

L A W No.107/2004

on amending and complementing Law No.76/2002 on the unemployment insurance system and employment stimulation

The Romanian Parliament adopts this law.

Art. I. – The Law No.76/2002 on the unemployment insurance system and employment stimulation, published in the Official Journal of Romania, Part I, no.103 of February 6th, 2002, with its subsequent changes and complements, is changed and complemented as follows:

1. Art.16, e), will have the following content:

“e) foreign citizens or stateless persons who were employed and have earned income in Romania, according to the law;”

2. The introductory part of para. (1) and a), g), and h) of art.17 will have the following content:

“Art.17 In view of establishing the right to unemployment indemnity, the unemployed provided for in art.16, a), are the persons who may be in one of the following situations:”

“a) their individual labour contract or temporary labour contract has ceased *from reasons non-imputable to them*;”

.....

“g) have ceased their activity due to invalidity retirement and have subsequently regained their work capacity and did not manage to take-up employment.”

“h) their labour or service relations have ceased *due to reasons non-imputable to them*, during the period while such relations were suspended, according to the law.”

3. Art.17, para. (1), i), is repealed.

4. Art.17, para. (2), a) and b), will have the following content:

“ a) are graduates of educational institutions, at least 16 years of age, who within 60 days of graduation did not succeed in taking-up employment according to their vocational training;

b) are graduates of special schools for disabled persons, at least 16 years of age, who did not succeed in taking-up employment according to their vocational training;”

5. Art.18, para. (2), c), will have the following content:

”c) foreign citizens or stateless persons who, during the period when they have their domicile or residence in Romania, are employed or earn income, under the law.”

6. Art.19, a), will have the following content:

”a) the persons who carry-out activities on the basis of an individual labour contract or a temporary work contract, under the law, except for the persons who are in retirement;”

7. After art.24, para. (1), is introduced para. (1¹) with the following content:

„(1¹) The amounts recovered from debts to the income due to the Unemployment Insurance Budget are used to complete the income of the respective budget function of the nature of the source to which the debt was created.”

8. Art.25, para. (2) will have the following content:

“(2) The financial resources available to the Unemployment Insurance Budget at year end are carried over and used in the following year.”

9. Art.25, para. (2) is introduced para. (3) with the following content:

”(3) The financial resources available to the Unemployment Insurance Budget make-up for interests.”

10. Art.26 will have the following content:

“Art. 26. The employers have the obligation to pay a monthly contribution to the Unemployment Insurance Budget, which stands for 3% of the total monthly gross wages fund of the persons compulsory insured, under the law, provided for in art.19.

11. At art. 27 is introduced para. (2) with the following content:

“(2) The provisions of para. (1) do not apply over the period when the labour or service relations of the persons compulsory insured, under the law, provided for in art.19, are suspended according to the law, except for the period of temporary incapacity for work, if such period does not exceed 30 days.”

12. Art.28 will have the following content:

“Art.28. The persons insured on the basis of an unemployment insurance contract, provided for in art.20, have the obligation to pay a monthly contribution to the Unemployment Insurance Budget, in the value of 4% of the monthly income declared in the unemployment insurance contract.

13. Art.33, para.(1), f), will have the following content:

“f) financing vocational training services for persons who, according to the law, benefit free-of-charge from such services;”

14. After art.34, para. (1) are introduced para. (1¹) - (1³) with the following content:

“(1¹) Upon establishing the 24 month period provided for in para. (1), a), the following are not taken into account:

a) the period when the labour or service relations have been suspended, except for the period of temporary incapacity for work, if such period does not exceed 30 days;

b) the period of invalidity retirement, if such period does not exceed 12 months, for the persons provided for in art.17 para.(1), g);

c) the period between the date when the labour and service relations have been suspended and the date when the reason for such suspension has ceased, for the persons provided for in art.17 para.(1), h);

d) the period between the date when the labour or civil service contracts cease and the date when the court decision of reintegration into work remains final, provided that the period does not exceed 12 months, for the persons mentioned in the article 17, paragraph (1), j).

