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LAW No. 356 of 10 July 2001
on the employers' organisations
EMITTER: THE PARLIAMENT OF ROMANIA
PUBLISHED IN: THE OFFICIAL GAZETTE OF ROMANIA No. 380 of 12 July 2001

It must be specified that the only text which shall produce legal effects is the text in the Romanian language.

CHAPTER I
General provisions

ART. 1

The employers' organisations are autonomous organisations of the employers, without a political character, set up as private law legal persons, without patrimony purpose.

ART. 2

Within the meaning of the present law, the employer is the registered legal person or the natural person licensed according to the law, managing and using capital, irrespective of its nature, for the purpose of obtaining profit under conditions of competition, and which employs paid work.

CHAPTER II

The setting up, organisation and functioning of the employers' organisation

Section 1

The setting up and organisation

ART. 3

(1) The employers' organisation shall be set up per economic activities and organised per sections, divisions, branches and at national level.

(2) A number of at least 15 registered legal persons or natural persons licensed according to the law may constitute an employers' organisation.

(3) Employers' organisations may also be set up with a number of at least 5 members in the branches where they hold over 70% of the production.

(4) The employers' organisations may set up their own territorial organisational structures, with or without legal personality. The territorial organisational structures without legal personality shall carry on their activity on the basis of the employers' organisation status which they belong to.

ART. 4

(1) The employers organisations may be set up as unions, confederations or in other associative structures.

(2) Two or more employers' organisations may constitute employers' organisation unions or federations.

(3) Several employers' organisations unions or federations may be associated as employers' organisation confederations.

(4) The employers' organisations shall carry out their activity based on their own statute and regulation, according to the provisions of the present law.

(5) The employers' organisation confederations which are representative at national level, according to the law, may be set up as a body representing the employers' organisations, having its own statute and organisation and functioning regulation, for the unitary representation of the employers' organisation movement at national and international level.

(6) The employers' organisations shall have the right to affiliate to international organisations.

ART. 5

The dignitaries, as well as the persons holding management positions in the public administration structures may not belong to the management bodies of the employers' organisations.

Section 2

The statute

ART. 6

The manner of setting up, organisation, functioning and dissolution of an employers' organisation shall be regulated by the statute adopted by its members, with the observance of the legal provisions.

ART. 7

(1) The statute shall include, under the sanction of nullity, at least the following elements:

- a) the denomination of the employers' organisation, the headquarters and, as the case may be, its own territorial structures, with or without legal personality;
- b) the object of activity and the purpose;
- c) the initial patrimony, its size and structure, the subscriptions, as well as other legal financing sources;
- d) the rights and obligations of the members;
- e) the management bodies;
- f) responsibilities;
- g) the dissolution and liquidation of the employers' organisation.

(2) The legal personality of the employers' organisation shall be obtained according to the law on the associations and foundations; the application for granting the legal personality shall be accompanied by the setting up report, the authenticated statute, the chart including the adhesions, the proof of the existence of head office and of the financial means necessary with a view to carrying on the activity.

Section 3

The rights and obligations of the employers' organisations

ART. 8

The employers' organisations shall represent, support and defend the interests of their members in the relations with the public authorities, with the trade unions and with other legal and natural persons, depending on their activity object and purpose, both at national and international level, according to their own statutes and in accordance with the provisions of the present law.

ART. 9

In the drawing up of the draft statutory instruments on the activities of the employers' organisations the initiators shall request beforehand the written and motivated advisory opinion of the representative employers' organisation structures.

ART. 10

With a view to achieving the purpose for which they have been set up, the employers' organisations:

- a) shall represent, promote, support and defend the economic, technical and legal interests of their members;
- b) shall act for the absolute freedom of action of the employers for the purpose of developing and making their activity more efficient;
- c) shall promote the fair competition, according to the conditions of the law, for the purpose of ensuring equal opportunities for each one of its members;
- d) shall be consulted by the Government at the initiation, drawing up and promotion of the programmes for development, restructuring, privatisation, liquidation, economic co-operation and shall participate in the structures for the co-ordination and administration of the programmes with the European Union;
- e) shall designate, according to the conditions of the law, representatives in the negotiation and conclusion of the collective labour contracts, in other treaties and agreements in the relations with the public authorities and the trade unions, as well as the tripartite structures of management and social dialogue.

