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ATTORNEYS & COUNSELORS

Legal & Tax

30^{years}
anniversary

COVID-19

Legal & Tax Resource Center

Certificates for Emergency Situations

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BUCHAREST

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The regulation by the Ministry of Economy, Energy and Business Environment on issuance of the Certificate for emergency situations (“CES”) has been adopted through Order 791/2020 relating to the granting of emergency certificates to the economic operators whose activity is affected in the context of SARS-CoV-2 pandemic published on 25 March. The order sets the framework for the concept introduced through the Presidential Decree imposing the state of emergency and then further regulated through Emergency Government Ordinances no. 29/2020 and no. 30/2020. As of 14 May 2020 the state of emergency in Romania has ended, and on 18 May a state of alert was instituted.

Therefore, given that Order 791/2020 in its initial form provided that CES can be issued only during the state of emergency, on 20 May the Ministry of Economy, Energy and Business Environment issued Order no. 1730/2020 amending Order 791/2020 with the aim to provide the necessary legal framework for CES to be issued also during the state of alert, until 15 June 2020. The updated electronic platform required for the issuance of CES after 15 May 2020 it is expected to be functioning within 5 days as of publication of Order 1730/2020 in the Official Gazette.

Main highlights of such newly enacted concept:

<p>Who is entitled to receive CES</p>	<ul style="list-style-type: none"> • The Ministry will issue the CES, at the request of economic operators entitle to receive them based on the provisions of art. X of the Emergency Government Ordinance no. 29/2020 and respectively Emergency Government Ordinance no. 30/2020 i.e., an applicant. • The main categories of protections in relation to which CES may be used are: • OUG 29/2020, art. X – the right of the small and medium-sized enterprises impacted by the decisions taken by public authorities during the state of emergency period, in view of benefiting from postponement of utility services such as: electricity, natural gas, water, internet and telecommunication services, as well as the postponement of payment of rent for the headquarters and secondary locations • OUG 30/2020, art. XI – in relation to employees protection measures (e.g. technical unemployment)
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<p style="text-align: center;">CES will be available in two categories/types</p>	<ul style="list-style-type: none"> • Type 1 (Blue) – applicable for economic operators whose activity has been totally or partially interrupted as a result of the measures imposed by public authorities during the state of emergency period; • Type 2 (Yellow) – applicable for economic operators who registered a decrease in payment receipts of at least 25% in March, April or May 2020 as compared to the average payment receipts registered in January-February 2020. • Note: the applicant may submit the documentation for only one type of CES. • CES are used in the relationship with the public authorities in order to obtain specific facilities/ support measures or in the commercial relationships according to the applicable legal provisions.
<p style="text-align: center;">Granting methods</p>	<ul style="list-style-type: none"> • Requests for the issuance of CES shall be made exclusively through electronic means, respectively a platform provided by the Government here. CES will be issued automatically after validation by the system. • The solicitor shall submit the following data: <ul style="list-style-type: none"> • (i) identification data; • (ii) an Affidavit of the legal representative stating that all the information and documents supporting the request are accurate and in line with the legislation in force, as regards each type of CES requested, with reference to the total or partial shutdown of activity or decrease of earnings within the indicated amount. • In case the legal representative of the solicitor does not have an electronic signature, the documentation may be signed with a wet signature, with the condition that all the documents uploaded on the platform will then be signed electronically by an authorized representative for this purpose. Therefore, all documents uploaded on the platform must have an electronic signature.

<p style="text-align: center;">Miscellaneous</p>	<ul style="list-style-type: none">• A standard form for the Affidavit has been updated to include the changes provided in Order 1730/2020 and is available in the respective order. Once the platform will be updated, it will also be available there;• Solicitors who are not registered with the Trade Register Office shall provide the information and documents indicated above, including documents with regard to the authorization of the activity.• CES will be granted until 15 June 2020;• CES are valid without a signature or stamp;• Competent authorities shall verify the documents on which the Affidavit is based during inspections. In case of reasonable suspicions as regards the procedure of obtaining the CES without observing the legal provisions or by not presenting the accurate situation of the applicant, competent authorities will enforce appropriate measures.
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NNDKP CONTACTS

For any questions, your contacts at NNDKP are available either by e-mail or telephone.

For the above aspects, please contact [Gabriela Cacerea](#) or [Ruxandra Bologa](#).

Updates related to the impact of COVID-19 will be included on our [website](#) regularly, as the situation evolves.

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