

ROMANIA

I. Important legal notice

This sheet aims to provide a general overview of the main substantive rules concerning the terms and conditions of employment to be met by legislation transposing Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (OJ L 18 of 21.1.1997). By its very nature, such a sheet can only summarise and does not necessarily contain all the relevant information in this context. In no way can it replace legislative, regulatory or administrative texts, or applicable collective agreements. The information below has been provided by the authorities of the Member States, which have made every effort to ensure its accuracy. Neither the Commission nor the Member States concerned can, however, guarantee that the information provided is always precise, complete, accurate and up to date. Furthermore, publication on the portal of the European Commission does not imply in any way that the latter or its DGs and Services consider the rules presented in this way to be in conformity with Community law.

II. Legal provisions for the transposition of Directive 96/71/EC

In Romania, Directive 96/71/EC concerning the posting of workers was transposed by Law no. 344 of 19 July 2006, concerning the posting of workers within framework of provision of transnational services, published in the Official Gazette no. 636 of 24 July 2006.

In accordance with Article 15 of Law No 344/2006, approval was granted to Government Decision no. 104 of 31 January 2007 for the regulation of the specific procedure regarding the posting of workers within the framework of provision of transnational services on Romanian territory, published in the Official Gazette no. 111 of 14 February 2007

http://www.mmssf.ro/website/ro/legislatie_rm.jsp

III. Information regarding the legal norms applicable to the Directive

Information regarding the legislation applicable to enterprises established in a Member State of the European Union or the European Economic Area which, within the provision of transnational services, post on Romanian territory workers with whom they have established labour relations, can be obtained from the Romanian liaison office:

Labour Inspectorate

14 Matei Voievod Street,

2nd District, Bucharest

phone: 004021 3027030/3027054,

web site: www.inspectmun.ro

Contact persons appointed within the Liaison Office:

- Mrs. Daniela GEORMANEANU, labour inspector
phone: 004021 302.70.56
e-mail: daniela.geormaneanu@inspectiamuncii.ro
- Mr. Eduard NICOLAU, labour inspector
phone 004021 302.70.57
e-mail: eduard.nicolau@inspectiamuncii.ro)

The following e-mail addresses can be used in order to submit notices, claims or to request information regarding the labour legislation applicable in Romania:

dcrm@inspectiamuncii.ro or reclamatii@inspectiamuncii.ro

Information can also be obtained from the following addresses:

- Labour conditions (working time, minimum wage, yearly vacation) and aspects regarding the health and safety at work and security

Ministry of Labour, Family and Equal Opportunities

2b Dem. I Dobrescu Street

Bucharest

Phone 021.313.62.67, 021.315.85.56

E-mail: relatiicupublicul@mmssf.ro

<http://www.mmssf.ro>

IV. Cases of non-observance of terms of employment

The Labour Inspectorate is the Romanian body that inspects the application of legal provisions for the observance of rights for employees posted on Romanian territory within the framework of the provision of transnational services.

Should they consider that their rights regarding labour conditions have been disregarded, employees posted in Romania and/or their representatives can contact the Labour Inspectorate:

Labour Inspectorate

14 Matei Voievod Street,

2nd District, Bucharest

Phone 004021 3027030/3027054,

web site: www.inspectmun.ro

Instances of failure to observe the legal provisions regarding terms of employment in Romania and potential instances of illegal posting of workers within the framework of provision of transnational services can also be reported to the Labour Inspectorate.

Notifications, claims or request of information regarding the labour legislation applicable in Romania can be submitted to the Labour Inspectorate, using the following e-mail addresses:

dcrm@inspectiamuncii.ro or reclamatii@inspectiamuncii.ro

V. Existing of a posting [Article 1 of the Directive]

The provisions of Law no. 344/2006 are applicable to enterprises established in a Member State of the European Union or the European Economic Area, which, in the framework of provision of transnational services, post on Romanian territory workers they have established labour relations with.

Law no. 344/2006 does not apply to navigational staff from commercial marine enterprises.

