

LAW

on some measures to prevent and combat the effects of the COVID-19 pandemic

CHAPTER I

General dispositions

Art. 1. - The purpose of this law is to establish, during the state of alert declared under the law, in order to prevent and combat the effects of the COVID-19 pandemic, temporary and, where appropriate, gradual measures to protect the rights to life, physical integrity and health care, including by restricting the exercise of other fundamental rights and freedoms.

(2) The restrictive measures of rights provided for in this law, as well as, as the case may be, those of waiving or relaxing them, shall be ordered in compliance with the principle of equal legal treatment for identical or comparable situations.

Art. 2. - The alert state represents the response to an emergency situation of special magnitude and intensity, determined by one or more types of risk, consisting of a set of temporary measures, proportional to the level of severity manifested or predicted and necessary for the prevention and removal of imminent threats to life, human health, the environment, important material and cultural values or property.

Art. 3. - (1) The state of alert is declared at local, county or national level, when the analysis of risk factors indicates the need to amplify the response to an emergency situation, for a limited period of time, which cannot be longer than 30 days.

(2) The alert status may be extended whenever the analysis of risk factors indicates the need to maintain the amplified response for an additional period of time, which may not exceed 30 days.

3. The alert shall cease, before the expiry of the time limit for which it has been declared or extended, when the analysis of the risk factors indicates that it is no longer necessary to maintain an amplified response.

(4) In the application of par. (1) - (3) the following risk factors are analyzed cumulatively:

a) the magnitude of the emergency situation, respectively the generalized manifestation of the type of risk at local, county or national level;

b) the intensity of the emergency situation, respectively the speed of evolution, recorded or forecasted, of the destructive phenomena and the degree of disturbance of the normal state;

c) insufficiency and / or inadequacy of response capabilities;

d) demographic density in the area affected by the type of risk;

e) the existence and degree of development of the infrastructure adequate to manage the type of risk.

Art. 4. - (1) The state of alert shall be established by the Government by decision, at the proposal of the Minister of Internal Affairs and may not exceed 30 days. The state of alert may be extended, for good reasons, for a maximum of 30 days, by a decision of the Government at the proposal of the Minister of Internal Affairs.

(2) The alert status is established on the entire territory of the country or only on the territory of some administrative-territorial units, as the case may be.

(3) When the alert status is established on at least half of the administrative-territorial units on the territory of the country, the measure is subject to the approval of the Parliament. The Parliament decides in a joint sitting of the Chamber of Deputies and the Senate, within 5 days from the date of the request for approval. If Parliament rejects the request for approval, the alert shall cease immediately.

(4) Parliament may approve the measure adopted by the Government in full or with amendments.

(5) The validity of the documents issued by the public institutions and authorities as well as by the private entities authorized according to the law shall be maintained throughout the alert state, as well as for a period of 90 days from the termination of this state.

(6) By exception from par. (1), in the case of replacement evidence of driving licenses - with the right to drive, only the validity of those issued pursuant to art. 111 para. (1) letter b), para. (4) or para. (5) of the Government Emergency Ordinance no. 195/2002 on traffic on public roads, republished, with subsequent amendments and completions, for the entire period of the alert state, as well as for a period of 10 days from the termination of this state. For the same period, the validity of the extension of the traffic right ordered by the prosecutor or by the court according to art. 111 para. (6) of the Government Emergency Ordinance no. 195/2002, republished, with subsequent amendments and completions.

CHAPTER II

Sectorial measures

SECTION 1

Economic domain

Art. 5. - (1) The measures for increasing the response capacity are:

a) the acquisition of goods and services of immediate necessity in the management of the emergency situation for which the state of alert has been declared, by negotiation without prior publication;

b) supplementing, by redistributing to the affected areas, the technique, equipment and devices necessary for response actions;

c) the sending on the national territory, in the affected areas, of the personnel who have the adequate competences to manage the emergency situation, with consent;

d) operational coordination of public services;

e) adapting the work schedule or perpetuating the activity of the social assistance services;

f) permanence of the activity of some operative centers for emergency situations with temporary activity.

2. Measures to ensure the resilience of communities shall be:

a) temporary evacuation of persons and property from the affected area or possibly affected;

b) granting basic aid to the persons and animals affected;

c) carrying out the works for the emergency modification of the environment and the infrastructure, established by the intervention forces for stopping or limiting the effects of the emergency situation;

d) measures to protect life and to limit the effects of the type of risk produced on the health of persons, including the establishment of quarantine or isolation at home;

(3) The measures to reduce the impact of the type of risk are:

a) restricting or prohibiting the organization and holding of rallies, demonstrations, processions, concerts or other types of meetings, in open spaces, as well as meetings of the nature of cultural, scientific, artistic, religious, sports or entertainment activities, in spaces closed;

b) restricting or prohibiting the movement of persons and vehicles in the places and, as the case may be, within the established time slots;

c) the prohibition of leaving the established areas and, as the case may be, within the established time intervals or the establishment of the quarantine on some buildings, localities or geographical areas;

d) restricting or prohibiting the performance by operators of road, rail, sea, river, air or metro transport on routes and, as the case may be, within the established time slots;

e) temporary closure of some state border crossing points;

f) limitation or suspension for a determined period of time of the activity of some economic institutions or operators;

g) participation of citizens and economic operators in some activities for the benefit of local communities.

Art. 6. - The decisions by which the state of alert is declared or extended, as well as those by which the application of certain measures during the state of alert is established include:

a) the legal basis;

b) the period of the alert state;

c) measures to increase the response capacity, ensure the resilience of communities and reduce the impact of the type of risk necessary to be applied, the concrete conditions of application and the recipients of these measures;

d) public institutions and authorities that implement or monitor compliance with the measures, as appropriate.

Art. 7. - The measures applied during the alert state are re-evaluated in case of establishing the state of emergency according to art. 93 of the Romanian Constitution, republished, based on the analysis of risk factors provided in art. 2.

Art. 8. - (1) During the state of alert, the consumption of food and alcoholic and non-alcoholic beverages may be suspended in the common dining areas of restaurants, hotels, motels, boarding houses, cafes or other public places, both inside, as well as on the terraces outside them.

