational guidance and employment of persons with disabilities;
4. subsidies from the state, in terms of legislation on unemployment insurance system and stimulation of employment.

Meanwhile, the legislation also established the rights of persons with disabilities in finding a job or who are already employed:

- a) training courses;
- b) reasonable adjustment of the workplace;
- c) counseling during prior employment and during employment and on probation, from a counselor specialized in mediation at work;
- d) a probationary period of employment, paid at least 45 working days;
- e) a paid notification of at least 30 working days, given at the termination of the individual employment contract at the initiative of the employer for reasons not attributable to it;
- f) the possibility to work less than 8 hours a day, according to the law, in case he/she receives the recommendation of the evaluation committee in this regard;
- g) exemption from payment of income tax, for people with pronounced and severe disabilities.

There must be underlined that the authorities and public institutions, legal persons, public or private, with at least 50 employees, are required to employ disabled people in a rate of at least 4% of the total number of employees.

In a situation where they do not employ people with disabilities, they may choose to fulfill one of the following requirements:

- a) to pay monthly to the state budget an amount representing 50% of the basic minimum gross national salary multiplied by the number of jobs that have been filled in with people with disabilities;
- b) to purchase products or services from protected authorized units, based on partnership, in the amount equivalent to the amount owed to the state budget.

Following the introduction of this right to choice, in 2007 it was registered recorded an increase in the number of protected authorized units. If at the end of 2006 there were authorized 48 units, by the end of 2007 they were authorized 150. The upward increase in the number of protected units was maintained and protected in 2008, currently being authorized 193 units. Within these units there were employed 898 persons with disabilities.

With the new legislative package was covered the status of protected units, as well as the rights that they enjoyed, namely:

- a) exemption from payment of authorizing taxes, at the establishment and re-authorization;
- b) exemption from payment of income tax, provided that at least 75% of the fund obtained by the exemption to be reinvested for restructuring or for the purchase of technological equipment, machinery, tools, other facilities and/or the re-arrangement of the protected workplaces, in terms set by the Fiscal Code;
- c) other rights granted by the local public administration financed from its own funds.

In conclusion, on 31 December 2007 the number of people with disabilities placed in employment was 21,906 compared to 16,225 at 31 December 2006, of which 2,431 were people with severe disabilities and 16,707 people with pronounced disabilities.

By applying complex of active measures for promoting social inclusion of persons with disabilities, who have not totally lost their capacity for work, there were employed 1,072 people, of which 286 people so far by providing subsidies to employers. An important contribution was the activity carried out by the 9 centers for mediation and counseling of persons with disabilities (8 established under the project "Counseling services for people with disabilities", with IBRD financing (RO 4616) and 1 in partnership with a foundation in Germany.

The difficulties of integrating people with disabilities are very diverse, they are mainly related to: accessibility that the community and employers have to provide to them, adaptations of the workplace by employers, the mentalities related to the use of these people in practical activities, the employers being rather willing to pay the penalties provided by law in case of non-hiring people with disabilities.

In order to prevent and combat discrimination and provide equal opportunities for persons with disabilities, the National Authority for Disabled Persons implemented in 2007 a campaign of information and raising-awareness among public opinion with regard to persons with disabilities, with the slogan "Put yourself in my place! Learn to understand." The campaign included:

- ⇒ three TV spots, broadcasted on 4 important TV channels, with national cover. The number of broadcasts: 1454. Also a reduced version of the spot is transmitted on TV screens in shopping centers and on screens in some public areas.
- ⇒ two radio spots widely circulated with the subject of vision and hearing disabilities. The total number of broadcasts was 1733.
- ⇒ a series of appearances on radio and TV shows ("People like us," "Surprise, Surprise," "Give and win").
- ⇒ 71 graphic inserts (press layouts) were introduced and distributed with the following newspapers: *Jurnalul National*, *Evenimentul Zilei*, *TV Mania*, *Lumea Femeilor*, *Compact*, as well as numerous local publications.
- ⇒ editing the "Guide for social assistants and medical staff", published in 15,000 copies and a leaflet for the general public, published in 50,000 copies.
- ⇒ outdoor campaign - 15,000 posters were displayed in subway stations, buses and at the headquarters of the Romanian Post.
- ⇒ [www.campanieanph.ro](http://www.campanieanph.ro) website;
- ⇒ publishing a monthly electronic newsletter covering topics of interest for persons with disabilities.

The campaign envisaged the organization of 40 workshops (seminars) for information and debate.

Also, persons with disabilities enjoy a package of financial rights and privileges. In order to cover them, in 2006 there was the amount of 549,385,322 RON and for the payment of special aids for people with visual disabilities there were spent 209,752,797 RON.