The provisions of Law no.344/2006 apply in the extent where above-mentioned enterprises adopt one of the following measures of a transnational character:

- a) posting an employee on Romanian territory, on behalf of the company and under its coordination, based on a contract concluded between the company executing the posting and the beneficiary of the provision of services which carries out its activity in Romania, if there is a labour relation during the posting period between the employee and the posting company;

- b) posting an employee to a unit located on Romanian territory or a company belonging to a group of companies, located on Romanian territory, if there is a labour relation during the posting period between the employee and the posting company;
- c) posting an employee by a temporary work company or placement agency to a beneficiary company established or with activity on Romanian territory, if there is a labour relation during the posting period between the employee and the temporary work company or placement agency.

Companies established in a non-member state of the European Union or the European Economic Area posting employees on Romanian territory cannot benefit from conditions more favourable than the companies established in a Member State of the European Union or the European Economic Area.

Employees posted within the framework of provision of transnational services in Romania must produce evidence of compliance with Regulation (EEC) No 1408/71, by submitting E101 forms issued by the competent authorities from the Member States of origin.

VI. Posted workers [Article 2 of the Directive]

The Directive 96/71/EC shall apply to workers who carry out activity for a limited period of time on the territory of a Member State, different than the state of regular activity.

In Romania, under Law no. 344/2006, 'posted employee' means an employee carrying out normal activity in a state other than Romania, who for a limited period of time carries out their activity in Romania.

According to provisions under Law no. 53/2003 – Labour Code, in Romania, 'employee' means a natural person who, on the basis of an individual employment contract, undertakes to provide work for and under the authority of an employer, natural or legal person, in exchange for remuneration in the form of a salary.

Thus, on the basis of Law no. 344/2006 and Law no. 53/2003, a posted employee is an employee who has concluded an individual employment contract with a foreign employer and for whom labour relations exist during the posting period.

VII. Maximum work periods and minimum rest periods [Article 3(1)(a) of the Directive]

Work time and rest time are regulated in Romania by Law no. 53/2003 – Labour Code (Title III)

According to the provisions in force, the Labour Code regulates the entirety of individual and collective labour relations. The Labour Code also applies to work relations regulated by special laws, only to the extent they do not contain specific derogatory dispositions.

Collective employment contracts cannot contain any clauses to establish rights on a level inferior to that established by collective employment contract concluded on a superior level, and individual employment contracts cannot contain any clauses to establish rights on an inferior level to that established by collective employment contracts.

Consequently, collective employment contracts, irrespective of the level at which they are concluded, cannot contain rights inferior to those stipulated under the Labour Code, which are of a minimal nature.

Working time duration (Articles 109 - 116 Law no. 53/2003 - Labour Code)

For full-time employees, the normal duration of working time is of 8 hours per day and 40 hours per week. Distribution of working time within the week is generally uniform, 8 hours per day for 5 days, with two days of rest.

Depending on the specifics of the company or job, an uneven distribution of the working time can be selected, observing the normal duration of the working time of 40 hours a week.

The maximum legal duration of working time cannot exceed 48 hours per week, overtime included. By exception, the duration of working time, including overtime, can be extended to more than 48 hours per week, provided that the average working time calculated on a reference period of 3 calendar months does not exceed 48 hours per week. For certain activity sectors, units or professions established by a single collective employment contract on national level, reference periods longer than 3 months, but not exceeding 12 months, can be negotiated by the collective employment contract on the applicable line of trade.

A daily duration of working time longer or shorter than 8 hours can be established for particular activity sectors, units or professions, by collective or individual negotiations or by specific rules. The daily 12-hour work period shall be followed by a 24-hour rest period.

The working time and rest hours of young people are regulated by Government Decision 600/2007 regarding the protection of young people in the workplace.

In the case of young people up to 18 years of age, the work programme is 6 hours per day and 30 hours per week. If young people accumulate multiple positions based on individual employment contracts, the work time is added and cannot exceed the total of the above-mentioned limits.