(2) During the alert state, the preparation of food and the sale of food and alcoholic beverages that are not consumed in the spaces mentioned in par. (1), except for the terraces where the sanitary protection measures are observed.

Art. 9. - (1) During the alert state, the activities of retail sale of products and services in the shopping centers where several economic operators carry out their activity may be suspended, with the consent of CNSSU.

(2) The measure provided in par. (1) does not apply in the case of small shopping centers of less than 15,000 sqm, with individual shops within 500 sqm each.

(3) By exception from par. (1) the following commercial activities are permitted:

a) the sale of electronic and household appliances products, only if the economic operators ensure their delivery to the buyer's domicile / headquarters;

b) the activity carried out by the economic operators within the shopping centers that have the access provided directly from outside the premises and the communication with the rest of the complex is interrupted;

c) the activity carried out by agri-food stores, pharmacies, dental offices, clothes cleaners and personal care centers, as well as the sale of medical optics products and services.

(4) The personnel carrying out the activities provided in par. (1) and (2) has the obligation to permanently wear a mask that will be changed at an interval of maximum 4 hours, and the economic operator will provide masks for them, as well as hand disinfection solutions in the access area to the premises. Wearing protective masks by the customer and compliance with the rules of distance to cash registers is mandatory.

SECTION 2

The field of health

Art. 10. - During the alert state, the Ministry of Health coordinates the activities for preventing and combating the effects of the COVID-19 pandemic within the public health units, as the case may be.

Art. 11. - During the alert state, the vacant or temporarily vacant positions within the Ministry of Health and the units subordinated, coordinated and under the authority of the Ministry of Health, including the public executive and management positions, may be filled by civil servants or contract staff, by appointment, without competition. The appointment is made by order of the Minister of Health and ceases by right no later than 30 days from the date of cessation of the state of alert.

Art. 12. - (1) During the state of alert, for the serious non-fulfillment of the service attributions likely to endanger the persons and the measures for preventing and combating the effects of the COVID-19 pandemic, the persons with functions may be suspended from office. management within the Ministry of Health and the subordinated public health units, under the authority of the Ministry of Health.

(2) The positions that have become temporarily vacant by applying the suspension provided in par. (1) may be occupied by civil servants or contract staff, by appointment, without competition, by order of the Minister of Health.

(3) The suspension from office ordered under the conditions of par. (1) and the appointment ordered under the conditions of par. (2) ceases by right when the alert state ceases.

Art. 13. - During the state of alert, by joint order of the Minister of Health and the Minister of Internal Affairs may be established:

a) the obligation to wear a protective mask in closed public spaces, commercial spaces, means of public transport and at work;

b) the obligation to organize the activity of public institutions and authorities, economic operators and professionals so as to ensure the mandatory entry at the headquarters, the epidemiological triage and the mandatory disinfection of hands, both for its own staff and for visitors. For its own staff, the epidemiological triage consists in measuring the temperature by non-contact thermometer, and for the visitors the triage is performed by measuring the temperature.

Art. 14. - During the alert state, for the products used to solve the cause that determined the alert state, the prices may be capped, under the conditions of art. 4 para. (3) of the Competition Law no. 21/1996, republished with subsequent amendments and completions, only if there are malfunctions in the market regarding their insurance.

Art. 15. - In order to resume the activity by the providers of medical services during the alert state, regardless of the nature of the provider, the general norms of operation on types of specialties are established by order of the Minister of Health.

SECTION 3

The field of labor and social protection

Art. 16. - During the alert state, depending on the specifics of the activity and needs, the heads of public institutions involved in combating the COVID-19 pandemic, may order the secondment with the prior consent of the employee and the seconding employer, provided that the employer to which the secondment is made to be from the same field of activity.

Art. 17. - During the alert state, the employer may order, with the employee's consent, the development of the activity in telework or work at home regime, the modification of the workplace or of his attributions.

Art. 18. - During the state of alert, depending on the specifics of the activity and needs, the heads of public institutions involved in combating the pandemic, COVID-19, as well as its effects, may unilaterally order the interruption of rest leave, additional rest , free of charge, for

studies and for the professional training of the employed staff and the resumption of the activity for its own staff.

Art. 19. - The leaders of the residential care and assistance centers for the elderly, of the residential centers for children and adults, with and without disabilities, as well as for other vulnerable categories, provided in the Nomenclature of social services, as well as of the framework regulations for organizing and functioning of social services, approved by Government Decision no. 867/2015, with subsequent amendments and completions, have the obligation to ensure the measures of continuity of activity during the alert state having the right to establish the work schedule of employees, in accordance with the law.

Art. 20. - (1) The validity of the collective labor contracts and of the collective labor agreements is extended during the state of alert, as well as for a period of 90 days from its termination.

(2) In the case of contracts and collective labor agreements provided in par. (1), the parties have the obligation to initiate collective negotiations within 45 days from the termination of the alert state, in accordance with the law.

Art. 21. - During the alert state, by derogation from the provisions of art. 118 para. (1) of Law no. 53/2003 - Labor Code, republished, with subsequent amendments and completions, employers in the private system, central and local public authorities and institutions, regardless of the method of financing and subordination, as well as autonomous utilities, national companies, national companies and companies the share capital is wholly or majority owned by the state or by an administrative-territorial unit, with a number of more than 50 employees may establish individualized work programs, without the employee's consent, so that between employees to ensure the existence of an interval of one hour at the beginning and end of the work program, in a period of 3 hours.

Art. 22. - During the alert state, for the employees from the public system, the employer may establish, with their consent, the execution of urgent works or service tasks, in connection with the prevention and combating of the situation that generated the alert state, regardless the nature of the service attributions, with the assurance of the employee protection measures.

Art. 23. - (1) During the state of alert, the Government shall order special measures to support employers and protect employees and their families.

(2) For the alert period, the competent authorities shall provide protection and prevention measures for employees in situations of vulnerability.

