

**THE 5th NATIONAL REPORT
ON THE IMPLEMENTATION
OF THE REVISED EUROPEAN SOCIAL CHARTER**

**SUBMITTED BY
THE GOVERNMENT OF ROMANIA**

Regarding the unratified articles from the Revised European Social Charter,
2 (para. 3), 3 (para. 4), 10, 13 (para. 4), 14, 15 (para. 3),
18 (para 1, 2), 19 (para. 1, 2, 3, 4, 5, 6), 22, 23, 26, 27 (para. 1 and 3), 30 and 31

Article 2 – The right to just conditions of work

Paragraph 3

According to the Labour Code¹, the right to paid annual leave is guaranteed to all employees and shall not make the object of any transfer, waiver, or limitation; the minimum duration of the annual leave with pay is 20 working days. The length of the annual rest leave is determined in the individual employment contract, in compliance with the law and applicable collective agreements.

Public holidays on which no work is done and paid days off as laid down in the applicable collective agreement are not included in the duration of annual leave.

In determining the duration of annual leave, periods of temporary incapacity for work, periods of maternity leave, paternity leave, maternity risk leave, leave to care for a sick child, carer's leave and periods of absence from work during special family circumstances shall be considered as periods of work performed.

If temporary incapacity for work or maternity leave, maternity risk leave or leave for the care of a sick child occurred during the annual leave, it shall be interrupted and the employee shall take the remaining days of leave after the temporary incapacity for work, maternity leave, maternity risk leave or leave for the care of a sick child has ceased, and if this is not possible, the days not taken shall be rescheduled.

The employee is also entitled to annual leave if temporary incapacity for work continues, under the law, for the whole of a calendar year, and the employer is obliged to grant annual leave within a period of 18 months from the year following the year in which the employee was on sick leave.

The rest leave is granted every year. If the employee, for justified reasons, is unable to take all or part of the annual leave to which he/she was entitled in the calendar year in question, with the agreement of the person concerned, the employer shall be obliged to grant the unused annual leave within a period of 18 months starting from the year following that in which the entitlement to annual leave arose.

Financial compensation for untaken rest leave is allowed only in the event of termination of the individual employment contract.

Rest leave shall be taken on the basis of a collective or individual schedule drawn up by the employer in consultation with the trade union or, where appropriate, the employees' representatives, in the case of collective schedules, or in consultation with the employee in the case of individual schedules. The appointment shall be made by the end of the calendar year for the following year.

Where leave is scheduled in instalments, the employer is obliged to arrange the scheduling in such a way that each employee takes at least 10 working days of uninterrupted leave per calendar year.

The employee is obliged to take the rest leave in kind during the period in which it has been scheduled, except in situations expressly provided for by law or when, for objective reasons, the leave cannot be taken.

Article 3 – The right to safe and healthy working conditions

Paragraph 4

In Romania, the main rules regarding ensuring the health of workers are established in Law no. 319/2006 on health and safety at work, with subsequent amendments, in Chapter V "Health supervision": *The legal provisions that ensure medical services for workers take into account the risks regarding safety and*

¹ Law no. 53/2003, republished, with its subsequent amendments.

health at work and are established so that each worker can benefit from health surveillance, through doctors specialized in labour medicine, at regular intervals.

Other legal requirements regarding the provision of health services for workers are also found in the following normative acts:

- Labor Code;
- Law no. 418/2004 regarding the status of labour medicine doctors;
- Government Decision (G.D.) no. 355/2007 on workers' health supervision, as amended;
- G.D. no. 1425/2006 regarding the approval of Methodological Norms to Law no. 319/2006.

We mention that workers' health surveillance services are accessible to all workers in Romania, in all branches of the national economy and for all enterprises, regardless of their size or their field of activity.

The Ministry of Health is the competent authority in the field of occupational medicine and the supervision of workers' health.

Article 10 – The right to vocational training

Paragraph 1

According to the Labour Code, vocational training of employees may be carried out in the following ways:

- a) participation in courses organised by the employer or by training providers in the country or abroad;
- b) professional adaptation courses to the requirements of the job and the workplace;
- c) internships and specialisation in the country and abroad;
- d) apprenticeships organised in the workplace;
- e) individualised training;
- f) other forms of training agreed between employer and employee.

In addition to the essential clauses provided for in Article 17 of the Labour Code, other specific clauses may be negotiated between the parties and included in the individual employment contract, including the clause on vocational training and among the main rights of the employee is the right of access to vocational training.

Law no. 76/2002 on the unemployment insurance system and the stimulation of employment states that *"any kind of discrimination based on political criteria, race, nationality, ethnic origin, language, religion, social category is excluded"* and *the beneficiaries of the provisions of this normative act are also the job seekers who "have obtained refugee status or other form of international protection, according to the law" as well as "the foreign citizens or stateless persons who have been employed or have earned income in Romania or who have the right to work in Romania, according to the law"*.

The beneficiaries of the provisions of this law are job seekers in one of the following situations:

- a) they have become unemployed within the meaning of Art. 5, para. IV letter. c) - i.e. persons who do not have a job, do not earn any income or earn, from activities authorised by law, less than the value of the social reference indicator for unemployment insurance and employment stimulation in force;
- b) they could not find a job after graduating from an educational institution;
- c) they are in employment and, for various reasons, wish to change their job;
- d) they have obtained refugee status or benefit from another form of international protection, according to the law, or are in the process of settling their asylum application and have access to the labour market, under the conditions provided for by law;
- e) are foreign citizens or stateless persons who have been employed or have earned income in Romania or who have the right to work in Romania, according to the law;

f) have not been able to take up employment after repatriation or after release from detention, respectively during or after the execution of a sentence or an educational or other non-custodial measure ordered by the judicial authorities.

Vocational training services shall also be provided, free of charge, at the request of employed persons, with the agreement of the employer, or at the request of the employer, to persons in the following situations:

- (a) they have returned to work following the termination of parental leave until the age of 2 years, respectively 3 years or 7 years in the case of a disabled child;
- b) they have resumed their activity after the period of active military service;
- c) have resumed work following recovery of working capacity after retirement on grounds of invalidity.

With reference to the assessment and certification of professional competences acquired by other means than formal ones, Article 70¹ of Law no.76/2002 provides that "for the purpose of certification of professional competences acquired by other means than formal ones, the persons referred to in Article 66 para. (1), registered with the employment agencies, may benefit, free of charge, from services of assessment and certification of professional skills acquired through other means than formal ones, the financing of which shall be provided from the unemployment insurance budget, once only, for each period during which they are looking for a job".

Government Ordinance (G.O.) no. 129/2000 on vocational training of adults states in Article 1 that "*adults are persons of an age at which they can establish employment relationships and participate in vocational training programs, under the law*" and that they "*have equal rights of access to vocational training, without discrimination based on age, sex, race, ethnic origin, political or religious affiliation*". Vocational training programmes may be carried out in Romanian as well as in the languages of national minorities or in an international language". At the same time, "*jobseekers may participate, under the law, in vocational training programmes organised by the National Agency for Employment or other authorised vocational training providers, under the law*".

Adult vocational training includes initial vocational training and continuing vocational training organised in forms other than those specific to the national education system. Initial vocational training of adults provides the necessary training for the acquisition of the minimum vocational skills required for employment and continuing vocational training is subsequent to initial training and provides adults either with the development of vocational skills already acquired or with the acquisition of new skills.

Vocational training may also take the form of on-the-job apprenticeships and the conditions under which vocational training is carried out through apprenticeship at the workplace shall be regulated by special law.

Participants in vocational training programmes shall take graduation examinations at the end of the theoretical or practical training periods and depending on the type of programme and the forms of vocational training delivery, the authorised vocational training provider may issue the following types of certificates:

- (a) for qualification or retraining courses and for on-the-job apprenticeship, vocational qualification certificate;
- (b) for introductory courses and apprenticeships and for further training or specialisation courses and apprenticeships, a certificate of completion.

In the case of vocational training programmes structured in modules, on completion of each module, after passing the assessment test, a certificate of completion is issued, indicating the professional competences acquired, quantified in transferable credits.

The process of assessment of professional competences obtained through other than formal channels has the following characteristics:

- (a) it is voluntary;
- b) it is related to the occupational standard/vocational training standard: the assessment of competences is carried out in relation to the achievement criteria described in the occupational standard/vocational training standard;
- [...]
- d) is independent of the vocational training process: assessment against occupational standards/vocational training standards allows recognition of competences acquired through other than formal channels;
- (e) is concluded, for each unit of competence, with the result "competent" or "not yet competent".

Persons declared competent as a result of the assessment process shall receive a certificate of professional competence for the units of competence in which they have been declared competent.

Persons declared competent for all the units of competence specific to an occupation or qualification shall receive a certificate of professional competence which cumulates all the professional competences specific to that occupation or qualification in accordance with the occupational standard or the vocational training standard.

The certificates referred to in paragraph 1 shall be awarded to the holder of the certificate. (2) shall have the same value as certificates of graduation or qualification with national recognition issued in the formal vocational training system."

Law no. 335/2013 on the completion of traineeships for higher education graduates regulates the way in which traineeships for higher education graduates are carried out, by promoting traineeships that allow university graduates to have a first contact with the labour market and to enhance their professional skills in line with employers' needs.

Law no. 335/2013, as subsequently amended and supplemented, aim regulates the way in which the internship for higher education graduates is carried out for the purpose of:

- a) ensuring the transition of higher education graduates from the education system to the labour market;
- b) strengthening professional competences and skills to adapt to the practical requirements and demands of the workplace with a view to integration into employment;
- c) acquisition of work experience and seniority;
- d) acquisition of specialist experience, where appropriate.

The duration of the probationary period shall be 6 months, except for professions for which special regulations exist.

According to the art. 2 of the Law no. 335/2013, as subsequently amended and supplemented, the trainee is a person who is a beginner in the profession, employed under an individual employment contract, except for those who prove that they have carried out, according to the law, a professional activity in the same field before graduation and traineeship contract is a contract concluded between the employer and the trainee, annexed to the individual employment contract.

Art. 3 of the Law no. 335/2013, as subsequently amended and supplemented, states that „the traineeship shall be based on a programme of activities approved by the employer, at the proposal of the head of the department in which the trainee works”. Also, ”the programme of activities during the traineeship shall comprise:

- (a) the objectives and quantifiable performance indicators on the basis of which the assessment is made;
- b) the planning of activities to be carried out, according to the level of practical skills and competences to be acquired during the traineeship period”.

Provisions of art. 4 of the Law no. 335/2013, as subsequently amended and supplemented, regulates that ”the trainee shall, during the traineeship, undertake to work for and under the authority of an employer, whether a natural or legal person, in return for remuneration called a salary, on the basis of an individual

employment contract and the traineeship contract” and ”trainees may not be used for any work and/or duties other than those provided for in the job description and the traineeship contract”.

Based on art. 12 and 14 of the Law no. 335/2013, as subsequently amended and supplemented, ”the evaluation of the trainee's activity shall be carried out by the head of the department in which the trainee is working on the basis of the evaluation report” and ”passing the assessment is concluded with a certificate signed by the employer. In this case, the traineeship period constitutes seniority in the specialty”.

Art. 16 of the Law no. 335/2013, as subsequently amended and supplemented, state that ”the traineeship contract shall be concluded at the same time as the individual employment contract, under the conditions of this Law”, ”the duration of the traineeship contract shall be 6 months, except in cases where special laws provide for a different traineeship period” and ”the traineeship contract must be concluded in written form, in Romanian. The obligation to conclude the traineeship contract in written form lies with the employer.

Funding for the traineeship, according to the art. 27 of the Law no. 335/2013, as subsequently amended and supplemented, ”can come from the following sources:

- a) the employer's own budget;
- b) European structural and investment funds and national public funds approved in the unemployment insurance budget;
- c) sponsorship by persons”.

Based on art. 28 of the Law no. 335/2013, as subsequently amended and supplemented, ”the employer who concludes a traineeship contract, under the conditions of this law, shall benefit, upon request, during the period of the traineeship contract, from an amount of 2,250 lei/month, granted from the unemployment insurance budget within the limit of the funds allocated for this purpose”.

Art 1 of the Law no. 279/2005 on apprenticeship at work, republished, as amended and supplemented, states that ”apprenticeship means on-the-job vocational training under an apprenticeship contract” and ”the on-the-job apprenticeship training programme shall form an integral part of the apprenticeship contract.

According to the art. 6 of the Law no. 279/2005, republished, as amended and supplemented, an apprenticeship contract is an individual employment contract of a particular type, concluded for a fixed term, under which a natural person, referred to as an apprentice, undertakes to undergo vocational training and to work for and under the authority of a legal or natural person, referred to as an employer, who undertakes to pay him a wage and to provide him with all the conditions necessary for his vocational training.

Same art. 6 of the Law no. 279/2005, at par. (5) states that, in addition to the mandatory elements of the individual employment contract, the apprenticeship contract shall also contain the following clauses relating to:

- the name of the qualification to be acquired by the apprentice;
- the name of the training provider carrying out the apprenticeship training programme at the workplace;
- the name of the apprenticeship coordinator and his/her qualification;
- the place(s) where the vocational training activity takes place;
- the duration of the theoretical and practical on-the-job training.

In paragraph (2) of art.7 of the Law No 279/2005, republished, as amended and supplemented, it is specified that ”the following categories may also be employed as apprentices:

- a) foreign citizens, as well as stateless persons who have obtained a work permit in Romania, according to the legal regulations in force;

b) citizens of the European Union Member States, of the signatory states of the Agreement on the European Economic Area and their family members”.

According to the para. (1) of art. 9 of the Law no. 279/2005, republished, as amended and supplemented, ”the duration of the apprenticeship contract shall be determined according to the level of qualification for which the apprentice is to be trained, and may not be less than:

a) 6 months where the on-the-job apprenticeship is organised for the acquisition of skills corresponding to a level 1 qualification;

b) 12 months where the on-the-job training is organised for the acquisition of skills corresponding to a level 2 qualification;

c) 24 months, if the on-the-job apprenticeship is organised for the acquisition of skills corresponding to a level 3 qualification;

d) 36 months where the on-the-job training is organised for the acquisition of skills corresponding to a level 4 qualification.

Same art. 9 of the Law no. 279/2005 states at para. (3) and (4) that ”vocational training through on-the-job apprenticeship shall comprise theoretical training and practical training in accordance with the legal provisions in force and, where applicable, the special laws governing that occupation” and ”the time required for the theoretical training of the apprentice shall be included in the normal work schedule”.

Art. 12 of the Law no. 279/2005, republished, as amended and supplemented, states that ”with a view to the apprentice's vocational training, the employer shall ensure that the apprentice has access to theoretical and practical training and that all the conditions necessary for the approved vocational training provider and the coordinator to carry out their duties in relation to the apprentice's training are met”.

According to art. 16 para. (1) of the Law no. 279/2005, republished, with subsequent amendments and additions "the financing of vocational training through apprenticeship at the workplace may be provided from:

a) employers' own resources;

b) sponsorship by natural and/or legal persons;

c) European structural and investment funds and national public funds approved in the unemployment insurance budget.

e) other legal sources: donations, taxes, etc."

In para. (2) of Art. 16 of Law no. 279/2005, republished, as amended and supplemented, states that "the employer who concludes an apprenticeship contract, under the conditions of this law, shall benefit, on request, for the duration of the apprenticeship contract, from an amount of 2,250 lei/month, granted from the unemployment insurance budget, within the limit of the funds allocated for this purpose".

As regards the equal treatment with the Romanian citizens, according to art. 80 [^]1 from the Government Emergency Ordinance no. 194/2002 on the status of foreigners in Romania, republished, with subsequent amendments and supplements, the owners of a permanent stay right on the Romanian territory benefit of “access on the labour market including with regard to employment and work conditions, to independent economic activities and to professional activities, [...] under condition that the activity carried out would not represent, even occasionally, public authority prerogatives exercise; the access to all forms and levels of education and vocational training, including to being granted scholarships for study; the equivalence of studies and recognition of diplomas, certificates and of other qualifications, in compliance with the national provisions; social security, social assistance and protection; public health assistance; global income tax deductions and tax exemptions; access to public goods and services, including housing and of the freedom to association, affiliation and membership to a trade union or professional organization”.

Government Emergency Ordinance no. 194/2002, republished, with subsequent amendments and additions, with reference to equal treatment with Romanian citizens, provides that "*foreigners holding a right of temporary residence, employed or registered as unemployed, benefit, under the law, from equal*

treatment with Romanian citizens in terms of access to the labour market, including access to all forms and levels of education and vocational training, including the granting of scholarships; equivalence of studies and recognition of diplomas, certificates, certificates of competence and professional qualifications, in accordance with the regulations in force; social security, social assistance and social protection; public health care; deductions from overall income tax and tax exemptions; access to public goods and services, including housing, and freedom of association, affiliation and membership of a trade union or professional organisation; services provided by employment agencies.

The National Strategy for Adult Training for the period 2024-2027, approved by Government Decision no. 1341/2023, has as its General Objective to increase the participation rate of adults in lifelong learning so that by the end of 2027 it reaches 12% (compared to 5.9% at present), by increasing and improving the provision of formal, non-formal and informal learning opportunities.

Specific objectives of the National Strategy for Adult Training for the period 2024-2027 are:

1. Enhance the role of partners/partnerships to support and develop the strategic framework for adult vocational training.
2. Improving personalised and targeted learning offers.
3. Facilitating adults' access to lifelong learning by creating a culture of learning.
4. Ensuring quality in the adult vocational training system and promoting social inclusion and equity in lifelong learning.

The National Agency for Employment implements annually the National Plan for Vocational Training, which includes vocational training courses, processes for evaluating skills acquired in a non-formal or informal context and apprenticeship programs.

The National Agency for Employment pays special attention to people belonging to disadvantaged groups on the labour market, such as: rural people, Roma people, people with disabilities, long-term unemployed, post-institutionalized young people, persons who have served a custodial sentence or who have been sentenced to serve a sentence, an educational measure or other non-custodial measures ordered by judicial bodies. Participation of persons belonging to these disadvantaged groups in vocational training courses is annually monitored.

Vocational training courses are organized for specific occupations, trades and professions, included in the Classification of occupations in Romania and are finalized with graduation certificates or nationally recognized qualification certificates, so that the graduates can be employed upon completion of courses.

In July 2018, the National Qualifications Authority (under the Ministry of Education) and the Ministry of Labour and Social Solidarity introduced qualification level 1 in the national qualifications framework. In November 2018, the Ministry of Labour and Social Solidarity developed a list of elementary occupations for which level 1 qualification programmes can be organised for unskilled adults.

Order of the Minister of Education no. 5732/2022 regulates the organization of dual education for qualification levels 3-8. This represents also a milestone established by the National Recovery and Resilience Plan (NRRP) that includes measures for organizing a complete dual route, which continues to high-school, post-high school and university level. Enrolment conditions in dual high school education are regulated by Order of the Minister of Education no. 5733/2022, and it is possible beginning with the generation of future graduates of initial dual education/professional education, enrolled in the 9th grade in the 2022-2023 school year.

Admission to dual post-secondary education will be organized in accordance with Order of the Minister of Education no. 5734/2022, starting with the generation of future high school graduates enrolled in the 9th grade in the 2022-2023 school year. The dual education that is being implemented at the moment for qualification level 3 – initial dual VET.

Taking into consideration the interest regarding the implementation of a complete dual route, which begins with the three-year IVET programme and continues at high school level, post-high school and university level, the Ministry of Education, as the coordinator of reforms and investments in education financed through NRRP, launched in November 2022 a competitive call for proposal. The programme is called "Pilot programme for the development of Regional Consortia for dual education", financed by the National Recovery and Resilience Plan - Component C15: Education. The objective of the call is to develop and equip integrated professional consortia in order to contribute to the development of vocational education and training, both by increasing the number of qualification fields and graduates, and by ensuring a complete educational pathway for students enrolled in dual education. Within the consortia, pupils and students can acquire qualifications of level 3 - 8, according to the National Qualifications Framework (NQF).

The beneficiaries of this call for projects are the Regional Consortia for dual education, established according to the Methodology regarding the establishment of consortia for dual education approved by the Order of the Minister of Education no. 6.216/2022.

The Pre-University Education Law (LIP-in Romanian) no. 198/2023 (LIP – in Romania) is the result of the "Educated Romania" national program, being conceived also in the perspective of ensuring the legal framework to support Romania's accession process to the Organization for Economic Cooperation and Development (OECD). From the LIP perspective, dual education is organized for the acquisition of knowledge, skills and competences, mainly for employment, for professional qualifications of level 3, 4, 5, 6, 7 and 8 according to the National Qualifications Framework (NQF), which presupposes that a student enrolled in dual-system technological high school education has the chance to continue his theoretical and practical training in dual-system higher education. According to the LIP, technological pre-university education will be carried out exclusively in the dual system for all technological high schools starting from the 2029-2030 school year.

Through the LIP, the legislative framework for lifelong learning was created and the establishment of Community Lifelong Learning Centers was legislated. These centers can provide remedial programs, development of professional skills, "Second chance" programs, information, orientation and counselling services for migrants and disadvantaged people.

Paragraph 2

According to the Labour Code, the provisions contained in this normative act shall apply [including] to apprentices working under an apprenticeship contract in the workplace and vocational training of employees may be carried out through apprenticeships organised in the workplace.

Apprenticeship at the workplace is organized on the basis of the apprenticeship contract which is concluded for a fixed term and "the apprenticeship contract at the workplace is the individual employment contract of a particular type, under which:

(a) the employer, whether a legal person or a natural person, undertakes, in addition to the payment of a wage, to provide vocational training for the apprentice in a trade appropriate to his field of activity;

(b) the apprentice undertakes to undergo vocational training and to work under the employer concerned”.

A person employed under an apprenticeship contract has the status of an apprentice' and 'the apprentice benefits from the provisions applicable to other employees, insofar as they are not contrary to those specific to his status”.

According to G.O. no. 129/2000 on vocational training of adults, "vocational training may also take the form of on-the-job apprenticeships" and "the conditions under which vocational training is carried out through apprenticeship at the workplace shall be regulated by special law”.

Art 1 of the Law no. 279/2005 on apprenticeship at work, republished, as amended and supplemented, states that "apprenticeship means on-the-job vocational training under an apprenticeship contract" and "the on-the-job apprenticeship training programme shall form an integral part of the apprenticeship contract.

Apprenticeship programs can be organized at the workplace for acquiring the competences corresponding to all qualification levels. Thus, persons who have graduated the primary education can have access to vocational training programs, through apprenticeship at the workplace, in order to improve their knowledge, skills and competences needed in the personal, civic and social context, as well as those related to employment, enabling them to practice an activity requiring basic general knowledge and specific associated skills.

G.D. no. 423/2019, provides that women participating in apprenticeship programs benefit from all rights regarding maternity protection at workplaces. In cases related to maternity, the apprenticeship contract can be extended to ensure the completion of the vocational training program or the vocational training provider can issue a certificate showing the number of hours completed, to ensure the utilization of theoretical and practical training hours completed by the apprentice during the apprenticeship program.

The employer is obliged to appoint an apprenticeship coordinator who guides the apprentice in acquiring the professional skills required for the qualification for which the apprenticeship is organised at the workplace.

According to the law, an apprenticeship contract is an individual employment contract of a particular type, concluded for a fixed term, under which a natural person, referred to as an apprentice, undertakes to undergo vocational training and to work for and under the authority of a legal or natural person, referred to as an employer, who undertakes to pay him a wage and to provide him with all the conditions necessary for his vocational training.

In addition to the mandatory elements of the individual employment contract, the apprenticeship contract shall also contain the following clauses relating to:

- the name of the qualification to be acquired by the apprentice;
- the name of the training provider carrying out the apprenticeship training programme at the workplace;
- the name of the apprenticeship coordinator and his/her qualification;
- the place(s) where the vocational training activity takes place;
- the duration of the theoretical and practical on-the-job training.