Overtime (art. 117 - 121 Law no. 53/2003 – Labour Code)

Labour provided outside the normal weekly working time is considered overtime. Overtime cannot be provided without the employee's consent, except in force majeure situations or for urgent works destined to prevent the occurrence of accidents or to remove the consequences of an accident.

Overtime is compensated by paid free hours in the following 30 days after the provision thereof. Under such circumstances, the employee benefits from the corresponding salary for the hours provided outside the normal working time.

Should the compensation by paid free hours not be possible within 30 days, overtime shall be paid to the employee by adding a salary bonus according to the overtime duration. The overtime bonus offered under the circumstances mentioned above is established by negotiation, within the collective employment contract or, as the case may be, the individual employment contract and cannot be lower than 75% of the basic salary.

Young people up to 18 years of age cannot work overtime.

Night-time work (Art. 122 - 125 Law no. 53/2003 – Labour Code)

In Romania, labour provided between 10 p.m. – 06 a.m is considered night-time work.

The following categories can be regarded as examples of night workers, where applicable:

- a) employees who provides night-time work for at least 3 hours of their daily work programme;
- b) employees providing night-time work in a percentage of a minimum 30% of the monthly work time.

In Romania, night workers benefit from a work programme one-hour shorter than the normal duration of the work day, for days with minimum 3 hours of night-time work, without leading to a basic salary decrease, and from a minimum 15% salary bonus for each hour of provided night-time work.

Young people under the age of 18 cannot provide night-time work. Pregnant women, women lately confined and those who breastfeed cannot be forced to provide night-time work.

Lunch break and daily rest (Art. 130 - 131 Law no. 53/2003 – Labour Code)

In situations where the daily duration of the work time is longer than 6 hours, employees are entitled to lunch break and other breaks, under conditions established by applicable collective employment contract or by the internal regulation. Young people up to 18 years of age benefit from a lunch break of at least 30 minutes, should the daily duration of work time exceed 4 and a half hours. Unless the applicable employment contract and internal regulations stipulate otherwise, breaks shall not be included in the normal daily duration of the working time.

Between two working days, employees are entitled to a rest period of minimum 12 consecutive hours. By exception, in the case of shift work, this rest period shall not be shorter than 8 hours between shifts.

Weekly rest period (Art. 132 - 133 – Law no. 53/2003 – Labour Code)

In Romania, the weekly rest period is granted in two consecutive days, generally on Saturdays and Sundays. Should the Saturday and Sunday rest period damage the public interest or the normal activity, weekly rest period can be granted in other days established by the applicable collective employment contract or by the internal regulation. Under this circumstance, the employees shall benefit from a salary bonus established by the collective employment contract or, as the case may be, by the individual employment contract.

In exceptional situations, the weekly rest days are granted on a cumulative basis, following a period of continuous activity of maximum 14 calendar days, with authorization from the local labour authority and the syndicate consent or the employees' representatives, as the case may be.

Public holidays (Art. 134 - 138 - Law no. 53/2003 – Labour Code)

Public holidays, non-working days in Romania are as follows:

- January 1st and 2nd;
- the Easter Sunday and Easter Monday;
- May 1st;
- December 1st;
- Christmas Day and Boxing day;
- 2 days for each of the two yearly religious holidays, thus declared by the legal religious cults, different from Christian ones, for persons belonging to such religions.

Other free days may be established by the applicable collective employment contract.

Such provisions do not apply in work locations where activity cannot be interrupted due to the production process characteristics or activity specifics. Under such circumstances, employees are compensated with adequate free time in the following 30 days.

In case that the employees do not benefit from free days for reasonable causes, the employees benefit in the account of work provided during legal holidays from a basic salary bonus of minimum 100% of the basic salary in accordance with the work provided during the normal working time.

VIII. Paid annual leave [Article 3(1)(v) of the Directive]

Yearly vacation is regulation in Romania by the Labour Code under Chapter 3 – Vacations of Title III – Work time and rest time.