(3) For the duration of the alert state, the Government establishes special support measures for other professionals, as regulated by art. 3 para. (2) of Law no. 287/2009 on the Civil Code, republished, with subsequent amendments, for persons who have concluded individual labor agreements based on Law no. 1/2005 on the organization and functioning of the cooperation, republished, with subsequent amendments, as well as for individuals who obtain income exclusively from copyright and related rights, as regulated by Law no. 8/1996 on copyright and related rights, republished, with subsequent amendments and completions, which interrupted the activity, as a result of measures to prevent and combat the effects of the COVID-19 pandemic.

Art. 24. - The provisions of the Government Emergency Ordinance no. 30/2020, for amending and supplementing normative acts, as well as for establishing measures in the field of social protection in the context of the epidemiological situation caused by the spread of SARS-CoV-2 coronavirus, with subsequent amendments and completions, including normative acts amending it and / or completes it or which contain provisions regarding the application of its provisions, shall continue to apply, without interruption, from the date of cessation of the state of emergency established by decree, according to art. 93 para. (1) of the Romanian Constitution, republished, for all fields of activity in which restrictions are maintained, until their lifting, but not later than December 31, 2020.

Art. 25. - (1) During the alert state, the employees from the public system will remain available for performing the service tasks, depending on the volume of activity of the institution in order to achieve the purpose of this law.

(2) The application of the provisions of par. (1) shall be done in compliance with a maximum number of 48 hours per week, including overtime.

Art. 26. - (1) During the alert state, for the serious non-fulfillment of the service attributions related to the establishment and application of the measures provided by this law, the persons from the public institutions whose attributions are to prevent the contamination and to fight be suspended from office, according to the own norm of organization and functioning of the public institution or authority, as the case may be. The suspension shall automatically cease on the date on which the alert state ceases.

(2) The positions that have become temporarily vacant by applying the suspension provided in par. (1) may be held by civil servants or contract staff, by appointment by the competent authority, without competition.

(3) The suspension from office ordered under the conditions of par. (1) and the appointment ordered under the conditions of par. (2) ceases by right when the alert state ceases.

Art. 27. - (1) The public institutions and authorities may hire staff without competition, depending on the needs determined by the prevention and combating of the situation that generated the state of alert and exclusively for activities related to it, for a determined duration, which cannot exceed 30 days from the date of cessation of the alert.

(2) During the state of alert, by derogation from the provisions of the Government Emergency Ordinance no. 57/2019 on the Administrative Code, as subsequently amended and supplemented, appointments to public office or senior civil servant may be made only if they meet the conditions to be a civil servant or, as the case may be, senior civil servant and only if they are necessary for application of the measures provided by this law and for a determined duration of maximum 30 days from the date of cessation of the state of alert.

(3) During the state of alert, in the public institutions and authorities any type of competition for filling the vacant and temporarily vacant positions or positions shall be suspended, except for those provided in par. (1) and (2), as well as to art. 11 and 12.

Art. 28. - (1) During the alert state, the provisions of Law no. 19/2020 regarding the granting of some days off to parents for the supervision of children, with subsequent amendments and completions, in case of temporary closure of educational units, shall apply until the end of the school year.

(2) In the application of par. (1), the ministers are empowered to issue orders for subordinate staff.

Art. 29. - During the state of alert, it is forbidden to declare, trigger or carry out collective labor conflicts in the units of the national energy system, in the operative units from the nuclear sectors, in the units with continuous fire, in the sanitary and social assistance units, of telecommunications, of public radio and television, in the transports on the railways, in the units that ensure the public transport and the sanitation of the localities, as well as the supply of the population with gas, electricity, heat and water.

Art. 30. - By derogation from the provisions of art. 81 para. (4) of Law no. 53/2003, republished, with subsequent amendments and completions, in the case of staff employed in health units, social assistance, medical and social assistance and in the fields of defense, public order and national security, the notice periods shall not begin to run, and, if they have started to flow, it is suspended for the entire duration of the alert state.

Art. 31. - During the state of alert, for the Romanian employees who are to carry out activity abroad, the competent authorities order special protection measures.

SECTION 4

Transport and infrastructure

Art. 32. - (1) In order to prevent contamination with the new SARS Cov-2 coronavirus and to ensure the proper conduct of passenger transport for each type of land, underground, air or naval transport, restrictions and measures are established under the conditions of this law, in compliance with health protection measures.

(2) The measures provided in par. (1) shall be established at the proposal of the National Committee for Special Emergency Situations, hereinafter referred to as CNSSU, by order of the Minister of Internal Affairs. The measures proposed by CNSSU regarding the transport activities are approved by the Minister of Transport, Infrastructure and Communications.

Art. 33. - During the state of alert, in the field of air transport, the relevant ministry may order measures, respectively restrictions, regarding: hygiene and disinfection of common areas, equipment, means of transport and aircraft, procedures and protocols inside airports and aircraft, rules of conduct for airport, air and passenger personnel, as well as for informing staff and passengers, in order to prevent contamination of passengers and personnel operating in the field of air transport.

Art. 34. - During the state of alert, in the field of railway transport, the relevant ministry may order measures, respectively restrictions, regarding: hygiene and disinfection of common spaces in railway stations, stops, stations or stopping points, equipment and sets procedures and protocols inside stations, stops, stations or stopping points but also inside wagons and train sets, the degree and mode of occupancy of rolling stock, the rules of conduct for operators and passengers, as well as for informing staff and passengers, in order to prevent contamination of passengers and staff working in the field of rail transport.

Art. 35. - During the alert state, in the field of road transport, the relevant ministry may order measures, respectively restrictions, regarding: hygiene and disinfection of means of passenger transport, procedures and protocols inside means of transport, degree and mode occupancy of

means of transport, rules of conduct for operators 'and passengers' staff, as well as for the information of staff and passengers, in order to prevent contamination of passengers and staff working in the field of road transport.

Art. 36. - During the alert state, in the field of naval transport the relevant ministry may order measures, respectively restrictions, regarding: hygiene and disinfection of passenger transport ships, procedures and protocols inside passenger transport ships, grade and mode occupancy of passenger transport vessels, rules of conduct for operators 'and passengers' personnel, as well as for the information of personnel and passengers, in order to prevent contamination of passengers and personnel working in the field of naval transport.