The additional obligations of the employer are:

- (a) to provide the apprentice with all the rights conferred on him by an employment contract concluded for a fixed period in proportion to the time worked;
- (b) to provide the apprentice with the practical training necessary for the qualification in which the apprentice is being trained;
- c) ensure that the apprentice has access to the theoretical and practical training corresponding to the vocational training programme, completed with a vocational qualification certificate for adults, in accordance with G.O. no. 129/2000 on vocational training for adults, republished, as subsequently amended and supplemented;
- d) ensure the financing of the apprentice's vocational training programme, if this programme is not financed from other sources".

The following categories may also be employed as apprentices:

- a) foreign citizens, as well as stateless persons who have obtained a work permit in Romania, according to the legal regulations in force;
- b) citizens of the European Union Member States, of the signatory states of the Agreement on the European Economic Area and their family members".

The duration of the apprenticeship contract shall be determined according to the level of qualification for which the apprentice is to be trained, and may not be less than:

- a) 6 months where the on-the-job apprenticeship is organised for the acquisition of skills corresponding to a level 1 qualification;
- b) 12 months where the on-the-job training is organised for the acquisition of skills corresponding to a level 2 qualification;
- c) 24 months, if the on-the-job apprenticeship is organised for the acquisition of skills corresponding to a level 3 qualification;
- d) 36 months where the on-the-job training is organised for the acquisition of skills corresponding to a level 4 qualification.

Vocational training through on-the-job apprenticeship shall comprise theoretical training and practical training in accordance with the legal provisions in force and, where applicable, the special laws governing that occupation and the time required for the theoretical training of the apprentice shall be included in the normal work schedule.

With a view to the apprentice's vocational training, the employer shall ensure that the apprentice has access to theoretical and practical training and that all the conditions necessary for the approved vocational training provider and the coordinator to carry out their duties in relation to the apprentice's training are met.

The financing of vocational training through apprenticeship at the workplace may be provided from:

- (a) employers' own resources;
- (b) sponsorship by natural and/or legal persons;
- (c) European structural and investment funds and national public funds approved in the unemployment insurance budget.
- (e) other legal sources: donations, taxes, etc.

The employer who concludes an apprenticeship contract, under the conditions of this law, shall benefit, on request, for the duration of the apprenticeship contract, from an amount of 2,250 lei/month, granted from the unemployment insurance budget, within the limit of the funds allocated for this purpose.

The methodological rules for the application of the provisions of Law no. 279/2005 on apprenticeship at work states:

Vocational training carried out in the workplace on the basis of an apprenticeship contract, provided for in Article 1 of the Law, shall be organised at the initiative of employers, by vocational training providers authorised under the terms of G.O. no. 129/2000 on vocational training for adults, republished, as amended and supplemented, hereinafter referred to as training providers.

Vocational training through apprenticeship comprises theoretical training and practical training in accordance with the provisions of G.O. no. 129/2000, republished, as amended and supplemented, and, where applicable, the special laws governing that occupation.

Apprenticeship training programmes involving apprentices with special needs shall be adapted to the specific features of each category of persons, in accordance with the Law no. 448/2006 on the protection and promotion of the rights of persons with disabilities, republished, as amended and supplemented, and the G.O. no. 129/2000, republished, as amended and supplemented.

Paragraph 3

According to the Labour Code, the employee shall have the right of access to vocational training.

The main objectives of the employees' vocational training shall be as follows:

- a) the employee's adjustment to the requirements his position or of the work place;
- b) obtaining vocational skills;
- c) updating the knowledge and skills typical of one's position and work place and improving one's vocational training for the basic occupation;
- d) the vocational re-conversion caused by social-economic restructuring;
- e) acquiring advanced knowledge, modern methods and procedures, needed for carrying out one's vocational activities;
- f) preventing the risk of unemployment;
- g) one's promotion at work and development of a vocational career.

The vocational training and knowledge assessment shall take place based on occupational standards.

The employees' vocational training shall be achieved through:

- a) participation in courses organised by the employer or by the providers of vocational training services in Romania or abroad;
- b) period of vocational adjustment to the requirements of one's position or work place;
- c) periods of practice and specialisation in Romania and abroad;
- d) on-the-job apprenticeship;
- e) individualised training;
- f) other training forms agreed upon between the employer and the employee.

Law no. 76/2002 on the unemployment insurance system and employment stimulation, with subsequent amendments and additions;

G.D. no. 377/2002 for the approval of the Procedures regarding access to measures to stimulate employment, financing methods and their implementation instructions

In applying the provisions of law, any kind of discrimination on political, race, nationality, ethnic origin, language, religion, social category, beliefs, sex and age, is excluded. Special measures and rights granted under the aforementioned law to certain categories of disadvantaged persons do not constitute discrimination within the meaning of the above mentioned provisions.

In this respect, the National Agency for Employment (NAE) provides access to the social protection measures specific to its field of activity and to the stimulation of employment for all persons, without any discrimination.

Employment programs and vocational training plans of NAE are structured in such manner as to highlight the number of participants from the disadvantaged categories on the labour market, such as, among others: people with disabilities, Roma people, long-term unemployed, women, NEET young people, i.e. people between the ages of 16 and up to the age of 30, people over 45 years.

Persons who have obtained refugee status or another form of international protection and stateless persons, who have been employed or who have earned income in Romania, benefit from vocational training services free of charge.

Vocational training services are provided, free of charge, at the request of employed persons, with the agreement of the employer, or at the request of the employer, and for persons being in the following situations:

- a) they have resumed the activity as a result of the termination of the parental leave until child reaching the age of 2 years, respectively 3 years or 7 years in the case of a child with a disability;
- b) resumed activity after the period of active military service;
- c) they resumed the activity as a result of the recovery of work capacity after retirement due to disability.

Paragraph 4

In consideration of art. 4 and 16 letters d) and e) of the Law no. 76/2002 on the unemployment insurance system and the stimulation of employment, with subsequent additions and amendments, "any kind of discrimination based on political criteria, race, nationality, ethnic origin, language, religion, social category is excluded" and the beneficiaries of the provisions of this normative act are also the job seekers who "have obtained refugee status or other form of international protection, according to the law" as well as "the foreign citizens or stateless persons who have been employed or have earned income in Romania or who have the right to work in Romania, according to the law".

According to art. 85 (1) of the law „employers who are hiring long-term unemployed with an open-ended contract, receive monthly, for a period of 12 months, for each person employed a subsidy of 2,250 lei, with the obligation to maintain labor or service relations at least for 18 months.

Long-term unemployed are one of the target groups of the National Vocational Training Plans implemented by NAE, situation of participation in courses of persons belonging to this disadvantaged category being monitored annually.

Employment agencies shall conclude a written work integration agreement with each registered long-term unemployed person who is not eligible for the Youth Guarantee within a period not exceeding 18 months from the date of registration as unemployed.

The Work Integration Agreement shall include, inter alia:

- a) the purpose;
- b) a detailed description of the specialised services provided by the county or municipal employment agencies, in accordance with the law, proposed to be provided to the long-term unemployed according to their specific needs, so as to increase their chances of employment;
- c) information on the services that may be offered, according to the law, to the long-term unemployed according to their specific needs by other public entities;
- d) the objectives, deadlines and obligations assumed by the parties in signing the work integration agreement.

The services consist mainly of:

- a) information and professional advice;
- b) labour mediation;
- c) vocational training;
- d) assessment and certification of occupational skills acquired by means other than formal channels;
- e) advice and assistance for starting self-employment or starting a business.

In order to guarantee the access to vocational training, the National Centre for Recognition and Equivalence of Diplomas ensures equal treatment in terms of recognition for people who meet the legal conditions regarding the regime of foreigners in Romania and the free movement of citizens from the EU member states, the other EEA member states and the Swiss Confederation. The National Centre for Recognition and Equivalence of Diplomas has the competence to provide recognition only for the diplomas issued by the schools not by the providers of professional training.

Paragraph 5

Initial professional training is accessible to everyone, free of charge, regardless of ethnicity, religious orientation, status, etc. In order to facilitate participation in professional and technical education, the Romanian state has provided a professional scholarship for all students at level 3 EQF, in the amount of 250 Ron. In the 2023-2024 school year, the amount of the professional scholarship was set at 300 Ron through methodology for awarding scholarships approved by the Order of the Minister of Education no.6236/08.09.2023. From the 2025-2026 school year, all students enrolled in IVET, day courses, EQF

levels 3-5 will receive the professional scholarship named technological scholarship. This type of scholarship can be combined with the other types: social scholarship, merit scholarship, excellence scholarship.

In dual education, the professional scholarship granted by the state can be supplemented with a scholarship granted by the company where the student's practical training takes place and with other benefits: free transport, a meal during the practical training, etc.

According to the Labour Code the employers shall be under the obligation to ensure the participation of all employees in vocational training programmes, as follows:

- a) at least once every 2 years, if they have at least 21 employees;
- b) at least once every 3 years, if they have less than 21 employees.

The expenses incurred for employee participation in the vocational training programmes shall be covered by the employers.

The employer who is a legal person with more than 20 employees shall elaborate, on an annual basis, and implement vocational training plans, after consulting the trade union or, as the case may be, the representatives of employees.

A vocational training plan will become an annex to the collective labour contract concluded at unit level.

The employees have the right to be informed about the contents of the vocational training plan.

An employee's participation in the vocational training may take place on the employer's or the employee's initiative.

The actual manner of vocational training, the parties' rights and obligations, the length of the vocational training, as well as any other aspects related to vocational training, including employee's obligations towards the employer that has covered the expenses for such vocational training, shall be set forth based on the parties' agreement and shall make the object of additional deeds to the individual labour contracts.

In case the participation in vocational training classes or terms is initiated by the employer, all the expenses occasioned by this participation shall be covered by this.

During the period of participation in vocational training classes or terms the employee shall benefit, for the entire duration of the vocational training, of all his wage rights.

During the period of participation in vocational training classes or terms the employee shall benefit from the length of service in that job, this period being considered a period of contribution to the state social insurance system.

The duration of the vocational training leave shall not be deducted from the duration of the annual rest leave and shall be deemed similar to an actual work period as regards the rights due to the employee, other than the wage.

Vocational training services are provided free of charge to the unemployed and persons belonging to certain disadvantaged categories, as well as to employed persons, at their request, with the employer's agreement or at the employer's request.

According to the provisions of Law 76/2002, when carrying out the employment and vocational training services, NAE has to respect the non-discriminatory access to the services provided in the field of employment and vocational training and to orient its activities to the needs of the job-seekers and of the employers.

According to Law no. 279/2005, the financing of vocational training through apprenticeship at the workplace may be provided from: employers' own resources; sponsorship by natural and/or legal persons;

European structural and investment funds and national public funds approved in the unemployment insurance budget; other legal sources: donations, taxes, etc.

That the employer is obliged to appoint an apprenticeship coordinator who guides the apprentice in acquiring the professional skills required for the qualification for which the apprenticeship is organised at the workplace. The employer who concludes an apprenticeship contract, under the conditions of the law, shall benefit, on request, for the duration of the apprenticeship contract, from an amount of 2,250 lei/month, granted from the unemployment insurance budget, within the limit of the funds allocated for this purpose.

Article 13 – The right to social and medical assistance

Paragraph 4

In the case of foreign citizens, the method of providing medical assistance is carried out within the social health insurance system according to the provisions of Law no. 95/2006 on health reform, republished, with subsequent amendments.

Thus, according to the law, foreign citizens who have requested and obtained the extension of the right of temporary residence or have their domicile in Romania, are insured in the social health insurance system. For people who do not fall into the categories of people who benefit from health insurance without paying the contribution, there is the obligation to pay the social health insurance contribution.

The social health insurance contribution will be calculated depending on their quality as persons who have earned income on the territory of Romania or persons without income. The contribution rates, the types of income and the basis for calculating the due contributions are regulated by Law no. 227/2015 on the Fiscal Code, with subsequent amendments and additions.

As insured in the social health insurance system in Romania, foreign citizens residing in the country benefit from medical services, health care services, medicines, sanitary materials, medical devices and other services included in the basic service package.

The insured status and insurance rights cease with the loss of the right of residence in Romania as well as under the conditions of art. 267 para. (2) - (2²) from Law no. 95/2006, as appropriate.

According to art. 268 para. (5) of Law no. 95/2006, foreigners beneficiaries of a form of protection according to Law no. 122/2006 regarding asylum in Romania, with subsequent amendments and additions, acquire the status of insured in the social health insurance system under the conditions provided by law for Romanian citizens.

In order to effectively exercise the right to social and medical assistance, any person on the territory of Romania has the fundamental right to emergency social and medical assistance to non-resident foreign nationals who are in a situation of urgent and serious need. This assistance includes accommodation, food, emergency medical care, clothing and other immediate needs.

The legal framework for social assistance states that all citizens of the Member States of the European Union, the European Economic Area and the Swiss Confederation, as well as foreigners and stateless persons domiciled or residing in Romania are entitled to social assistance, under the terms of Romanian law, as well as the regulations of the European Union and the agreements and treaties to which Romania is a party (Social Assistance Law no. 292/2011).

At the same time, assistance for the integration of foreigners is provided on the Romanian territory, as foreigners, holders of the right of long-term residence who benefit, under the law, from equal treatment with Romanian citizens in terms of social security, social assistance and protection, public health assistance (Government Emergency Ordinance (G.E.O) no. 194/2002).

Moreover, according to G.O. no. 44 of 29 January 2004 on the social integration of foreigners who have acquired international protection or a right of residence in Romania, as well as citizens of the Member States of the European Union and the European Economic Area, the aim is to facilitate the social integration of foreigners who have acquired a right of residence in Romania, by carrying out specific activities of cultural accommodation, counselling and learning the Romanian language. Foreigners who have acquired a right of residence in Romania are foreign citizens or stateless persons who have been granted the right to stay on the territory of Romania under the conditions provided for by G.E.O. no. 194/2002 on the legal status of foreigners in Romania, republished, with subsequent amendments and additions, and under the conditions provided for by G.E.O. no. 102/2005 on the free movement on the territory of Romania of citizens of Member States of the European Union and the European Economic Area, approved with amendments and additions by Law no. 260/2005, with subsequent amendments and additions.

Social integration is the process of active participation of foreigners who have acquired the right of residence in Romania in the economic, social and cultural life of Romanian society, in order to prevent and combat social marginalisation, respectively to adapt to the conditions of Romanian society. Integration programmes are a set of measures and activities necessary to facilitate social integration, carried out, at their request, through the cooperation of public institutions, local communities and non-governmental organisations working in this field, under the coordination of the National Office for Refugees of the Ministry of Administration and Interior. These programmes and the activities to facilitate their social integration shall be established and implemented on the basis of the needs of the beneficiaries, without discrimination and with respect for their cultural specificities.

Romania has recently adopted the National Strategy for Social Inclusion and Poverty Reduction for the period 2022-2027 (G.D. no. 440/2022). The overall objective of the strategy is to reduce the number of people at risk of poverty or social exclusion by at least 7% compared to 2020 by 2027. The Strategy and the related Action Plan are in line with the principles and rights enshrined in the European Pillar of Social Rights, which aim at equal opportunities and access to the labour market, fair working conditions, social protection and social inclusion. At the same time, they represent the general framework for intervention to implement public policies in the field of social cohesion and to combat the complex challenges of poverty and social exclusion, exacerbated by the health, social and economic crisis caused by the Covid-19 pandemic, with a particular focus on the social inclusion of vulnerable groups.

Ensure equitable and non-discriminatory access to quality and cost-effective health services and medication, especially for vulnerable groups by:

Strengthening and expanding primary health care: Through the development of community health care and family medicine, the aim is to increase access to basic health services.

Expanding coverage of primary health care: With a focus on deprived areas, ensuring that people have access to essential services, including the uninsured.

Developing the Community Healthcare Network: Through this, an integrated and community-oriented approach to health service delivery is promoted.

Treatments for vulnerable populations: Ensure access to treatment for those at risk or vulnerable, including people with chronic diseases.

Palliative services: The aim is to increase the coverage of palliative services locally to improve the quality of life of patients in advanced stages of illness.

Disbursement of medical devices for vulnerable groups: It is proposed to pay for all necessary medical devices for vulnerable groups, children, elderly, disabled and other vulnerable groups, according to government regulations.

Overall, this strategy aims to ensure that all citizens, especially the most vulnerable, have access to essential health services and appropriate treatment, thus contributing to improving overall health and reducing health inequalities.

Article 14 – The right to benefit from social welfare services

In Romania, the social services system is regulated by a specific legislative framework, which establishes the definition and classification of social services, as well as the modalities of their organisation, administration and provision (Social Assistance Law no. 292/2011 with subsequent amendments and additions).

Social services are defined as activities or sets of activities carried out to meet individual, family or group social needs, with a view to overcoming difficulties, preventing and combating social exclusion and promoting social inclusion. They may be of general interest and are organised in various forms and structures, tailored to the specific needs of the beneficiaries.

The classification of social services is based on criteria such as purpose, categories of beneficiaries, assistance regime, place of delivery, legal status of the provider and delivery regime. They can be services with or without accommodation, provided in the home or in specialised centres, and can be aimed at a wide range of beneficiaries, from children and families to disabled or elderly people, victims of domestic violence, homeless or dependent people, migrants, etc.

The beneficiaries of social services are individuals and families in need and the providers can be natural or legal persons, public or private, accredited by law. Responsibility for the development, administration and financing of social services is shared between central and local authorities.

The process of providing social services includes stages such as initial assessment, development of the intervention plan, comprehensive assessment, development of the individualised care and support plan, implementation of measures and subsequent monitoring and evaluation. These stages are carried out by social workers or specialised staff from social welfare services.

The specific legislation also details how social services are organised at community, communal and county level and requires compliance with quality standards and rules on minimum standards to ensure the quality of the services provided. It also regulates the process of accreditation and operation of social service providers and social services, as well as their registration and monitoring system.

The Romanian Government adopts the Nomenclature of social services provided for, which is an integral part of G.D. no. 867/2015, as well as the framework regulations for the organisation and functioning of social services:

- The organization and functioning regulations are a specific social service document, containing at least the following: identification of the social service, according to the Nomenclature, its purpose, the legal framework for its establishment, organization and functioning, the principles underlying the provision of services, the main functions and activities, the conditions of access, the rights and obligations of beneficiaries, the organizational structure, the number of posts and the indicative categories of staff.
- Framework Regulation on the organisation and functioning of the social service with accommodation
- Framework regulation on the organisation and functioning of the social day service
- Framework regulation on the organisation and functioning of the social service with home accommodation
- Framework regulation on the organisation and functioning of the social service provided in the community

In Romania, the Framework Regulation for the organization and functioning of public organized social services is approved (G.D. no. 797/2017) which provides the following: the scope of competence of the public service of county/local interest, its functions and attributions in providing social policies by the local public administration authorities, the steps to be taken in carrying out the attributions, the indicative staff structure and its main attributions.

- Framework regulation on the organisation and functioning of the general directorate for social assistance and child protection under the county council/local council of Bucharest.
- Framework regulation on the organisation and functioning of the general directorate for social assistance under the local councils of municipalities and cities
- Framework regulation on the organisation and functioning of the general directorate for social assistance organised at the level of communes
- For the general directorate of social assistance subordinated to the General Council of the Municipality of Bucharest, the framework regulation referred to in paragraph 1 shall apply. (3), with the exception of the provisions of art. 2 para. 3 para. (2) letter m) of Annex no. 2, which will be carried out by the general directorates of social assistance and child protection subordinated to the local councils of the districts of the Municipality of Bucharest.

Romania adopts the framework model of the Cooperation Agreement for the organisation and exercise of activities in order to fulfil certain tasks laid down by law for local public administration authorities (Order no. 232/2477 of 15 October 2010). With appropriate adaptation, the framework model provided may be used for any activity to be organised and exercised through cooperation between local public institutions.

The choice of organising and carrying out activities for the purpose of performing tasks laid down by law for local public administration authorities, through cooperation agreements, belongs exclusively to the local public administration authorities and must be based on the principles of efficiency, effectiveness and economy, in conjunction with the principle of local autonomy.

Romania encourages community participation and involvement in the provision and maintenance of social care services. This ensures that services are tailored to the real needs of beneficiaries and are delivered in an efficient and relevant way.

By involving voluntary organisations and other non-governmental entities, it can promote diversity in the provision of social services and encourage innovation in approaches and solutions to social problems.

The legal provisions in force also provide for grants to Romanian associations and foundations with legal personality that set up and manage social assistance units. These subsidies may come either from the state budget or from local budgets and are intended exclusively for social assistance services provided to persons entitled to benefit from them. The law also lays down the procedures for allocating the subsidies, criteria for the level of subsidies, specialist assistance for beneficiaries and control of the use of subsidies. The law also regulates the procedures for recovering sums unduly paid and the publication of the list of associations and foundations receiving grants. (Law no. 34/1998).

The Methodological Norms for the application of the provisions of Law no. 34/1998 on the granting of subsidies to Romanian associations and foundations with legal personality, which set up and administer social assistance units, are drawn up with the aim of ensuring transparency, efficiency and fairness in the process of granting subsidies and the correct use of public funds.

The Ministry of Labour and Social Solidarity issues a standard model Contract for the provision of social services, which will be used by the public social assistance services in their relationship with social service providers in which the aim is to standardise and improve contractual relations between the public social assistance services and social service providers, ensuring a coherent and transparent framework for the provision of these services (Order no. 71 of 17 February 2005).

The Romanian State recognises the social value of voluntary activities as an expression of active citizenship, solidarity and social responsibility, as well as the professional value as an expression of the personal, professional, intercultural and linguistic development of the persons carrying out these activities.

The State shall support the development of the voluntary movement at local, national and international level, with respect for its independence and diversity, in order to fulfil its artistic and cultural, sporting and recreational, educational, scientific, research, youth, representative, environmental, health, social, solidarity, community development, humanitarian, civic and philanthropic aid and other similar purposes.

The Romanian State shall support the development of volunteering through all its institutions operating in areas where volunteering activities are carried out according to the law. (Law no.78/2014)

The Romanian Government adopts a legal framework for the implementation and management of public-private partnership projects, establishing the cooperation modalities and responsibilities of the parties involved. The main features of the public-private partnership mechanism include cooperation between public and private partners, relatively long duration of contracts, funding from private and possibly public sources, and risk sharing between the parties.

Forms of public-private partnership, including contractual partnership and institutional partnership, which are based on the conclusion of a contract between public and private partners and possibly the establishment of a project company.

Rules on the involvement of other public entities in public-private partnership projects are clearly specified in the tender documentation and comply with the conditions laid down.

Quality assurance in the field of social services in Romania is achieved through the process of evaluation, certification, monitoring and control covering the main aspects such as:

Scope: applies to all social services and their providers, both public and private, operating in Romania.

Purpose of social services: they are designed to help vulnerable people to overcome difficulties, prevent and combat social exclusion, increase the quality of life and promote social inclusion.

Responsibility: The Ministry of Labour and Social Solidarity is responsible for organising, coordinating and implementing the quality assurance process in the field of social services, as well as carrying out quality control in this field.

Definition of quality: Quality in social services is the set of requirements and conditions met by providers and the social services they provide in order to meet the needs and expectations of beneficiaries.

Quality assessment and monitoring: It is carried out on the basis of established standards, criteria and indicators, taking into account the principles of quality in social services. These include issues related to service delivery, the relationship between providers and beneficiaries, participation of beneficiaries, the relationship between providers and authorities, as well as human resource development and working conditions.

The Romanian legislation also details the concrete modalities of evaluation, monitoring and control, including the establishment of specific standards, criteria and indicators for the different types of social services and categories of beneficiaries.