The minimum duration of the vacation per year is of 20 working days. According to provisions under the collective employment contract unique on national level, the minimum duration of the vacation is of 21 working days.

The effective duration of the yearly vacation is established by the applicable collective employment contract, is stipulated under the individual labour contract and granted proportionally to the activity provided during a calendar year.

The non-working legal holidays, as well as the free paid days established by the applicable collective employment contract are not included in the duration of the yearly vacation.

Money compensation for the outstanding vacation is permitted only in the event of termination of the individual employment contract.

IX. Rates of pay [Article 3(1)(c) of the Directive]

The minimum gross basic salary guaranteed for payment in Romania, according to the normal working programme, is established by a Government Decision, following negotiations with syndicates and associations of employers.

The employer cannot negotiate and nor establish basic salaries by the individual employment contract lower than the minimum gross hourly salary per country. The employer is obliged to guarantee in payment a gross monthly salary at least equal to the minimum gross salary per country. Such dispositions also apply in case the employee is present at work, during the programme, but cannot exercise the activity for reasons unrelated to the employee, except of strike.

The minimum gross salary applicable to employees with an individual employment contract in Romania is established by the sole collective employment contract on national level for years 2007 - 2010, published in the Romanian Official Gazette, part V, no. 5 as of 29 January 2007.

Thus, the sole collective employment contract on national level for years 2007-2010 established minimum hierarchy coefficients, for the following categories of employees:

a) workers:

1. unskilled = 1,
2. skilled = 1.2;

b) administrative staff in positions with education requirement:

1. high school = 1.2,
2. post high school = 1.25;

c) specialized staff in positions with education requirement:

1. foreman school = 1.3,
2. short-term superior education = 1.5;

d) staff in positions with education requirement:

high education = 2.

These salary coefficients apply to the minimum salary negotiated on company level for the establishment of the salary.

Starting with 1 January 2007, in Romania, the minimum gross salary negotiated for a full-time working programme of 170 hours, on average, is of 440 lei, meaning 2.59 lei/hour.

Which means that the minimum gross basic salary negotiated for an unskilled worker is of 440 lei, whilst for a long-term high education employee, by applying the 2 coefficient, the minimum gross basic salary negotiated is of 880 lei.

Due to the fact that, in accordance with the Romanian legislation, collective employment contracts cannot contain clauses to establish rights on a lower level compared to that established by collective employment contracts concluded at a higher level, and individual employment contracts cannot contain clauses to establish rights on a lower level compared to that established by collective employment contracts, for the establishment of the applicable minimum gross salary it is necessary to consult the collective employment contract negotiated at company level or the applicable collective employment contract immediately superior.

At the same time, the collective employment contracts establish other bonuses for the benefit of the employees for difficult, special, hard, dangerous or disagreeable labour conditions, for harmful labour conditions, for overtime and working time provided during free days and public holidays without adequate compensation in paid free hours, for years of service, for night-time work; for the exertion of another position as well.

Thus, in the case of an employee posted in Romania, it is of the essence to be familiar with the terms and conditions under the collective employment contract applicable to the company where activity shall be carried out. Further information available at:

Ministry of Labour, Family and Equal Opportunities
Department for Social Dialogue and Parliament Relations
2b Dem. I Dobrescu Street
Bucharest
e-mail: drp@mmssf.ro

X. Regulations on hiring out workers and for temporary workers [Article 3(1)(d) and 3(9) of the Directive]

The conditions for the hiring of temporary workers is regulated by Law no. 53/2003 – Labour Code (Chapter 7 – Labour by temporary labour agents, art. 87 - 100) and the Government Decision no. 938 dated 10 June 2004, regarding the establishment and operation conditions, as well as the procedure to authorize the temporary labour agent.

In Romania, labour by temporary labour agent, hereinafter referred to as temporary work, represents labour provided by a temporary employee who, for the orders of the temporary labour agent, provides labour for a user of such services.

