

LAW no. 217 of 5 July 2005 (* republished *) on the establishment, organization and functioning of the European Works Council *)

ISSUER • parliament

Published in the OFFICIAL GAZETTE no. 889 of December 15, 2011 *) Republished pursuant to art. II of Law no. 186/2011 for the amendment and completion of Law no. 217/2005 on the establishment, organization and functioning of the European Works Council, published in the Official Gazette of Romania, Part I, no. 763 of October 28, 2011, giving the texts a new numbering. Law no. 217/2005 was also republished in the Official Gazette of Romania, Part I, no. 250 of 13 April 2007.

Chapter I General provisions

Article 1

The provisions of this law govern the conditions for the establishment of the European Works Council or the establishment of the procedure for informing and consulting employees in Community-sized undertakings and in Community-sized groups of undertakings, in order to improve employees' right to information and consultation.

Article 2

(1) The European Works Council or the information and consultation procedure shall be set up, in accordance with the procedures provided for in this Law, in each Community-sized enterprise and in each group of Community-sized enterprises, defined in accordance with Art. 6.

(2) The modalities of informing and consulting the employees provided in par. (1) shall be defined and applied on the basis of the principle of efficiency, so as to ensure the effective exercise of the right to transnational information and consultation of employees and to enable efficient decisions to be taken by undertakings or groups of undertakings.

(3) By exception from the provisions of par. 1. Where a group of undertakings with a Community dimension includes one or more undertakings or one or more groups of undertakings which are also of a Community dimension, the European Works Council shall be set up at group level, outside in case the agreement referred to in art. 22 provides otherwise.

Article 3

(1) Employees shall be informed and consulted at a relevant level of management and representation, depending on the subject matter.

(2) For the purposes of par. (1), the competence of the European Works Council and the scope of the procedure for informing and consulting employees, governed by this law, are limited to transnational issues.

(3) The transnational aspects provided in par. (2) are those matters which relate to the Community-sized undertaking or group of undertakings of Community size, as a whole, or to at least two undertakings or subsidiaries, branches or other secondary offices of an undertaking or group located in two States different members.

(4) In determining the transnational nature of an issue, account shall be taken, regardless of the number of Member States involved, of the level of management and representation involved, as well as the extent of possible effects on the European workforce or activities between Member States.

Article 4

(1) The information and consultation of the European Works Council shall be linked to the information and consultation of the national bodies representing employees, taking due account of the competences and scope of intervention of each of them and of the principles set out in Art. 3.

(2) The modalities of correlating the information and consultation of the European Works Council with the information and consultation of the national bodies representing employees are established by the agreement provided in art. 22.

(3) In the absence of the modalities provided in par. (2) and where decisions are envisaged which could lead to significant changes in the organization of work or collective bargaining agreements, the information and consultation processes shall take place at the same time, at national level, by branch or group of units, after case, and in the European Works Council.

(4) The opinion of the European Works Council shall be without prejudice to the ability of the central management to organize the necessary consultations, while respecting the deadlines laid down in national laws and / or practices.

Article 5

Repealed.

(on 17-06-2018, Article 5 of Chapter I was repealed by Point 1, Article II of LAW no. 127 of 11 June 2018, published in the OFFICIAL GAZETTE no. 491 of 14 June 2018)

Chapter II Definitions and scope application

Section 1 Terms and expressions used

Article 6

For the purposes of the provisions of this law, the terms and expressions below have the following meanings:

1. enterprise - a public or private entity that carries out an economic activity, for profit or not;
2. group of undertakings - a group comprising an undertaking exercising control and controlled undertakings;
3. employees' representatives - representatives of trade unions or persons elected and mandated to represent employees, according to national law and / or practice;
4. undertaking with a Community dimension - an undertaking which employs at least 1,000 employees in the Member States and, in at least two different Member States, at least 150 employees in each of them;
5. undertaking exercising control within the group of undertakings - the undertaking which may exercise a dominant influence over another undertaking, called an undertaking controlled by virtue of ownership, financial participation or the rules governing it.
The ability to exercise a dominant influence is presumed, without excluding evidence to the contrary, when an undertaking, directly or indirectly, meets one of the following criteria:
 - a) may appoint more than half of the members of the board of directors, the management or the supervisory board of another undertaking;
 - b) controls the majority of the votes attached to the shares issued by another enterprise;
 - c) holds the majority of the subscribed share capital of another enterprise.The voting and naming rights of the controlling undertaking shall include those of any other controlled undertaking and those of any person or body acting in its own name but in the interest of the controlling undertaking or any other controlled enterprises.
It is not considered an enterprise that exercises control that holds participations in another enterprise, when the first of them is in one of the situations provided in art. 11 lit. b) or c) of the Competition Law no. 21/1996, republished, with subsequent amendments and completions.
It is not presumed that a dominant influence is exercised solely on the basis that a representative exercises his powers, in accordance with the provisions of the law, regarding liquidation, bankruptcy, insolvency, cessation of payments or a similar procedure.
When two or more enterprises in a group meet one or more of the criteria set out in letter a), b) or c) of this point, is considered an enterprise that exercises control that meets the criterion provided in letter a), without excluding, however, the possibility of proving that another undertaking has the capacity to exercise a dominant influence.
The law applicable to determine whether an undertaking is a controlling undertaking is that of the Member State which governs that undertaking. If the law governing the undertaking is not that of a Member State, the applicable law is that of the Member State in whose territory the representative of the undertaking is located or, in the absence of such a representative, the central management of the group undertaking employing the largest number of employees.
6. group of undertakings with a Community dimension - a group of undertakings which cumulatively fulfills the following conditions:
 - a) employs at least 1,000 employees in the Member States;
 - b) contains at least two group member undertakings in different Member States;
 - c) at least one member company of the group employs at least 150 employees in one Member State and at least one other member company of the group employs at least 150 employees in another Member State;
7. central management - the central management of the undertaking with a Community dimension or the central management of the undertaking exercising control within the group of undertakings with a Community dimension;
8. information - the transmission of data by the employer to the employees' representatives, in order to allow them to become familiar with the subject treated and to examine it knowingly; the information shall be provided in a timely manner, in a manner and with appropriate content, to enable the employees' representatives to examine the matter properly and to prepare, if necessary, the consultation;
9. consultation - the exchange of views and the establishment of a dialogue between the employees' representatives and the central management or any other level of management. The

consultation takes place:

- a) at a time, in a manner and with an appropriate content, in order to allow the employees' representatives to elaborate a point of view;
 - b) on the basis of the information made available to the employees' representatives on the proposed measures to which the consultation relates;
 - c) without affecting the responsibilities of the management;
 - d) within a reasonable time, which may be taken into account within the Community-sized undertaking or group of Community-sized undertakings;
10. the employee - the person employed based on an individual employment or apprenticeship contract;
 11. the European Works Council - the committee set up according to the provisions contained in ch. III or IV, in order to inform and consult employees;
 12. the special negotiating group - the group constituted in accordance with the provisions of art. 16 and 17, with a view to negotiating with the central management regarding the establishment of the European Works Council or the establishment of the procedure for informing and consulting employees;
 13. Member States - the Member States of the European Union and the other Member States of the European Economic Area.

In determining the number of employees, in the case of Community-sized enterprises and groups of Community-sized enterprises, the average number of employees, including part-time employees employed during the 2 years preceding the date, shall be taken into account. at which the negotiation provided in art. 11.

Section 2 Scope

Article 7

(1) This law applies to:

- a) enterprises of Community size and groups of enterprises of Community size that have their central management in Romania or in another Member State of the European Union or of the European Economic Area;
- b) Community-sized enterprises and groups of Community-sized enterprises whose central management is not located in a Member State, but has appointed a representative in Romania;
- c) Community-sized undertakings and groups of Community-sized undertakings whose head office is not located in a Member State and has not appointed a representative in a Member State when the subsidiary, branch or any other such companies or, as the case may be, the member company of the group that employs the largest number of employees in a Member State is located in Romania.

(2) In the application of the present law, the representative provided in par. (1) lit. b) and, respectively, the management of the enterprise, subsidiary, branch or of any other secondary office provided in par. (1) lit. c) are considered as central management.