Since 2007, the legislative framework<sup>3</sup> on the rights of persons with disabilities was reconsidered so as to meet their social needs. In this respect, in 2007, the amounts spent for the payment of benefits for persons with disabilities was 1,248,151,098 RON.

*The number of disabled adult recipient of benefits:*

<b>Development Region</b>	<b>Monthly allowance for the carers of adults with serious and pronounced visual disabilities</b>	<b>Monthly aid for adults with severe and pronounced disabilities</b>	<b>Additional personal budget for people with severe, pronounced and medium disabilities</b>
North-east	7,257	61,809	74,628
South-east	4,723	54,434	67,219
South Muntenia	7,135	71,947	81,821
South-West Oltenia	4,650	43,883	52,414
West	4,266	44,440	52,667
North-west	6,188	60,862	72,645
Center	4,753	48,588	58,726
Bucharest-Ilfov	3,432	41,212	47,175
<b>TOTAL</b>	<b>42,404</b>	<b>427,175</b>	<b>507,295</b>

Source: Ministry of Labor, Family and Equal Opportunities

### **3. Social services for children in difficulty**

Since 1997, in the field of child protection started a comprehensive reform, which emphasized the development of alternative social services that provide adequate support to families in difficulty in order to keep the children in the family. A result of the national demarches undertaken in order to respect the rights of children in Romania is implemented with effect from 1 January 2005, a new legislative framework on the protection and promotion of children's rights, constituted of 4 main laws, supplemented by the related secondary legislation:

- Law no. 272/2004 on the protection and promotion of children's rights,
- Law no. 273/2004 concerning the legal adoption,
- Law no. 274/2004 on the establishment and operation of the Romanian Office for Adoptions,
- Law no. 275/2004 for the amendment of Government Emergency Ordinance no.12/2001 on the establishment of the National Authority for Child Protection and Adoption (which became, with effect from 01.01.2005, National Authority for Protection of Child Rights).

This legislative framework ensures the following:

- integrates in its scope the relevant community acquis in this field and all the principles and provisions contained in the treaties and international agreements signed by Romania.
- provides for the observance of all children's rights, according to the UN Convention on the Rights of the Child and all the principles and provisions of international treaties and conventions ratified by Romania;
- imposes the prevalence of the principle of child's superior interest, both in relation to any regulations or other legal acts issued or concluded in this field, as well as in relation to the rights and obligations of the child's parents, other legal representative of his, and any persons to whom the child was placed legally. The prevalence of this principle is also imposed in all steps and decisions concerning children, undertaken by authorized public authorities or private bodies, and in the cases settled by the courts;
- defines as primary the responsibility of parents with regard to ensuring the growth and development of the child - they have the obligation to exercise their rights and to meet their obligations to the child taking into account the priority interests of the latter;
- regulates the equal responsibility of parents in relation to their children, the obligation of parents to ensure children guidance and advice necessary to exercise the rights provided by law, the right of

<sup>3</sup> Law no.446/2006 on the special protection of disabled persons

parents to receive specialized information and assistance necessary for the child's care, growth and education, and prohibiting segregation children of parents against their will, except in limited cases provided by law, subject to judicial review;

- regulates, in subsidiary, the responsibility that lies with the local community that are part of the child and his family; the local public administration authorities have the obligation to support parents or, where appropriate, the legal representative of the child in implementing the obligations relating to the child, by developing and providing to this end, diversified, affordable and quality services, appropriate to the child's needs;
- requires that any separation of children from its parents, and any limitation on the exercise of parental rights should be preceded by systematic granting of services and benefits provided by law, with emphasis on parents' informing and counseling, as well as therapy or mediation, carried out under a plan of services;
- defines the state intervention as complementary, this having the role to ensure child protection and to ensure compliance with all of its rights, through the specific activity carried out by the state institutions and public authorities with responsibilities in this area;
- imposes an obligation to the public and private authorized bodies and courts, to involve the family in all decisions, actions and measures relating to child as well as to support child care and education of the child inside the family;
- imposes the following complementary principles in achieving compliance and ensuring the rights of children: equal opportunities and non-discrimination, providing personalized and individualized care of the child, multi-sectoral intervention and public-private partnership, respect for the dignity and the protection of children from all forms of abuse or exploitation, hearing the opinion of the child and taking it into consideration, taking into account its age and degree of maturity, ensuring stability and continuity in upbringing child and educating the child, taking account of ethnic, cultural and linguistic origin, in case of taking protective actions, celerity in decision making, interpreting the legal norms in this field in line with all regulations in this respect;
- governs the responsibilities and the procedural aspects of decisions making related to the special protection of children, as well as decisions relating to adoption, limiting the jurisdiction of administrative decision-making bodies (committees for the protection of children under county councils and town councils sectors of the municipality of Bucharest) in situations of temporary separation of children from parents when the parents consent, and giving full competence to courts to solve all other cases relating to child and family;
- eliminates the adoption of children as a special protection measure, defining it as act of civil law, limits the international adoption of children to their relatives of 2<sup>nd</sup> degree (up to the rank of brothers or grandparents) and promotes the national adoption by special measures.