A 'temporary employee' is a person hired by a temporary labour agent, placed at the disposal of a user for the necessary duration in order to execute certain stipulated and temporary tasks.

A 'temporary work agent' is a trading company authorized by the Ministry of Labour, Family and Equal Opportunities, which provides users on a provisional basis with skilled and/or unskilled personnel hired and paid for this purpose.

According to the Romanian legislation, a user can require services from temporary labour agents only for precise and temporary tasks, known as a 'temporary labour mission', and only for the replacement of an employee with a suspended individual employment contract, for the suspension period, in order to provide seasonal activities, or specialized or occasional activities. The user cannot benefit from temporary employee services in the event that the user intends to replace an employee with employment contract suspended due to participation in a strike.

The temporary labour mission is established for a period of maximum 12 months. A temporary labour mission can be extended only once for a period which, added to the initial duration of the mission, does not exceed 18 months. Conditions for the extension of temporary labour mission duration are stipulated under the temporary labour contract or can be subject to an addendum to this contract.

The temporary labour agent places at the user's disposal an employee hired on the basis of a temporary labour contract, based on a contract concluded in writing. Any clause in this contract prohibiting the user to hire the temporary employee after the mission execution is void.

Except for contrary special dispositions stipulated under the Labour Code, legal dispositions and provisions under collective employment contracts applicable to employees hired by the user with individual employment contract for an undetermined period of time are equally applied to temporary employees for the mission duration at the user.

Following the mission termination, the user can conclude an individual employment contract with the temporary employee, for an undetermined period of time. Any clause in this contract prohibiting the user to hire the temporary employee after the mission execution is void. Such contract can be concluded during the mission period, with the express consent of the temporary labour agent.

Article 3(9) of Directive 96/71/EC is not mandatory and has not been transposed by Romania.

XI. Health, safety and hygiene at work [Article 3(1)(e) of the Directive]

In Romania, measures regarding the promotion of work security and health are regulated by Law no. 319/2006 from 14 July 2006 – Law of labour security and health.

This law establishes general principles regarding the prevention of professional risks, protection of health and safety of workers, elimination of risk and accident factors, information, consulting, balanced participation according to law, training of workers and their representatives, as well as guidelines for the implementation of such principles.

The employer is obliged to provide security and health for workers under all aspects related to work.

Among its responsibilities, the employer is obliged to implement the necessary measures for: security and protection of health, prevention of professional risks, information and training of workers and provision of organizational framework and means necessary for labour security and health.

XII. Regulation of work and employment conditions for pregnant women and women giving birth [Article 3(1)(f) of the Directive]

The main regulations regarding the protection of pregnant women or those who gave birth recently or are breastfeeding are contained in the following norms:

- Emergency ordinance no. 96/2003 regarding the protection of mothers in the workplace, published in the Romanian Official Gazette no. 750/27.10.2003, with subsequent modifications and completions;
- Law no. 202/2002 regarding equal opportunities for women and men, with subsequent modifications and completions;
- Law no. 53/2003 – Labour Code, with subsequent modifications and completions.

According to the provisions under the Romanian legislation, employers are obliged to adopt the necessary measures, in order to: prevent the exposure of pregnant employees, employees who have recently given birth or who are breastfeeding to risks capable of affecting health and safety. Such employees cannot be obliged to perform labour harmful for their health or pregnancy or to the newborn child, as the case may be, and cannot be obliged to perform night work. Such employees cannot perform labour in insalubrious or unbearable conditions.