Art. 37. - The Ministry of Transport, Infrastructure and Communications, at the proposal of CNSSU, may take measures, respectively restrictions, in the field of domestic and international transport of goods and persons, as well as in the field of communications, in agreement with the relevant ministers of the Member States. of the European Union, or the other states, as the case may be.

SECTION 5

Education and research

Art. 38. - (1) During the state of alert, the didactic activities that require the physical presence of preschoolers, preschoolers, pupils and students in educational units and institutions may be suspended, at the proposal of CNSSU, by joint order of the Minister of Education and Research. and the Minister of Health.

(2) The duration of the suspension provided in par. (1) may exceed the duration of the alert state, depending on the remaining period of the school year and the stage of the educational process.

Art. 39. - (1) Starting with the date of entry into force of this law and until the elimination of the restrictions on public meetings by the relevant authorities, the pre-university education units organize activities from the curricula and online.

(2) In the situation where the activities cannot be carried out according to the provisions of par. (1), in order to ensure equal access to education, the school inspectorates / school inspectorates of Bucharest and pre-university education units have the obligation to provide educational resources for students who do not have access to technology, in accordance with the instructions of the Minister of Education and Research.

(3) Carrying out the activities provided in par. (2), as well as the way of recovering the contents from the school curricula that cannot be covered during this period shall be established by the Ministry of Education and Research.

Art. 40. - (1) During the alert state, as well as throughout the academic year 2019 - 2020, higher education institutions in the national education system, based on university autonomy with respect to the quality of teaching, may use alternative teaching methods teaching - learning - assessment, in online format, in accordance with Government Emergency Ordinance no. 58/2020 on taking measures for the proper functioning of the education system. Also, the final exams for the bachelor's, master's or postgraduate study programs, the defense of the doctoral theses, the defense of the habilitation theses can be carried out online.

(2) The didactic and research activities provided in art. 287 of the National Education Law no. 1/2011, with subsequent amendments and completions, as well as the final exams of the semesters and of the bachelor's and master's studies, the defense of the papers and doctoral theses carried out online in the academic year 2019 - 2020, as well as throughout the state of emergency, necessity or alert, within the forms of education with frequency and with reduced frequency, at a distance are circumscribed to the provisions of art. 139 lit. a) –c) of Law no. 1/2011, as subsequently amended and supplemented, and are recognized.

(3) The participation of students and doctoral students, who during the state of emergency, necessity or alert followed learning and teaching activities through alternative didactic methods of communication, in online format, to the exams provided by art. 143 and 144 of Law no. 1/2011, with the subsequent modifications and completions, by students and doctoral students, is carried out according to the methodologies approved by the university education institutions.

(4) In the situation of carrying out the activities provided in art. 287 in the online system, the didactic norm is established in compliance with art. 287 para. (4) of Law no. 1/2011, with subsequent amendments and completions.

Art. 41. - With the approval of CNSSU, by joint order of the Minister of Education and Research and the Minister of Health, measures are established for carrying out activities in educational units and institutions, in health safety conditions, for the end of the school year in course on the date of the establishment of the alert state, as well as for the preparation of the beginning of the next school year.

Art. 42. - (1) In the pre-university education units, with the approval of CNSSU, by joint order of the Minister of Education and Research and the Minister of Health, measures are established for carrying out training activities to take national exams and certification of professional skills, which involve "face to face" interaction, in conditions of health protection.

(2) The taking of the national exams and the certification of the professional competences, which presuppose the "face to face" interaction, is organized under the conditions provided in par. (1).

(3) The Ministry of Education and Research has the obligation to provide the students and the teaching and non-teaching staff involved, during the entire activities provided in par. (1) and (2), the necessary number of protective masks that will be obligatorily worn in the enclosed spaces inside the educational units.

SECTION 6

Youth and sports

Art. 43. - (1) During the alert state, in order to prevent the contamination with the new SARS-CoV-2 coronavirus of the participants, the physical training activities within the sports structures, defined according to the Law on physical education and sports no. 69/2000, with subsequent amendments and completions, consisting of training camps, trainings and sports competitions organized in Romania, as well as access to sports facilities or spaces where sports activities take place under the conditions established by joint order of the Minister of Youth and sports and the Minister of Health, based on the CNSSU decision.

During the state of alert, the local authorities have the obligation to ensure the access of the citizens for the development of outdoor sports activities with the agreement of CNSSU in the parks of the localities and on the sports fields of the institutions under administration.

(2) During the alert state, in order to support the sports structures, defined according to Law no. 69/2000, with the subsequent amendments and completions, the local public administration authorities may approve, by the decision of the local and / or county council, as the case may be, various forms of support for financing the operating or salary expenses of the sports structures based on their administrative-territorial area. In the case of these forms of support, during the state of alert, the legal provisions on state aid and the provisions of Law no. 350/2005 on the regime of non-reimbursable financing from public funds allocated for non-profit activities of general interest, with subsequent amendments and completions.

SECTION 7

The field of culture and cults

Art. 44. - (1) During the state of alert, the activity of museum institutions, libraries, bookstores, cinemas, film and audiovisual production studios, performance and / or concert institutions, cultural centers and / or homes and other cultural institutions, as well as open-air cultural events and public and private festivals may be held in accordance with regulations providing for health protection measures established by joint order of the Minister of Culture and the Minister of Health.

(2) In the situation of non-compliance with the sanitary protection measures provided in par. (1), the mentioned activities may be suspended by the CNSSU decision for a determined period.

(3) The organization of the sanitary protection measures and of the development conditions for the activities provided in par. (1) during the alert state shall be established by joint order of the Minister of Culture and the Minister of Health, at the proposal of the CNSSU.

Art. 45. - (1) During the state of alert, the activity of religious cults is exercised freely, in compliance with the established health protection rules, at the proposal of CNSSU and with the approval of the Secretary of State for Religions, by joint order of the Minister of Health and Minister of Affairs internal.