As regards the implementation of legislation, emphasis was placed on the development of social services to prevent institutionalization, and on alternative social services to institutionalization. At the same time, there were established in new residential centers as a result of the closure and restructuring of old institutions. The results of these reforms can be seen through the analysis of key indicators, namely:

- decrease in the number of institutionalized children in residential-type services (placement centers, reception centers in emergency regime, maternal centers);

	<b>2005</b>	<b>2006</b>	<b>2007</b>
Public services of residential-type	23,684	21,198	20,532
Private service of residential-type	5,102	4,907	4,582
<b>TOTAL</b>	<b>28,786</b>	<b>26,105</b>	<b>25,114</b>

Source: National Authority for Protection of Child Rights

- existence of a number of 467 apartments where children enjoy a family-type protection, and a number of 361 houses of family-type;

- number of maternal assistants: 15,225;
- number of children in substitutive families (professional maternal assistants, relatives up to 4<sup>th</sup> grade inclusive) was 48,172 in 2007;

	<b>2005</b>	<b>2006</b>	<b>2007</b>
With maternal assistants of the public services (DGASPC, local councils)	17,213	19,571	20,226
With maternal assistants of private authorized bodies	348	238	186
With relatives until 4 <sup>th</sup> grade including	24,689	23,847	21,888
With other families and individuals	55,473	4,215	3,870
<b>TOTAL</b>	<b>47,723</b>	<b>47,871</b>	<b>46,172</b>

Source: National Authority for Protection of Child Rights

- Reducing the number of centers of classical placement, and in March 2007 there were 42.

As regards the deinstitutionalization, there can be noticed the excellent results recorded in the period 2005 - 2006, namely the number of children who have left the institutions of protection was 4.5 times higher in 2006 compared to 2005.

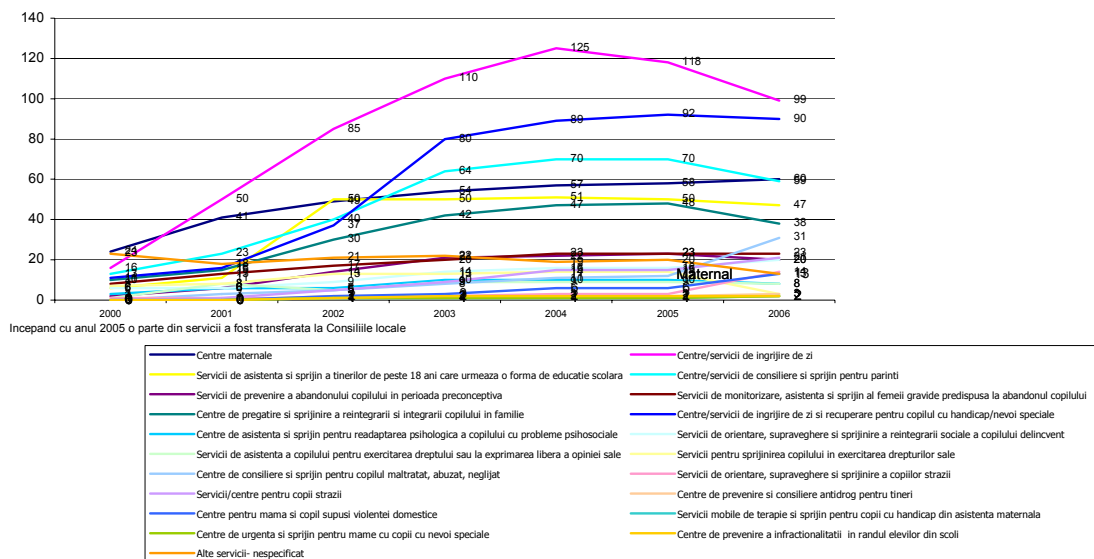
	<b>2005</b>	<b>2006</b>
Children reintegrate into family life	577	2,077
Age of 18/26 years	355	1,940
Seal and irrevocable International	3	0
Declining jurisdiction, death, other causes	157	889
<b>TOTAL</b>	<b>1,092</b>	<b>4,906</b>

Source: National Authority for Protection of Child Rights

The development of alternative services to institutionalization represented the priority of all programs in this field. Following all these actions there was a dynamic in the development of alternative services, as shown in the chart below:



## THE DINAMICS OF THE ALTERNATIVE SERVICES



Source: National Authority for Protection of Children Rights

In order to develop alternative services, there were promoted programs of national interest which were implemented with the support of NGOs. Thus, in 2005 there were created:

- 2 services on guidance and vocational counseling (one of residential-type, the other a day care center) for young people who have left the protection system.
- 2 transit centers for the protection of repatriated children and victims of trafficking, and there were carried out prevention activities for 4,850 children;
- 4 local inter-sectoral teams to prevent and combat exploitation of child labor in the counties of Bistrita Nasaud, Mures, Alba and Vrancea and 40 focal points (consultative community structures), as well as 3 days centers and 5 centers to prevent the exploitation of children.
- 108 community social services: 26 services to prevent separation of children from their parents (5 days centers, 5 counseling center for parents, 16 services to monitor pregnant women and likely to abandon the child) and 82 social services at the level of town halls, where there were employed 96 people.

In year 2006, 5 programs of national interest were carried out, of which we mention:

- the program named "Establishment of placement centers of family type – houses and apartments for children in institutions with a capacity greater than 100 seats, which have not been restructured on modules of family -type", amounting to 3,731.6 thousand RON, by which there were established 7 houses of family type in the counties of Ilfov and Hunedoara.

- the program named "The development of alternative services for children with disabilities/ handicap/ HIV/ AIDS", with a budget of 2,260 thousand RON, aimed at setting up 4 alternative services for children with disabilities/ handicap/ HIV/ AIDS in the county of Braila, and the continuation of the program of national interest "Development of day/recovery services and/or the closing of old institutions for children with disabilities/ handicap that can not be restructured/ rehabilitated" started in 2005. In the latter, it was finalized the Complex of services for children with severe disabilities in Ramnicu Valcea, Valcea County, made up of 2 placement centers of family-type (2 houses of family-type) and it is in course of completion the Complex of services for children with severe disabilities in Lugoj, Timis County, which includes 2 placement centers of family-type (2 houses of family-type and an administration building) and the expansion of the day center for recovery for children with disabilities in the town Babeni, Vâlcea County;

- "Developing the network of community social services for the child and family, and support for families in crisis to prevent child separation from his family", with a budget of 6,088 thousand RON, by which in 5 counties there were established 32 services to prevent child separation from his family, employing 68 people with responsibilities in social work at the level of local communal councils, and the establishment of 134 community consultative structures and the training of their members.

In year 2007, two programs of national interest were carried out, namely:

⇒ "The development of alternative services for children with disabilities/ handicap/ HIV/ AIDS", with a budget of 3,200 thousand RON, by which there were recruited and trained 26 professional maternal assistants, there were hired 12 maternal assistants with whom there were placed 12 children with disabilities;

⇒ "The development of community network of social services for child and family and support for families in crisis to prevent child separation of his family", with a budget of 1,400 thousand RON, by which there were trained 210 people in the public services of social assistance and 521 people in the residential-type services.

As regards the social reintegration of street children, it was promoted the "Street Children Initiative" funded by the Development Bank of Council of Europe, with an amount of 4.78 million EURO. The project created 20 centers for a total of 300 children and about 150 social workers will benefit from training programs.

Another issue on which focused the activities in the field of protection of children's rights it was the training of professionals involved in protecting children's rights, which had as main objective the presentation of the new regulations introduced by Law no. 272/2004, as well as the acquiring of professional skills necessary to the best possible implementation of these provisions.

There were 100 workshops held over two days, during the period August to October 2005, which gathered 1,800 professionals from throughout the country, health professionals, teachers, priests, police, magistrates and social workers. For all the participants were organized during the period November 2005 - January 2006 one day sessions, in which participants have presented how they applied in their professional activity the knowledge gained in the initial workshops and reviewed the tools for a better cooperation between professions at county level.

There were organized 86 workshops for 2600 social assistance from the local authorities and councils, on the issue of cooperation mechanisms between them, as well as on the new responsibilities incumbent on them as a result of the new legislative package.

In the training sessions, the approach was customized for the professionals who work with disabled children, Roma and other minorities, street children, children who commit criminal offences and not respond for their deeds, trafficking of children etc.

Topics regarding Roma children and their families were focused on the right to education and prevention of school drop-out and the possibility of continuing education for those who have interrupted it, marriages between minors - which is a particular problem of the Roma community, right to health, provision of decent living conditions, access to social benefits and prevent and combat discrimination.

Under the new project financed from PHARE funds, which started in December 2005, there were compiled textbooks for 6 professional categories (social workers, teachers, medical staff, judges and prosecutors, police and priests) on their role in the protection and promotion of the children's rights. A separate chapter in the textbooks was reserved for "Discrimination".

The National Authority for Protection of Children's Rights conducted an education campaign on the child's rights, funded by the European Union through PHARE program.