Companies posting workers on Romanian territory or posted workers can obtain further information at the following address:

Ministry of Labour, Family and Equal Opportunities
 General Department for Inclusion and Welfare
 2b Dem. I Dobrescu Street
 Bucharest

or

Labour Inspectorate
 14 Matei Voievod Street,
 2nd district, Bucharest
 Phone: 004021 3027030
 004021 3027054,
 web site: www.inspectmun.ro
 e-mail: dcrm@inspectiamuncii.ro or reclamatii@inspectiamuncii.ro

XIII. Regulation of working conditions for children and young people [Article 3(1)(f) of the Directive]

Main regulations regarding the conditions for the employment of children and young people are contained in the following norms:

- Law no. 53/2003 – Labour Code, with subsequent modifications and completions;
- Government Decision no. 600/2007 regarding the protection of young people in labour

According to the applicable Romanian legislation for the employment of children and young people, the following definitions are used in Romania:

- a) young person – any person aged at least 15 and maximum 18;
- b) child – any person not yet 15 years of age or any person at least 15 years of age and maximum 18 years of age still in full-time compulsory education, established by the law.

In Romania, it is strictly prohibited to employ children.

By deviation from this provision, children at least 16 years of age, subject to full-time compulsory education, can conclude, under legal conditions, an individual employment contract as employee for

easy labour (easy labour – all activities which, by the nature of the tasks involved and specific conditions of execution, cannot prejudice security, health or the development of the child or young person and are not of a nature to damage the school attendance, participation in orientation or professional establishment programmes, approved by the educational unit management, or their capacity to benefit from received training).

Children in full-time compulsory education may, upon turning 15 years of age, and with their parents' or legal representatives' consent, conclude an individual employment contract in order to carry out activities that are in keeping with physical development, skills and knowledge, if this does not endanger health, development and professional training.

Under Romanian legislation, the employer is obliged to notify young people in writing in respect of potential risks and of all measures taken in respect of their security and health.

In Romania it is strictly prohibited to employ young people for activities which:

- a) obviously exceed their physical or psychological capacities;
- b) involve harmful exposure to toxic agents, carcinogenic agents, determining hereditary genetic mutations, with harmful effects to the foetus during pregnancy or with any other chronic harmful effect on human health;
- c) involve harmful exposure to radiation;
- d) present risks for accidents, which young people supposedly cannot identify or prevent, due to insufficient attention paid to labour security, their lack of experience or training;
- e) endanger their health due to extreme cold or heat or noise or vibrations.

In the case of young people, in Romania, working time is of a maximum 6 hours/day and 30 hours/week. If the young person cumulates multiple positions based on individual employment contracts, the work time is added up and cannot exceed on a cumulative basis the maximum level of 39 hours/week.

Young people cannot provide overtime or night work. In the case of children, the ban on night-time working applies for the interval between 10:00 p.m. and 06:00 a.m.

Young people benefit from a lunch break of at least 30 consecutive minutes, should the daily duration of work time exceed 4 hours and a half.

Between two work days, in Romania young people benefit from a minimum rest period of 12 consecutive hours, and employed children benefit from a minimum rest period of 14 consecutive hours.

Also, according to Romanian legislation, young people benefit from a weekly rest period of two consecutive days, generally on Saturdays and Sundays and an additional vacation of at least 3 working days, namely minimum 24 working days per year.

XIV. Equality of treatment between men and women and other provisions on non-discrimination [Article 3(1)(g) of the Directive]

Equal treatment principle is regulated under Law no. 53/2003 – Labour Code, with modifications and subsequent completions.

Thus, according to provisions under this law, equal treatment principle operates for all employees and employers in Romania. Any direct or indirect discrimination to an employee, based on sex, sexual orientation, genetic characteristics, age, nationality, race, colour, ethnic group, religion, political option,

social origin, handicap, family situation or responsibility, syndicate appurtenance or activity, is strictly prohibited.

In Romania, direct discrimination means the acts and facts of exclusion, differentiation, restriction or preference, based on one or more of the criteria stipulated above, with the purpose of not granting, restricting or removing the acknowledgement, use or exertion of rights stipulated under the labour legislation. At the same time, indirect discrimination means the acts and facts apparently based on other criteria than the mentioned ones, but with the effects of direct discrimination.

In Romania, legal provisions regarding the employees' rights have minimal characteristics, and the collective employment contracts cannot regulate rights inferior to those established by norms.