From the perspective of the childcare services, which are social services, falling under the responsibilities of the local public authorities, according to the legislation within the field of children rights, this category belongs to the prevention services, aimed at preventing child separation from their families.

According to the definition provided by the Law no. 272/2004 for the protection and promotion of children rights, daycare services are defined "as family intervention services and may include programs and resources aimed at providing the necessary support to maintain, restore, and develop the capacities of

the child and their parents in order to overcome situations that could lead to the child being separated from their family”.

Falling under the authorities at community level, the setting up of daycare centers represented a challenge especially in the case of poor communities, where the need for such services was the most important, but the financial resources for their functioning were the poorest.

Considered as the most important way of supporting families at risk from separating from their children, the daycare centers setting up received an important push recently, when Romania adopted a law dedicated to the prevention of child separation from the family.

Since strengthening the capacity of the local authorities in respect to the prevention activities falling under their responsibility to be carried out at community level, Romania included within the NRRP the entering into force of a law aimed at preventing child separation from the family.

The objective of this reform was that of preventing child separation especially at the level of the most vulnerable communities. Thus, the law creates the necessary framework allowing the implementation of more efficient measures aimed at preventing child separation from the family, such as: counselling and support for parents and children, daycare centers for children at risk of being separated from their family, daycare centers for children with disabilities.

Maybe one of the most important aspects, promoted by the newly adopted law was the introduction of a financing mechanism, from the state budget, for the daycare services, which represents a long-awaited measure aimed at supporting and encouraging the local authorities to set up this type of service.

The impact of the law is expected to be a positive one, its provisions helping to increase the quality of children’s care and supporting vulnerable families to avoid separation from their children for causes such as: poverty, unemployment, child’s disability.

In the same time, also through the NRRP, a network of 150 daycare centers will be set up at national level, especially within the most vulnerable communities.

This measure will support increasing the number of such services at national level, helping all interested parents and families to access services that are available and accessible to workers with family responsibilities.

In terms related to the child day care services and other childcare arrangements, that are available and accessible to workers with family responsibilities, the day care services set up at community level are primarily targeting the families at risk of being separated from their children, their social component being the most relevant one.

According to the minimum quality standards that regulates the functioning and authorization of these social services, their mission consists primarily in preventing child abandonment and institutionalization by providing, during the day, care, educational, free-time and leisure activities, counselling, professional and vocational guidance for children as well as counselling and support, or educational services for their parents and/or other persons who are taking care of the children.

The services offered within the daycare centers are complementary to the efforts of the family, as they come out from the primarily responsibility of the parents in caring and upbringing their children, as well as to the services offered by the school units or other social services providers depending on the particular needs of the child and the nature of his/her social and family context.

The activities carried out within the center are offered to the children’s beneficiaries on the base of a contract signed with the family.

The admission in such a service is free of charge.

On the other hand, from the perspective of the interpretation given to this article where within the types of services falling under this article, residential care services and other types of specialized services are included, should be noted that in Romania the system of child protection offers such types of support for children who are temporarily or definitively separated from their families.

They ensure the right of the beneficiary to protection and the children depending on their age and maturity are consulted when deciding on the special protection measure, on an individual basis.

The access to the social services (including the residential ones, defined under the Romanian legislation as apartments, family type homes and emergency centers) is made based on the decision of the administrative authorities (when parents agree with the solution) or by the Court when there is no consent of the parents for children being removed from their families.

The social services within the special protection system are operated by the authorities at local level, which are the main social services providers and aimed at offering care and protection for children separated from their families, during the period of the special protection measure.

In the same time, specialized services are offered to the young persons leaving the special protection system, together with a financial support at the time of their leaving the system in order to help their proper reintegration in community and society.

The national legislation was significantly modified during the last years, special measures being adopted for the young persons who at the age of 18 intend to leave the special protection measure.

While during their staying in the system, the specialists from the social services should provide them adequate counselling and specialized interventions aimed at preparing them for an independent life, at the age of 18 they have the possibility to decide on whether to continue their staying in the system until the age of 26, or leaving the system and receiving financial support until the age of 26 if they are enrolled in a form of education or get a job.

According to the new legal provisions, the former beneficiaries of the special protection system are entitled to receive a monthly allowance, in total value of 4,8 ISR, until the age of 26 if they fulfill the criteria mentioned above.

The main purpose of such a measure was that of encouraging the former beneficiaries of the special protection system to start an independent life, while the state will support them in order to achieve a better integration in community and society.

According to the national legislation, social services, irrespective of their type might be set up either by the public or private social services providers.

Irrespectively of the entity under whose authority this type of service operates the conditions for its licensing and accreditation as a social service provider are the same.

The setting up of a daycare center is subject to the minimum quality standards which are approved by a government decision.

Regarding the activity of the National Agency for Equal Opportunities for Women and Men (NAEO), the total social services and specialized services aimed at preventing and combating domestic violence are 263. The major legislative reform was carried out in 2018. Currently, at the national level, there are 183 social services intended for victims of domestic violence and aggressors), of which: 155 social services intended for victims and 14 social services intended for aggressors.

Also, at the local level there are 84 specialized services: 42 support groups and 42 vocational guidance offices), to which are added 10 integrated intervention centres in situations of sexual violence.

Thus 144 new services created:

- ✓ the integrated innovative national network of 42 sheltered homes for victims of domestic violence was created and developed, which includes one sheltered home established in each county with the aim of ensuring the transfer to an independent life and the socio-professional reintegration of victims of domestic violence;
- ✓ 2 complementary services were created and developed in each county, totalling 82 complementary services for victims of domestic violence, respectively 42 support groups that provide specific psychological assistance and personal development programs and 42 vocational counselling offices that provide vocational counselling services, professional guidance and support for finding a new job and empowerment, in order to overcome the crisis situations generated by domestic violence and the professional reintegration of the victims;
- ✓ 10 integrated centres for victims of sexual violence;
- ✓ 8 counselling centres for aggressors Centres for aggressors.

The creation of these centres marks a change in approach to the way medico-social services are available to victims of sexual violence, by ensuring an integrated management, so that the victim can benefit from all the necessary services in the hospital, directly.

Thus, in addition to medical services, the victim can benefit free of charge from a series of social services (psychological and/or legal counselling) with the possibility of initiating the legal procedure of filing a complaint of sexual assault, followed by ascertainment and collection of evidence.

Regarding the persons with disabilities, the certificate issued according to the provisions of the Law no. 448/2006 can be appealed by its holder, within 30 calendar days from the date of communication, to the Higher Commission for the Evaluation of Adults with Disabilities.

The Council for analyzing the problems of persons with disabilities which have with an advisory role notifies the competent bodies regarding the violation of the rights of persons with disabilities.

Each person who has domicile or residence in Romania may require an assessment for persons with disabilities.

Persons with disabilities, within the meaning of the Law no. 448/2006, are those persons who, due to physical, mental or sensory ailments, lack the ability to carry out normal daily activities, requiring protective measures in support of recovery, integration and social inclusion. Children and adults with disabilities, Romanian citizens, citizens of other states or stateless persons, benefit from the provisions of this law, during the period in which they have, according to the law, their domicile or residence in Romania.

During their stay in Romania, refugees with disabilities benefit for a period of 90 days from hosting services in residential services, based on minimum documents, namely an identity document and a document issued by the institutional structure authorized to certify refugee status, as well as the service request.

Following the request for a residence permit in Romania, based on the evaluation and classification in the degree of disability, the respective persons can benefit from the right to residence, education, work, health, benefits and social assistance services, under conditions of equality with Romanian citizens, in basis of national disability regulations. (A person with refugee status and who, following the evaluation carried out by the Commission for the Evaluation of Adults with Disabilities, acquires the disability classification certificate, becomes a beneficiary of the rights and facilities enjoyed by persons with disabilities, according to the legal provisions in force (Law no. 448/2006 on the protection and promotion of the rights of persons with disabilities, republished, with subsequent amendments and additions) respectively social benefits (monthly allowance and complementary personal budget) and social services.)

Persons with disabilities are granted to social services, according to the Law no. 448/2006 provisions.

The National Authority for the Protection of the Rights of Persons with Disabilities (NAPRPD) licenses social services for adults with disabilities, organized under the law by public authorities or accredited private bodies, and ensures, at the national level, their records; organizes and carries out activities of standardization, attestation of quality levels, inclusion in quality classes for social services in the field of disability, in accordance with the law; endorses or elaborates, as the case may be, occupational standards for occupations in the field of protection and promotion of the rights of persons with disabilities; authorize interpreters in the mime-gestural language of people with hearing impairment or in the specific language of people with deafblindness, based on a methodology approved by joint order of the Minister of Labor and Social Solidarity and the Minister of Education, at the proposal of the Authority, with the consultation of the organizations non-governmental organizations in the field, and keeps track of authorized interpreters in a register posted on the institution's website;

By Decision of the Constitutional Court of Romania no. 601/20.07.2020, it was decided that any protection measure must be proportional to the degree of capacity, be adapted to the person's life, apply for the shortest period of time, be reviewed periodically and take into account the will and the preferences of people with disabilities. Also, when regulating a protective measure, the legislator must take into account the fact that there can be different degrees of incapacity, and mental deficiency can vary over time. The lack of mental capacity or discernment can take different forms, for example, total/partial or reversible/irreversible, a situation that calls for the establishment of protective measures appropriate to reality and which, however, are not found in the regulation of the measure of judicial prohibition. Therefore, the different degrees of disability must be assigned corresponding degrees of protection, the legislator in the regulation of legal measures having to identify proportional solutions. An incapacity must not lead to the loss of the exercise of all civil rights, but must be analyzed in each individual case.

The right to social assistance in the form of social services is granted upon request or ex officio, as the case may be, based on supporting documents, under the conditions provided by law.

The application for granting the right to social services is registered with the local public administration authority in whose territorial radius the disabled person has his domicile or residence.

The application and supporting documents are submitted for registration by the disabled person, his family, legal representative, personal assistant, professional personal assistant or the non-governmental organization of which the disabled person is a member.

In order to ensure the social services necessary for persons with disabilities, public authorities are obliged to take the following special measures:

- to create access conditions for all types of services corresponding to the individual needs of disabled persons;
- to initiate, support and develop social services centered on the disabled person, in collaboration or in partnership with legal, public or private persons;
- to ensure the share of specialized personnel employed in the system of protection of disabled persons in relation to the types of social services: social workers, psychologists, occupational therapy instructors, physiotherapists, recovery pedagogues, speech therapists, psychopedagogues, support teaching staff, educators specialists, psychiatrists, dentists, nurses;
- to involve the disabled person's family in the activities of care, rehabilitation and integration;
- to ensure the training in the specific issue of the disabled person of the staff who carry out their activity in the system of protection of disabled people, including personal assistants and professional personal assistants;
- to develop and support collaboration programs between parents and specialists in the field of disability, in collaboration or in partnership with legal entities, public or private;

- to establish and support the system based on case management in the protection of the disabled person;
- to encourage and support voluntary activities;
- to ensure socio-medical assistance and care at the home of the person with disabilities.

Persons with disabilities benefit from social services provided:

- at home;
- in the community;
- in day centers and residential centers, public or private.

Social services intended for persons with disabilities are designed and adapted according to the individual needs of the person.

Monitoring activities of the respect for human rights in public and private centers intended for persons with disabilities is provided for by Law no. 8/2016 on the establishment of the mechanisms provided for by the Convention on the Rights of Persons with Disabilities establishes the Monitoring Council, an autonomous administrative authority with legal personality, under parliamentary control with role in monitoring the implementation of the Convention. The monitoring board has the following main duties:

- regularly examines compliance with the exercise of the rights of persons with disabilities within the following institutions: public or private residential facilities intended to serve persons with disabilities, as well as hospitals/psychiatry wards.;
- makes recommendations regarding the respect of the rights of persons with disabilities in the visited institutions and monitors their implementation by public or private entities that have attributions in this regard;
- verifies the legality of the presence of persons with disabilities in the institutions that are the object of activity;
- immediately notify the competent judicial bodies whenever there are indications that the violation of the rights of persons with disabilities was committed by criminal acts and may file a complaint, if necessary, against the solutions of not prosecuting or not sending to court;
- notifies the legally competent authority to impose disciplinary or contraventional sanctions or to suspend, withdraw and cancel the accreditation of public and private residential social institutions and other inspected institutions, in cases of violation of the rights of persons with disabilities;
- receives and analyzes the death notifications compulsorily sent to the Council by the institutions that are its object of activity;
- monitors whether, in cases of death of persons with disabilities, the institutions that are the object of its activity notify the judicial bodies in order to perform a medico-legal autopsy, according to the law;
- facilitates the involvement and full participation of civil society, especially of persons with disabilities and the organizations that represent them, in the monitoring process that it organizes;
- collaborates, whenever necessary, with the Ombudsman institution, as the national authority designated for the prevention of torture and inhuman and degrading treatments;

The local public administration authorities have the obligation to organize, administer and finance social services intended for disabled people, in accordance with the law.

Local public administration authorities can contract social services with private social service providers, accredited, under the law.

The cost of the contracted social service cannot exceed the cost of the respective service at the date of contracting or the average cost of the operation of the service at the date of establishment, in the case of a new service.

The method of contracting is establishing through the methodological norms for applying the provisions of this law.

Social services intended for adults with disabilities are under the coordination of the National Authority for Persons with Disabilities.

The monitoring of the implementation of specific quality standards and the control of their compliance are within the competence of the National Authority for Persons with Disabilities and are applied by the staff with attributions in the field, according to a methodology approved by order of its president.

In the activity of protection and promotion of the rights of persons with disabilities, the National Authority for Persons with Disabilities and the central and local public administration authorities maintain dialogue, collaboration and partnership relations with the non-governmental organizations of persons with disabilities or that represent their interests, as well as with the institutions of worship recognized by law with activity in the field.

The social services provided by Government Ordinance no. 68/2003 regarding social services, with subsequent amendments and additions, approved with amendments and additions by Law no. 515/2003, and Government Decision no. 539/2005 for the approval of the Nomenclature of social assistance institutions and the indicative staff structure, the framework Regulation for the organization and operation of social assistance institutions, as well as the methodological Norms for applying the provisions of Government Ordinance no. 68/2003 on social services, with subsequent amendments and additions, are granted by social service providers accredited under the terms of the law on persons with disabilities, during the period of validity of the document attesting to the degree of disability. Also, the social services provided for persons with disabilities are granted ex officio in crisis situations.

The national Authority for the Protection of the Rights for persons with Disabilities licenses social services for adults with disabilities, organized under the law by public authorities or accredited private bodies, and ensures, at the national level, their records.

- organizes and carries out activities of standardization, attestation of quality levels, inclusion in quality classes for social services in the field of disability, in accordance with the law.
- endorses or elaborates, as the case may be, occupational standards for occupations in the field of protection and promotion of the rights of persons with disabilities.

Article 15 – The right of persons with disabilities to independence, social integration and participation in the life of the community

Paragraph 3

Once with the approval of Law no. 221/2010 for the ratification of the Convention on the Rights of Persons with Disabilities, Romania assumed the obligation to respect and support the creation of conditions that allow the full and active participation of all persons, including persons with disabilities.

The national strategy regarding the rights of persons with disabilities, "A fair Romania" 2022-2027, continues and develops the implementation of the Convention, in order to ensure the framework for the full exercise and under equal conditions of all fundamental human rights and freedoms by all disabled people.

The national programmatic document entered into force with the approval of G.D. no. 490/2022 for the approval of the National Strategy regarding the rights of persons with disabilities "A fair Romania" 2022-2027.

The overall objective of the 2022-2027 Strategy is to ensure the full and effective participation of people with disabilities, based on freedom of decision, in all areas of life and in an accessible and resilient environment.

The 2022-2027 strategy has the following rights-based priority areas, deeply anchored in the Convention on the Rights of Persons with Disabilities:

1. Accessibility and mobility
2. Effective protection of the rights of people with disabilities
3. Occupation
4. Social protection, including empowerment/rehabilitation
5. Independent living and community integration, including access to public services
6. Education
7. Health
8. Political and public participation.
9. Implementation of the UN Convention and monitoring of respect for the rights of persons with disabilities.

In all these priority areas, transversal themes can be found, such as: awareness in relation to persons with disabilities and the promotion of respect for their rights and dignity, universal design and reasonable adaptation in compliance with the definitions in the Convention, discrimination based on disability criteria as a violation of human rights, with focus on multiple discrimination, cooperation and consultation, data collection in compliance with the protection measures established by law, including data protection legislation, to ensure the confidentiality of personal data.

Also, the 2022-2027 Strategy aims at the existence of a normative framework in terms of ensuring the full and effective participation of people with disabilities, based on freedom of decision, in all areas of life and in an accessible and resilient environment.

The 2022-2027 Strategy includes the programs and interventions of all institutions and authorities involved in the implementation of the obligations assumed by Romania through the ratification of the Convention.

Within the 2022-2027 Strategy, the actions regarding the fulfillment of the measures and, implicitly, the specific objectives, are embodied in different types of results, depending on the complexity and particularities of each field.

Ensuring independent life for persons with disabilities, a fundamental human right, essential for the development of personal identity and the realization of human potential, is the object of a general objective of the 2022-2027 Strategy.

In order to ensure the access of persons with disabilities to the physical, informational and communicational environment, public authorities are obliged to take the following specific measures:

- to facilitate the access of persons with disabilities to new technologies;
- to ensure access to public information for persons with disabilities;

- to ensure authorized interpreters of the mime-gestural language and the language specific to persons with deafblindness;
- to design and run, in collaboration or in partnership with legal entities, public or private, programs for accessibility or awareness of its importance.

According to the provision of the Law no. 448/2006, in order to ensure recovery/rehabilitation assistance, persons with disabilities have the right to free medical devices in the outpatient clinic, according to the list and conditions provided in the framework contract regarding the conditions for the provision of medical assistance in the framework of the social health insurance system and its application rules;

In the activity of protection and promotion of the rights of persons with disabilities, the NAPRPD and the central and local public administration authorities maintain dialogue, collaboration and partnership relations with the non-governmental organizations of persons with disabilities or that represent their interests, as well as with the institutions of worship recognized by law with activity in the field.

In addition to the NAPRPD, according to the art. 92 of the Law no. 448/2006 republished, with subsequent amendments and additions provisions it running the Council for analyzing the problems of persons with disabilities.

The Council, is established, with an advisory role, with the following composition:

- a) the president of the NAPRPD;
- b) the president of the National Disability Council in Romania;
- c) a representative of the National Authority for the Protection of Children's Rights and Adoption;
- d) a representative of the Ministry of Labor and Social Solidarity;
- e) a representative of the Ministry of Health;
- f) a representative of a non-governmental organization for the protection of human rights;
- g) one representative each of the central and/or local public administration bodies, as well as of other public or private law bodies in the field, with the status of non-permanent members, depending on the problems to be solved.

The Council has the following powers:

- issues advisory opinions regarding draft normative acts that have as their object the protection of disabled persons, initiated by the NAPRPD or other competent authorities;
- analyzes the issue of the protection of persons with disabilities and proposes measures to improve their living conditions;
- notifies the competent bodies regarding the violation of the rights of persons with disabilities.
- The Council meets in ordinary quarterly meetings, as well as in extraordinary meetings whenever necessary.
- The convocation of members is carried out by the NAPRPD.
- The meetings are held at the headquarters of the NAPRPD or in any other place that it proposed.
- The Secretariat of the Council is provided by the NAPRPD.
- The manner of organization and functioning of the Council is approved by order of the the NAPRPD president.

At the same time, at the level of the counties and sectors of the municipality of Bucharest, in addition to the general directions of social assistance and child protection of the county and local sectors of the

municipality of Bucharest, committees will be established to analyze the problems of persons with disabilities.

The establishment, as well as the way of organization and operation is approved by decision of the county council, respectively of the local councils of the sectors of the city of Bucharest.

The methodology for authorizing the interpreters of the mime-gestural language and the interpreters of the language specific to the person with deafblindness, is approved by Order of the president of the NAPRPD.

The NAPRPD can finance or, as the case may be, co-finance programs of national interest that aim at the integration, social and professional inclusion of adults with disabilities, as well as increasing their quality of life.

Transcription or translation of informative and cultural materials in the information access systems, specific to people in certain disability categories: Braille alphabet, audio recordings, visual writing with enlarged letters, mime-gestural language, pictograms;

Central and local authorities and institutions, public or private, ensure, for direct relations with persons with hearing disabilities or deafblindness, authorized interpreters of the sign language or the specific lang
Central and local public authorities, as well as central and local institutions, public or under private law, have the obligation to ensure accessible information and documentation services for persons with disabilities. The public relations services will display and have available information accessible to people with visual, auditory and mental disabilities.

In the acquisition of equipment and software, public institutions will take into account the accessibility criterias.

Regarding adequate/adapted housing, the legislation in the field of disability stipulates the obligation of adaptation according to the legal provisions in the field, so as to allow unrestricted access of disabled people, among others, to parking spaces.

For residential buildings built with public funds, there is an obligation to install adaptations specific to each type of disability, including ramps and/or, as the case may be, electronic or automated access systems, elevators or elevators, acoustic and visual guidance systems, tactile maps. For residential parking spaces belonging to the public domain, there is provision by the public authorities for the installation of signs signaled by an international sign, for at least 2 free parking spaces adapted and reserved for disabled people.

The costs of the works necessary to carry out the adaptations provided for all these mentioned above, are supported from the budgets of the central or local public administration authorities and from the own sources of legal entities with private capital, as the case may be.

In the social health insurance system in Romania, the insured benefit from the "Basic package for medical devices intended for the recovery of organic or functional deficiencies in the ambulatory", which can be found in lit. K from Chapter II of Annex no. 1 to G.D. no. 521/2023 for the approval of the service packages and the framework contract that regulates the conditions for the provision of medical assistance, medicines and medical devices, within the social health insurance system , as well as in Annex no. 38 to the Order of the Minister of Health and the President of the National Health Insurance House no. 1857/441/2023 regarding the approval of the Methodological Norms for the application of G.D. no. 521/2023 for the approval of the service packages and the framework contract that regulates the conditions for the provision of medical assistance, medicines and medical devices, within the social health insurance system , with subsequent amendments and additions, which contains several categories and types of medical devices, respectively:

- Prosthetic devices in the ENT field,

- Devices for prosthetic stoma,
- Devices for urinary retention and/or incontinence,
- Prostheses for the lower limb,
- Prostheses for the upper limb,
- Orthoses - for the spine, for the upper limb, for the lower limb,
- Orthopedic shoes,
- Devices for the visually impaired,
- Equipment for oxygen therapy, non-invasive ventilation, CPAP/BPAP machines and cough assist devices,
- Devices for aerosol therapy,
- walking devices,
- External breast prosthesis,
- Compressive devices.

According to the provisions of art. 171 para. (3) from Annex 2 to G.D. no. 521/2023 , with subsequent amendments and additions , for the persons provided for in special laws (including persons holding a disability certificate) , who benefit from free of charge from the National Single Health Social Insurance Fund under the conditions of the legal provisions in force, in the event that for a medical device, the retail prices of all medical device suppliers in a contractual relationship with the same health insurance company are higher than the reference price of this medical device, the health insurance company settles the cost of the medical device at the lowest retail price. In the event that for a medical device the retail prices of all medical device suppliers in a contractual relationship with the same health insurance company are lower or higher than the reference price, the health insurance companies settle the price in full retail sale of the medical device if it is lower than the reference price, respectively the reference price, if the retail price of the medical device is higher than the reference price.

Therefore, people with disabilities (including those who hold a disability certificate) benefit from free medical assistance, including medical devices intended for organic or functional deficiencies in the ambulatory system within the social health insurance system, under the conditions established by the approved framework contract by G.D. no. 521/2023, with subsequent amendments and additions. If the retail price of the medical device purchased is higher than the reference price or the lowest retail price - for persons provided for in special laws (art. 171 par. (3) of Annex 2 to G.D. no. 521/2023 , with the amendments and additions subsequent), the difference is borne by the insured through a personal contribution and is paid directly to the supplier.