The first part of the campaign, carried out from October 2004 to March 2006 under the slogan "Children's rights are law!" was structured in three parts: (1) the information campaign for the general public "Children's rights are law!", (2) the component of training for professional groups (100 workshops which were attended by 1800 professionals) and (3) activities related to national and international media.

Raising awareness activities and efforts to change perceptions and attitudes towards the rights of children and enhance the decision-making process and best practices that are in the interests of children in Romania continues with a new Phare project which started in December 2005 and ended in October 2007.

National campaigns for informing and raising awareness have included:

- role of parents, of titular of parents' roles, titular of rights and obligations to their children
  - children's rights recognized by the UN Convention on the Rights of the Child and Law nr.272/2004
  - prevention of ill-treatment of children and corporal punishment applied to them
  - prevent and combat the exploitation of children, carrying out training and information activities for all categories of professionals that come into contact with children for the purpose that they master the spirit of the legislative package (multidisciplinary and inter-institutional training).
- Ensuring the effective exercise of the children's rights:
    - right to establish and preserve identity
    - child's right to have a legal representative in all situations
    - right to health
    - right to education
  - The right to special protection:
    - reevaluation of the children's situation in the protection system, including for children declared as abandoned by courts
    - ensure with priority the maintaining of a child in his family
    - ensure maintaining the relation between the child and his parents and people with whom he has developed attachment relationships, in the case of special protection measures
    - respect the right of the child capable of discerning to express his of opinion in all decisions relating to him
    - provide adequate services to meet the individual needs of the child temporarily or permanently separated from his parents
    - respect the right of children abroad, unaccompanied by parents or other legal representative, or who are not under the legal supervision of other persons, to return as soon as possible along with their legal representatives
    - respect the right of children to be protected against all forms of trafficking
    - respect the right of children to be protected from abuse or neglect.

Information and raising awareness campaigns on children's rights have been also carried out by the county Directorates General for Social Services and Child Protection and of the city of Bucharest.

#### **4. social services in the protection of persons victims of domestic violence:**

According to Art. 2 of Law no. 217/2003 on preventing and combating domestic violence, domestic violence (1) ... means any physical or verbal act committed intentionally by a family member against another member of the same family that causes physical, emotional, sexual suffering or material damage. (2) It is also deemed domestic violence preventing a woman from exercising her fundamental rights and freedoms."

The national statistics on the phenomenon of domestic violence are worrying and, however, they represent only the visible part of the iceberg. Statistical data from the Agency show that during 2004 - 2007, throughout the entire country there was a total of 35,800 cases of domestic violence and were

reported 540 deaths caused by acts of violence perpetrated in the family. Estimations are that the actual number of cases of domestic violence is much higher because many victims do not report to the competent institutions or declare the real problem that they are facing. Also, many institutions do not recognize facts of domestic violence as such or do not report these cases to the Agency.

According to the administrative data held by the National Agency for Family Protection, in 2007, there were 8787 cases of domestic violence, namely:

⇒ 5,794 female victims (4447 adults and 1347 children), representing 66% of the 8065 cases of domestic violence;

⇒ 2,271 male victims (937 adults and 1334 children), representing 25.84% of the 8065 cases of domestic violence.

⇒ 722 cases of domestic violence where there was no mention of the victim's gender and age.

In 2007 were recorded 136 deaths representing 1.55% of the total of 8787 cases of domestic violence in 2007, of which in 107 deaths it was mentioned the gender:

a) 69 female victims meaning: 50.74% of the 136 deaths where gender was indicated, and 2.34% of the 5794 females who were victims of domestic violence in 2007;

b) 38 male victims meaning: 27.94% of the 136 deaths where gender was indicated and 1.67% of the 2271 males who were victims in 2007.

Domestic violence is a destructive behavior aimed at establishing and maintaining control over the other partner. According to data reported to the National Agency for Family Protection by the Centers for family aggressors during the year 2007 - first quarter of 2008 there was recorded a number of 276 family aggressors. In these centers, family aggressors received social, psychological, legal counseling, conflict mediation, psychological treatments, psychiatric and rehab for de-alcoholization (given in hospitals or specialized public health units with which there were concluded cooperation conventions), as well as information and orientation services.

In Romania, gender violence is visible in all social classes and is directed to all women, regardless of age or social condition. In this context, we highlight the fact that in 2005 it was approved National Strategy on preventing and fighting against domestic violence (G.D. no.686/2005), including the 2005-2007 Action Plan for implementing the National Strategy on preventing and fighting against domestic violence.

By the proposed objectives, it aims to complement and harmonize the legal framework existing in this area, developing a uniform system of specific social services relevant in this field, creating a national information and informatics system for data recording and reporting of cases of domestic violence, the development of public authorities for and development and implementation of social policies and programs, as well as monitoring and evaluation of policies and programs in the field of domestic violence etc.