In Romania, any employee providing labour benefits from conditions adequate to the activity, from social protection, labour security and health, as well as observance of dignity and conscience, without any discrimination. All employees providing labour are entitled to collective negotiations, protection or personal data, as well as protection against illegal dismissal.

Equal payment principle is also regulated by the Labour Code. Thus, for equal work or of equal value it is strictly prohibited to have any discrimination based on sex criteria in respect of all retribution elements and conditions.

At the same time, measures to promote equal opportunities and equal treatment between women and men, in order to eliminate all discrimination forms based on sex criteria, in all sectors of public life in Romania, are regulated by Law no. 202/2002 regarding equal opportunities for men and women. Measures to promote equal opportunities and treatment between women and men and for the elimination of all discrimination forms based on sex criteria are applied in labour, education, health, culture and information, politics, participation in the decision, supply and access to goods and services.

XV. Conditions of work and employment on other matters [Article 3(10) of the Directive]

Romania did not implement other additional aspects, based on provisions under article 3(10) of the Directive.

XVI. Procedural and administrative requirements

The specific procedure regarding the posting of employees in the framework of provision of transnational services on Romanian territory is regulated by Government Decision no. 104 from 31 January 2007, published in the Official Gazette no. 111 as of 14 February 2007.

According to this specific procedure, the legal representative in Romania of a company established in a Member State of the European Union or the European Economic Area, which, within the framework of provision of transnational services, posts employees on Romanian territory, is obliged to have documents necessary to perform inspection of labour conditions and submit such documents to labour inspectors, upon their request, whenever deemed necessary. Such documents refer to:

- a) maximum duration of working time and minimum duration of rest periods;
- b) minimum duration of yearly paid vacations;
- c) minimum wage, including compensation or payment of overtime work;
- d) conditions for the provision of employees, especially by temporary labour agencies;
- e) labour health and safety;

- f) protection measures applicable to labour conditions for pregnant women or for those who gave birth recently, as well as for children and young people;
- g) equality of treatment among men and women, as well as other non-discriminatory stipulations.

Companies without a legal representative on Romanian territory shall appoint one of the employees posted in Romania as a liaison person for the inspection authorities.

Companies established in another member state of the European Union or the European Economic Area, which, in the framework of provision of transnational services, post employees on Romanian territory, are obliged to submit a notification regarding the posting of employees, in Romanian language, to the territory labour inspectorate with jurisdiction in the company activity area, at least 5 days before the employees posted in Romanian start the activity, but not later than the first day of activity.

Should the respective company post a foreign employee, who is a citizen of a state non-member of the European Union or the European Economic Area, the company must prepare a statement certifying that the respective employee meets the legal working conditions in the member state of the European Union or the European Economic Area where the foreign company is established.

The statement must be submitted in the Romanian language to the regional labour inspectorate with jurisdiction in the area where the company shall carry out its activity, at least 5 days before a employee who is a citizen of a non-member state of the European Union or of the European Economic Area, posted on Romanian territory, starts working.

A copy of the statement is submitted to the beneficiary of the services, on the same date it was submitted to the regional labour inspectorate.

XVII. Procedure for resolving disputes

In Romania, the Labour Inspectorate is the institution responsible for inspecting the observance of legal provisions regarding posting of employees, observance of rights of employees posted on Romanian territory in the framework of provision of transnational services.

Should they consider their rights as regards working conditions have been infringed, posted employees and/or their representatives can contact the Labour Inspectorate.

Should posted employees consider their rights as regard working conditions have been infringed, they can contact the competent trial court in Romania or trial courts in another state, in accordance with international conventions of judicial competence.

XVIII. Information on the pursuit of claims and appeals through the courts

Procedures applicable in the case of court settlement of disputes are the responsibility of the Ministry of Justice, and are regulated by the Code of Civil Procedure.

Further information can be obtained from the Ministry of Justice:

Address: Bucharest, 17 Apollodor Street, 5th District

Phone: 004021 3144400

website: <http://www.just.ro>

E-mail: relatiipublice@just.ro