The National Housing Strategy of Romania for the period 2022-2050, which was approved by the G.D. no. 842/2022, sets out specific measures pertaining to facilitating the access to housing based on equality of opportunity and independent living principles. These measures include:

- Integrating inclusive design principles into the authorization procedure for housing construction;
- Modernization of neighborhoods by making residential buildings and public spaces accessible.

The main line of action that must be pursued during the implementation phase of the National Housing Strategy refers to ensuring adequate housing for social groups with special needs, through the joint intervention of local public authorities, the Ministry of Development, Public Works and Administration, the Ministry of Labor and Social Solidarity and the participation of public operators, in terms of securing person-centered delivery of housing and relevant support services.

The legal provisions on ensuring access to culture for persons with disability are as follows:

-Article 19 of Law no. 448/2006 on the protection and promotion of the rights of persons with disabilities:
 (1) The competent authorities of the public administration have the obligation to facilitate the access of persons with disabilities to cultural values, heritage, tourist, sports and leisure objectives.

(2) In order to ensure access of persons with disabilities to culture, sport and tourism, public administration authorities are obliged to take the following specific measures:

a) support the participation of people with disabilities and their families in cultural, sporting and tourist events;

b) to organise, in collaboration or partnership with public or private legal entities, cultural, sporting and leisure events and activities;

c) to ensure conditions for the practice of sport by people with disabilities;

(d) support the activities of sports organisations of people with disabilities.

(3) The disabled child and the person accompanying him/her shall be entitled to free admission to shows, museums, artistic and sports events.

(4) Adults with disabilities shall be entitled to admission to shows, museums, arts and sports events as follows:

a) the adult with a severe or acute disability and the person accompanying him/her are entitled to free access;

b) adults with moderate and mild disabilities are entitled to admission tickets under the same conditions as pupils and students.

(5) The amounts corresponding to the entitlements referred to in paragraphs (3) and (4) shall be borne by the state budget, through the budget of the Ministry of Culture, the National Agency for Sport, local budgets or, where appropriate, the budget of public or private organizers.

-Article 66 of the Law on Libraries no. 334/2002: Public law libraries may organize special services for the visually impaired, as well as home services for people with locomotor disabilities.

The State provides financial support and personal assistance to persons with disabilities so that they can live independently and participate fully in community life. This includes home care services, assistance with vocational integration and other necessary support.

Regulations on sports for people with disabilities:

- Physical education and sports Law no. 69/2000, with subsequent amendments and additions, is the law that regulates the organization and operation of the national system of physical education and sport in Romania.
- In art. 2 para. (5) it is stipulated that the practice of sport and physical exercise is a right of the person, without any discrimination, guaranteed by the state, thereby understanding that these provisions also refer to people with disabilities, thus creating the general framework for the practice of sport and physical activity in Romania. Next, in art. 3 paragraph (3) states the obligation of public administration authorities to ensure conditions for practicing sports for people with special needs, which contribute to the development of personality and integration in society, and to provide the necessary means for athletes with special needs to practice adapted sports performance level.
- It should be noted that in the normative acts regulating the field of sports, the phrase "persons with disabilities" was replaced by the phrase "persons with special needs", by art. II from Law no. 194/2015 for the amendment and completion of the Physical Education and Sports Law no. 69/2000. Also in 2015, by Law no. 194 which amended and supplemented Law no. 69/2000, the obligation was introduced that the National Program "Sport for all" should have a sub-program for people with special needs. A new article was introduced, art. 16¹, with reference to people with special needs, in which sport for people with special needs is defined and the status of performance sportsman is introduced for people with special needs who practice systematic and organized sport in order to participate in competitions and obtain victory over the partner.

In order to harmonize the Physical Education and Sports Law no. 69/2000, with subsequent amendments and additions, with subsequent normative acts regarding the non-discrimination of athletes with special needs compared to other athletes, in 2016, by G.E.O. no. 61/2016 for the amendment and completion of the Physical Education and Sports Law no. 69/2000, art. 16¹ was supplemented with a new paragraph (5) which specifies the obligation of the Ministry of Youth and Sports, the current National Sports Agency, to respect the principle of non-discrimination, awarding equal prizes to athletes with or without special needs for the same type of performance, obtained at competitions official national and international. By the same normative act, para. (1) from art. 64 was amended, introducing the life annuity also for Paralympic athletes, under the same conditions as for other athletes.

- The amendments and additions to Law no. 69/2000 created the legal framework for the normative acts that regulate the conditions for establishing financial rules for sports activity, non-discriminatory for the awarding and financial support of athletes with special needs at the same level as other athletes, for the same type of performances obtained at official national and international competitions.

So, by G.D. no. 720/2016 regarding the amendment of the Financial Norms for sports activity, approved by G.D. no. 1.447/2007, the awarding and financial support of athletes with special needs was promoted at the same level as other athletes.

- In 2022, by Law no. 30/2022 for the amendment and completion of art. 13 of the G.E.O. no. 77/2009 regarding the organization and exploitation of gambling and for completing art. 20² para. (3) from the Physical Education and Sports Law no. 69/2000, it was established that 0.2% of the fees charged by the state for gambling should be constituted as income of the National Paralympic Committee (NPC).

Through this change, the NPC benefits from important revenues, which are added to those established by the financing contract with the

National Agency for Sports, for the activities of preparation and participation of Paralympic athletes in national and international competitions.

- On May 10, 2023, the Government of Romania approved the "National Strategy for Sport, 2023-2032", through G.D. no. 444/2023, which positions sport as a national priority and establishes the development vision and major directions for the next decade.

The National Agency for Sport, the institution of the central public administration with the role of coordinating the Government's policies and strategy in the field of sport, implements the National Strategy for Sport for the period 2023-2032.

The Strategy mentions that the projects for the development of the sports material base intended for sports must be thought of and carried out in such a way as to ensure access for all categories, with a focus on marginalized categories and people with disabilities. In the Survey carried out to identify the barriers to practicing sports, 12% of the respondents answered that the existence of a disability prevents them from doing sports.

In the SWOT analysis, the sports structures that offer the special training of athletes with disabilities were indicated as strong points; and as weak points we find the insufficient sporting material base for athletes with disabilities and the reduced number of national and international competitions for them.

The disability objective aims for 2032, a 100% increase in the number of disabled people participating in sports activities, compared to 2023 data.

Organization of sports for people with special needs

- In the records of the National Agency for Sports, there are 711 sports structures that have sports for people with special needs in their sphere of activity.

Total number of sports structures sections for people with special needs	National Sports Federation	County association for people with special needs	Sports clubs with a section for people with special needs
711	1 Respectively the National Paralympic Committee	6	704

Sports clubs with a section for people with special needs represent 7.3% of all sports clubs.

Total number of sports clubs	Number of sports clubs with a section for people with special needs	% sports clubs with a section for people with special needs
9608	704	7,3%

- NPC is the sports structure of national interest, of public utility, authorized to organize and control the sports activity of people with special needs in Romania, on all types of disabilities (locomotor and neuromotor, sensory: hearing, sight and impaired intellect).
- NPC operates on the basis of national programs of public utility, financed by the Government of Romania through the budget of the National Sports Agency and benefits from all the rights and obligations of national sports federations.
- The National Sports Agency has under its control 48 sports clubs, organized as public institutions, and in 9 of them there are departments for people with special needs.
- In recent years, national sports federations have started to develop sports for people with special needs and to promote performance activity among them. In 2023, a total of 19 entities reported certified athletes with special needs, as can be seen in the table below.

Nr. crt.	National Sports Federation	NUMBER OF LEGITIMATE ATHLETES 2023				Nr. of Coaches	Nr. of Instructors	Nr. of Referees
		Seniors	Youth, juniors	Children	Total			
1	Climbing	7	1		8			
2	Martial arts	4	2	2	8			
3	Motoring	5			5			
4	Bowling	2			2			5
5	Cycling	6			6			
6	Cricket	35	20		55			
7	Bodybuilding	3			3	1	2	
8	Judo	22	18	14	54	25		4
9	Karate	28	5		33	8		
10	Karate wukf	46			46	6		
11	Kempo	1		5	6			
12	Modelism	1	1		2			

13	Pangration	1			1			
14	Powerlifting	19	5		24	2	2	5
15	Chess	17	1		18			
16	Scrabble	3	1		4			
17	Skandenberg	4			4			
18	Tennis	6			6			
19	Triathlon	3			3	2		
	TOTAL	213	54	21	288	44	4	14

Participation of people with special needs in sports and physical activities

People with disabilities participate in sports, tourism and recreation activities to a much lower extent than those without disabilities, as mentioned in Deliverable 4 "Diagnosis of the situation of people with disabilities in Romania", made in 2020 and which is part of the project carried out on the basis of the Agreement on Reimbursable Technical Assistance Services regarding the strengthening of the coordination mechanism related to the implementation of the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

In the same study, the benefits of practicing sports by people with disabilities are specified: it increases the chances of a healthy, physical and mental life; helps personal development, with cognitive benefits such as increasing self-esteem; and stimulates integration into society.

Participation in sports activities for people with disabilities often involves very high costs, meaning transport costs, equipment costs, additional costs for devices and assistive technologies, but also for materials specific to physical activities such as balls with sound signals, tandem bikes, etc.

Added to these are the human resources: teachers, coaches, support staff, insufficient and unqualified.

The investigation of the Ministry of Youth and Sports/the current National Sports Agency, carried out in 2020 and in which 16 counties participated (data taken from Deliverable 4 "Diagnosis of the situation of people with disabilities in Romania", page 241), shows that public sports structures do not co-opt people with disabilities, and in privately managed sports structures the participation of people with disabilities is low. Only about 10% of the 250 private sports structures (out of a total of 360 in the 16 counties) include athletes with disabilities. Not one of the 97 school sports structures had a person with a disability registered and only one of the 13 sports structures managed by local or county councils had 7 people with disabilities registered, amateur athletes.

Private sports facilities	250
School sports structures	97
Public sports structures other than school ones	13
Private sports structures with athletes with disabilities	24
School sports structures with athletes with disabilities	0
Public sports structures other than schools with athletes with disabilities	1
Number of athletes with disabilities in private sports structures	247
Number of athletes with disabilities within some school sports structures	0
Number of athletes with disabilities in public sports structures other than school ones	7

Source: Data from the Ministry of Youth and Sport survey (2020) processed by the BM team.

Note: The following 16 counties responded to the survey: Arad, Brăila, Braşov, Bucharest, Cluj, Covasna, Galaţi, Harghita, Iaşi, Ilfov, Mureş, Prahova, Sălaj, Teleorman, Timiş and Vâlcea.

- The National Sports Agency established new measures to generate an increase in the number of athletes with special needs involved in sports and physical activities and in performance sports.

In 2023, the national program of public utility "Promotion of Performance Sports", addressed to the financing of national sports federations, was enriched with a new subprogram dedicated to people with special needs.

So, the Order of the Minister of Sports no. 12/2023 for the approval of sports programs of public utility and the methodology regarding the financing of national sports federations by the Ministry of Sports, provides in the Methodology of financing national sports federations and of the National Paralympic Committee based on sports programs of public utility, in the "Sports Promotion" Program of Performance", financing the Subprogram for people with disabilities for practicing physical and sports activities, as well as ensuring accessibility to the specific sports infrastructure.

The Sport for All program includes, starting in 2015, the Subprogram sport for people with special needs with actions and activities dedicated to these categories of athletes.

The financing contracts concluded between the Ministry of Sports/National Agency for Sports in 2023 with the national sports federations include Subprogram D5 "Activities for preparation, organization/participation in competitions for people with special needs". 16 national sports federations and the National Paralympic Committee benefited from funding.

The subprogram included multiple sports activities carried out by national sports federations, in collaboration with public or private law institutions (mayors, county school inspectorates, county sports directorates, NGOs).

Number of Federations National sports	Organized sports activities (national championships, competitions, seminars, initiation)	Number of participating athletes	Partner	Promotion of sports events
16	30	600	Town halls, DGASPCs, NGOs, UNEFS	Websites of national sports federations, banners, posters, promotional clips

As a result of the sports events dedicated to people with special needs, the 16 national sports federations considered this sub-program necessary and expressed their interest and willingness to develop in this direction, proposing:

- allocation of additional funds: due to the complexity of the activities, athletes with various ailments need to be accompanied to competitions, which generates additional costs;
- training sessions for coaches in adapted sports aimed at accumulating information and training methods for athletes with special needs;
- increasing the number of sports activities dedicated to people with special needs, resulting in their attraction to practicing sports ;
- sports activities to be organized on the occasion of special days: December 3, the International Day of Persons with Disabilities; March 21, World Down Syndrome Day.

In 2024, the sub-program for people with special needs was maintained, according to the Order of the President of the National Sports Agency no. 477/2024 for the approval of sports programs of public utility and the funding methodology of national sports federations and the National Paralympic Committee for the year 2024. The Special Olympics Romania Foundation is affiliated with the NPC and, in its more than

18 years of activity in Romania, it has managed to help more than 27.000 children, young people and adults with intellectual disabilities.

Special Olympics offers training programs and sports competitions in 15 sports disciplines (athletics, badminton, basketball, bocce, football, gymnastics, swimming, judo, walking/running on snow, skating, rollerblading, alpine skiing, table tennis, field tennis, cross-country skiing).

Competitions	Number of participating Romanian athletes	Obtained results Sports branch
World Winter Games Special Olympics-Austria 2017	16	Alpine skiing, cross-country skiing, figure skating, snowshoeing
Artistic Gymnastics Championship Dunaújváros (Hungary)-2018	5	15 medals (6 gold, 5 silver and 4 bronze)
Judo Tournament, Switzerland 2018	5	3 gold medals, 2 silver
Special Olympics World Summer Games, Abu Dhabi 2019.	34	56 medals (17 gold, 18 silver, 21 bronze). athletics, bocce, artistic gymnastics, swimming, judo, roller skating, field tennis, table tennis
Special Olympics World Summer Games, Berlin 2023	31	43 medals (18 gold, 18 silver and 7 bronze) athletics, bocce, artistic gymnastics (girls and boys), swimming, judo, roller skating, tennis, table tennis and 3 x 3 basketball

Accessibility of the sports material base for people with special needs

Public administration authorities have the obligation to facilitate the access of people with special needs to sports facilities, according to art. 21 of Law no. 448/2006 on the protection and promotion of the rights of persons with disabilities, with subsequent amendments and additions.

To ensure access to sports facilities, public authorities must ensure specific measures and adaptations for types of disability, such as: ramps and/or, as the case may be, electronic or automated access systems, elevators, for persons with locomotor disabilities and reduced mobility; acoustic guidance systems and tactile maps, for people with visual and hearing impairments; guidance systems in easy-to-read language for people with mental and psychological disabilities.

It should also be remembered the Regulation on the adaptation of civil buildings and urban space to the individual needs of disabled people, indicative NP 051-2012 - Revision of NP 051/2000, which establishes the quality conditions of the built environment, civil buildings and urban space and a

minimum set of criteria for defining accessibility, in order to ensure unrestricted access and its use by people with disabilities.

Sports facilities must ensure accessibility for people with special needs and comply with the requirements set forth in the normative acts in force.

Article 18 – The right to engage in a gainful occupation in the territory of other Parties

Paragraph 1 and 2

After fulfilling the mandatory steps provided by the law, after entering the territory of Romania, foreign citizens who acquire a form of international protection can benefit from the services and measures offered by NAE, according to the law no. 76/2002, with subsequent amendments and additions.

According to art. 80 ^{^1} from the G.E.O. no. 194/2002 on the status of foreigners in Romania, republished, with subsequent amendments and supplements, the owners of a permanent stay right on the Romanian territory benefit of “access on the labour market including with regard to employment and work conditions, to independent economic activities and to professional activities, [...] under condition that the activity carried out would not represent, even occasionally, public authority prerogatives exercise”; the access to all forms and levels of education and vocational training, including to being granted scholarships for study; the equivalence of studies and recognition of diplomas, certificates and of other qualifications, in compliance with the national provisions; social security, social assistance and protection; public health assistance; global income tax deductions and tax exemptions; access to public goods and services, including housing and of the freedom to association, affiliation and membership to a trade union or professional organization.

G.E.O. no. 194/2002 on the regime of foreigners in Romania, republished, with subsequent amendments and additions, with reference to equal treatment with Romanian citizens, provides that "foreigners holding a right of temporary residence, employed or registered as unemployed, benefit, under the law, from equal treatment with Romanian citizens in terms of access to the labour market, including access to all forms and levels of education and vocational training, including the granting of scholarships; equivalence of studies and recognition of diplomas, certificates, certificates of competence and professional qualifications, in accordance with the regulations in force; social security, social assistance and social protection; public health care; deductions from overall income tax and tax exemptions; access to public goods and services, including housing, and freedom of association, affiliation and membership of a trade union or professional organisation; services provided by employment agencies.

According to G.O. no. 25/2014 regarding the foreigners’ employment and posting on the territory of Romania, the employer requests from The General Inspectorate for Immigration (GII) the employment notice for the worker identified as being compatible with the position to be employed.

After obtaining the approval from the employer, the foreigner requests the granting of a long-stay visa (type D/AM). Immediately after obtaining the visa, the third-party citizen can enter Romania, where, in the interval approved by the visa, he can request the extension of the right of stay and the issuance of the residence permit. The maximum term for obtaining a residence permit for employment is 30 days with the possibility of an extension of 15 days. The counter value of the residence permit is 259 lei. The fee for issuing the employment notice is 100 euros, and in the case of a change by the employer, it is 25 euros.

Article 19 – The right of migrant workers and their families to protection and assistance

Paragraph 1

The National Strategy on Immigration by means of the direction of action "raising the awareness of the responsible Romanian authorities as well as informing the citizens of third countries about the channels of legal migration" aims at establishing the following actions:

- Organizing information campaigns for the benefit of foreigners/employers and authorities with attributions in the reference field;
- Training the consular staff within the Romanian diplomatic missions, according to the calendars of monopoly projects financed from FAMI funds;
- Carrying out information activities for the benefit of foreigners/emigration authorities from the country of origin/diplomatic missions of these countries in Romania, as well as liaison officers sent to third countries.

According to the provisions of article 12 of Law no. 156/2000 on the protection of Romanian citizens working abroad, republished, for states where individual employment contracts are concluded, according to the legislation applicable in the respective state, in written form, employment agencies and employment service providers are obliged to ensure that the parties conclude them both in the language of the state in which the employer is established or operates and in Romanian, as well as to make this contract available to the Romanian worker before he leaves Romania. For States where the form of employment is not by the conclusion of an employment contract, employment agencies and labour placement service providers shall ensure that the document equivalent to the employment contract, according to the legislation of the receiving State, is communicated and made available to the Romanian worker before his/her departure from Romania, both in Romanian and in the language of the State where the employer is established or operates.

Employment agencies and providers of labour placement services are obliged to ensure that workers placed abroad have all the information concerning the special conditions of entry into the host country, i.e. the special rules to be observed, according to the legislation of the host country, in the event of an epidemiological risk.

Also, employment agencies and employment service providers are obliged to ensure that workers placed abroad have sufficient time to study the firm job offers before signing the contracts and that their content has been explained to them in detail. The minimum amount of time allocated to studying and explaining firm job offers is 5 days for first-time workers. In the case of workers who have previously benefited from mediation services, the minimum time allocated to studying the firm job offers and explaining them is 2 days.

In the field of labour relations, the Labour Inspection, fulfilling its specific duties, controls the employment of foreign citizens in Romania. Thus, through checks on compliance with specific laws, the Labour Inspection verifies compliance by employers with the provisions of G.E.O. no. 25/2014 on the employment and posting of foreigners in Romania, carried out in collaboration with GII.

The right to trade union association and the right to collective bargaining are guaranteed by the Romanian Constitution to all citizens, without discrimination, including foreign citizens legally residing in Romania (art. 16-18 and art. 40-41).

G.O. no. 26/2000 guarantees full freedom of association in associative structures and professional associations for the defense of social, economic and professional interests.

Labor rights are regulated by the Labor Code, the right of trade union association and free exercise of trade union activity being guaranteed to persons in an employment relationship, without discrimination and at the level of all employers. (art. 6-7, art. 9, art. 39 and art. 217)

In addition, the Labor Code mentions a series of particular situations in which employers are obliged to consult employees: • in case of collective dismissals (art. 69-72); • in the case of the transfer of the enterprise or some of its parts (art. 174); • in the case of collective or individual scheduling of holidays (art. 148); • in the case of the development of health and safety measures at work (art. 178); • in the case of developing professional training plans (art. 195); • in the preparation of the internal regulation (art. 241).

Law no. 367/2022 on social dialogue, related to the Labor Code, specifically regulates the way of setting up trade union representative organizations, guaranteeing the exercise of the right of association, free access to management positions in organizations and protection against dismissal on trade union grounds, without discrimination and without conditions, to all persons party to an individual employment contract or a service relationship, (within the meaning of the Labor Code) and minors starting from the age of 16 without the consent of the legal representative being necessary, in accordance with Directive 94/33/CE.

In terms of access to similar working conditions, Law no. 367/2022 on social dialogue stipulates the *erga omnes* applicability of the clauses of collective agreements concluded at unit level, i.e. to all employees in the unit. (art. 119)

Law no. 467/2006 on establishing the general framework for information and consultation of employees does not distinguish between the types of employees/workers based on emigrant or immigrant status.

The right to information and consultation is a fundamental right of workers recognized at community level (art. 137, 138, 139 EC of the Treaty of Rome).

Paragraph 2

According to art. 227 of *Law no. 95/2006 regarding the health reform, republished, with subsequent amendments and additions*, the insured persons from the states with which Romania has concluded international documents with provisions in the health field benefit from medical services and other benefits granted on the territory of Romania, under the conditions provided by the respective international documents.

As a member of the European Union, Romania applies *Regulation (EC) no. 883/2004, of the European Parliament and of the Council of April 29, 2004 on the coordination of social security systems, with subsequent amendments and additions* and *Regulation (EC) no. 987/2009 of the European Parliament and of the Council of September 16, 2009 establishing the procedure for implementing Regulation (EC) no. 883/2004 on the coordination of social security systems*.

In accordance with the provisions of the above-mentioned regulations, the status of insured in the social health insurance system according to the legislation of a member state of the EU/EEA/Swiss Confederation, is recognized in Romania and consequently he can benefit from the medical services provided on the basis of the European form/document for the opening of rights in case of residence on the territory of a member state of the EU/EEA/Swiss Confederation – S1/similar (issued instead of form E106); The form is issued by the social security institution and allows the holder to benefit from the medical services provided on behalf of the institution in the member state of insurance that issued the form, by the health insurance company as the institution at the place of residence in accordance with the provisions of the legislation regarding the social health insurance system in Romania, as if the beneficiary were insured under this legislation.

Providers of medical services, medicines, medical devices in a contractual relationship with health insurance companies have the obligation to ensure the provision of medical assistance, medicines with

and without personal contribution in outpatient treatment, medical devices necessary for the beneficiaries of the European forms/documents issued on the basis of *the Regulation (EC) no. 883/2004 of the European Parliament and of the Council*, under the same conditions as for persons insured under the social health insurance system in Romania.

The same applies if the workers are insured in non-EU countries, with which Romania has concluded agreements, understandings, conventions in the field of social security with provisions in the field of health.

