

Legal Alert

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Obligation of the employers to initiate collective negotiations and other changes regarding pensions and social allowances, approved by the govern

The main amendments approved through Emergency Ordinance 82/2017 are:

- The increase in the value of a pension point
- An increase in social allowance for pensioners
- A decrease in the rate of contribution to private pension funds (Pillar II)
- Amendment for the calculation method used to determine the minimum amount granted as monthly child allowance
- The obligation of all employers, even of employers that already have a collective labor bargaining agreement, to initiate collective negotiations with a view to implement the provisions of the Emergency Government Ordinance no. 79/2017 (regarding the transfer of social contributions)

Financing Programme for the RO-LA type transport programme

On November 9th 2017 Order no. 1378 of the Deputy Prime Minister and of the Minister of the Environment approving the Financing Programme for the RO-LA type transport programme ("the Programme") came into force.

Amendments enacted through Emergency Ordinance no. 82/2017:

- The value of the pension point increases with 10%, respectively from RON 1,000 to RON 1,100. This amendment will enter into force starting with July 1st, 2018.
- The social allowance for pensioners increases from RON 520 to RON 640. This amendment shall produce effects during the period July 1st - December 31st, 2018.
- The rate of contribution to private pension funds, decreased from 6% to 3.75%, starting with January 1st 2018.
- The calculation method for the minimum amount granted as monthly child allowance is amended. This amount is currently determined as 85% of the national gross minimum salary.
- As of January 2018, the minimum amount of the monthly allowance will be determined as 2.5 times the value of the social reference indicator.
- Employers are under obligation to initiate collective negotiations to implement the Emergency Government Ordinance no. 79/2017.

The collective negotiations must be initiated between November 20, 2017 and December 20, 2017.

Thus:

- All employers that do not have a collective labor bargaining agreement in force are required to start negotiations, irrespective of the number of employees – therefore this obligation applies also to employers with less than 21 employees;
- If there is a collective labor bargaining agreement in place – additional acts thereto will have to be negotiated;

In the cases presented above the bargaining can be conducted by representative trade union federations or confederations – which, as a rule, have a higher negotiation power in comparison to employees’.

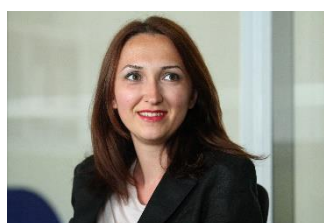
Emergency Ordinance no. 82/2017 published in the Official Gazette no. 902/16.11.2017 amended the following legislative acts:

- Law no. 263/2010 regarding the unitary public pension system;
- Emergency Ordinance no. 6/2009 regarding the establishment of the social allowance for pensioners;
- Law no. 411/2004 regarding pension funds under private administration;
- Emergency Ordinance no. 111/2010 regarding the paid leave and monthly allowance granted for child raising;
- As well a series of derogations from the Law no. 62/2011.

For further questions, please contact us.



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Financing Programme for the RO-LA type transport programme

On November 9th 2017 Order no. 1378 of the Deputy Prime Minister and of the Minister of the Environment approving the **Financing Programme for the RO-LA type transport programme ("the Programme")** came into force.

The Programme runs within the limits of the funds provided for this purpose, through the annual budget of the Environmental Fund.

As regards the definition introduced by the new legislative framework, **RO-LA transport** is that particular form of combined transport in which:

- Self-propelled road vehicles, intended for the carriage of goods, are transported by rail on trains composed of specialized rail cars (wagons);
- Loading and unloading of road vehicles on and off specialized rail cars (wagons) is carried out in specialized terminals, by means of self-propulsion systems and rolling on own wheels;
- Self-propelled road vehicle drivers may accompany transported vehicles during rail transport, they being transported in travelers cars (class couchette cars or wagons)

The object of the Programme is non-refundable financing RO-LA from the Environment Fund, the aim of the Programme being reduction of negative effects that road freight transport produces on the environment. The RO-LA Type Grant Programme Guide is intended to provide the funding applicant with essential information on the implementation of the RO-LA type programme, representing a complex information support.

The Guide includes provisions regarding:

- I. Funding source, estimated amount and duration of the Programme;
- II. Amount and terms of grant;
- III. Categories of eligible entities and eligibility criteria;
- IV. Participation to the programme;

In view of the objectives of the Programme, it aims to:

1. Attract trade to the RO-LA type transport system and permanent transfer of a segment of freight transport from road to rail in accordance with the Europe 2020 strategy stipulating reduction of CO2 emissions for road vehicles;
2. Regulations and coordination of the transport market by transferring freight traffic from road to rail and by reducing pollution, emissions (including CO2), in the atmosphere.

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