(2) The rules provided in par. (1) shall include measures regarding access to places of worship, the minimum safety distance.

SECTION 8

Insolvency measures

Art. 46. - (1) The debtor who is in a state of insolvency on the date of entry into force of this law, or who reaches a state of insolvency may, during the state of alert, submit to the court a request to be subject to the provisions of Law no. 85/2014 on insolvency prevention and insolvency procedures, with subsequent amendments and completions, without having the obligation to introduce this request. The request addressed to the court will be accompanied by the proof of notification to the competent tax authority regarding the intention to open insolvency proceedings.

(2) The provisions of art. 66 para. (1) of Law no. 85/2014, with subsequent amendments and completions, are not applicable until the end of the alert state, the date from which the 30-day period that they provide begins to run. Correlatively until the same date, the provisions of art. 66 para. (2) and (3) of Law no. 85/2014, with subsequent amendments and completions.

Art. 47. - (1) During the state of alert, the applicability of the final thesis of art. 5 point 72 and of the final thesis of art. 143 para. (1) of Law no. 85/2014, with subsequent amendments and completions.

(2) During the state of alert, in the case of debtors who have interrupted their activity totally or partially as an effect of the measures adopted during the state of emergency, established by the Decree of the President of Romania no. 195/2020 and extended by the Decree of the President of Romania no. 240/2020, by the competent public authorities according to the law, for the prevention of the spread of the SARS-Cov-2 virus, maintained, as the case may be, during the alert state, the threshold value provided in art. 5 point 72 of Law no. 85/2014, with subsequent amendments and completions is 50,000 lei, both for creditors and debtors.

Art. 48. - In the case of the debtor who interrupted his activity totally or partially as an effect of the measures adopted during the state of emergency, established by the Decree of the President of Romania no. 195/2020 and extended by the Decree of the President of Romania no. 240/2020, by the competent public authorities according to the law, for the prevention of the spread of the pandemic with the coronavirus SARS-COV-2, maintained, as the case may be, during the alert state, the creditors may formulate, during the alert state, request to open the procedure insolvency only after a reasonable attempt, proved by documents communicated between the parties by any means, including by electronic means, to conclude a payment agreement.

Art. 49. - (1) In the preventive agreement procedures in progress on the date of entry into force of this law, the period in which the negotiations on the draft preventive agreement are carried out shall be extended by 60 days. Depending on the stage of the debtor, the period for drawing up the agreement offer shall be extended accordingly by a maximum of 60 days or, as the case may be, the negotiation period of the agreement offer shall be extended by a maximum of 60 days. 60 days.

(2) In the case of the debtor in the execution of the preventive agreement agreement on the date of entry into force of this law, the period for the satisfaction of the claims established by the agreement shall be extended, accordingly, by 2 months.

Art. 50. - (1) If the debtor is in the observation period on the date of entry into force of this law, it shall be extended by 3 months. Correlatively, the term in which the categories of entitled persons can propose a reorganization plan is extended by 3 months, including if the term for submission of the plan, provided by law, has started to run.

(2) If, at the date of entry into force of this law, a reorganization plan was submitted to the case file, but, following the effects of the COVID-19 pandemic, the recovery prospects have changed in relation to the possibilities and specificity the debtor's activity, with the available financial means and with the market demand for the debtor's offer, the persons entitled to submit a reorganization plan may, within 3 months from the entry into force of this law, submit an amended reorganization plan, notifying the creditors, by the care of the judicial administrator, on this intention, within 15 days from the entry into force of this law.

Art. 51. - (1) In the case of the debtor in judicial reorganization on the date of entry into force of this law, the duration of the execution of the judicial reorganization plan shall be extended by two months.

(2) The debtor in judicial reorganization, who has totally interrupted his activity as a result of the measures adopted by the competent public authorities according to law, to prevent the spread of the COVID-19 pandemic, may request the syndic judge, within 30 days from entry into force of this law, suspension of the execution of the plan for a period not exceeding two months. The request is judged urgently, on the basis of documents, without summoning the parties. The conclusion pronounced by the syndic judge can be appealed, according to art. 43 of Law no. 85/2014, with subsequent amendments and completions, the deadlines being reduced by half.

(3) In the case of the debtor in judicial reorganization on the date of entry into force of this law, which has ceased its activity totally or partially as a result of measures adopted by competent public authorities according to law, to prevent the spread of COVID-19 pandemic, of execution of the reorganization plan may be extended without exceeding a total duration of its development of 5 years, and may be modified, accordingly, if necessary, under the conditions provided in art.139 par. (5) of Law no. 85/2014, with subsequent amendments and completions.

Art. 52. - For the debtor who has interrupted his activity totally or partially as an effect of the measures adopted by the competent public authorities according to the law, to prevent the spread of the COVID-19 pandemic, during the state of emergency and / or alert, the initial duration for the execution of the reorganization plan, provided by art. 133 para. (3) of Law no. 85/2014, with subsequent amendments and completions, may be 4 years, with the possibility of extension, without exceeding a total duration of the 5-year plan, and the amendment, accordingly, if necessary, under the conditions of art. 139 para. (5) of Law no. 85/2014, with subsequent amendments and completions.

SECTION 9

Scope of execution of sentences, educational measures and other measures ordered by the judiciary during criminal proceedings

§1. Execution of punishments, educational measures and other non-custodial measures ordered by the judiciary during criminal proceedings

Art. 53. - (1) The supervision measure regarding the presentation of the supervised person at the probation service, at the dates set by him, provided in art. 85 para. (1) lit. a), art. 93 para. (1) lit. a) and at art.101 par. (1) lit. a) of Law no. 286/2009 on the Criminal Code, with subsequent amendments and completions, as well as the obligation provided by art. 121 para. (1) lit. e) of Law no. 286/2009 with subsequent amendments and completions, is performed by means of remote audio or audio-video communication, in conditions that ensure the confidentiality of information and data transmitted, the calls being made from the probation service and using a secure internet connection .