Paragraph 3

Regarding the right to social assistance in Romania, the Social Assistance Law no. 292/2011 with subsequent amendments and additions stipulates in Article 4 paragraph (1) that all Romanian citizens who are on the territory of Romania, have their domicile or residence in Romania, citizens of Member States of the European Union, the European Economic Area and citizens of the Swiss Confederation, as well as foreigners and stateless persons who have their domicile or residence in Romania are entitled to social assistance, under the conditions of Romanian legislation, as well as the regulations of the European Union and the agreements and treaties to which Romania is a party. The persons referred to in paragraph 1 shall be entitled to social assistance. (1) shall have the right to be informed of the content and modalities of social assistance measures and actions. The right to social assistance shall be granted upon request or ex officio, as the case may be, in accordance with the provisions of the law.

Paragraph 4

According to art. 80 of the G.E.O. no. 194/2002, regarding the regime of foreigners in Romania, republished, with subsequent amendments and additions, foreigners holding a right of temporary residence, employed, registered unemployed or researchers, benefit, in the conditions of the law, of equal treatment with Romanian citizens in terms of:

- working conditions, including the remuneration and protection measures against dismissal or other unfavorable treatment by the employer, overdue payments to be made by employers, regarding any overdue remuneration, as well as security requirements and occupational health;
- access to all forms and levels of education and professional training, including the scholarships granting;
- the equivalence of studies and the recognition of diplomas, certificates, certificates of competence and professional qualifications, in accordance with the regulations in force;
- social security;
- assistance and social protection;
- public health assistance;
- global income tax deductions and tax exemptions;
- access to public goods and services, including obtaining housing;
- freedom of association, affiliation and membership in a trade union or professional organization, including regarding the rights and advantages conferred by such organizations;
- services offered by employment agencies.

At the same time, foreigners who have been employed in Romania or their descendants benefit from the right to a pension for old age, disability or death, even if they no longer live in Romania, under the same conditions as Romanian citizens or their descendants who no longer live in Romania.

The Labour Code emphasizes the principle of equal payment for equal work, providing that persons employed in the same position, performing the same work should earn the same base salary.

Within the work relationships, the principle of the equal treatment for all employees and employers shall apply and any employee who performs work shall benefit from adequate work conditions for the activity carried out, social protection, labour safety and health, as well as the observance of his/her dignity and conscience, with no discrimination. Also, all employees providing labour are entitled to collective negotiations, protection of personal data, as well as protection against illegal dismissal.

Any direct or indirect discrimination against an employee based on national affiliation, race, colour, ethnicity, shall be prohibited. Also, according to the same Act, it is possible to seek legal redress in any litigation connected with the conclusion, execution or modification of individual employment contracts.

In consideration of Art.1, 4 and 16 of the Law no. 76/2002 on the unemployment insurance system and the stimulation of employment, every person is guaranteed the right to freely choose his/her profession and place of work, as well as the right to unemployment insurance" and "any kind of discrimination based on political criteria, race, nationality, ethnic origin, language, religion, social category is excluded", beliefs, sex and age, the beneficiaries of the provisions of this normative being also the job seekers who have obtained refugee status or other form of international protection, according to the law as well as the foreign citizens or stateless persons who have been employed or have earned income in Romania or who have the right to work in Romania, according to the law. According to the text of Article 18 of the same normative act, the unemployment insurance system also covers "foreign citizens or stateless persons who, during the period in which they are domiciled or reside in Romania, are employed or earn income under the law".

The G.O. no. 137/2000 on preventing and punishing all forms of discrimination forbids discrimination on the grounds of, among others, nationality, ethnic origin, and political opinion and provides for equal rights in a wide range of areas such as employment, access to public services, health care, education, residence and the right to personal dignity.

As regards the equal treatment with the Romanian citizens, according to art. 80 ^1 from the G.E.O. no. 194/2002 on the status of foreigners in Romania the owners of a permanent stay right on the Romanian territory benefit of "access on the labour market including with regard to employment and work conditions, to independent economic activities and to professional activities, [...] under condition that the activity carried out would not represent, even occasionally, public authority prerogatives exercise; the access to all forms and levels of education and vocational training, including to being granted scholarships for study; the equivalence of studies and recognition of diplomas, certificates and of other qualifications, in compliance with the national provisions; social security, social assistance and protection; public health assistance; global income tax deductions and tax exemptions; access to public goods and services, including housing and of the freedom to association, affiliation and membership to a trade union or professional organization".

G.E.O. no. 194/2002, with reference to equal treatment with Romanian citizens, provides that "*foreigners holding a right of temporary residence, employed or registered as unemployed, benefit, under the law, from equal treatment with Romanian citizens in terms of access to the labour market, including access to all forms and levels of education and vocational training, including the granting of scholarships; equivalence of studies and recognition of diplomas, certificates, certificates of competence and professional qualifications, in accordance with the regulations in force; social security, social assistance and social protection; public health care; deductions from overall income tax and tax exemptions; access to public goods and services, including housing, and freedom of association, affiliation and membership of a trade union or professional organisation; services provided by employment agencies.*

Law no. 122/2006 on asylum in Romania establishes in favor of the alien applying for a form of protection, "the right to receive access to the labor market under the conditions provided by law for Romanian citizens, after a period of three months from the date of application for asylum if the asylum seeker is still in the process of determining a form of protection ". Same article states the right of asylum seekers who have access to the labour market, as we mentioned on the above paragraph, to benefit from

measures to stimulate employment, and protection under the unemployment insurance system, as provided by national law for Romanian citizens.

A person beneficiary of a form of protection, through refugee status or subsidiary protection under article 20 of Law no. 122/2006, with subsequent amendments and supplements, will get the right "to be employed by natural or legal persons, to exercise unpaid activities, to be free to practice and perform legal acts and deeds, to carry out acts of commerce, including economic independently activities, under the same conditions as Romanian citizens" and also "to benefit from social insurance, social welfare measures and health insurance, as provided by law for Romanian citizens".

G.O. no. 44/2004 on the social integration of foreigners who were granted a form of protection or a right to stay in Romania and of the citizens of the Member States of the European Union and European Economic Area regulates at the art. 4 the right of the foreigners who were granted a form of protection in Romania to "have free access to the labour market under the same conditions established by law for Romanian citizens". Also, according to the text of the art. 5 and 6 of the same Act, the foreigners who were granted a form of protection in Romania "shall have free of charge access to the unemployment insurance system, to the measures of preventing unemployment and to the measures for encouragement of employment" as well as "for social housing under the conditions established by the Housing Law no. 114/1996, republished, with the subsequent modifications and completions".

In the context of legislative changes, determined by the adoption of G.D. no. 367/2022 regarding the establishment of conditions for ensuring temporary protection as well as for the modification and completion of some normative acts in the field of foreigners and G.E.O. no. 20/2022 regarding the amendment and completion of some normative acts as well as for the establishment of humanitarian support and assistance measures, Ukrainian citizens legally entered the territory of Romania, both those who requested and were granted temporary protection, and those who do not request a form of protection, can be hired without an employment permit and can request the extension of the right of stay for the purpose of work without the obligation to obtain a long-stay visa for employment.

The employment of Ukrainian citizens, coming from the zone of armed conflict in Ukraine, who do not possess documents proving professional qualifications or work experience necessary for employment, may be carried out, [except for/with regard to regulated professions] on the basis of their sworn declaration that they meet the conditions of professional qualifications and work experience necessary for employment in the job they are to be employed.

After registering with one of the county employment agencies, respectively of the Bucharest Municipality, Ukrainian citizens who legally entered the territory of Romania, both those who requested and were granted temporary protection, and those who did not request a form of protection, have access to the unemployment insurance system, to measures to prevent unemployment and to measures to stimulate employment, under the conditions established for Romanian citizens by the provisions of Law no. 76/2002 on the unemployment insurance system and employment stimulation, with subsequent amendments and additions.

Regarding the right to trade union association and the right to collective bargaining, please see the information provided under article 19 paragraph 1.

Paragraph 5

According to art. 80 of the G.E.O. no. 194/2002, regarding the regime of foreigners in Romania, republished, with subsequent amendments and additions, foreigners holding a right of temporary residence, employed, registered unemployed or researchers, benefit, in the conditions of the law, of equal treatment with Romanian citizens in terms of:

- working conditions, including the remuneration and protection measures against dismissal or other unfavorable treatment by the employer, overdue payments to be made by employers, regarding any overdue remuneration, as well as security requirements and occupational health;
- access to all forms and levels of education and professional training, including the scholarships granting;
- the equivalence of studies and the recognition of diplomas, certificates, certificates of competence and professional qualifications, in accordance with the regulations in force;
- social security;
- assistance and social protection;
- public health assistance;
- global income tax deductions and tax exemptions;
- access to public goods and services, including obtaining housing;
- freedom of association, affiliation and membership in a trade union or professional organization, including regarding the rights and advantages conferred by such organizations;
- services offered by employment agencies.

At the same time, foreigners who have been employed in Romania or their descendants benefit from the right to a pension for old age, disability or death, even if they no longer live in Romania, under the same conditions as Romanian citizens or their descendants who no longer live in Romania.

Paragraph 6

Entry to the territory of Romania is denied to nationals of third countries, who do not meet all the entry conditions provided for in Art. 6, para. 1 of EU *Regulation 2016/399 regarding the Union Code regarding the border crossing regime by persons (Schengen Borders Code)*, including the condition "not to be considered a threat to public order, internal security, **public health** or international relations of one of the member states, and, in particular, not to be the subject of an alert, issued in order to be denied the databases entry of the member states for the reasons listed above."

G.E.O. no. 194/2002 regarding the regime of foreigners in Romania, republished, with subsequent amendments and additions, provides that it is possible to extend the right of temporary residence for family reunification (art. 62).

Thus, foreigners entering Romania in accordance with the provisions of art. 46, with the exception of the persons provided for in art. 46 para. (16) of the aforementioned normative act, their right of residence can be extended, as follows:

- for the sponsor's husband/wife², if they present documents from which the existence of marriage results, there is no state of bigamy or polygamy; spouses live together; provide proof of having the means of maintenance at least at the level of the minimum gross basic salary for the country guaranteed in payment;
- for the other family members of the sponsor, if they present documents that show the existence of the family relationship; they live with the sponsor, in the case of minors³; prove that they have the

² Art.2 letter e) of GEO no.194/2002 defines the sponsor as the foreigner, possessor of a residence permit, other than the one for the purpose of family reunification, or of a Blue Card of the European Union issued by the General Inspectorate for Immigrants, who request family reunification or whose family members request family reunification with him, under the conditions of this emergency ordinance

³ *The person who is not 18 years old*

means of maintenance at least at the level of the gross minimum basic salary per country guaranteed in payment.

To be able to request family reunification, the sponsor must be, as the case may be, the holder of a temporary residence permit valid for one year, or of an EU Blue Card, or of an ICT permit, or of a "mobile ICT" permit, or of a long-term residence permit or beneficiary of refugee status or subsidiary protection

- The decision to refuse⁴ the extension of the right of residence, as well as the reasons that were the basis for it, are communicated to the applicant through the return decision.

The return decision⁵ can be appealed, as a rule, within 10 days from the date of communication to the appeal court in whose territorial competence the structure of the General Inspectorate for Immigration that issued the return decision is located. The court resolves the appeal within 30 days from the date of its receipt. The court decision is final.

Paragraphs 9-12

According to the Regulation of the National Bank of Romania no. 4/2005 on the Foreign Exchange Regime, with subsequent amendments and completions, there are no restrictions on the transfer of funds by migrants.

According to Article 2 of the Regulation, current and capital transactions are performed freely and without restrictions between residents and non-residents, in foreign currency and Romanian currency (RON). Non-residents may open and hold accounts in foreign currency and in Romanian currency with credit institutions and may repatriate and transfer financial assets held.

The organization, supervision, and evaluation of the Romanian language initiation course, as well as the integration and adaptation of younger students and adults over the age of 18, fall under the responsibility of the inspector assigned to each county in which requests are made.

The general school inspector's decision, which is then conveyed to the educational unit, designates the educational unit to lead the course.

When conducting an initiation course in Romanian, the educational unit may, in some cases, be the same as the one where the students are enrolled for attendance as audients and then schooled and enrolled in a certain year of study. Teachers who deliver the initiation course in Romanian get preferential access to training programs in the fields of teaching Romanian as a foreign language.

Romanian language initiation classes are offered throughout the school year and begin as soon as students submit applications for it. Every student enrolled in the Romanian initiation course receives six hours per week, or a minimum of 216 hours of initiation in Romanian, spread out throughout course of the academic year and, if needed, the following school year. This amounts to a duration of 36 weeks. After the allotted 216 hours, students are free to stay on the course until the first assessment session, when they are required to sit for the evaluation of their proficiency in Romanian.

The course is often organized into three modules, which correspond to CECRL levels A1, A2, and B1 respectively. In this sense, beginner modules (A1) can be arranged at any point during the academic year, contingent on the number of students who enrol during the school year, provided that the enrolment figures justify such an arrangement. Modules based on the subdivision of A1.1 and A1.2 can also be set up based on needs, particularly for students who require more time to become familiar with the Latin

⁴ Art.52 of *G.E.O. no.194/2002*

⁵ Art.85 para..1 of *GEO no.194/2002*

alphabet. The teacher will test the students at the end of each module, and based on the results, it can be recommended that they move on to the following module.

Following the publication of the following minister's orders in part I of the Official Gazette of Romania, the Ministry of Education has sent an information address to the county school inspectorates.

1. Order no. 5807/29.09.2022 for approval of the Special Methodology for attesting pre-university studies for foreign students who have obtained international protection in Romania and who lack official study documentation or who, for other reasons, do not fall under the current legal provisions regarding the recognition and attestation of foreign pupils' studies in Romania in order to facilitate their access to the labour market or to pursue their education.

2. Order no. 6127/24.10.2022 for the approval of the Methodology on education and the organization and conduct of the Romanian language initiation course for the minors who have acquired an international protection form or the right to reside in Romania, as well as for the minor citizens of the member states of the European Union and the European Economic Area and of the Swiss Confederation.

- Annex 1 to the Order no. 6127/24.10.2022 and Annex 2 to the Order no. 6127/24.10.2022 - Procedure for the preparation, approval and distribution of programmes and manuals of the Romanian language initiation course for the minors who have acquired a form of international protection or a right of residence in Romania, as well as for the minors citizens of the Member States of the European Union and the European Economic Area and the Swiss Confederation.

3. Order no. 6129/24.10.2022 for the approval of the Methodology on the organization and conduct of the initiation course in Romanian language for adult foreigners who have acquired a form of international protection or a right of residence in Romania, as well as for the citizens of the Member States of the European Union and the European Economic Area, and for the nationals of the Swiss Confederation.

- Annex 1 to the Order no. 6125/24.10.2022 – The methodology on organizing and carrying out the Romanian initiation courses for foreign adults who have obtained an international protection form or the right to reside in Romania and for citizens from the Member States of the European Union and the European Economic Area and the Swiss Confederation.

- Annex 2 to Order no. 612/24.9.2022 – Procedure relating to the development, approval and distribution of programs schedules and manuals of the Romanian language initiation course for adult foreigners who have acquired a form of protection or a right of residence in Romania, as well as for citizens of the Member States of the European Union and the European Economic Area and the Swiss Confederation.

Within the vocational training programs, organized on the basis of Law no. 76/2002 on the unemployment insurance system and employment stimulation, with subsequent amendments and additions, the county employment agencies, belonging to NAE structure, periodically organize free Romanian language courses for Ukrainian refugees citizens who have domicile or residence within their territorial jurisdiction.

Article 22 –The right to take part in the determination and improvement of the working conditions and working environment

In Law no. 319/2006 on health and safety at work, with subsequent amendments, in Section 5 "Informing workers" and Section 6 "Consultation and participation of workers", the following are regulated:

Informing workers

Depending on the size of the enterprise or unit, the employer must take appropriate measures so that the workers or their representatives receive, in accordance with the legal provisions, all the necessary information regarding the risks for safety and health at work, as well as the measures taken for their

elimination/decrease and the prevention and protection activities that are carried out both at the level of the enterprise or unit, in general, as well as at the level of each work station or each function.

Also, when workers from other undertakings (external units) work in the unit, the employer must take appropriate measures so that they receive adequate information regarding the aspects mentioned above.

The legal provisions establish that designated workers or workers' representatives with specific responsibilities in the field of safety and health at work, in order to fulfill their duties, have access to the risk assessment and protection measures in the enterprise, the various records and reports related to this aspect, as well as information from the control institutions and competent authorities in the field.

Consultation and participation of workers

Legislation in the field requires that employers consult with workers or their representatives and allow their participation in discussing all issues related to safety and health at work.

Workers or workers' representatives take part in the decision-making in a balanced way and are consulted in advance, in a timely manner, by the employer regarding:

- any measure that would significantly affect safety and health at work;
- appointing workers to the occupational health and safety committee;
- the prevention activities that must be taken by the employer;
- information regarding the existing situation in the unit regarding the safety and health of workers;
- the need to make use of external prevention and protection services;
- organization of worker training.

Workers' representatives with specific responsibilities in the field of safety and health at work have the right to request the employer to take appropriate measures and present proposals in this regard, in order to reduce the risks for workers or to eliminate sources of danger, and they cannot be prejudiced because of their activity.

Also, the employer must give them adequate time, without diminishing their salary rights, and provide them with the necessary means to be able to exercise their rights and duties arising from Law no. 319/2006.

Workers' representatives with specific responsibilities in the field of worker safety and health have the right to address complaints to the competent authorities in the field, if they consider that the measures adopted and the means used by the employer are not sufficient to ensure safety and health at work and they must be given the opportunity to present their observations to labor inspectors and health inspectors, during control visits.

The right to participate is guaranteed by the Labor Code, art. 39 "the employee has the right to take part in determining and improving the working conditions and the working environment" in corroboration with art. 175-184 regarding ensuring safety and health at work and the establishment of the Safety and Health at Work Committee, its organization and operation being specifically regulated according to Government Decision no. 1425/2006 approving the Norms for the application of Law no. 319/2006 on occupational health and safety.

The Labor Code also provides for the employer's obligation to adopt an internal Regulation, in consultation with the unions or employee representatives, and to inform the employees about its provisions (art. 241-243).

Framework Law no. 467/2006 regarding the information and consultation of employees guarantees their right to participate through their representatives, with a predilection for activities organization, restructuring, company transfers, but other topics of interest, such as social services and socio-cultural.

Information and consultation are also mandatory in case of:

- collective dismissal (dismissal plan and application of collective labor contracts) Law no. 53/2003 Labor Code title 5, ch. 5, sect. 1

- insolvency (representation at the table of creditors and the use of the Fund to guarantee the payment of salary claims - 3 gross average salaries, application of collective labor agreements) conf.: Law no. 85/2014 regarding insolvency prevention and insolvency procedures, Law no. 200/2006 regarding the use of the Guarantee Fund for the payment of salary claims.

Some of the social facilities are established directly by law. (eg. the law on holiday vouchers, the law on maternity protection, etc.).

Law no. 367/2022 on social dialogue, with subsequent amendments and additions stipulates the obligation of collective bargaining in units with more than 10 employees, on any topic of interest to the parties. (art. 97).

The employer invites the representative union to participate in the board of directors or another body similar to it, including in the case of public administration, to discuss issues of professional, economic and social interest. (art. 30) The social dialogue law also provides for the possibility for trade unions, according to the statute, to offer members socio-cultural services. Collective labor contracts may contain provisions in this regard, eg: Colective labour contract for the Pre-university education collective bargaining sector (art. 94) The Ministry of Education undertakes to invite the delegates designated by the trade union federations signatory to this collective labor agreement to participate in the discussion of issues of professional, economic, social or cultural interest.; Art. 98 (3) The material base with a cultural-sporting destination owned or used by the units/institutions provided in Annex no. 3, in the property or use of trade union organizations, it may be used, free of charge, for actions organized by trade unions or employers, under the conditions stipulated in the collective labor agreement.

Social services and socio-cultural facilities are not mandatory conditions in the framework of employee information and consultation and/or collective bargaining. The law of social dialogue gives the union the right and possibility to organize socio-cultural services, but this is an independent decision in accordance with the union statute and only concerns the members.

The labor legislation provides dissuasive sanctions for non-compliance with the legal obligations of information and consultation (art. 9 of Law 467/2006) and/or for the violation of trade union rights and/or the refusal to start collective bargaining at unit level [art. 175 of Law 367/2022 (1000-25,000 lei) (30,000-50,000, respectively 15,000-20,000 lei)]. Sanctions are corroborated with the provisions of common law regarding the legal regime of contraventions.

The means of complaint and attack are: the Labor Inspectorate, the National Council for Combating Discrimination and the courts, with amicable ways of resolving individual and collective labor conflicts also being provided. (Independent mediation, conciliation of collective conflicts through labor inspectorates, mediation and arbitration).

We draw attention to the government's ability to guarantee compliance with the right to participation, which in practice depends on management policies and enterprise-level partnership as:

- Participatory management is not a general practice in Romania, and the participation of employees through their representatives in the decision-making process and in determining and improving working conditions is in fact assimilated to consultation and information and to collective bargaining (majority or unanimity of representation). In another type of approach, the right of financial participation of employees is not regulated at the national level, so neither is the participation of employees and/or the union in decision-making with the right to vote in the Board of Directors or other similar bodies. (autonomy of private capital)
- Although businesses below a certain threshold of employees can be excluded from application, there is a discrepancy between the threshold of employees provided by national legislation to

guarantee the application of certain rights and the threshold of 10 employees considered by the Committee as acceptable for compliance.

Article 23 – The right of elderly persons to social protection

In order to effectively exercise the right to social and medical assistance, any person on the territory of Romania has the fundamental right to emergency social and medical assistance to non-resident foreign nationals who are in a situation of urgent and serious need. This assistance includes accommodation, food, emergency medical care, clothing and other immediate needs.

The legal framework for social assistance states that all citizens of the Member States of the European Union, the European Economic Area and the Swiss Confederation, as well as foreigners and stateless persons domiciled or residing in Romania are entitled to social assistance, under the terms of Romanian law, as well as the regulations of the European Union and the agreements and treaties to which Romania is a party (Social Assistance Law no. 292/2011).

An ageing population and increasing life expectancy are often accompanied by prolonged periods of frailty and dependency. In Romania, there is a significant proportion of elderly people, especially over 80, who require long-term care services.

In the global context, the development of health, long-term care and social protection systems that can respond to the needs of an ageing population is recognised as an urgent priority. The adoption of the UN Decade on Healthy Ageing (2021-2030) and plans for a European Care Strategy are examples of this.

In Romania, social care reforms aim to increase the administrative capacity of administrative-territorial units, improve the performance of community social services and ensure their sustainability through the fair distribution of financial resources.

The National Strategy on Long-Term Care and Active Ageing for the period 2023-2030 (approved by G.D. no. 1492/2022) includes data and information from a Baseline Study prepared with technical assistance from the World Bank. It aims to provide guidelines and concrete actions to improve care for older people and promote active and healthy ageing in Romania.

The Ministry of Labour and Social Solidarity aims to provide guidelines for the provision of social services to elderly people with reduced mobility or in a situation of dependency, who come from the area of armed conflict in Ukraine and enter Romania, but do not apply for a form of protection (according to Law no. 122/2006) on asylum in Romania. These instructions have been issued to facilitate access of elderly people from the area of armed conflict in Ukraine to the necessary social services in Romania, before applying for asylum under Romanian law.

The legal framework in Romania provides for the granting of social assistance to elderly people and sets out the criteria and conditions under which these rights are granted and social benefits are provided

Right to social assistance: Elderly people are entitled to social assistance according to their socio-medical situation and economic resources. These measures are considered complementary to the social insurance system and may include other forms of social protection.

Definition of the elderly: Elderly persons are those who have reached the statutory retirement age. They may be legally represented by a person appointed under civil law or may have a legal guardian in accordance with the legal provisions on maintenance.