(1²) For the persons hired with part time individual labour contract, the contribution period mentioned in the paragraph (1), a) is set up proportionally with the actual working time by cumulating the periods calculated based on the part time individual labour contract.

(1³) For the persons hired with temporary labour contract, the contribution period mentioned in the paragraph (1), a) is set up depending on the length of each

mission, respectively on the time when the persons are available for the temporary labour agent between missions.”

15. Paragraph (2), article 34 will have the following content:

“(2) Also the periods in which the employer did not pay the contribution to the Unemployment Insurance Budget and is currently in procedure of forced execution, legal re-organisation, bankruptcy, operational closure, dissolution, liquidation, special administration or did not pay the contributions due to some situations of force majeure represent contribution periods. “

16. Article 35 will have the following content:

“Art. 35 – (1) For the persons who had the labour or civil servant contracts suspended, with the exception of the suspension for temporary labour incapacity, if this does not exceed 30 days, the minimum contribution period is calculated by cumulating the insurance period preceding suspension with the insurance period after having started the activity.

(2) For the persons mentioned in the article 17, paragraph (1) g) and j) the minimum contribution period is calculated by cumulating the insurance periods preceding the cessation of the labour and civil servant contracts.”

(3) For the persons mentioned in the article 17, paragraph (1), h), the minimum contribution period is calculated by cumulating the insurance periods preceding the suspension of the labour or civil servant contracts.”

17. a) and h), paragraph (1), article 38 will have the following content:

“a) the cessation of the individual labour contract or of the temporary labour contract;”

.....

“h) the cessation of the reason for which the labour or civil servant contracts have been suspended;”

18. i), paragraph (1), article 38 is repealed.

19. m), article 44 will have the following content:

“m) at date of admision in an education form, in case of the unemployed, provided in art. 17, paragraph 2 a) and b).

20. c), paragraph (1), article 45 will have the following content:

“c) at the date of employment, according to the law, for a period of maximum 12 months;”

21. After the title of chapter IV, „Measures for preventing unemployment”, article 48 will be introduced, with the following content:

„Art. 48¹. – (1) With a view to preventing unemployment and consolidating jobs by increasing and diversifying the vocational skills of the employed persons, the employers who organize, upon the annual vocational training plan, vocational training programs for their own staff, carried out by vocational training providers authorized according to the law, will receive, out of the unemployment insurance budget, a subsidy representing 50% of the expenditures with the vocational training services organized for a number of at most 20% of the employed staff.

(2) The employers will receive the subsidy provided for in paragraph (1) for the carrying out of only one vocational training program per year.

(3) The subsidy provided for in paragraph (1) is granted from the unemployment insurance budget, chapter “Education expenditures”, within the limits of at least 15%, to the employers annually selected by the agency for employment.

(4) The employers must keep the working or civil service relations with the participants in the vocational training program for which the subsidy provided for in paragraph (1) was granted for at least 3 years since the date of the granting.

(5) The employers who terminate the working or civil service relations with the persons envisaged in paragraph (3) before the end of the 3-year period must fully pay back to the employment agencies the subsidy granted plus the related interest of the National Bank of Romania in force at the date the working or civil service relations are terminated, if the termination is due to reasons stipulated in art 83, paragraph (2) and will no longer benefit from the provisions of the paragraph (1) for a 2-years period from the date the working or civil service relations with the respective persons are terminated.

(6) The procedure and the way in which the subsidy provided for in paragraph (1) is granted will be established through the methodological norms for the implementation of this law.

22. Paragraph (3), article 50 will have the following content:

“(3) With a view to providing the pre-lay-off services, the employers in the situations stipulated in the article 49 have the obligation to announce the county agencies for employment in at least 45 calendar days prior to the issuance of the pre-lay-off decisions.”

23. Article 56 will have the following content:

“Article 56- Service providers may provide services specialised for employment stimulation, financed out of other funds than the Unemployment Insurance Budget, provided that they are accredited by the National Agency for Employment.”