(2) The presentation of the supervised person at the probation service, at the dates set by the probation counselor, takes place only in exceptional cases, such as the impossibility of conducting the meeting by means of distance communication, the fulfillment of the

supervision term within 6 months force of law, high risk of committing new crimes, the need to communicate the content of court decisions or changes in their execution or non-compliance with measures and obligations by the persons in evidence.

(3) The criteria for prioritizing the cases in which the meetings with the supervised persons are carried out at the headquarters of the probation service, as well as the manner of their application shall be established by decision of the Director General of the National Probation Directorate.

(4) The meetings held at the probation service headquarters under the conditions of par. (2) and (3) are preceded by their preparation activities, carried out by means of remote communication with the supervised person, in order to facilitate the achievement of the purpose of the meeting.

(5) The meetings with the supervised persons at the probation service headquarters shall be carried out in compliance with the rules of social distance, as well as the prevention and medical safety measures, which shall be established by decision of the Director General of the National Probation Directorate.

Art. 54. - (1) The supervision measure regarding the reception by the supervised persons of the visits of the probation counselor appointed with the supervision, provided in art. 85 para. (1) lit. b), art. 93 para. (1) lit. b) and to art. 101 para. (1) lit. b) of Law no. 286/2009 with subsequent amendments and completions, is executed only in the cases and according to the criteria provided in art. 53 para. (2) and (3).

(2) The visits of the probation counselor case manager to the home of the convicted person shall be carried out in compliance with the conditions provided in art. 53 para. (4) and (5).

Art. 55. - (1) Execution of the obligation to follow a course of school preparation or qualification or professional training, provided in art. 85 para. (2) lit. a), art. 93 para. (2) lit. a), art. 101 para. (2) lit. a) and to art. 121 para. (1) lit. a) of Law no. 286/2009 with subsequent amendments and completions is made according to the manner in which the institution in the community to which the supervised person was enrolled conducts school, qualification or training courses, through the physical presence of participants or online.

(2) In case the school training or qualification or professional training courses in which the supervised persons are enrolled or are to be enrolled are suspended and the execution cannot be performed until the supervision term, the duration of the supervision or the measure is fulfilled. non-custodial probation officer, the probation counselor case manager takes steps to identify another institution in the community where courses are held, or, as the case may be, steps to change the content of the obligation, under the law, or notifies the court of the objective impossibility of execution and mentions this in the final report.

Art. 56. - (1) The obligation of the supervised persons to participate in the development of social reintegration programs, provided in art. 85 para. (2) lit. c), art. 93 para. (2) lit. b) and to art. 101 para. (2) lit. b) of Law no. 286/2009 with subsequent amendments and completions, whether they are individual or group or are carried out within the probation services or in collaboration with community institutions, is performed by means of remote audio-video communication, under conditions that ensure the confidentiality of the information and data

transmitted, the calls being made from the probation service premises and using a secure internet connection.

(2) The social reintegration programs in the individual work variant or the group programs adapted to the individual work modality may be carried out at the probation service headquarters or at the headquarters of the competent community institutions only in cases where the execution of this obligation started before declaring and has been suspended during its duration, as well as in cases where the period of supervision expires within 6 months from the date of entry into force of the law and the obligation has not been fulfilled and the program cannot be completed by means of audio communication. remote video.

3. The rules on the conduct of individual reintegration programs and group programs adapted to the individual working arrangements shall apply to all Community institutions involved in the implementation of such programs, within the limits of the material resources available at those institutions.

(4) If the implementation of social reintegration programs in community institutions cannot be carried out until the end of the supervision term or the duration of supervision, the probation counselor case manager shall take steps to identify another institution in the community where carries out such programs, or, as the case may be, steps to modify the content of the obligation, or notifies the court about the objective impossibility of execution and mentions this in the final report.

Art. 57. - (1) The obligation to perform unpaid work for the benefit of the community, provided in art. 64, art. 85 para. (2) lit. b) and art. 93 para. (3) of Law no. 286/2009 with subsequent amendments and completions shall be implemented with priority during the alert period in cases whose term or duration of supervision is fulfilled within six months from the date of entry into force of the law, and in cases where the time remaining until upon fulfillment of the term or duration of the supervision does not allow full execution.

2. The obligation to perform unpaid work for the benefit of the community shall be carried out as a matter of priority in open spaces and, in exceptional cases, in closed spaces, in compliance with the rules on social distance, prevention measures and medical safety.

(3) In the situations in which the development of the work for the benefit of the community is not possible under the conditions provided in par. (1), the probation service will take the necessary steps to change the type of work within the same institution or, as the case may be, to perform the activity within another institution in the community, including if the community institution is a hospital unit, a center residential subordinate to the local authorities or an institution where persons infected with the SARS-CoV-2 virus have been confirmed, or notifies the court of the objective impossibility of execution and mentions this in the final report.

Art. 58. - In the situation where, during the supervision term, the probation counselor case manager finds that the supervised person does not comply with the supervision measures or does not execute the obligations incumbent on him, under the conditions established in art. 53-57, proceed, as the case may be, according to art. 67 para. (1) or (3) of Law no. 252/2013 on the organization and operation of the probation system, with subsequent amendments and completions, or according to art. 101 para. (1), (3) or (4) of the same law.

Art. 59. - (1) The meeting or meetings between the probation counselor and the minor or major defendants for whom the judicial bodies have requested reports or evaluation reports shall be carried out by means of audio or audio-video remote communication, under conditions that ensure the confidentiality of the information transmitted, the calls being made from the probation service premises and using a secure internet connection.

(2) The provisions of par. (1) shall also apply to the interaction of the probation counselor with other persons who may provide useful information in relation to the assessed person.

(3) The direct interaction of the probation counselor with the evaluated person or with other persons who can provide information about it shall be performed only if there is no possibility of communication by means of distance communication, audio or audio-video or in those situations where the probation counselor Probation considers that for the accuracy of the evaluation, direct contact with the evaluated person or with the person providing information is necessary.

(4) The provisions of par. (1) - (3) shall also apply to the reports and evaluation reports prepared during the period of supervision by the probation counselors, case managers, regarding the minor or major supervised persons.

