

ORDER no. 791 of March 24, 2020 on the granting of emergency certificates to the economic operators whose activity is affected in the context of the SARS-CoV-2 pandemic

Article 1

(1) The Ministry of Economy, Energy and Business Environment grants, upon request to applicants, economic operators, whose activity is affected in the context of the SARS-CoV-2 pandemic, emergency situation certificates (ESC).

(2) Applicant - economic operator, within the meaning of this order, is the person legally entitled, within the meaning assigned by the Government Emergency Ordinance no. 30/2020 for the modification and completion of some normative acts, as well as for establishing measures in the field of social protection, in the context of the epidemiological situation determined by the spread of the SARS-CoV-2 coronavirus, and the Government Emergency Ordinance no. 29/2020 regarding some economic and fiscal-budgetary measures or other normative acts that regulate measures granted in the context of the state of emergency.

Article 2

Emergency certificates are issued in two forms:

a) TYPE 1 (BLUE) - issued in the form presented in annex no. 1, for the applicants who request its granting based on the declaration on their own responsibility issued in the form presented in the annex no. 3, which results in the total or partial interruption of the activity, as a result of the decisions issued by the competent public authorities, according to the law, during the decreed state of emergency;

b) TYPE 2 (YELLOW) - issued in the form presented in annex no. 2, for the applicants requesting its grant based on the declaration on their own responsibility issued in the form presented in the annex no. 3, which results in the recording of a decrease in revenue in March 2020 with a percentage of at least 25% compared to the average of the revenue from January to February 2020.

Article 3

The certificates issued at art. 2 is used in relations with public institutions for obtaining facilities / support measures or in commercial relations, according to the law.

Article 4

An applicant may request the issuance of a single type of emergency certificate.

Article 5

The application for the issuance of the ESC is submitted by the applicant, exclusively electronically, through the platform <http://prevenire.gov.ro/>, and the issuance of the certificates will be made automatically, electronically, after the system validation of the request.

Article 6

(1) In order to obtain the TYPE 1 (BLUE) / TYPE 2 (YELLOW) emergency certificate, the applicant uploads the following information and documents on the platform:

a) identification data;

b) the declaration on the own responsibility of the legal representative, by which he attests that all the information and documents underlying the request for obtaining the certificate are in conformity with the reality and comply with the legislation in force in relation to the type of certificate requested, according to the requirements established in the art. 2, with reference to the total or partial closure of the activity or to the diminution of the receipts in the indicated amount. In case the legal representative does not have an electronic signature, he can sign by hand, following that all the documents uploaded on the <http://prevenire.gov.ro> platform (including the declaration on his own responsibility) will be signed electronically by the authorized person designated in this regard.

(2) Applicants who are not registered with the Trade Register Office shall provide the information and documents indicated in par. (1) and documents regarding the authorization of the activity.

Article 7

The model of the declaration on own responsibility is posted by the Ministry of Economy, Energy and Business Environment on the platform <http://prevenire.gov.ro>.

Article 8

The documents provided in art. 6 are mandatory to be uploaded to the platform <http://prevenire.gov.ro>, under the electronic signature of the legal representative of the economic operator or of his authorized person, holder of electronic signature.

Article 9

The Ministry of Economy, Energy and Business Environment releases the ECS only during the existence of the state of emergency in Romania.

Article 10

The ESC are valid without signature and stamp, and their verification can be performed on the platform <http://prevenire.gov.ro/>, by series and number.

Article 11

(1) During the inspection and control actions carried out by the authorized bodies, they shall verify the documents that were the basis for issuing the declaration on their own responsibility by the applicants.

(2) In the event of identifying any reasonable suspicions regarding the obtaining of the ESC with the non-observance of the incidental legal provisions or by not ascertaining the real legal / de facto situation of the applicant, the competent bodies are notified to establish measures according to their competences.

Article 12

Within 5 days from the approval and publication in the Official Gazette of Romania, Part I, of this order, the Ministry of Economy, Energy and Business Environment will ensure the adaptation and functioning of the electronic platform <http://prevenire.gov.ro/>, in the purpose of carrying out this order.

Article 13

Annexes no. 1-3 are an integral part of this order.

Article 14

This order is published in the Official Gazette of Romania, Part I.