Social assistance: Social assistance for the elderly is provided through social services and benefits. These services and benefits are intended to meet the needs of older people who are in certain situations such as

the lack of a family or legal guardian, lack of housing or lack of sufficient financial resources for care and medical treatment. (Law no. 17/2000 republished)

Romania adopts legal rules on the approval of the National Grid for assessing the needs of the elderly, which includes criteria for classification into degrees of dependency. Dependency is defined as the situation of a person who, for physical, mental or psychological reasons, requires significant help and/or care in order to carry out the basic activities of daily living (G.D. no. 886/2000).

These criteria are established by assessing the functional, sensory and psycho-affective status of the elderly person according to the recommendations, the types of services recommended for elderly people at home or in a nursing home are established based on the assessment of needs and the classification in degrees of dependency, as well as their economic and social situation.

A socio-medical (geriatric) assessment form is used and is a mandatory part of the file of the elderly person requesting home or nursing home care.

The assessment of the needs of the elderly is carried out by a geriatric-gerontology specialist or, in their absence, by a specialist who has completed postgraduate courses in geriatric-gerontology approved by the Ministry of Health.

These provisions establish procedures and standards for the assessment and provision of services to the elderly, ensuring a clear and appropriate framework for their care.

Care institutions in Romania provide adequate support, respecting privacy and involving residents in decisions about living conditions. The existence of licensed institutions, subject to an independent inspection body, ensures the quality and safety of services.

Particularly in the context of the COVID-19 pandemic, additional resources are allocated and older people and their organisations are consulted in decision-making and planning of protective measures.

Overall, all relevant legislation for the protection of the rights of older people and active ageing in Romania provides a comprehensive and balanced framework for protecting the rights and well-being of older people, taking into account their specific needs and ensuring that they are integrated and respected in society.

According to *Law no. 95/2006 regarding health reform*, natural persons who have the status of pensioners, for income from pensions, as well as for income from intellectual property rights, are insured with the payment of the contribution from other sources. Therefore, all pensioners, for income from pensions, as well as for income from intellectual property rights, are medically insured and benefit from all the rights of persons insured in the social health insurance system.

At the same time, natural persons with income from pensions and social allowance for retirees, up to 900 lei/month inclusive, regardless of whether or not they earn other income are exempt from the co-payment.

One of the objectives of the social health insurance system is to ensure the protection of the insured in a universal, fair and non-discriminatory way, under the conditions of the effective use of the unique national health social insurance fund.

The framework contract regulates, among other things, the conditions for the provision of medical assistance regarding the basic service package to which the insured persons are entitled, the minimum service package and the list of medical services, care services, including at home, medicines, devices medical and other services for the insured, related to the basic service package.

The insured benefit from the basic service package in case of illness or accident, from the first day of illness or from the date of the accident until recovery, under the conditions established by this law, the framework contract and its application rules.

The insured have the right:

- to benefit from the basic service package in a non-discriminatory manner, under the law;
- to carry out preventive checks, under the conditions established by the framework contract;
- to benefit from preventive medical assistance and health promotion services, including for the early detection of diseases;
- to benefit from psychological counseling services, within the limits of the approved budget;
- to benefit from medical services in outpatient clinics and in hospitals in a contractual relationship with health insurance companies;
- to benefit from emergency medical services;
- to benefit from some dental assistance services;
- to benefit from physiotherapeutic treatment and recovery;
- to benefit from medical devices;
- to benefit from medical care services at home;
- to have the right to information in the case of medical treatments;

In order to prevent diseases, early detection of the disease and preservation of health, the insured benefit, under the conditions provided in the framework contract and the methodological rules for its application, through the service providers with whom the health insurance companies are in relations contractual, information and advice regarding the main risk factors for health, as well as the means of preventing diseases, within the periodic health assessment services, including regarding the detection of risk factors within the detection services early onset of chronic diseases.

Insurance companies conclude contracts with providers of medical services, medicines and medical devices for the provision of services and for their payment, aiming to achieve financial balance.

In application of *Law 95/2006*, subsequent normative acts, respectively *G.D. no. 521/2023* and *the Order of the Minister of Health and the President of the National Health Insurance House no. 1857/441/2023* regulates the content of the package of basic medical services provided on the different levels of medical assistance, as well as the conditions for providing the services.

The insured have access to medical services at different levels of medical assistance to cure the disease, to prevent its complications, to recover or at least to alleviate the suffering, as the case may be, as well as to services related to the medical act, depending on the needs, in compliance with the conditions of granting them regulated by the normative acts applicable to the social health insurance system.

Considering the legal regulations mentioned above, the elderly benefit from the medical service packages contained in Annex no. 1 to *G.D. no. 521/2023*, with subsequent amendments and additions.

In order to benefit from medical services settled from the National Single Social Health Insurance Fund, it is necessary for the insured to contact the medical service providers in contractual relations with the health insurance companies and to follow the course regulated by the previously mentioned normative acts.

Thus, in the case of a medical problem, an insured must contact the family doctor, who, following the consultation, can recommend the performance of paraclinical investigations, using the referral ticket for paraclinical investigations as a recommendation. If, following the consultation (anamnesis, objective examination, diagnostic or therapeutic maneuvers, etc.), the family doctor considers that the limits of professional competence are exceeded, he issues a referral ticket for consultation with the specialized doctor in the outpatient clinic or for admission in hospital.

In the list of clinical specialties for which a contract for the provision of medical services in the specialized outpatient clinic is concluded by the health insurance companies, the specialty of geriatrics and gerontology can be found.

In the social health insurance system in Romania, the medical service packages also include health services related to the medical act that are provided by psychologists in the specialty of clinical

psychology, psychological counseling, psychotherapy and special psychopedagogy - speech therapists and physiotherapists and can be the subject of concluded contracts by health insurance companies with doctors who provide outpatient palliative care services, as well as with specialist doctors, with the following clinical specialties: neurology and pediatric neurology; otorhinolaryngology; psychiatry and pediatric psychiatry; rheumatology; orthopedics and traumatology and pediatric orthopedics; medical oncology; diabetes, nutrition and metabolic diseases; hematology; nephrology and pediatric nephrology; pediatric oncology and hematology; cardiology; pneumology; physical and rehabilitation medicine; medical genetics; radiotherapy; cardiovascular surgery; oral and maxillofacial surgery; endocrinology.

In the case of hospitalized patients, we mention that in the social health insurance system in Romania, hospitals have the obligation to provide all the expenses necessary to solve the cases.

The services are provided on the basis of the admission tickets issued by the family doctors, by the specialist doctors in the ambulatory and the doctors in the hospital, who are in contractual relations with the health insurance companies.

Home medical care services are granted based on a recommendation for home medical care, only for the ECOG 3 or 4 performance status of the insured:

- a) ECOG performance status 3 – the patient is unable to carry out household activities, is immobilized in an armchair or bed for more than 50% of the day, requires support for basic care (hygiene and/or nutrition and/or mobilization);
- b) ECOG performance status 4 - the patient is completely immobilized in bed, totally dependent on another person for basic care (hygiene, nutrition, mobilization).

The duration for which an insured can benefit from medical care services at home is established by the doctor who made the recommendation, with the obligation to specify the rhythmicity/periodicity of the services, but no more than 90 days of care/in the last 11 months (in several stages caregiving episodes).

Palliative care services at home are granted based on a recommendation for palliative care at home, issued by family doctors, specialist doctors from the specialist outpatient clinic, or specialist doctors from the hospital, are in a contractual relationship with health insurance companies. The duration for which an insured can benefit from palliative care services at home is determined by the doctor who made the recommendation, but not more than 90 days of care/in the last 11 months in several stages (episodes of care).

The basic package for medical devices intended for the recovery of organic or functional deficiencies on an outpatient basis and the conditions for granting the basic package for medical devices intended for the recovery of organic or functional deficiencies on an outpatient basis are provided in Annex 38 to the *Order of the Minister of Health and the President of the National Insurance House Health no. 1857/441/2023, with subsequent amendments and additions.*

In conclusion, the insured, including the elderly, have access to medical services at different levels of medical assistance to cure the disease, to prevent its complications, to recover or at least to alleviate the suffering, as the case may be, as well as to services related to the medical act, depending of needs, in compliance with their granting conditions regulated by the normative acts applicable to the social health insurance system.

According to the legal provisions in the field of pensions, in the public pension system, the following categories of pensioners can accumulate the pension with income from dependent activities, as regulated by the Fiscal Code, regardless of their level:

- a) pensioners of the age limit;
- b) the blind;

- c) disability pensioners of 3rd degree of invalidity, as well as children, survivor pensioners, included in 3rd degree of invalidity;
- d) children, survivor pensioners, up to the age of 16 or if they continue their studies in a form of education organized according to the law, until they finish, without exceeding the age of 26;
- e) retirees who earn income as local or county councillors;
- f) invalidity pensioners classified in degree I or II of invalidity, as well as survivor pensioners classified in degree I or II of disability;
- c) pensioners beneficiaries of an early retirement or of a partial early retirement;
- d) the surviving spouse, beneficiary of a survivor's pension;
- e) retirees who obtain income from independent activities and from intellectual property rights.

The surviving spouse, beneficiary of a survivor's pension, can accumulate the pension with income from dependent activities (even if he/she carries out his/her activity on the basis of an employment contract or is a civil servant), if these do not exceed 35% of the average gross salary.

Starting with 2009, the guaranteed minimum pension was introduced and was replaced by the social allowance for pensioners.

The social allowance for pensioners is awarded to the pensioners in the Romanian public system residents in Romania, regardless of the date of their retirement, if the amount of their pension is lower than the amount of the social indemnity for pensioners.

The social allowance for pensioners is increased annually.

The pension amount is adjusted annually with the increase of the pension point value.

The value of the pension point, according to which the amount of the pension is determined, changes annually, depending on the inflation rate.

The right of the persons to social assistance benefits in Romania, this is guaranteed, without discrimination, for all Romanian citizens, and also for foreigners and stateless persons domiciled or resident in Romania (article 4 of the Law no. 292/2011).

According to this principle, the vulnerable persons are benefiting from measures and social protection actions without any restriction or preference of race, nationality, ethnic origin, language, religion, social status, opinion, gender or sexual orientation, age, political affiliation, disability, chronic illness or belonging to a disadvantaged category.

Currently, the Ministry of Labor and Social Solidarity is implementing several social assistance benefits programs which represent a form of additional income or substitution of individual income earned from work in order to ensure a minimal standard of living, with the purpose of ensuring adequate incomes for all the persons in difficulty, including the elderly.

In the priority of reducing poverty and social exclusion are included a number of social assistance programs which are implemented by the Ministry of Labor and Social Solidarity: the minimum inclusion income program (MII), namely the component of the inclusion aid, the measures for vulnerable energy consumer (heating aids and energy supplement), disability benefits and other emergency aids.

1. Minimum Inclusion Income (Law no. 196/2016):

In the National Recovery and Resilience Plan (NRRP) Romania has assumed the implementation starting with 1st of January 2024 of the minimum inclusion income (MII) program, which addresses the most vulnerable people, replacing the two previous programs applied, namely the guaranteed minimum income and the family support allowance.

During 2024, the eligibility threshold of the MII components are indexed twice with the average annual inflation rate of the years 2022 and 2023. Thus, the level of MII doubled comparing to the previous social aid. Also, starting with 2025, the threshold levels of the MII will be indexed annually with the average inflation rate of the previous year. For example, the inclusion aid, a component of the MII, had an initial eligibility threshold of 275 lei which increased twice in 2024, respectively to 313 lei from January 2024 and to 346 lei from March 2024, following that every year this level will be indexed to the average annual inflation rate of the previous year.

The main objective of this reform is to ensure a higher, more adequate and more extensive level of social protection for vulnerable categories.

The MII has two components: the inclusion aid and the aid for families with children. The thresholds of the MII up to which the benefits are granted are now more generous than the previous thresholds used for GMI (guaranteed minimum income), namely for the inclusion aid the threshold is up to 346 lei/per equivalent adult. Also, the actual MII program provide a different threshold of 504 lei /per equivalent adult in case of a single person aged at least 65 years old;

For all the components of MII is used the equivalence scale: the first person from family = 1, all the others persons from the family = 0,5.

Depending on the needs of the family/single person, the minimum inclusion income is accompanied by the following complementary social assistance measures, granted in cash and/or in kind, such as: employment stimulation measures, special incentive measures for participation in the labor market, contributory facilities as insurance in the social health insurance system, without payment of the social health insurance contribution, other complementary rights which consist of: payment of the mandatory housing insurance; granting of community and emergency aid; access to financial support measures to promote and support the attendance of educational courses.

2. Specific measures granted for vulnerable customers in the energy system (Law no. 226/2021).

Specific measures were taken starting with 2021, in the field of social assistance benefits, in order to reduce the impact of the energy crisis, providing social protection measures for vulnerable energy consumer such as: heating benefits as seasonal measures and energy supplements as annually benefits.

These measures represent means-testing benefits and are targeted to support the most vulnerable households, by setting a limit of incomes up to which the family can be entitled to these measures and by granted them taking into account the household incomes as well as the assets. The measures are granted for vulnerable consumers who use energy in centralized system, electricity, natural gas or solid fuels and/or oil, only for one heating system (the main used by the household). The purpose of heating aids is to cover part of the home heating expenses and the purpose of the energy supplement is to cover part of the housing expenses (lighting the home, cooking facilities, hot water, etc.).

Most of the heating aids, with the exception of aid for heating with solid and oil fuels, are granted as a percentage compensation of the bill, depending on the income threshold of the beneficiary.

1. House heating aid is focused on the following aspects:

- establishing the maximum income threshold up to which a person or family can benefit from the heating aid, namely of 1386 lei/person from the family, and for the single person of 2053 lei;
- establishing the amount of aid, namely by percentage compensation applied to a reference value differentiated according to the heating system. The percentage compensation is 100% for the beneficiaries with the lowest incomes and at least 10% for those whose incomes are at the maximum limit;
- the house heating aid is granted based on the net monthly income of the families or single persons;

- the amounts are variable depending on the type of heating used (centralized system, natural gas, electricity, solid fuels and oil), the net income per family member and also the assets of the family referred to the List of assets leading to the exclusion of the right.
- establishing the reference value to which the percentage compensation applies, for the four heating systems of the dwelling: centralized heating (the reference value is established monthly, within the average consumption and depending on the local price of the thermal energy billed to the population), heating with natural gas (250 lei/month), heating with electricity (500 lei/month) and heating with solid or liquid fuels (320 lei/month);
- ensuring the payment from the state budget, through the Ministry of Labor and Social Solidarity budget, of the aids for house heating with wood for the beneficiaries of the social inclusion aid.

2. Energy consumption aid to cover part of the household's energy consumption throughout the year. The average monthly net income up to which the energy supplement is granted is 1386 lei person in the case of the family and 2053 lei, in the case of the single person and is granted as follows:

- in the amount of 30 lei / month for electricity consumption;
- in the amount of 10 lei / month for natural gas consumption;
- in the amount of 10 lei / month for thermal energy consumption;
- in the amount of 20 lei / month for the consumption of solid and / or oil fuels;

As an exception, in the amount of 70 lei, if the only energy source used is electricity.

3. Disability benefits (Law no. 448/2006), granted to persons with disability regardless of their income, depending on the degree of disability or to the family or legal representative of the child with high, pronounced and medium disability. Monthly amounts of disability benefits for adults:

- Monthly indemnity granted to persons with disabilities:
 - 463 lei, granted to the adult with high disability, regardless of their income;
 - 350 lei, granted to the adult with pronounced disability, regardless of their income.
- Monthly complementary budget for adults with disabilities:
 - 199 adults, granted to the adult with high disability, regardless of their income;
 - 146 adults, granted to the adult with pronounced disability, regardless of their income;
 - 80 for adults, granted to the adult with medium disability, regardless of their income.

Persons with disabilities have received one-off compensatory allowance, granted both for disabled child and also for adults with disabilities in January 2023, according to the G.E.O. no. 168/2022.

4. Emergency aids, granted to families and people in need, as a result of natural disasters, fires, accidents or any other special situations due to health which may lead to the risk of social exclusion.

In terms of increasing the adequacy of social assistance benefits, a law was recently approved amending annually, starting March each year, the value of the Reference Social Indicator (RSI) with the average annual inflation rate of the previous year. Thus, the increase in the value of the RSI in 2024 reflected in changes in the amounts of social assistance benefits that are currently linked to RSI. The last indexation of the amounts of the social assistance benefits was made on 1st of March 2024.

Article 26 – The right to dignity at work

Paragraph 1 and 2

Article 223 of the Criminal Code - Sexual harassment, criminalises the repeated demand for sexual favours in an employment or similar relationship, if the victim has been intimidated or placed in a humiliating situation, punishable by imprisonment from 3 months to one year or a fine.

The social relationships that are harmed or threatened are those relationships that concern a person's sexual life, and the criminal law criminalises sexual harassment by making these relationships free from intimidation or humiliation.

The freedom and inviolability of sexual life in general, and that in the workplace in particular, are essentially aspects of individual freedom and find expression in the inalienable right of the individual to dispose freely of his or her body in sexual relations, within the limits of the rules of criminal law and morality.

Law no. 202/2002 regarding equal opportunities and treatment between women and men regulates the measures for promoting equal opportunities and treatment between women and men, in order to eliminate all forms of discrimination based on the criterion of sex, in all spheres of public life in Romania.

According to Law no. 202/2002, measures to promote equal opportunities and treatment between women and men and to eliminate all forms of discrimination based on sex are applied in the public and private sector, in the field of work, education, health, culture and information, politics, participation in decision-making, as well as in other areas regulated by special laws.

Art. 6 stipulates:

- Any form of discrimination based on sex is prohibited in the fields mentioned in art. 2 para. (1).
- Any behaviour of harassment, sexual harassment or psychological harassment defined according to this law is prohibited, both in public and in private.
- Moral harassment at work on the basis of gender is prohibited. The provisions of G.O. no. 137/2000 on the prevention and sanctioning of all forms of discrimination, republished, with subsequent amendments, shall be applied accordingly.
- Any order or provision to discriminate against a person on the basis of sex is prohibited.

Art. 7 stipulates: By equal opportunities and treatment between women and men in labour relations is meant non-discriminatory access to:

- professional information and advice, initiation, qualification, improvement, specialization and professional retraining programs, including apprenticeship;
- employer organizations, trade unions and professional bodies, as well as the benefits granted by them;

Art. 11 stipulates that discrimination based on sex is any unwanted behaviour, defined as harassment or sexual harassment, with the purpose or effect:

- to create an atmosphere of intimidation, hostility or discouragement for the affected person at the workplace;
- to negatively influence the situation of the employed person in terms of professional promotion, remuneration or income of any kind or access to professional training and improvement, in the case of his refusal to accept an unwanted behaviour related to sexual life.

The National Agency for Equal Opportunities for Women and Men elaborated the G.D. no. 970/2023 for the approval of the methodology on preventing and combating harassment on the basis of sex, as well as

moral harassment at work. The normative act, by developing a guide model and its application methodology, addresses concrete intervention measures to prevent and combat moral harassment at work, bringing innovations in terms of how the principle of gender equality is transposed into public policies.

At the same time, we specify that the Law initiated by the Ministry of Labour and Social Solidarity for the ratification of the ILO Convention no. 190 on the elimination of violence and harassment in the world of work, adopted at the 108th session of the International Labor Conference of the International Labor Organization, in Geneva on June 21, 2019 was promulgated on 28 March 2024 (Law no. 69/2024).

G.O. no. 137/2000 regarding the prevention and sanctioning of all forms of discrimination, states in art. 5 that "Any behaviour based on race, nationality, ethnicity, language, religion, social category, beliefs, gender, sexual orientation, belonging to a disadvantaged category, age, disability, refugee or asylum seeker status or any other criterion that leads to the creation of an intimidating, hostile, degrading or offensive environment, constitutes harassment and is sanctioned as a contravention".

Subsequently, by Law no. 167/2020, G.O. no. 137/2000 was amended with art. 5¹ - 5⁷, articles that regulate the notion of moral harassment at the workplace:

Constitutes moral harassment at the workplace and is subject to disciplinary, contraventional or criminal sanctions, as the case may be, any behavior exercised with regard to an employee by another employee who is his hierarchical superior, by a subordinate and/or by to a comparable employee from a hierarchical point of view, in relation to employment relations, which has as its purpose or effect a deterioration of the working conditions by injuring the rights or dignity of the employee, by affecting his physical or mental health or by compromising the professional future of to him, behavior manifested in any of the following forms: a) hostile or unwanted conduct; b) verbal comments; c) actions or gestures.

Constitutes moral harassment at the workplace any behavior that, through its systematic character, may affect the dignity, physical or mental integrity of an employee or group of employees, endangering their work or degrading the working climate. In the sense of this law, stress and physical exhaustion fall under the scope of moral harassment at the workplace.

Considering these provisions, it can be seen that legal protection is established against acts of moral harassment at workplace, the party that considers itself a victim of such acts/behaviors having the possibility to submit a complaint to the Council, the independent body and guarantor of compliance with the principle of non-discrimination, or before the courts, independently of the notification of the National Council for Combating Discrimination (NCCD) Also, the Decision issued by the Council is subject to the control of legality, by appealing it before the courts, within 15 days from the communication, by the party not satisfied with the solution.

In the situation where the alleged victim chooses to file an action directly before the competent courts, they, pursuant to art. 27 of the O.G. no. 137/2000, have the obligation to request a specialized point of view from the Council, in its attribution as an expert in the field of non-discrimination, point of view that is not binding, as in the case of the decision issued by the Board of Directors of the Council, but offers to the courts the elements of analysis in order to be able to identify or not an act of discrimination/harassment.

Regarding remedies/compensations, in the case of establishing an act of discrimination, the Council can apply a contraventional sanction to the person guilty of committing an act of harassment, according to art. 26: Moral harassment at workplace committed by an employee, by injuring the rights or dignity of another employee, constitutes a misdemeanor and is punishable by a fine from 10,000 lei to 15,000 lei.

It constitutes a contravention and is sanctioned with a fine:

a) from 30,000 lei to 50,000 lei the failure of the employer to fulfill the obligations provided for in art. 2 para. (55);

b) from 50,000 lei to 200,000 lei, non-compliance by the employer with the provisions of art. 2 para. (56).

The Council or, as the case may be, the court may oblige the party that committed the act of discrimination to publish, in the mass media, a summary of the finding decision, respectively of the court sentence.

Also, the Council, in the case of establish of an act of harassment, may order, under the law, to oblige the employer to stop these acts and to oblige him to pay the amount necessary for psychological counseling, if necessary. Failure by the employer to comply with the measures ordered also constitutes a contravention and is sanctioned with a fine from 100,000 lei to 200,000 lei.

If the victim chooses to file a complaint directly to the courts, it has the possibility to request compensation/moral damages, the court being able to order, in case of harassment, any of the measures provided for in art. 26 para. (21), respectively:

- obliging the employer to take all necessary measures to stop any acts or facts of moral harassment at the workplace regarding the employee in question;
- the reinstatement of the employee in question;
- obliging the employer to pay the employee a compensation in an amount equal to the equivalent of the wage rights he was deprived of;
- forcing the employer to pay compensatory and moral damages to the employee;
- obliging the employer to pay the employee the amount necessary for the psychological counseling the employee needs, for a reasonable period established by the occupational medicine doctor;
- forcing the employer to change the employee's disciplinary records.

From the exposition of the texts above, it can be seen that the employer is held to be liable contravenitionally, civilly or even criminally for the violation of the principle of equal treatment by its employees.

In addition, any adverse treatment, received as a reaction to a complaint or legal action regarding the violation of the principle of equal treatment and non-discrimination constitutes, according to art. 2 paragraph (7) of the G.O. no. 137/2000 victimization and is sanctioned as a contravention according to the same ordinance, and according to para. (53) "No employee will be sanctioned, fired or discriminated against, directly or indirectly, including with regard to salary, professional training, promotion or extension of employment, because he was subjected to or refused to be subjected to moral harassment at work.