Art. 60. - (1) The general director of the National Probation Directorate orders by decision the necessary measures for the activity within the probation services, as well as within the central structure of the National Probation Directorate to be carried out in compliance with the rules of social distancing, prevention and medical safety measures, for which purpose measures may be taken such as limiting the number of people in waiting areas and offices, introducing shifted working hours of employees or in shifts or carrying out teleworking activities, where possible.

(2) The activity of the structures provided in par. (1) is carried out in compliance with the hygiene measures, which involve the regular disinfection of the spaces and with the obligatory wearing of some protective equipment, such as masks, gloves, visors.

(3) The access of all persons to the premises of the probation services is made with the obligatory wearing of some protective equipment, such as masks and gloves.

§2. Execution of sentences and custodial measures

ordered by the judiciary during the criminal proceedings

Art. 61. - (1) Regarding the execution of punishments and custodial measures ordered by the judicial bodies during the criminal process, by decision of the Director General of the National Administration of Penitentiaries, the following exceptional measures may be ordered:

a) granting the visit with a separation device, regardless of the execution regime or the category to which the persons deprived of liberty belong;

b) organization of activities in the daily program in which persons deprived of liberty participate, such as activities and educational, cultural, therapeutic, psychological counseling and social assistance, moral-religious, school training and vocational training, daily walk, so as to comply the minimum time provided by the legal provisions and their development in

small groups, with the wearing of personal protective equipment and compliance with the rules of social distance;

c) carrying out lucrative activities, with the observance of the rules of social distancing, as well as of the measures of prevention and medical safety, respectively with the wearing of the personal protection equipment;

d) restricting the activity of transferring large numbers of persons deprived of liberty between places of detention, except in situations imposed by medical emergencies, express requests made by judicial bodies or changing the enforcement regime, only if the place of detention is not organized punishment for the new regime, as well as transfers for security reasons;

e) achieving the access of the visiting persons in the place of detention only with their own protective equipment, in order to observe the prevention and medical safety measures;

f) granting the right to online communications, regardless of the disciplinary situation of the person deprived of liberty and the periodicity of the connection with the family;

g) postponement of the exercise of the right to intimate visit and implementation of the rewards with permission to leave the penitentiary, if by granting them the measures of prevention and medical safety are affected;

h) relocation of large numbers of persons deprived of their liberty in other places of detention, regardless of their profile, in educational centers / detention centers, or in other establishments or accommodation facilities belonging to the units that are part of the national defense system, order public and national security, in the event of an increased or operational epidemiological risk, extended to the level of a penitentiary, affecting persons deprived of their liberty or staff;

i) establishing the rules of social distancing, the prevention and medical safety measures necessary to be observed;

j) the guarding and supervision of persons deprived of liberty hospitalized in public health units, other than penitentiaries-hospitals, can be done by remote video monitoring, with the consent of the attending physician and with prior information of the person deprived of liberty on obligations and prohibitions which she has during the period in which she is hospitalized; security measures provided by the legislation on the execution of sentences and custodial measures ordered by judicial bodies during criminal proceedings may also be applied.

(2) The measures ordered according to par. (1) must be proportionate to the situation which determined them and shall be communicated immediately to the Minister of Justice, together with the reasons for their adoption.

(3) At the end of the situation that determined the disposition of the measures according to par. (1), the administration of the place of detention shall proceed to the granting, in stages, of the rights whose exercise was postponed during the state of alert, as well as to the implementation of the rewards with permission to leave the penitentiary under the conditions provided by the legislation in force.

§3. Provisions regarding the listening of persons deprived of their liberty

Art. 62. - In criminal cases, if the judicial body considers that this does not affect the good conduct of the trial or the rights and the interests of the parties, persons deprived of their liberty shall be heard by videoconference at the place of detention without their consent.

§4. Organizing the activity of penitentiary police

Art. 63. - (1) The place and / or the type of work may be modified without the consent of the penitentiary policeman. The modification of the place and / or type of work of the penitentiary policeman is made in relation to the needs and the operative situation existing at the level of the unit where he is employed or of another unit of the penitentiary police.

(2) The rest leave, of additional rest, without payment, for studies and for professional training of the penitentiary policeman, may be interrupted unilaterally by the director of the unit in which the penitentiary policeman carries out his activity, in relation to the existing needs and operative situation. at the level of the unit where the penitentiary policeman is employed or of another unit of the penitentiary police.

CHAPTER III

Responsibilities and sanctions

Art. 64. - The violation of the provisions of the present law attracts the disciplinary, civil, contraventional or criminal liability, as the case may be.

Art. 65. - The following acts committed during the state of alert constitute the contraventions, insofar as they are not committed in such conditions as to be considered according to the criminal law offenses:

a) the non-taking by the leaders of the social assistance services, of the measures established according to art. 5 para. (1) lit. e), regarding the adaptation of the work schedule or the permanence of the activity;

b) the non-taking by the leaders of the authorities or institutions at the level of which the operative centers for emergency situations are constituted, of the measures for the permanence of their activity, according to art. 5 paragraph (1) letter f);

c) non-execution of the measures established according to art.5 paragraph (2) letter a), regarding the temporary evacuation of persons and goods from the affected area or possibly to be affected, by the staff of the institutions and public authorities designated to implement these measures ;

d) the prevention by any natural person of the execution of the measures of temporary evacuation of the persons and goods from the affected area or possibly to be affected, established according to art.5 paragraph (2) letter a);

e) the impediment by any natural person, of the distribution of the essential aids for the affected persons and animals, established according to art. 5 paragraph (2) letter b);

f) non-performance of the works established according to art.5 paragraph (2) letter c), regarding the emergency modification of the environment and infrastructure, by the staff of the institutions and public authorities designated by decisions of the emergency committees to implement these measures;