24. Article 56¹ is introduced after article 56 and will have the following content:

“Article 56 – The providers of specialised services for stimulating employment in the European Union Member States and in the European Economic Area who have already been subject to the accreditation in the state of origin or of provenance are not subject to the accreditation by the National Agency for Employment.”

25. Paragraph (3), article 61 will have the following content:

“(3) Also, the persons mentioned in the article 16, c) –f), benefit from free labour exchange services, at their request.”

26. Article 66 will have the following content:

“Article 66 – (1) The persons mentioned in the article 16, a), b), d), e) and f) as well as the persons who perform activities in the rural areas and do not earn monthly income or the monthly income is lower than the unemployment benefit and are registered with the county agencies for employment benefit, free of charge, from vocational training services.

(2) The vocational training services are provided, free of charge, at the request of the persons hired, with the employer’s approval, or at the employer’s request, also for the persons in the following situations:

- (a) having started the activity after cessation of the parental leave for raising the child until 2 years, respectively 3 years in the case of the disabled child;
- (b) having started the activity after completing the military period;
- (c) having started the activity after completing work capacity recovery after expiring the period of invalidity pension.

(3) The provisions of the paragraph (2) regulate the case in which the request is formulated in term of 12 months since the date when the persons having started the activity, one time for each situation.

(4) The persons in detention who still have maximum 9 months of detention until the last day of prison may attend a vocational training program organised by the county and respectively Bucharest agencies for employment, the expenditures required for the vocational training being financed out of the Unemployment Insurance Budget.”

27. Article 66 is introduced after article 66¹ and will have the following content:

“Article 66¹ – (1) *Vocational training services* mean all the rights the persons mentioned in article 66 (1) and (2) benefit from during their participation in a type of vocational training.

(2) The jobseekers who benefit, free of charge, from vocational training services have the following rights:

- (a) to benefit from the theoretical and practical training during the entire course;
- (b) to benefit from writing and training materials and to use manuals;
- (c) to benefit, if it is necessary, from safety equipment during the practical training;
- (d) to benefit, in the way from domicile to the training unit, from free season ticket for public transportation means, or, accordingly, from reimbursement of the transportation expenditures for maximum 4 travels during a month, if they can not travel daily to the training unit, under the conditions stipulated by the existing regulations for the employees of the public institutions and of the regies autonomes especially during the period of delegation and secondment in other locality, as well as in the case of work related travelling within locality.
- (e) to benefit from physical examinations, medical tests required for attending the course.

(3) The persons mentioned in the paragraph (2) who can not daily travel to the training unit or live at a distance longer than 50 km from this, are entitled during the period when they participated in the vocational training, to benefit from accommodation and an amount of money to cover meals, at the level stipulated by the regulations into force, for the employees of public institutions and regies autonomes with a special profile, during the delegation and posting in other locality, as well as in case of work-related travel within the same locality.

(4) The procedures regarding the granting of rights provided to jobseekers during their participation in a vocational training form are worked-out by the National Agency for Employment and approved by Order of the Minister of Labour, Social Solidarity and Family, which will be published in the Official Gazette of Romania. Part I.

(5) The persons entitled to unemployment benefit will compulsory participate in vocational training programs provided and organized by the agencies for employment.

(6) The persons envisaged by article 66, paragraph (1) are entitled to free-of-charge vocational training services only once for each period during which they are seeking a job.

(7) The rights provided for in paragraphs (2) and (3) are funded from the Unemployment Insurance Budget.

28. Paragraph (2) of Article 67 will have the following content:

“(2) The vocational training of the jobseekers is carried-out by the agencies for employment through subordinated vocational training centres and through the regional adult vocational training centres of the National Agency for Employment, as well as by vocational training service providers in the public or private sector, authorized according to the law.”

29. After paragraph (2) of article 67, the paragraphs (3) and (4) will be inserted, with the following content:

“(3) The organizing and functioning of the regional adult vocational training centres are approved through Decision of the Governing Board of the National Agency for Employment.

(4) The Order of the President of the National Agency for Employment for enforcing the decision of the Governing Board will be published in the Official Gazette of Romania, Part I”.