Regarding the burden of proof, according to art. 2 paragraph (57) "The employee, victim of moral harassment at the workplace, must prove the factual elements of moral harassment, the burden of proof falling on the employer, under the law. The intention to harm through acts or acts of moral harassment at the workplace does not have to be proven" thus establishing only a simple presumption on the part of the victim that he suffered an act of harassment, and the employer is the one who must prove the opposite.

According to art. 2 para. (55) "The employer has the obligation to take any necessary measures in order to prevent and combat acts of moral harassment at the workplace, including by stipulating in the internal regulations of the unit disciplinary sanctions for employees who commit acts or acts of moral harassment at the workplace.", and by G.D. no. 970/12.10.2023 the Methodology for preventing and combating harassment on the basis of sex and moral harassment at the workplace was approved, a methodology that establishes the measures to be taken to inform and raise awareness among employees regarding the combating of harassment at the workplace.

All these legal provisions also find their applicability in practice, with the Council noting, during the period 2017-2023, in 103 situations the commission of an act of harassment (with the mention that until the entry into force of Law no. 167/2020, the Council found harassment based on art. 2 paragraph 1 and paragraph 5), applying 48 warnings and 55 contravention fines between 1,000 lei and 25,000 lei.

Article 27 – The right of the workers with family responsibilities to equal opportunities and treatment

Paragraph 1

In Romania, families with children represent an important component of society. Maintaining family functions, preventing the abandon and maintaining family cohesion have been considered intervention priorities over time, for which a series of legislative measures have been adopted which address to families with children.

The parental leave and child raising benefit or the monthly insertion incentive are measures stipulated by the G.E.O. no.111/2010 on parental leave and child raising benefits, with subsequent amendments and completion and can be accessed by persons active on the labour market with childcare responsibilities, and also to other categories of persons who are in similar period, according to law.

- The child raising indemnity and the insertion incentive are granted to the persons who, during the last two years prior to childbirth, earned for 12 months incomes subject to taxation according to the Fiscal Code (incomes from wages, self-employed activities, copyrights and agriculture activities, including from similar periods, according to the law).
- Recently were adopted and implemented the proper legislative changes in order to ensure the transposition into national legislation of *Directive 2019/1158 on work-life balance for parents and carers*, which will guarantee the right to paternity leave and indemnity and also to parental leave and child raising indemnity, to all the parents who meet the eligibility conditions. According to law, the fathers has the same duration of parental leave as the mothers, they can request the entire period of parental leave, if they want. The entire duration of parental leave can be shared between parents, as they wish, excepting the non-transferable period. According to the recent changes of the legislation, since September 2023, for the new rights of parental leave and child raising indemnity, are stipulated two non-transferable months of parental leave.
- The child raising indemnity is a compensation, paid from the state budget, for the parents who interrupt their professional careers and take parental leave to raise children under the age of 2 years or, if a disabled child, up to 3 years. This is the maximum period of parental leave, the parents having the possibility to come back to work and also to receive a *monthly insertion incentive (back to work bonus)* witch can be cummulated with the salary.
- Are entitled to the parental leave and child raising benefit also the foreign citizens or stateless persons who has the domicile or residence in Romania and live in Romania together with the child/children for whom the rights are requested. The amount of the child raising indemnity has been established to 85% of the average professional net income earned by the parent during the last 12 months from the last two years prior to the childbirth. The minimum amount of child raising indemnity is 1.651 lei and the maximum amount of the indemnity has been established to 8.500 lei.
- Persons who are entitled to receive child raising indemnity, but still work, earning professional incomes subject to income taxation, will receive a monthly incentive insertion, as follows:

- in amount of 1500 lei, if the entitled persons obtain income subject to tax, at any time before the child reaches the age of 6 months, respectively 1 year in the case of the child with disabilities, granted until the child reaches the age of 2 years, respectively 3 years in the case of a child with disabilities;
 - in amount of 650 lei, if the entitled persons obtain income subject to tax, at any time after the child reaches the age of 6 months, respectively 1 year in the case of the child with disabilities, granted until the child reaches the age of 2 years, respectively 3 years in the case of a child with a disability. If the entitled persons obtain taxable income, at any time after the child reaches the age of 2 years, respectively 3 years in the case of the child with disabilities, the incentive is granted until the child reaches the age of 3 years, respectively 4 years in the case of the child with disabilities. Also, the insertion incentive is granted in the amount of 650 lei to persons who earn income subject to tax during the period in which they are entitled to benefit from leave for the care of children with disabilities aged between 3 and 7 years.
- In order to encourage the parents to work, besides the insertion bonus, the parents are allowed to gain incomes from work during the parental leave, in an amount which cannot exceed 8*minimum indemnity (11.968 lei). Therefore, the parent does not return to the activity that was the basis of the leave, but he/she can obtain income of a salary nature, from the work performed, during the period of parental leave, if they have a collaboration opportunity or an ongoing project. The person remains suspended from the activity that was the basis of the leave, but can earn income based on another activity.
 - Has the right to the child raise indemnity and to the insertion incentive, optionally, any of the parents and also one of the persons who adopted the child, who has a child entrusted for adoption, who has a child in placement or in emergency placement, excepting the foster care person, and also the guardian person. The two benefits are granted for each birth or, as the case may be, for any of the situations aforementioned.
 - According to Romanian Labor Code (Law no. 53/2003) the employee has the right to ask for the suspension of individual labor contract in order to benefit from the parental leave. According to G.E.O. no. 111/2010 the parental leave is approved by the employer at the request of the person who is entitled with and the employer has the obligation to establish the length of the leave in agreement with the employee. The person has the obligation to notify the employer about the intention to exercise the right to parental leave at least 10 days before the end of the maternity leave or, as the case may be, before the estimated start date of the parental leave. The person should specify the estimated period of parental leave, otherwise, the employer approves the request for the maximum period of parental leave.
 - The legislation regarding parental leave stipulates also other measures of job protection for persons who are entitled to this leave, such us:
 - it is forbidden for the employers to dismiss the persons who are requesting the parental leave or who are already in parental leave or receive the payment of the insertion incentive.
 - at the end of the parental leave the employee has the right to return to the last job with equivalent working conditions and also to benefit from any improvement in working conditions that would have been entitled during their absence.
 - According to G.E.O. no. 111/2010 all forms of employment contracts are taken into account when the entitlement to parental leave and child raising indemnity is established and also all categories of incomes, as those from wages, self-employed activities, copyrights and also from agriculture activities, forestry and fish farming. Also, according to the Labor Code, all type of individual labor

contracts (fixed term contracts, part time contract, temporary work contract, etc.) are taken into account for establishing the right to parental leave.

- During the parental leave, the entitled person is insured in the social health insurance system, without paying the social health insurance contribution. The period of parental leave is assimilated to the contribution period in order to establish: the social health insurance allowances; pension rights in the public system; the rights within the unemployment insurance system. In the same time, the parental leave period constitutes seniority in work and service, as well as in the speciality.

Paternity leave: stipulated by *Law no. 210/1999 on paternity leave*, is granted in order to ensure the effective participation of the father in the care of the new-born child. The father is entitled to a paid paternity leave of 10 working days, with the possibility of extended the leave with other 5 working days, if the father undertake childcare courses. The persons who request the paternity leave should be employee. Paternity leave is granted only for employees, upon request, within the first 8 weeks after the birth of the child, justified by his birth certificate. Paternity leave is approved by the employer and the paternity allowance is paid from the wage fund of the unit and is equal to the salary corresponding to the respective period (100% of the last salary).

When resuming their activity, people who have been on parental leave until their child reaches the age of 2, respectively 3 or 7 years, in the case of a disabled child can benefit from free vocational training. Persons attending vocational training programs funded by the unemployment insurance budget may withdraw from these programs without incurring any costs for training services, in order to have parental leave until their child reaches the age of 2, respectively 3 or 7 years, in the case of a disabled child. Also, when an interruption in the participation to the activities of a training program occurs, reasoned by giving birth to a child, this reason is not considered as being imputable to the woman and does not lead to the obligation of reimbursing the expenses for the training services.

Law no. 202/2002 regarding equal opportunities and treatment between women and men regulates the measures for promoting equal opportunities and treatment between women and men, in order to eliminate all forms of discrimination based on the criterion of sex, in all spheres of public life in Romania, applied in the public and private sector, in the field of work, education, health, culture and information, politics, participation in decision-making, as well as in other areas regulated by special laws.

Art. 6 stipulates also that family and marital status cannot constitute a reason for discrimination.

Art. 10 stipulates:

- Maternity cannot constitute a reason for discrimination.
- Any less favourable treatment applied to a woman related to pregnancy or maternity leave constitutes discrimination within the meaning of this law.
- Any less favourable treatment applied to a woman or a man, on the grounds that he requested or took leave for raising children, paternity leave, carer's leave or that he exercised his right to request flexible working arrangements, constitutes discrimination within the meaning of this law.
- It is forbidden to ask a candidate, with a view to employment, to present a pregnancy test and/or sign a commitment that she will not become pregnant or give birth during the validity period of the individual employment contract.

They are exempted from the application of the provisions of para. (1) those jobs prohibited to pregnant and/or breastfeeding women, due to the nature or particular conditions of work.

- Dismissal cannot be ordered during the period in which:
 - ✓ the employee is pregnant or on maternity leave;

- ✓ the employee is on leave to raise children aged up to 2 years, respectively 3 years in the case of a child with disabilities;
- ✓ the employee is on paternity leave;
- ✓ the employee is on carer's leave;
- ✓ the employee has exercised his right to request flexible work forms.

- At the end of maternity leave, leave for raising children aged up to 2 years, respectively 3 years in the case of a child with disabilities, paternity leave or carer's leave, the employee has the right to return to the last place of work or at an equivalent job, having equivalent working conditions, and also to benefit from any improvement of the working conditions to which he would have been entitled during the absence.

- Upon returning to work under the conditions provided for in para. (8), the employee has the right to a professional reintegration program, the duration of which is provided for in the internal regulation of organization and operation and cannot be less than 5 working days.

Under the provisions of the Law no. 283/2022 for the amendment and completion of the Labour Code and G.E.O. nr. 57/2019 regarding the Administrative Code, carer's leave was introduced, as well as the right to absence from the workplace in unforeseen situations.

More precisely, according to art.152¹ and art.152² of the Labour Code, the employer shall be obliged to grant the carer's leave to the employee in order for him to provide care or personal support to a relative or to a person who lives in the same household as the employee and who needs care or support as a result of a serious medical problem, with a duration of 5 working days in a calendar year, at the written request of the employee.

By special laws or by the applicable collective labour agreement, a longer duration than that provided in paragraph (1) may be established for the carer's leave.

For the duration of the period provided in paragraph (1) the employees shall have the right to paid days off, which are not included in the duration of the annual rest leave and constitute length of service and in the specialty.

By derogation from the provisions of Article 224 (2) of the Law no. 95/2006 on the health reform, republished, as amended and supplemented, the employees who benefit from carer's leave shall be insured, during this period, in the health social insurance system without paying the contribution. The period of the carer's leave constitutes a contribution period for establishing the right to the unemployment allowance and to the allowance for temporary incapacity of work granted in accordance with the legislation in force.

The serious medical problems, as well as the conditions for granting the carer's leave shall be established by joint order of the Minister of Labour and Social Solidarity and of the Minister of Health.

Also, according to art.152² of the Labour Code, the employee shall have the right to be absent from the workplace in unforeseen situations, determined by a family emergency caused by illness or accident, which makes indispensable the immediate presence of the employee, provided that the employer is informed in advance and with the recovery of the period of absenteeism until the full coverage of the normal duration of the employee's work schedule.

Absence from work provided in paragraph (1) cannot last longer than 10 working days in a calendar year.

The employer and the employee shall establish by mutual agreement the modality to recover the period of absence, specified in paragraph (1), within the limit of the number of days provided in paragraph (2).

We also mention that, according to art.26 of the G.E.O. no. 158/2005 on the leaves and allowances of health social insurance, the insured shall be entitled to a leave and allowance for taking care of the sick

child up to 7 years old, and in case of disabled child, for the intercurrent diseases, by the time he turns 18 years old.

Paragraph 3

According to art. 60 para. (1) letter i) and art. 80 of the Labour Code, the dismissal of the employees may not be ordered: during the paternity leave and carer's leave or during absence from the workplace under the conditions regulated in Article 152⁶.

In case that the dismissal has not been well-grounded or has been unlawful, the court shall order its cancellation and shall force the employer to pay compensation equal to the indexed, increased and updated wages and to the other rights the employee would have otherwise benefited from.

At the employee's request, the court that has ordered the cancellation of the dismissal shall reinstate the parties to the status existing prior to the issuance of the dismissal document.

In case the employee does not request the reinstatement in the situation prior to the issuance of the dismissal document, the individual labour contract shall cease by right at the date when the judgment remains final and irrevocable.

Article 30 – The right to protection against poverty and social exclusion

Romania has adopted a comprehensive approach to combating poverty and social exclusion. The government has implemented a series of comprehensive measures to prevent and remove obstacles to access to fundamental social rights, including improving access to housing, strengthening the social protection system, improving access to health services and promoting social inclusion for vulnerable groups.

To monitor progress and evaluate the effectiveness of these measures, Romania has adopted monitoring and evaluation mechanisms involving relevant actors, including civil society and people affected by poverty and exclusion. These mechanisms allow the government to identify areas for improvement and adjust policies and measures accordingly.

However, Romania recognises that challenges remain in combating poverty and social exclusion. Income inequality, lack of affordable housing and discrimination and prejudice remain significant obstacles. The Government remains committed to addressing these challenges by implementing effective measures that focus on reducing income inequality, improving access to housing and combating discrimination and prejudice. This comprehensive approach and continued commitment demonstrate Romania's determination to ensure that all its citizens have access to a decent life with dignity, free from poverty and exclusion.

To comprehensively address poverty and social exclusion, Romania has adopted a number of strategies, including:

- National Strategy for Social Inclusion and Poverty Reduction 2021-2027: This strategy aims to reduce poverty and social exclusion and promote social inclusion for all people in Romania. The strategy includes a series of measures aimed at tackling the root causes of poverty and social exclusion, such as

⁶ Labour Code, article 152 [^]2: (1) An employee shall have the right to be absent from work in unforeseen circumstances caused by a family emergency due to illness or accident, which make the employee's immediate presence indispensable, subject to the employer being informed in advance and with the period of absence being made up until the employee's normal working hours have been fully covered. (2) Absence from work as provided for in paragraph 1 shall be compensated for by the employee's absence from work. (1) may not exceed 10 working days in a calendar year. (3) The employer and the employee shall agree on the arrangements for making up the period of absence specified in paragraph 1. (1), within the limit of the number of days referred to in paragraph 1. (2).

lack of adequate housing, limited access to education and training and discrimination (G.D. no. 440/2022).

- Operational Programme Inclusion and Social Dignity 2021-2027: This programme includes funding for projects aimed at protecting against poverty and social exclusion, such as the provision of social housing, support services for the homeless and vocational training programmes for people from vulnerable groups.
- National Local Development Programme 2021-2027: This programme includes funding for projects aimed at improving living conditions in rural communities, including projects to reduce poverty and social exclusion.

These strategies underline Romania's commitment to tackling poverty and social exclusion in a holistic way, through measures that address both the root causes and effects of these problems. Effective implementation of these strategies will contribute to creating a more inclusive and equitable society for all Romanian citizens.

According to Romanian Constitution, article 47 - The standard of living, the state is obliged to take measures for economic development and social protection, in order to ensure a decent standard of living for its citizens. Also, the citizens have the right to the social assistance measures, according to the law.

In the same time, the Law on social assistance no. 292/2011 establishes the principles of organizing, functioning and financing of the social assistance system in Romania. According to the Law, the national social assistance system is a set of institutions, measures and actions, through which the state, represented by central and local government authorities and civil society intervene to prevent, limit or remove the effects of temporary or permanent situations that can lead to marginalization and social exclusion of the person, family, groups or communities. The national system of social assistance intervenes subsidiary or, where appropriate, complementary to social security systems and consists of social benefits system and social services system.

Regarding the right of the persons to social assistance benefits in Romania, this is guaranteed, without discrimination, for all Romanian citizens, and also for foreigners and stateless persons domiciled or resident in Romania (article 4 of the Law no. 292/2011). According to this principle, the vulnerable persons are benefiting from measures and social protection actions without any restriction or preference of race, nationality, ethnic origin, language, religion, social status, opinion, gender or sexual orientation, age, political affiliation, disability, chronic illness or belonging to a disadvantaged category.

Therefore, Law no. 292/2011 on social assistance ensures the unitary and coordinated legal and institutional framework by which are established the principles and general rules for granting social assistance measures, as well as the criteria of organising and functioning of this system.

According to Law on social assistance no. 292/2011, social assistance benefits, depending on their purpose, are classified as follows:

- a) social benefits for the prevention and combating poverty and social exclusion risk;
- b) social assistance benefits for child and family support;
- c) social assistance benefits to assist people with special needs;
- d) social assistance benefits for special situations.

Currently, the Ministry of Labor and Social Solidarity is implementing several social assistance benefits programs which represent a form of additional income or substitution of individual income earned from work in order to ensure a minimal standard of living, with the purpose of ensuring adequate incomes for persons in difficulty.

In the priority of reducing poverty and social exclusion are included a number of social assistance programs which are implemented by the Ministry of Labor and Social Solidarity, namely: the minimum inclusion income program (MII), with two components, namely the inclusion aid and the aid for families with children, the measures for vulnerable energy consumer (heating aids and energy supplement), family benefits, disability benefits and other emergency aids.

1. Minimum Inclusion Income (Law no 196/2016):

In the NRRP Romania has assumed the implementation starting with 1st of January 2024 of the minimum inclusion income (MII) program, which addresses the most vulnerable people, replacing the two previous programs applied, namely the guaranteed minimum income and the family support allowance.

With more generous income thresholds than previous programs, flexible eligibility criteria and work incentives, MII is expected to cover more than 300,000 households, up from the approximately 250,000 covered by previous programs.

During 2024, the eligibility threshold of the MII components are indexed twice with the average annual inflation rate of the years 2022 and 2023. Thus, the level of MII will double comparing to the previous social aid. Also, starting with 2025, the threshold levels of the MII will be indexed annually with the average inflation rate of the previous year. For example, the inclusion aid, a component of the MII, had an initial eligibility threshold of 275 lei which increased twice in 2024, respectively to 313 lei from January 2024 and to 346 lei from March 2024, following that every year this level will be indexed to the average annual inflation rate of the previous year.

The main objective of this reform is to ensure a higher, more adequate and more extensive level of social protection for vulnerable categories.

The MII has two components: the inclusion aid and the aid for families with children. The thresholds of the MII up to which the benefits are granted are now more generous than the previous thresholds used for GMI (guaranteed minim income), namely:

- the inclusion aid threshold: up to 346 lei/per equivalent adult, or 504 lei/per equivalent adult, in the case of a single person aged at least 65 years old;
- aid for families with children: up to 879 lei/equivalent adult.

The amounts of aid for families with children during January-March 2024:

Income/equivalent adult <=346 lei		Amounts 1 January 2024	Amounts 1 March 2024
Two-parents family	1 child	122	135
	2 children	244	270
	3 children	366	405
	>=4 children	488	539
Single parent family	1 child	137	152
	2 children	274	303
	3 children	410	453
	>=4 children	547	604
Income/ equivalent adult >347 up to 879 lei			
Two-parents family	1 copil	97	108
	2 copii	194	215
	3 copii	291	322
	>=4 copii	387	428
Single parent family	1 copil	126	140

2 copii	245	271
3 copii	370	409
>=4 copii	490	541

For all the components is used the equivalence scale: the first person from family = 1, all the others persons from the family = 0,5.

Also, when establishing the incomes per person/family, all the incomes will be taken into account with a deduction of less 50%, but no more than 500 lei/per family. The scope of this deduction is to stimulate labor market participation.

Depending on the needs of the family/single person, the minimum inclusion income is accompanied by the following complementary social assistance measures, granted in cash and/or in kind, such as: employment stimulation measures, special incentive measures for participation in the labor market, contributory facilities as insurance in the social health insurance system, without payment of the social health insurance contribution, other complementary rights which consist of: payment of the mandatory housing insurance; granting of community and emergency aid; access to financial support measures to promote and support the attendance of educational courses.

2. Specific measures granted for vulnerable customers in the energy system (Law no. 226/2021).

Specific measures were taken starting with 2021, in the field of social assistance benefits, in order to reduce the impact of the energy crisis, providing social protection measures for vulnerable energy consumer such as: heating benefits as seasonal measures and energy supplements as annually benefits.

These measures represent means-testing benefits and are targeted to support the most vulnerable households, by setting a limit of incomes up to which the family can be entitled to these measures and by granted them taking into account the household incomes as well as the assets. The measures are granted for vulnerable consumers who use energy in centralized system, electricity, natural gas or solid fuels and/or oil, only for one heating system (the main used by the household). The purpose of heating aids is to cover part of the home heating expenses and the purpose of the energy supplement is to cover part of the housing expenses (lighting the home, cooking facilities, hot water, etc.).

Most of the heating aids, with the exception of aid for heating with solid and oil fuels, are granted as a percentage compensation of the bill, depending on the income threshold of the beneficiary.

1. House heating aid is focused on the following aspects:

- establishing the maximum income threshold up to which a person or family can benefit from the heating aid, namely of 1386 lei/person from the family, and for the single person of 2053 lei;
- establishing the amount of aid, namely by percentage compensation applied to a reference value differentiated according to the heating system. The percentage compensation is 100% for the beneficiaries with the lowest incomes and at least 10% for those whose incomes are at the maximum limit;
- the house heating aid is granted based on the net monthly income of the families or single persons;
- the amounts are variable depending on the type of heating used (centralized system, natural gas, electricity, solid fuels and oil), the net income per family member and also the assets of the family referred to the List of assets leading to the exclusion of the right.
- establishing the reference value to which the percentage compensation applies, for the four heating systems of the dwelling: centralized heating (the reference value is established monthly, within the average consumption and depending on the local price of the thermal energy billed to the population), heating with natural gas (250 lei/month), heating with electricity (500 lei/month) and heating with solid or liquid fuels (320 lei/month);

- ensuring the payment from the state budget, through the Ministry of Labor and Social Solidarity budget, of the aids for house heating with wood for the beneficiaries of the social inclusion aid.

2. Energy consumption aid to cover part of the household's energy consumption throughout the year. The average monthly net income up to which the energy supplement is granted is 1386 lei person in the case of the family and 2053 lei, in the case of the single person and is granted as follows:

- in the amount of 30 lei / month for electricity consumption;
- in the amount of 10 lei / month for natural gas consumption;
- in the amount of 10 lei / month for thermal energy consumption;
- in the amount of 20 lei / month for the consumption of solid and / or oil fuels;

As an exception, in the amount of 70 lei, if the only energy source used is electricity.

3. Disability benefits (Law no. 448/2006), granted to persons with disability regardless of their income, depending on the degree of disability or to the family or legal representative of the child with high, pronounced and medium disability. Monthly amounts of disability benefits for adults:

- Monthly indemnity granted to persons with disabilities:
 - 463 lei, granted to the adult with high disability, regardless of their income;
 - 350 lei, granted to the adult with pronounced disability, regardless of their income.
- Monthly complementary budget for adults with disabilities:
 - 199 adults, granted to the adult with high disability, regardless of their income;
 - 146 adults, granted to the adult with pronounced disability, regardless of their income;
 - 80 for adults, granted to the adult with medium disability, regardless of their income.

The family or legal representative of the child with disability is entitled to the following social benefits:

- 397 lei, granted for children with high disability;
- 232 lei, granted for children with pronounced disability;
- 80 lei, granted for children with medium disability.