In order to develop a uniform system of specific social services on the prevention and combating domestic violence, a series of Programs of National Interest<sup>4</sup> (PIN) have been approved, under which there were organized 4 sessions for the selection of projects, being awarded 25 projects with non-reimbursable funding from the state budget, as follows:

⇒ "Supporting the system of specialized services by financing in partnership projects aimed at developing and maintaining the units to prevent and combat domestic violence" – under this project there were set up 12 new shelters for domestic violence victims, and there are funded 6 shelters already established. These shelters are in the following counties: Alba, Arad, Arges, Bistrita-Nasaud, Bucharest, Buzau, Caras-Severin, Constanta, Covasna, Gorj, Harghita, Ialomita, Maramures, Neamt, Vaslui, Vâlcea, Vrancea.

⇒ "The development of recovery and social reintegration services for family aggressors" – there were set up the first centers in the country to assist family aggressors, i.e. in the counties: Alba, Arad, Bucharest, Galati Mures, Vrancea.

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<sup>4</sup> Government Decision no. 197/2006 on the approval of programs of national interest

The National Agency for Family Protection made a project fiche in 2006 and included the issue of domestic violence in the Social Inclusion Project (SIP), in the "Social Assistance Programs" - Program for victims of domestic violence (PIS). The Social Inclusion Project (SIP) is funded from a loan from the International Bank for Reconstruction and Development (IBRD) and co-financed by the Government, under the Loan Agreement no. 4825 RO between Romania and IBRD, signed in Bucharest on 4 July 2006 and ratified by Law no. 40/2007.

The project's goal is to improve the living conditions and social inclusion of disadvantaged groups or in situations of risk, including victims of domestic violence, in the Program for victims of domestic violence, as part of the Social Assistance Program - one of SIP components. Thus, it aims to develop integrated social services for victims of domestic violence by creating a network of centers, training of specialized personnel, informing the public of the phenomenon and its consequences.

The specific objectives of the Program for victims of domestic violence concerned:

- creation of a network of centers (16) for victims of domestic violence by financing sub-projects on victims of domestic violence (awarded in competitive conditions) on rehabilitation/construction of buildings for the Centers for sheltering and assisting the victims of domestic violence, furnishings and equipment supply. During this period, NAFP carried out the selection procedure to provide funding for projects to set up these centers;
- staff training centers for victims of domestic violence and the staff of the National Agency for Family Protection;
- developing guides for best practices and ways of evaluating projects;
- undertaking activities to raise awareness and informing the public;
- developing a system of information management.

Increasing information and raising awareness on the effects of the phenomenon of domestic violence and its seriousness to the Romanian population was achieved through a series of events including:

- During 10-22 March 2007 it was opened the photo exhibition "The Feminine" organized by ANPF with the support of UNFPA (UN Fund for Population) on the occasion of 8 of March;
- International Women's Day, in the Cultural Center of the Ministry of Interior and Administrative Reform.

The National Agency for Family Protection and the Information Office of the Council of Europe in Bucharest organized in Romania, during November 28 - December 10 2007, activities dedicated to combating domestic violence against women, within the pan-European Campaign of the Council of Europe (2006-2008). The campaign was supported by the following institutions and organizations: the Romanian Parliament, the Committee on Equal Opportunities in the Senate and the Committee on Equal Opportunities between Women and Men in the Chamber of Deputies, the United Nations Fund for Population, the Romanian Orthodox Church, the Roman-Catholic Church, the National Council of Broadcasting, Ministry of Education and Research, Ministry of Interior and Administrative Reform; Romanian Society for Broadcasting, the Romanian Television, Prefect institutions, county councils, the Transport Company in Bucharest; METROREX SA; the town halls of the county municipalities; the county Directorates of Labor and Social Protection, the Directorates General of Social Services and Child Protection, schools and universities, NGOs active in the area.

### **The campaign's activities:**

A. At national level there were organized three major events:

1. *Press Conference* to launch, on November 28 2007, at the Information Office of the Council of Europe in Bucharest. The conference was attended by Senator Mrs. Cornelia Cazacu, chairwoman of the Committee on Equal Opportunities in the Senate, Mrs. Deputy Minodora Cliveti, chairwoman of the Committee on Equal Opportunities between Women and Men in the Chamber of Deputies, Mrs.

Theodora Bertzi, Secretary of State who coordinates the Social Affairs Department and Equal Opportunities in the Ministry of Labor, Family and Equal Opportunities, and Ms. Mihaela Cristina Mostavi, chairman of the National Agency for Family Protection.