- g) the impediment by any natural person, of carrying out the works established according to art. 5 paragraph (2) letter c), regarding the emergency modification of the environment and the infrastructure;
- h) non-compliance by individuals with individual measures for the protection of life and for limiting the effects of the type of risk produced on the health of persons, established in accordance with Article 5 paragraph (2) letter d);
- i) non-observance by the natural persons, of the home isolation measures established according to art. 5 paragraph (2) letter d);
- j) non-compliance with the prohibitions established according to art. 5 paragraph (3) letter a), to organize rallies, demonstrations, processions, concerts or other types of meetings, in open spaces, or meetings of the nature of cultural, scientific, artistic activities, religious, sports or entertainment, indoors;
- k) participation of natural persons in rallies, demonstrations, processions, concerts or other types of gatherings, in open spaces, or in gatherings of the nature of cultural, scientific, artistic, religious, sports or entertainment activities, in closed spaces, prohibited in accordance with art.5 paragraph (3) letter a);
- l) holding by organizers, rallies, demonstrations, processions, concerts or other types of meetings, in open spaces, or meetings of the nature of cultural, scientific, artistic, religious, sports or entertainment activities, indoors , with the non-observance of the measures established according to art. 5 paragraph (3) letter a);
- m) the movement of persons, pedestrian or with vehicles, in the places and, as the case may be, in the time intervals in which it was forbidden or restricted according to art. 5 paragraph (3) letter b);
- n) non-compliance by the natural persons, with the interdiction to leave the areas established in accordance with art. 5 paragraph (3) letter c), or violation of the time intervals in which the exit from these areas is allowed;
- o) non-compliance by individuals with the ban on leaving the buildings, localities or geographical areas where the quarantine was established according to art. 5 paragraph (3) letter c);
- p) non-compliance by the operators, of the measures established according to art.5 paragraph (3) letter d), regarding the restriction or prohibition of road, rail, sea, river, air or subway transport or violation of the time intervals in which they are permits;
- q) non-compliance by the heads of economic institutions or operators, with the conditions established according to art. 5 paragraph (3) letter f), regarding the activity of these institutions or economic operators;
- r) non-compliance by the heads of economic institutions or operators, with the measures established according to art. 5 paragraph (3) letter f), regarding the temporary suspension of the activity of these economic institutions or operators;
- s) the non-performance of works for the partial or total demolition of some constructions, installations or arrangements, the moving / dismantling of some movable goods / means or for

the controlled flooding of some lands, cultures, plantations or forests, by natural or legal persons or by the staff of institutions and to the public authorities designated according to art. 5 paragraph (4) letter g);

ș) preventing by any natural person, the performance of works for the partial or total demolition of some constructions, installations or arrangements, the moving / dismantling of some movable goods / means or for the controlled flooding of some lands, cultures, plantations or forests, established according to art. .5 paragraph (4) letter h).

Art. 66. - The contraventions provided in art. 65 is sanctioned as follows:

a) with a fine from 500 lei to 2500 lei the contraventions provided in art. 65 lit. c), d), e), g), h), k), m), n) and ș);

b) with a fine from 1000 lei to 5000 lei the contraventions provided in art. 65 lit. a), b), f), i), o), q) and s);

c) with a fine from 2000 lei to 10000 lei the contraventions provided in art. 65 lit. l), r) and t);

d) with a fine from 3000 lei to 15000 lei the contraventions provided in art. 65 lit. j) and p).

Art. 67. - (1) The ascertainment of the contraventions provided in art. 65 and the application of the sanctions provided in art.

(2) The ascertainment of the contraventions provided in art. 65 and the application of the sanctions provided in art. 66 are made by:

a) labor inspectors, for the contraventions provided in art. 65 letters a), q) and r);

b) the control personnel within the Department for Emergency Situations, as well as the non-commissioned officers and fire and civil protection officers, for the contraventions provided in art. 65 lit. b), c), d), e), f), g), h), i), j), k), l), m), n), o), s), ș) and t) ;

c) police agents and officers, non-commissioned officers and gendarmerie officers, local police officers, for the contraventions provided in art. 65 lit. d), e), g), h), i), j), k), l), m), n), o), r) and ș);

d) the staff of the public health directorates, for the contraventions provided in art. 65 lit. h) and i);

e) the personnel designated by the Ministry of Transports, Infrastructure and Communications, for the contraventions provided in art. 65 lit. p);

f) traffic police officers and officers, for the contraventions provided in art. 65 lit. p), regarding road transport.

Art. 68. - The provisions of the Government Ordinance no. Are applicable to the contraventions provided by the present law. 2/2001 regarding the legal regime of contraventions, approved with modifications and completions by Law no. 180/2002, with subsequent amendments and completions.

Art. 69. - (1) The offender may pay, within maximum 15 days from the date of handing or communication of the minutes, half of the amount of the fine applied by the ascertaining agent for the contraventions provided by law.

(2) The amounts resulting from the fines applied for the contraventions provided by the present law shall be made in full income to the state budget.

Art. 70. - By derogation from the provisions of art. 4 para. (2) of Government Ordinance no. 2/2001, approved with modifications and completions by Law no. 180/2002, with the subsequent modifications and completions, the provisions of art. 66 enters into force 3 days from the date of publication of this law in the Official Gazette of Romania, Part I.

CHAPTER IV

Final provisions

Art. 71. - (1) In order to implement the measures provided by this law, the Government adopts decisions, at the proposal of the line ministries or of the CNSSU.

(2) In order to apply the measures provided by this law, the ministries and other responsible authorities, at the proposal of CNSSU, as the case may be, issue orders and instructions.

Art. 72. - (1) The provisions of the present law shall be completed with the common law regulations applicable in the matter, insofar as the latter do not contradict the provisions of the present law.

(2) For the state of alert established for the prevention and control of a COVID-19 pandemic, the provisions of art.2 letter f) and m), art.4 paragraph (1) letter b), paragraph (2), (5) and (6), art.20 letters c) and d), art.21 letter c), art.22 letter c), art.23 letter c), art.24 letter c) and art.42 of the Government Emergency Ordinance no.21 / 2004 on the National Emergency Management System, published in the Official Gazette of Romania, Part I, no.361 of April 26, 2004, approved with amendments and completions by Law no. .15 / 2005, as subsequently amended and supplemented, are not applicable.