Persons with disabilities have received one-off compensatory allowance, granted both for disabled child and also for adults with disabilities in January 2023, according to the Government Emergency Ordinance no. 168/2022.

4. Emergency aids, granted to families and people in need, as a result of natural disasters, fires, accidents or any other special situations due to health which may lead to the risk of social exclusion.

The social assistance benefits are granted on the request of the persons and their monitoring is made at central level through Ministry of Labor and Social Solidarity and National Agency for Payments and Social Inspection (NAPSI), depending on the number of the beneficiaries and the amounts paid monthly, semi-annual or annually; administrative data are those provided by the SAFIR IT system, which is managed by NAPSI.

The statistical data are processed in the form of monthly statistical reports regarding the main social assistance benefits which are displayed on the Ministry of Labor and Social Solidarity and on the NAPSI website.

Regarding the right to be informed, this is guaranteed by law, at central, county and local level, through the institutions previously mentioned, has been achieved, the information and guidance of the beneficiaries on their rights and obligations. Information about the social assistance programs that are in

place, the granting procedures, the eligibility conditions and the amounts of these benefits are displayed on the Ministry of Labor and Social Solidarity and on the NAPSİ website. In this regard, recently was finalized the project SIPOCA 706 - High-performance social policies – strategy for the high-performance implementation of family policies, which was implemented during 2021-2023. The project was financed from the European Social Fund, within the Operational Program Administrative Capacity 2014 – 2020. Within the project was developed an electronic interactive platform for citizens with the aim to simplify access to information for the citizens regarding the social assistance benefits and family benefits. The electronic platform has two components: an electronic information sheets for citizens identifying the steps needed to access the social assistance programs and family benefits and also a personal computer information system for the analysis of the social assistance benefits which allows the approximation of the amount of the social assistance benefits for every persons/family who can be entitled to the social assistance benefits.

Also, at the end of the project, a new strategic document was elaborated, a National Strategy for the implementation of the performing family policies together with the action plan. In the same time, were defined and developed performance indicators in the field of social assistance benefits and family policies at national level.

In order to guarantee adequate resources, all the programs currently implemented are financed from the state budget, at the central level the Ministry of Labour and Social Solidarity ensures the substantiation of the budget proposal based on the fiscal-budgetary strategy and the macroeconomic indicators indicated by the Ministry of Public Finance. Also, the administrative data provided by NAPSİ (the number of beneficiaries, the amount of benefits, the payments made in the previous years) are taken into account.

Also at central level, is ensured the periodic review of the social assistance benefits legislation and the modification of these legal provisions, when necessary, taking into account the provisions of the Government Program and the changes proposed and approved by the Romanian Parliament. In order to justify the legislative changes in the field of social assistance benefits, are considered also the studies and analyzes performed on the basis of the research and development sectoral plans of the institution, as well as other studies, reports, analyzes elaborated through projects/programs implemented with EU funding.

Also, in terms of increasing the adequacy of social assistance benefits, a law was recently approved amending annually, starting March each year, the value of the RSI with the average annual inflation rate of the previous year. Thus, the increase in the value of the RSI in 2024 reflected in changes in the amounts of social assistance benefits that are currently linked to RSI. The last indexation of the amounts of the social assistance benefits was made on 1st of March 2024.

According to Law no. 196/2016 regarding the minimum inclusion income, with subsequent amendments and additions, persons who benefit from social assistance are insured during the granting of this right, with the payment of the contribution from other sources. Therefore, all beneficiaries of social assistance are medically insured and benefit from all the rights of persons insured in the social health insurance system, having access to both emergency medical assistance and specialized medical services.

Also, according to art. 224 para. (1) of Law no. 95/2006 on health reform, republished, with subsequent amendments and additions, the following categories of people benefit from insurance, without paying the contribution:

- children up to the age of 18, young people from the age of 18 to the age of 26, if they are students, including high school graduates, until the start of the academic year, but no more than 3 months after the end of their studies, apprentices or students, doctoral students, as well as people following the individual training module, based on their request, to become soldiers or professional graduates;
- young people up to the age of 26 who come from the child protection system;
- husband, wife and parents with no income of their own, dependent on an insured person;

- persons whose rights are established by:

- Decree-law no. 118/1990 regarding the granting of rights to persons persecuted for political reasons by the dictatorship established starting from March 6, 1945, as well as to those deported abroad or made prisoners, republished,

- G.O. no. 105/1999 regarding the granting of rights to persons persecuted by the regimes established in Romania from September 6, 1940 to March 6, 1945 for ethnic reasons, republished, with subsequent amendments and additions,

- Law no. 44/1994 regarding war veterans, as well as some rights of invalids and war widows, republished, with subsequent amendments and additions,

- Law no. 309/2002 regarding the recognition and granting of certain rights to persons who completed military training within the General Directorate of the Labor Service in the period 1950 - 1961, with subsequent amendments and additions,

- The law of gratitude for the victory of the Romanian Revolution in December 1989, for the anti-communist workers' revolt in Braşov in November 1987 and for the anti-communist workers' revolt in Valea Jiului - Lupeni - August 1977 no. 341/2004, with subsequent amendments and additions,

if they do not achieve other incomes than those derived from the monetary rights granted by these laws;

- disabled persons, for the income obtained on the basis of Law no. 448/2006 regarding the protection and promotion of the rights of persons with disabilities, republished, with subsequent amendments and additions;

- patients with diseases included in the national health programs established by the Ministry of Health, until the respective disease is cured;

- pregnant women and pregnant women;

- natural persons who are on medical leave for temporary incapacity for work, granted following work accidents or occupational diseases, as well as those who are on medical leave granted according to G.E.O. no. 158/2005 regarding holidays and social health insurance allowances, approved with amendments and additions by Law no. 399/2006, with subsequent amendments and additions;

- people who are on accommodation leave, according to Law no. 273/2004 regarding the adoption procedure, republished, during child-rearing leave according to G.E.O. no. 111/2010 regarding leave and monthly allowance for raising children, approved with amendments by Law no. 132/2011, with subsequent amendments and additions;

- persons who are serving a custodial sentence or are in preventive detention in penitentiary units, persons who are in the execution of the measures provided for in art. 109 and 110 of Law no. 286/2009 regarding the Criminal Code, with subsequent amendments and additions, persons who are in the execution of a custodial educational measure, as well as persons who are in the period of postponement or interruption of the execution of the custodial sentence;

- persons who benefit from unemployment benefits or, as the case may be, other social protection rights that are granted from the unemployment insurance budget, according to the law;

- detained, arrested or detained persons who are in detention and pre-trial detention centers, foreigners who are in accommodation centers with a view to return or expulsion, as well as those who are victims of human trafficking, who are during the procedures necessary to establish the identity and are accommodated in centers specially arranged according to the law;

- natural persons who have the status of pensioners, for income from pensions, as well as for income from intellectual property rights;

- Romanian citizens who are victims of human trafficking, for a period of no more than 12 months;
- the monastic staff of the recognized cults, in the records of the State Secretariat for Cults;
- volunteers who carry out their activity within the voluntary emergency services, based on the volunteering contract, during the period of participation in emergency interventions or preparation for participating in them, according to the provisions of G.O. no. 88/2001 regarding the establishment, organization and functioning of community public services for emergency situations, approved with amendments and additions by Law no. 363/2002, with subsequent amendments and additions;
- household providers who use and exchange for money, according to the law, at least 85 vouchers for household activities, monthly.

According to art. 225 para. (1) and (2) of Law no. 95/2006 regarding health reform republished, with subsequent amendments and additions, the following categories of persons are exempt from the co-payment:

- a) children up to the age of 18;
- b) young people between 18 and 26 years old, if they are students, high school graduates, until the beginning of the academic year, but no more than 3 months, apprentices or students;
- c) patients with conditions included in the national health programs established by the Ministry of Health, for the medical services related to the underlying disease of that condition, if they do not earn income from work, pension or other resources;
- d) natural persons with income from pensions and social allowance for retirees, up to 900 lei/month inclusive, regardless of whether they earn other income or not;
- e) all pregnant women and pregnant women, for medical services related to the evolution of the pregnancy, and those who have no income or have income below the gross minimum basic salary in the country, for all medical services;
- f) Romanian citizens who are victims of human trafficking;
- g) detained, arrested or detained persons, if they do not earn income from work, pension or other resources, who are in detention and preventive detention centers;
- h) hematopoietic stem cell donors who are identified as being compatible with an unrelated or related patient, for the final medical evaluation for donation, donation and post-donation monitoring, if they do not earn income from work, pension or other resources.

(2) The persons referred to in para. (1) lit. a), e) and f) are exempt from the co-payment and benefit from insurance, without payment of the contribution, under the conditions of art. 224 and if they do not have a personal numerical code, within a maximum of one year from the date of the first presentation to the medical service provider.

Regarding the consolidation of the social package for education, which targets students from groups with particular risks, the annual national social programs continued: Material support for children with special educational needs (SEN), High school money, Euro 200, Professional scholarship, School scholarships, Romanian School Program, School supplies, National program of remedial activities, etc., briefly presented below:

On January 11, 2024, the Romanian Government adopted the National Program "Healthy Meal", with a budget allocated in 2024 of 1.139 billion lei, for the benefit of preschoolers and pupils from up to 1,000 state pre-university education units. This pilot programme contributes to reducing early school leaving and ensuring equitable and non-discriminatory access to education for all preschoolers and pupils in Romania. The criteria for selecting schools under this programme took into account unfavourable socio-

economic and geographical conditions, as well as the material impossibility of many families to support children's participation in school activities.

By the entry into force of Law nr. 198/2023 and Law no. 199/2023, all students will benefit from free local public transport services, including metropolitan, and students and doctoral students, including those from the Romanian Academy, will benefit from a 90% discount on transport, compared to 50% previously granted.

In the school year 2022-2023, 46,779 children/pupils/young people with SEN included in mass education benefited from the rights granted under G.D. no. 564/2017, the allocated budget being 188,024 mil. lei, respectively 19,023 children / pupils / young people with SEN included in special education, the allocated budget being 109.23 mil. Lei.

For the 2024-2025 school year, according to Order no. 6.154/2023 regarding the organization and conduct of admission to high school education, distinct places will be allocated for Roma students, respectively for students with SEN that will be equally distributed between high school education units, in order to comply with the principle of equal opportunities.

In the 2022-2023 school year, the High School Money program continued. The number of beneficiaries was 20,509, and the expenses made from the Ministry of Education budget were 41,833,369 lei. Starting with the school year 2023-2024, with the entry into force of the Law on pre-university education no. 198/2023, the program was replaced by other forms of consolidated social intervention, regulated by art. 108 of Law 198/2023.

In May 2023, to boost the purchase of computers, a number of changes were made to the Euro 200 programme. Thus, the technical specifications of the computers were updated and the minimum gross income per family member (less than or equal to 500 lei) was doubled. The budget allocated for 2023 was 1.7 mil. Lei. According to Order no. 5181 of July 28, 2023, 2,174 students benefited, in 2023, from a financial aid of 200 euros to stimulate the purchase of computers.

The professional scholarship was, until the beginning of the school year 2023-2024, a national program addressed to all students attending vocational education and consisted of a monthly financial support worth 200 lei. In the school year 2022-2023, professional scholarships worth 128,606,431 lei were granted, the total number of students who benefited from professional scholarships being 751,551. Starting with the school year 2023-2024, the Professional Scholarship becomes the Technological Scholarship, the monthly financial support reaching the value of 300 lei and can be cumulated with other types of scholarships.

Regarding school scholarships, starting with the school year 2023-2024, their amount has been increased, based on art. 108 of Law nr. 198/2023, as follows: social scholarship from 200 lei to 300 lei / month; technological scholarship: from 200 lei to 300 lei / month; Olympic excellence scholarship I: between 750 and 3,000 lei; Olympic excellence scholarship II: 700 lei; merit scholarship: from 200 lei to 450 lei / month; scholarship for encouraging participation in education and preventing school dropout for underage mothers: 700 lei; Social scholarship for students: from 580 lei to 900 lei / month.

The Romanian Government adopted G.D. no. 652/2023 on the approval of the Romanian School Program for the period 2023-2029, the budget allocated for its implementation in the school year 2023-2024 being 742,617 million lei; Through this program, preschoolers and primary and secondary school students benefit free of charge from fresh fruits and vegetables, milk and dairy products and bakery products.

At the beginning of each school year, packages with school supplies specific to each class are distributed through the School Supplies Program, to stimulate attendance at school. By Order nr. 3783 / 03.03.2023, the maximum price level of packages with school supplies granted to pupils was approved, in the amount of 65 lei / package / pupil from primary education and 75 lei / package / pupil from secondary education. For the 2023-2024 school year, the estimated number of beneficiaries is 295,230 students, with an

allocated budget of 19,453,750 lei. Thus, compared to the school year 2022-2023 (allocated budget of 4,283,910 lei), the increase in the financial allocation is 359.1%.

NAE implements annually the National Plan for Vocational Training, which includes vocational training courses, processes for evaluating skills acquired in a non-formal or informal context and apprenticeship programs.

NAE pays special attention to people belonging to disadvantaged groups on the labour market, such as: rural people, Roma people, people with disabilities, long-term unemployed, post-institutionalized young people, as well as, to persons who have served a custodial sentence or who have been sentenced to serve a sentence, an educational measure or other non-custodial measures ordered by judicial bodies. Participation of persons belonging to these disadvantaged groups in vocational training courses is annually monitored.

Considering that protection against poverty and social exclusion requires a whole-of-government approach, the Ministry of Development, Public Works and Administration develops and implements housing policies and measures with the aim of building social housing for vulnerable groups and people from marginalized communities.

The National Housing Strategy for the period 2022—2050, approved by G.D. no. 842/2022, addresses the need to improve, facilitate and simplify the access to adequate housing and living conditions for people from marginalized communities and vulnerable groups. The first pillar of the Strategy is focused on housing inclusion and the subsequent measures are meant to put into practice a coherent framework for securing access to adequate housing through:

- Construction of social housing for vulnerable groups (including refugees), and for the categories of beneficiaries facing the risk of social exclusion and marginalization;
- Development of instruments to support access to rental housing for groups at risk of social exclusion and marginalization, where the open rental market may be an option;
- Legal framework for the maintenance of the social housing stock in order to avoid its deterioration;
- Construction of social housing for young people under 35 year old living in marginalized communities, including informal settlements, or for vulnerable groups;
- Improving the quality of life of people from marginalized communities and vulnerable groups, including through thermal renovation of buildings to significantly reduce energy losses and improving the energy performance of the residential buildings, alongside other interventions aimed to create additional benefits (increasing indoor air quality, sanitation, reducing energy poverty and providing affordable heating for low-income families);
- Ensuring access to housing for homeless people through “housing first” interventions;
- Developing social renting agencies at local or regional level;
- Slum upgrading and regulating the situation of informal settlements through measures that include: identifying informal settlements; clarifying the legal and economic status of land; identifying the risks to which residents of informal settlements are exposed; improving housing conditions and the quality of life.

Article 31 – The right to housing

Romania is implementing the National Housing Strategy for the period 2022—2050, approved by G.D. no. 842/2022, which provides the institutional, regulatory and financing framework to support inclusive housing and improve access to adequate, safe, sustainable and affordable housing and living conditions

for all. One of the pillars of the National Housing Strategy includes specific objectives and lines of action to improve access to affordable housing and quality public services. The measures promoted by the Strategy include:

- Improving the effectiveness of housing construction programs financed through public funds;
- Supporting the implementation of the programs to facilitate housing purchase, through loans guaranteed by the Government;
- Increasing the stock of public housing for rent and improving the allocation mechanisms of public rental housing;
- Development of a tool for monitoring housing sales and rental prices;
- Ensuring the accessibility of utilities in terms of price for all consumers, through financial social protection measures (vouchers, tariff capping, heating aids, etc.);
- Increasing the stock of emergency housing available for temporary relocation, especially for vulnerable groups in buildings undergoing the deep renovation measures;
- Alignment of urban development policies and housing policies;
- Regeneration and reuse of existing housing stock;
- Promote the good practice models in the public-private partnership in the field of housing;
- Identification of solutions for maintaining and increasing the sustainability of public utility services.

The general legal framework for housing is the Housing Law no. 114/1996, with subsequent amendments. Although the Right to housing is not guaranteed in the Constitution, the introductory part of the Housing Law no. 114/1996 stipulates that the unrestricted access to housing is a right of every citizen. The Law regulates the social, economic, technical and legal aspects of the construction and use of houses. Thus, social houses are defined as houses that are assigned with subsidized rent to individuals or families, whose economic situation does not allow them access to a home in ownership or renting a home under market conditions.

The methodological norms for the implementation of the provisions of the Housing Law no. 114/1996 were amended in 2023, by G.D. no. 388/2023, in the sense that, in the process of resolving requests regarding the allocation of social housing, the local public administration authorities will take into account the following principles: a) transparency in the process of allocating social housing; b) preventing and combating poverty; c) preventing and combating the risk of social exclusion; d) preventing and combating segregation; e) non-discrimination; f) equal opportunities. More than that, when establishing the criteria for access to social houses, the local public administration authorities will take into account the provisions of art. 42 and 43 of the law, and within each criteria, when establishing the order of priority, the following will be taken into account: a) the living conditions of the applicants; b) the number of children and other persons who live together with the applicants; c) the state of health of the applicants or some members of their families; d) applicants belong to a vulnerable group, defined according to the Social Assistance Law no. 292/2011, with subsequent amendments and additions, exposed to the risk of social exclusion and marginalization; e) the age of the applications.

The houses are defined as the construction made up of one or more living rooms, with the necessary dependencies, facilities and utilities, which satisfy the living requirements of a person or family. The Housing Law also stipulates a series of minimum requirements regarding equipment (including free individual access to the living space, without disturbing the possession and exclusive use of the space owned by another person or family; space for rest; space for food preparation; toilet; access to electricity and potable water, controlled disposal of waste water and household waste) and surfaces that all homes

must meet in order to be authorized. In the case of old houses, only the equipment requirements are taken into account, considering that the surfaces of old buildings cannot be modified.

The National Strategy regarding the Social Inclusion of Homeless People for the period 2022-2027, approved by the G.D. no. 1491/2022 designs and implements measures acknowledging the problems of homeless people and addressing these problems by facilitating the process of social inclusion for this vulnerable group and promoting access to housing.

The National Strategy regarding Social Inclusion and Poverty Reduction for the period 2022-2027, approved by G.D. no. 440/2022 - the strategy focuses on social housing and improving accessibility and quality of the existing housing stock - as the main solution to address both the risks of homelessness and housing exclusion.

The National Housing Strategy for the period 2022-2050 indicates the target group of homeless people distinctly and treats the issue of housing for this vulnerable category as a priority and proposes measures that address homelessness, such as: building social housing for people from vulnerable groups, exposed to the risk of social exclusion and marginalization, ensuring access to housing services for homeless people, through Housing First interventions, increasing the supply of social housing for homeless people.

The Ministry of Development, Public Works and Administration (MoDPWA) has developed the legal framework that regulates informal settlements in Romania. Thus, according to Law no. 151/2019 on informal settlements and art. 381 of the Norms to Law no. 350/2001 on urban and territorial planning, with subsequent amendments and additions, established the attributions of the institutions with responsibilities in this field, the governance framework and the mechanisms for the periodic collection of statistical information that form the basis of the analysis of the needs and problems associated with living in informal settlements, as well as monitoring the evolution of the situation of the population in informal settlements. At the same time, the intervention mechanisms and periodic data collection that are the basis of the analysis of the needs and problems associated with living in informal settlements, as well as the monitoring of the evolution of the situation of the population in the informal settlements are detailed in the MoDPWA Order no. 3494/2020 for the amendment and completion of the Methodological Norms for the application of Law no. 350/2001 regarding territorial planning and town planning and the development and updating of town planning documentation, approved by Order of the Deputy Prime Minister, Minister of Regional Development and Public Administration no. 233/2016.

Regarding the eviction from the buildings used or occupied without right, this procedure is regulated by the Code of Civil Procedure and aims to regain the use of the property by the one who is entitled. The eviction of the tenant is also regulated by the Civil Code.

At the same time, it should be taken into consideration that private property is the right of the holder to possess, use and dispose of a good exclusively, absolutely and perpetually, within the limits established by law.

Thus, measures against the eviction procedures of those who occupy without right can be interpreted as a limitation of the constitutional right to property of the rightful owner. In this sense, evictions are carried out within the framework and limits provided by law, and regarding discrimination based on ethnicity, the primary legislation in force prohibits and punishes any form of discrimination.

The major directions of the National Housing Strategy and of the Action Plan include: improving housing accessibility for all citizens; increasing the public housing stock; matching housing policies and spatial planning policies; enabling the green transition - a safe and sustainable housing framework; increasing the housing quality; strengthening the regulation framework and the governance of the housing sector.

The pillar of the National Housing Strategy regarding inclusive housing includes the objectives and directions of action identified for access to housing and improvement of living conditions of people from marginalized communities and vulnerable groups, including informal settlements. The main objective is

to increase the social housing stock and improve living conditions for vulnerable groups. The financing of this objective is provided by the NRRP (about 4000 social housing) and the Operational Program Inclusion and Social Dignity (measures regarding the improving living conditions in informal settlements and the construction of social housing).

At the same time, we mention that MoDPWA implements, based on the legislation in force and on the requests made by the local public administration authorities, a series of investment programs aimed at increasing the quality of life of citizens, through which we list: the national financing program for the construction of social and necessity housing, the national program for the thermal rehabilitation of apartment blocks, the national program for strengthening buildings with seismic risk, the “Anghel Saligny” infrastructure investment program, the National Local Development Program, which do not directly finance the building/ rehabilitation or modernization of housing but rather implement projects related to roads, technical infrastructure and socio-educational infrastructure works with funding from the State budget.

Romania has adopted the National Strategy for Social Inclusion and Poverty Reduction for the period 2022-2027 (G.D. no. 440/2022) which includes specific measures to address the needs of migrants and promote their social inclusion such as ensuring access to essential social services such as shelter, food and health care, promoting the social and economic integration of migrants through the provision of counselling, vocational training and labour market intermediation services, combating discrimination and xenophobia against migrants through awareness-raising campaigns and legal protection measures, facilitating migrants' access to education and health regardless of their legal status.

Specific measures for migrants are set out in Section 2.3 Social inclusion of vulnerable groups, Chap. Roma and Migrants of the National Strategy for Social Inclusion and Poverty Reduction for the period 2022-2027.

This section includes the following measures for migrants:

- Ensuring access to essential social services such as shelter, food and healthcare.
- Promote the social and economic reintegration of migrants through the provision of counselling, vocational training and labour market intermediation services.
- Combat discrimination and xenophobia against migrants through awareness-raising campaigns and legal protection measures.
- Facilitating migrants' access to education and health, regardless of their legal status.

The strategy also recognises the specific challenges and risks faced by certain groups of migrants, such as homeless people, women and children, migrants with disabilities and elderly migrants. The strategy includes targeted measures to address the needs of these vulnerable groups.

The implementation of measures for migrants is based on collaboration between different ministries, local authorities and non-governmental organisations. The Ministry of Labour and Social Solidarity works closely with these stakeholders to ensure a coordinated and effective approach.

The strategy includes targeted measures to address the needs of these vulnerable groups, ensuring that they receive the necessary support and services.

Collaboration and partnerships:

The implementation of measures for migrants relies on collaboration between different ministries, local authorities and non-governmental organisations. The Ministry of Labour and Social Solidarity works closely with these stakeholders to ensure a coordinated and effective approach.

Measures for migrants are financed by public and European funds. The strategy also uses innovative financial instruments, such as social bonds, to attract private investment in social inclusion projects for migrants.

Some specific targets for migrants include

- Increasing the number of migrants accessing essential social services.
- Reducing unemployment rates among migrants.
- Combating discrimination and xenophobia against migrants.
- Improving migrants' access to education and health.