ART. 11

(1) The employers' organisations shall provide for their members information, the facilitation of the relations between these, as well as with other organisations, the promoting of the management progress, consulting and specialised assistance services, including in the field of training the labour force.

(2) The employers' organisations shall be authorised to provide any other services required by their members, with the observance of the law.

ART. 12

(1) The drawing up of the statutes, of the organisation and functioning regulation, the election of the management bodies, the organisation of the administration and of the activity shall be the attributes of the employers' organisations.

(2) The members of the elected management bodies of the employers' organisations shall be protected by the law against all forms of discrimination, conditioning, constraint or limiting of the exercise of their functions, under the sanction of the penalties provided by the law.

ART. 13

The employers' organisations may address to the competent public authorities proposals for the legislation in the fields of employers' organisations interest.

Section 4

The patrimony and financing of the activity

ART. 14

The movables and immovables which belong to the employers' organisations may only be used in their interest and according to the purpose for which they have been set up by the law.

ART. 15

(1) The employers' organisations may acquire, according to the conditions provided by the law, free of charge or for a consideration, any kind of movables or immovables necessary for the achievement of the purpose for which they have been set up.

(2) The representative confederations and federations of the employers' organisations may receive for tenancy, based on a motivated request, immovables or spaces from the state housing fund, which they shall use as head offices and for which they shall pay a rent calculated according to the provisions regarding the dwellings. In order to build their own head offices the representative confederations and federations of the employers' organisations may receive in concession or may rent lands from the private property of the state or of the administrative-territorial units. The rental or concession shall be carried out by an administrative act issued by the competent authority.

ART. 16

The employers' organisation, according to the conditions of the law and of its statute, may:

- a) grant assistance and mutual credit to its members;
- b) edit and print its own publications;
- c) set up and manage, in the interests of its members, units of culture, education and research in the field of the activity of the employers' organisation, economic and social, commercial units, as well as its own bank for the financial operations in lei and in foreign currency.

ART. 17

(1) The economic and financial activity of the employers' organisations shall be carried out according to their own income and expenditure budget.

(2) The sources of the incomes of the employers' organisations shall be: matriculation fees, subscriptions, contributions for the fund destined to the negotiation of the collective labour contracts and special activities, donations, sponsorings and other incomes, according to the statutes and to the laws in force.

(3) *** Abrogated

(4) The incomes of the employers' organisations are destined to the achievement of the purposes for which they have been set up and they can not be distributed to their members.

*) Paragraph (3) of Article 17 was abrogated by Article 298 of the Fiscal Code, the Law No. 571/2003, published in the Official Gazette of Romania, Part I, No. 927 of 23 December 2003.

CHAPTER III

The reorganisation and dissolution of the employers' organisations

ART. 18

In case of reorganisation of an employers' organisation the situation of the patrimony shall be settled by its management bodies or, in case of disagreement, by the competent court, according to the law.

ART. 19

In case of dissolution of an employers' organisation its patrimony shall be divided with the observance of the provisions of the statute and of the common law in the field.

ART. 20

(1) Within 15 days from the dissolution the head of the employers' organisation or the liquidators of the patrimony are obliged to request to the competent court to make the mention of the dissolution.

(2) After the expiry of the 15-day period any person concerned may request the competent court to operate the mention provided in paragraph (1).

CHAPTER IV

Final and transitory provisions

ART. 21

(1) Within 6 months from the date of publishing the present law in the Official Gazette of Romania, Part I, the employers' organisations which until that date obtained legal personality shall submit to the competent court the new statute in accordance with the provisions of the present law.

(2) The non-observance of the provisions of paragraph (1) shall bring about the suspension of the representation right beginning with the date following the expiry of the 6-month period.

ART. 22

On the date of coming into force of the present law the Government Decision No. 503/1991 on the employers' organisations of the autonomous regies and of the trading companies with fully state-owned capital, published in the Official Gazette of Romania, Part I, No. 175 of 26 August 1991.