30. Paragraph (3) of Article 71 will have the following content:

“(3) The services provided for in paragraph (1) are granted to the persons envisaged in article 16 a), b), d), e) and f) only once for each period during which they are seeking a job, as well as to the students applying for credits at low interest, granted out of the Unemployment Insurance Budget, according to this law.”

31. Article 72 will have the following content:

“Art. 72 – (1) The persons entitled to unemployment benefit who will take up full-time employment, according to the law, and who, as a consequence of employment, lose their entitlement to unemployment benefit, will receive, since the date of employment to the end of the period for which they would have been entitled to receive unemployment benefit, a monthly tax-free amount, granted out of the unemployment insurance budget, equal to 30% of the unemployment benefit, established and, where appropriate, recalculated according to the law.

(2) The provisions of the paragraph (1) do not apply to the persons employed by employers they had working relations with during the last 2 years.”

32. Article 76 will have the following content:

“Art.76. – (1) The employees must pay back the full amounts received as employment bonuses according to Art. 74 and 75, in the case the working or civil service relations are terminated during a period shorter than 12 months since the date of employment, on the ground of the following provisions:

- a) Art.55, b), art.56 g) and i), art.61 a), and art.79 of the Law No. 53/2003 – Labour Code, with its further modification
- b) Art. 61 b) of the Law No. 53/2003, with its further modifications, if the person was convicted through peremptory sentence.
- c) Art. 90, paragraph (1) b), e), paragraph (2) f), g) and paragraph (5) of the Law No. 188/1999 on the Statute of civil servants, with its further modifications and complements.

(2) In case the provisions of paragraph (1) are not observed, the amounts stipulated in Articles 74 and 75 will be paid back on the basis of the employees` engagements, as writs of execution”.

33. Article 78 will have the following content:

“Art.78. – Out of the Unemployment Insurance Budget and from other sources allotted according to the law, can be subsidized labour-related expenses spent under certain programs envisaging the temporary employment of the unemployed in works for local communities development.”

34. Paragraph (1) of the Article 79 will have the following content:

“(1) The subsidies provided for in Art.78 will be granted, upon local public authorities` request, to the employers having concluded contracts in accordance with the regulations into force in the field of public acquisitions for a maximum 12-month period for each person hired from among the unemployed with an open-ended individual labour contract for an utmost 12- month period.”

35. Article 80 will have the following content:

“Art. 80 - (1) The employers hiring, for an open-ended period, graduates of educational institutions, will monthly receive, for a 12-month period, for each graduate:

- a) 1 minimum gross wage at national level, in force at the date of employment, for the graduates of the first high-school cycle or craftsmanship schools;
- b) 1.2 minimum gross wages at national level, in force at the date of employment, for the graduates of the second high-school cycle or post secondary education;
- c) 1.5 minimum gross wages at national level, in force at the date of employment, for graduates of university education.

(2) The employers hiring for an open-ended period graduates from among disabled persons will monthly receive, for each graduate, the amounts stipulated in paragraph (1), for a 18-month period.

(3) The provisions of paragraphs (1) and (2) do not apply to the employers who are obliged, according to the law, to hire graduates of educational institutions, in the case of graduates belonging to this category.”

36. Paragraph (2) of Article 83 will have the following content:

“(2) The employers ceasing the working relations of the graduates before the period stipulated in paragraph (1), must pay back to the agencies for employment the full amounts received for each graduate, plus the official interest of The Romanian National Bank in force at the date the working relations are terminated, if these ones ceased out of the following reasons:

- a) cease of the working relations on the ground of Article 55 b), art.56 c), e) and f) and the article 65 of the Law no.53/2003, with its further modifications;
- b) cease of the working relations on the ground of Article 90 paragraph (1) b), paragraph (2) e) and paragraph (4) c) of the Law No. 188/1999, with its further modifications and complements.”

37. Paragraph (3) of article 83 is repealed.

38. Article 85 will have the following content:

"Art. 85. - (1) The employers hiring with an open-ended contract unemployed over 45 years of age or single family income providers unemployed, receive monthly during a period of 12 month, for every hired person from these categories, an amount equal to the current national gross minimum wage, under the obligation of maintaining the working or labour relation to a period of at least 2 years.