2. *The Launch of Guidelines* for intervention in cases of domestic violence, during a working meeting organized with the support of UNFPA, during 5-6 December 2007. The meeting brought together representatives of central partner institutions: Ministry of Justice - Directorate of Probation, the Ministry of Public Health, Ministry of Interior and Administrative Reform - the Institute for Research and Crime Prevention, the National Institute of Legal Medicine "Mina Minovici", the National Authority for Protection of Children's Rights and the Directorate of Labor and Social Protection, the Directorate General of Social Welfare and Child Protection and non-governmental organizations with activities in this field.

3. *The Round Table* on 10 December 2007 in the Romanian Parliament, on proposals for legislative changes in the field. Participants in this event have stressed the need to improve the current legal framework, in relation with the positive aspects of the practice and law in other European countries, in preventing and combating domestic violence.

Activities and genuine contributions in this campaign:

- Campaign messages broadcast by the National Agency for Family Protection, with participation in shows, debates and talk shows, as well as granting interviews on radio and TV, as well as statistical information transmitted to press agencies and published in newspapers, at local and central level.
- Participation in radio programs at *Radio Romania Actualitati*, *Antena Satelor* and *Radio Romania Cultural*.
- Support campaign of His Beatitude Daniel, Patriarch of the Romanian Orthodox Church, by transmitting the message to parishes to combat domestic violence. Priests in their sermons in the Orthodox churches have sent advice to end domestic violence. National campaign was disseminated by the press office of the Romanian Orthodox Church, "Basilica", the newspaper "Light", as well as radio and television.
- His Excellence, Dr. Ioan Robu, Archbishop of the Roman-Catholic Church has sent a message of peace, with advices for preventing and combating domestic violence through the priests in the Roman-Catholic churches, throughout the campaign.
- During the campaign, the Romanian Radio Broadcasting and the national and regional public and private radio stations, together with certain private TV stations, there were broadcast video and audio spots of the Council's of Europe Campaign "Stop domestic violence against women", the Romanian-language version.

#### B. At local level:

In all 41 counties were organized events and actions, based on the framework project, approved by the Ministry of Labor, Family and Equal Opportunities. Regional stakeholders in the campaign were: Departments of Labor and Social Protection, relevant non-governmental organizations, the Directorates General of Social Services and Child Protection and the regional information points of the Information Office of the Council of Europe in Bucharest. With their support were organized locally, during 28 November to 10 December 2007, events dedicated to preventing and fighting domestic violence and were distributed information materials (banners, posters, flyers, leaflets, stickers and audio spots video). Events have taken various forms, such as:

- Round tables, each county held at least one meeting on this issue, interviews and debates with the participation of the local media, meetings with decision makers and local NGOs;
- Debates in schools, at the classes of counseling and guidance on domestic violence, building a symbolic iron gate on which students have put hundreds of locks, meaning that they close the gates of violence (Mures), organization of thematic courses to inform students (University *Petre Andrei* of Iasi) on the existing services to prevent and combat domestic violence;
- Video vision, distribution of leaflets and flyers, posters, leaflets distributed by health mediators in towns with Roma population (Bistrita Nasaud), exhibition of drawings, posters, objects carved and essays, with topics such as: "A world without violence", "Combating domestic violence", "My family", "No violence of any kind",. Moreover, there were organized workshops on "Zero tolerance for domestic violence";

- Involvement of police representatives in organizing a seminar named "Preventing domestic violence" (Braila), a caravan in rural areas "Days of preventing domestic violence" (Constanta), participation in TV (Inspectorate of Police in Hunedoara County);
- Religious cults and confessions organized evenings of ecumenical prayer for victims of domestic violence;
- Evening vigil for victims of domestic violence in five counties;
- Debates in the Penitentiary of Slobozia with the participation of people in the supervision of the Service Probation, organization of a meeting with detainees in the Maximum Security Penitentiary Giurgiu, on the theme: "No domestic violence", event in which spoke representatives of public institutions with responsibilities in this field and were projected informational materials;
- In the Sibiu county it was initiated in public-private partnership, a psychosocial research on the perceptive model that students aged 10 -15 years have on the domestic violence phenomenon, as well as a survey on the theme "Violence - Nonviolence."

Since 2007, Romania has access to the Community Program DAPHNE 3 - "Program to combat violence against children, young people and women." The period of operation of the program is 2007 - 2013, with a total budget of 116.85 million euros and aims to:

- ⇒ studies and research, survey, development of indicators etc.;
- ⇒ organization of seminars, conferences, round tables, developing information and raising awareness campaigns etc.;
- ⇒ encourage transnational projects of interest in this field;
- ⇒ support NGOs.

Another objective of the National Agency for Family Protection is to implement the *National integrated information system for recording, reporting and management of cases of domestic violence and family bullies "SIIVF"*.

The National Agency for Family Protection in December 2007 launched the first **Guide on intervention in cases of domestic violence** for the providers of social services in this area. The guide is aimed at all professionals who come into contact with victims of domestic violence and family with bullies, specialists involved in shaping the social inclusion policies and the respect for fundamental human rights, but also to students and workers in the social field.

- Provides a series of theoretical and practical information to guide professionals in the integrated and effective approach to the phenomenon of domestic violence and providing quality services to beneficiaries;
- Propose a common language for policymakers, practitioners and specialists in the field to create a unified framework of action to prevent and combat domestic violence;
- Starting from the complexity of the phenomenon, it highlights the need for inter-disciplinary and inter-institutional cooperation in order to effectively support the victims.

## **5. Other programs aimed at developing social services for people in difficulty**

To develop an integrated system of social services and to ensure the effective implementation of national strategies on social services, in 2006, there were initiated programs of national interest in the field of social assistance for people with disabilities, individuals victims of domestic violence, older people and homeless persons. There were 9 such programs of national interest approved, and the total amount allocated was 67,614,120 RON.

As regards the program on combating social exclusion of homeless people it worth being mentioned that there were selected 37 projects.

The program of national interest on the development of home care for elderly dependents had a budget of 7,600,000 RON, and there was a number of 40 projects accepted for funding.

In order to support the work of NGOs, annually, the state budget provides subsidies for private non-profit

providers of social services. To facilitate the process of granting subsidies there were approved priority lines of financing. In order to receive the subsidies allocated for 2007, there were sent 3110 applications for the funding of 315 units of social assistance and following the selection there were approved 92 applications for a total of 267 units. The total amount approved was 9,999,837 RON.

To provide the subsidies allocated for 2008, it was organized a selection during November-December 2007. There were approved grants for 117 associations and foundations, with 307 units of social assistance, and the total amount approved was 13,106,287 RON for 15,148 beneficiaries.

Another vulnerable category, over which the Ministry of Labor, Family and Equal Opportunities focused were *young people who leave the child protection system*. In this sense, it was approved the 2005 – 2008 National Strategy for the protection of young people leaving the system of child protection, whereas for its implementation through the loan allocated by the World Bank under the "Social Inclusion Project" there will be set up and rehabilitated 36 social centers. The value of this component of the project was 47.2 Meuro.

People in special economic and social situations or special care may qualify, for free or against payment, for meals at **social canteens** (Law nr.208/1997 on social canteens) for a period not exceeding 90 days per year. The categories of beneficiaries are:

- a) children aged up to 18 years in the maintenance of those families whose average net monthly income per dependent person is below the net monthly income for a single person, taken into account in determining the social assistance allowance;
- b) young people who attend daily courses at institutions which function under the law, until they graduate, but they do not exceed the age of 25 years, or 26 years for those who attend higher education with a duration of more than 5 years, in the situation referred to at letter a);
- c) those receiving social aid or other money support granted in the terms set by law and whose income is below the net monthly net income for a single person, taken into account in determining the social aid;
- d) retired;
- e) persons who have reached retirement age, located in one of the following situations: they are socially isolated, have no legal supporters, have no income;
- f) disabled and chronically ill;
- g) any person who temporarily does not realize revenue.

Social canteens are under the control of local councils and are funded from local budgets. The social services provided by them are as follows:

- h) preparation and serving of two meals daily per person, lunch and dinner, within the food allowance provided by legal regulations;
- i) supply, against payment, from the canteen with basic food products at the prices at the prices at which they were purchased;
- j) free transport only for those who benefit from the distribution of food at home;
- k) preparation and distribution of food through mobile centers, in special situations.

The social services provided by canteens are given free to those who have no income or whose income is below the net monthly income for a single person, taken into account in determining the social aid. Meanwhile, those entitled to benefit from the social canteen services, and those who earn income that is above the level of monthly net income for a single person, taken into account in determining the social aid, can benefit from the social canteen services, with the payment of a contribution of 30% of the income per person, not to exceed the cost of meals served, calculated for the same period.

The situation on social aid canteens shows as follows:

Social canteens						
Local budgets			NGOs budgets			
Number of units	Capacity	Average daily number of beneficiaries	Number of units	Capacity	Average daily number of beneficiaries	



2005	114	28,203	19,600	na	na	na
2006	124	32,086	23,590	57	4,565	3,474
2007	115	32,001	21,059	69	5,204	3,807

Source: Ministry of Labor, Family and Equal Opportunities

The Phare Project 2004/016-772.04 – the non-reimbursable grant scheme for social services, with a budget of 10.67 Meuro, was launched in 2006, and 83.4% of the funds were contracted (91 projects). By this project there were financed primary and specialized social services as they are defined by the law governing the organization and operation of social services in Romania.

On 7 September 2007 it was launched the second call for proposals under the 2006 PHARE Program, under which there were submitted 306 projects on the development of primary and specialized social services. The budget allocated for this call was 7 Meuro.