(2) From the incentives mentioned in the paragraph (1) also benefit the employers that have under 100 employees and hire with an open-ended contract, disabled persons, under the obligation of maintaining the working or labour relation to a period of at least 2 years.

- (3) The subsidize of the vacancies for employment, under the provision of paragraph (2), of the disabled persons, cannot exceed 60 % of the employer's salary costs, for a period of one year since the hiring, designed for the disabled persons employed.
- (4) The employers that cease the working or labour relations of the persons mentioned in the paragraph (1) and (2), previous to the 2 year term, are obliged to fully return to the employment agencies, the cashed-in amounts for each person, plus the National Bank of Romania interest in force at the moment of ceasing the working or labour relations, if this was ceased for the reasons mentioned in the article 83, paragraph (2).
- (5) The employers that hire according to the law the unemployed who in a 3 year term since the hiring correspond, according to the law, to the criteria to require partial early pension or age limit pension if they do not correspond to the criteria that allow the requirement of partial early pension, are monthly entitled during the employment period until they fulfil the requirements, to an amount equal to the actual national gross minimum wage, paid from the Unemployment Insurance Budget.
- (6) Do not benefit from these incentives mentioned in paragraph (1), (2) and (5) the employers who in the last 2 years had working or labour relations with the employees mentioned in these paragraphs.

39. After article 85 it is introduced the article 85¹ as follows:

"Art. 85¹ - Employers that benefit from the subsidy of the vacancies corresponding to art. 80 or art. 85 para. (1) and (2) and cease the working or labour relations of the persons employed on these positions, or the reasons mentioned in the article 83, paragraph (2), previous to the term mentioned by the law, cannot benefit of a new subsidy from the unemployment insurance budget over a period of 2 years starting with the date when the working or labour relations ceased."

40. Article 86 will have the following content:

"Art.86 - (1) In order to create new jobs by establishing or developing small and medium size enterprises, cooperative units, family associations, as well as independent activities performed by authorized natural persons, credits can be granted from the unemployment insurance budget under favourable conditions.

(2) Credits are granted according to some feasibility projects, proportional to the number of vacancies that are to be created, for a period of maximum 3 years, for investments, including the moratorium of maximum 6 months and, also, a year for assuring the production, with an interest of 50 % of the official interest of the National Bank of Romania.

(3) In the counties where the medium yearly rate of the unemployment was over the medium yearly rate of the unemployment in the whole country, announced by the National Employment Agency, the credits are granted for the next year with an interest of 25 % of the official interest of the National Bank of Romania.

(4) The credits can also be granted according to the law, with the interest mentioned in par. (3), to persons under thirty years old, who are registered as first time students and go to daily classes to a state or private university, accredited and authorized by the law.

(5) The credits mentioned in par. (4) are granted to the students that establish or develop, by themselves or together with other students who meet the criteria mentioned in par. (4), small and medium size enterprises, cooperative units, family associations, as well as independent activities performed by authorized natural persons.

(6) If, while the period of the granted credit, the cession or total or partial alienation of the parties as well that of the stocks held by the credit beneficiaries mentioned in the par. (4) appears, in the benefit of other persons mentioned above, these are obliged to pay an amount equal to the difference between the interest mentioned in par. (2) and that mentioned in par (3).

(7) The beneficiaries of the credit granted by the criteria mentioned in par. (2), (3), and (4) must meet the following criteria:

- a) to have 249 employees at the most and/or co-operator members with working or labour relations;
- b) the main activity to be in production, services or tourism;
- c) in at least 50 % from the newly created jobs by establishing or developing small and medium size enterprises, cooperative units, to be hired personnel coming from the unemployed persons registered at employment agencies.
- d) the personnel hired meeting the criteria mentioned at c) to be maintained active for at least 3 years.
- e) the vacancies considered when credits are granted under criteria from par. (2) - (4) should not be the vacancies resulted after the end of the contracts of some employees in the last 12 months previous to the crediting contract.

(8) The unemployed who oblige themselves to establish small and medium size enterprises, cooperative units, family associations, as well as independent

economic activities as authorized natural persons, have priority in obtaining credits in favourable conditions."

41. After article 86 it is introduced article 86¹ and 86² as follows:

"Art.86¹ (1) For creating new jobs for the unemployed, it can be granted, from the unemployment insurance budget, non-reimbursable funds, from the chapter " Loans".

(2)The non-reimbursable funds are granted according to some feasibility projects, proportionally with the number of jobs that will be created.

(3) The funds mentioned in the par. (1) are granted for establishing small and medium size enterprises, cooperative units, family associations, as well as independent activities carried-out by authorized natural persons who activate in counties facing poverty phenomena and social exclusion because of the high level of unemployment.

(4) The localities where the funds mentioned in the par. (1) as well as the amounts that will be designed to every locality are set by a Government decision within the limits established by the Law on the state social insurance budget.

(5) The funds mentioned in the par. (1) are granted to small and medium size enterprises, cooperative units provided that in all the new created jobs to be hired with an open-ended contract unemployed persons who are to be maintained in activity at least 4 years, to family associations established by the unemployed persons, and also to the unemployed who are authorized natural persons and may carry out independent economic activities.

Art.86² (1) For granting credits under favourable conditions or non-reimbursable funds mentioned in art.86¹, the beneficiary's contribution has to be at least 25% of the value of the submitted feasibility project.

(2) Credits under favourable condition and non-reimbursable funds are granted from the unemployment insurance budget, complying with the provisions of the Regulation on the regional state aid and state aid for small and medium-sized enterprises and of Regulation on the state aid for employment.

(3) The beneficiaries of credits granted under art. 86 or non-reimbursable funds granted under art. 86¹ have the obligation to maintain the new created jobs for a minimum period of 5 years".

42. Article 87 will have the following content:

"Art. 87 (1) The total amounts to be used for granting credits in favourable conditions, non-reimbursable funds respectively, as well as the maximum quantum of these to be granted to a beneficiary, will be set by the Law on the state social insurance budget.

(2) The family associations can receive credits in favourable conditions or non-reimbursable funds, proportionally with their number of members, and the authorized natural persons who carry-out independent economic activities for financing their own job.

(3) The family associations and the authorized natural persons who carry-out independent economic activities can receive credits in favourable conditions if at least one of the family association members, the authorized natural person respectively are ensured in the unemployment insurance system and they completed a contribution stage of minimum 12 months in the last 24 months prior to the date of credit applying.

(4) The family associations and the authorized natural persons who carry-out independent economic activities can receive non-reimbursable funds if at least one of the family association members, the authorized natural person respectively completed a contribution stage in the unemployment insurance system of minimum 24 months.

43. Article 88 will have the following content:

"Art. 88 – (1) If the persons hired among the unemployed are dismissed before completing the 3-year, respectively 4-year period since the date of employment, the employer is obliged to hire unemployed on those vacancies within 30 calendar days since the date of dismissal.

- (2) The obligation stipulated in par. (1) also applies to employers if the persons employed on the newly created jobs do not belong to the unemployed, for the persons who benefit from credits in favourable conditions.
- (3) During the period of loan contract the employer is not allowed to diminish the number of jobs existing in the enterprise at the date when the loan or non-reimbursable credit is granted.
- (4) If one of the jobs existing at the moment of granting credit or non-reimbursable fund becomes vacant, the employer is obliged to hire other persons on those vacancies within 30 calendar days since the date of vacancy.

44. Article 89 will have the following content:

Art.89 (1) - If the employer fails to observe the condition stipulated in art.86 par. (7) c) he will be charged a penalty equal to the amount of the loan granted for each newly-created job and not-occupied.

- (2) If the employer fails to comply with the obligation stipulated in art.86² par. (3) and art. 88 para. (1) and (2), he will be charged a penalty equal to the amount of the non-reimbursable credit, respectively loan granted for each newly-created job and non-occupied, proportionally to the number of months it has not been occupied.
- (3) If the obligation stipulated in art.88 par. (3) and (4) is not observed the employer will be charged a penalty equal to the amount of the loan, respectively non-reimbursable credit, granted according to the law, for a number of newly-created jobs, equal to the one of cancelled jobs or vacancies, proportionally to the share of period when this obligation was not complied in the total period for jobs maintaining or employment, adding the related interest in case of credits.

45. Article 90 will contain the following:

Art. 90 – (1) The beneficiaries of credits in favourable conditions may ask for a new loan from the Unemployment Insurance Budget if they had entirely paid back the previous loan, including the related interests.

(2) The beneficiaries of a non-reimbursable fund have no right to receive a new non-reimbursable fund.

46. Article 91 will contain the following:

Art.91 (1) The amounts allotted from the Unemployment Insurance Budget for granting loans in favourable conditions or non-reimbursable funds are administered by banks or other agencies authorised according to the law, based upon contracts concluded with the National Agency for Employment, according to the law.

- (2) The bank or the loan agency that manages loan funds for granting credits in favourable conditions bears the responsibility for the reimbursement of the amounts to the Unemployment Insurance Budget.

47. Article 92 will contain the following:

Art. 92 (1) The procedure and criteria for granting non-reimbursable funds are established by Government Decision.

- (2) The conditions for loan granting and reimbursement, the way of establishing guarantees, the organisation of tenders in order to select banks and agencies authorised to grant loans, respectively non-reimbursable funds from the Unemployment Insurance Budget will be established by Joint

48. Paragraph (1) of article 93 will have the following content:

Art.93 (1) The employers who hire persons belonging to the unemployed and keep them employed for a minimum 6-month period since the date of employment benefit from a deduction of the amount representing the 3% contribution to the Unemployment Insurance Budget.

49. Article 94 will have the following content:

Art. 94 - (1) The employers who receive loans from the Unemployment Insurance Budget, under art. 86 benefit from a deduction of contribution, according to art. 93 para. (2), only for the unemployed hired over the 50% level of the newly-created jobs provided for in art.86 par. (7) c).

(2) The employers who receive non-reimbursable funds from the Unemployment Insurance Budget, under art. 86¹ benefit from a deduction of contribution, according to art. 93 para. (2), only for the unemployed hired on the jobs other than the newly-created jobs as a consequence of granting non-reimbursable funds.

50. The introductory part of the Article 113 will have the following content:

“Art. 113 – The following actions will be contravention:”

51. After h) of Article 113 it is introduced i) with the following content:

- i) “Providing services for employment stimulation, without having the accreditation provided by the law.”

52. Letter b) of article 114 will have the following content:

“b) Those provided in letters c), d), e), g) and i) with fine from 25,000,000 ROL to 50,000,000 ROL.

53. After paragraph (1) of Article 116 it is introduced paragraph (2) with the following content:

“(2) The active measures-control bodies of the National Agency for Employment and of its territorial branches will establish and sanction the contraventions stipulated in Art. 113 a), e), h) and i), as well as the contravention stipulated in f) with respect to the inobservance of Art. 50 paragraph (3)”.

54. After article 116, the article 116¹ will be inserted, having the following content:

“ Art. 116¹. – The control on the observance of employment-related obligations and the maintaining of the working relations undertaken by employers benefiting from subsidies, credits or granted funds out of the Unemployment Insurance Budget, as well as from facilities provided on the ground of Art. 93, is carried-out by the active measures-control bodies within the county and, respectively Bucharest agencies for employment, which will establish and apply, where appropriate, the sanctions provided for by the present law”.

Article II. The present law will enter into force in a 60 day-period from its publication in the Official Gazette of Romania, Part I, during which the Minister of Labour, Social Solidarity and Family will accordingly change the normative papers worked-out with a view to enforcing the law and will submit these to the Government.

Article III. The provisions of art. 56¹ will enter into force at the date of Romania’s accession to European Union.

Article IV. The Law No 76/2002 on the unemployment Insurance system and employment stimulation, with its further modifications and complements, will be republished in the Official Gazette of Romania, Part I, and the texts will be renumbered.