(3) The powers and competences of the European Works Council and the scope of the information and consultation procedure shall cover all subsidiaries, branches and other headquarters of the Community-sized undertaking in the territory of the Member States and all undertakings of the Community-scale group of undertakings of Community size. in the territory of the Member States, unless the agreement provided for in Art. 22 establishes a wider area of application.

Article 8

(1) The provisions of this law do not apply to European companies established in accordance with Regulation (EC) no. 2,157 / 2001, as well as to the European cooperative societies established according to Regulation (EC) no. 1,435 / 2003, if they are Community-sized undertakings or undertakings exercising control over a group of Community-sized undertakings.

(2) If the special negotiating group set up within the companies provided in par. (1) decides not to start negotiations or to end the negotiations already started, the provisions of this law are applicable.

Chapter III Establishment of the European Works Council or establishment of the procedure for informing and consulting employees

Article 9

The Central Management shall establish the conditions and means necessary for setting up the European Works Council or for setting up the information and consultation procedure in undertakings or groups of undertakings of Community size. , in compliance with the provisions of this law.

Article 10

(1) The management of each enterprise within the group of enterprises of Community dimension, of each subsidiary, branch or of each secondary headquarters of an enterprise of Community dimension, as well as the central management or the presumed central management within the meaning of art. 7 para. (1) lit. c) of the enterprise or group of enterprises of community dimension are responsible for obtaining and transmitting to the interested parties for the application of the present law the information necessary for the opening of the negotiations provided in art. 11, in particular information on the structure of the undertaking or group and its staff.

(2) For the purposes of par. (1), interested party means the employees and representatives of the employees of an enterprise or group of enterprises of Community dimension, the central management located in Romania, the representative of the central management in Romania, if appointed, or, in the absence of a such a representative, the presumed central management within the meaning of art. 7 para. (1) lit. c).

(3) The information provided in par. (1) refers in particular to the information regarding the number of employees provided in art. 6 points 4 and 6.

(4) The information provided in par. (1) are necessary to allow employees or their representatives to address the request for the initiation of negotiations for the establishment of the European Works Council or for the establishment of the information procedure provided for in Art. 11 and cannot be conditioned by its receipt.

Section 1 Negotiating panel

Article 11

(1) The central management located in Romania shall initiate negotiations for the establishment of the European Works Council or for the establishment of the information and consultation procedure, ex officio or at the written request of at least 100 employees or, as the case may be, of their representatives from at least two enterprises, or subsidiaries, branches or other secondary offices located in at least two different Member States.

(2) The request for the initiation of negotiations for the establishment of the European Works Council or for the establishment of the information and consultation procedure shall be addressed to the central management defined in accordance with this law.

Article 12

A special negotiating body shall be set up to set up the European Works Council or to set up the procedure for informing and consulting employees.

Article 13

The role of the Special Negotiating Group shall be to establish with the Romanian central management, by written agreement, the scope, composition, tasks and duration of the mandate of the European Works Council or Committees or the modalities for the application of one or more informing and consulting employees.

Article 14

The special negotiating body shall be composed of the members appointed or elected in proportion to the number of employees employed in each Member State by the Community-sized undertaking or group of Community-sized undertakings, with each Member State allocated one seat for each tranche of employees employed in that Member State which represents 10% of the number of employees employed in all Member States as a whole or a fraction of that tranche.

Article 15

(1) In Romania, the members of the special negotiating body shall be appointed by the representatives of the employees of Romania of the Community-sized enterprise or of the Community-sized enterprise group. In the absence of such representatives, the members of the special negotiating body shall be appointed by a majority of the votes of the employees of Romania of the Community-sized enterprise or of the Community-sized enterprise group.

(2) The members of the special negotiating body may elect a chairperson from among themselves and adopt rules of organization and operation.

(3) The organization and functioning regulation will include the concrete way of appointing or electing the members of the special negotiating group, as well as aspects regarding the suspension, revocation or termination of their mandates.

Article 16

In order to ensure continuity within the special negotiating body in the situations provided for in the rules of organization and operation, a reserve list shall be drawn up, with each

Member State allocated a replacement for each tranche of employees employed in the Member State. 10% of the number of employees employed in all Member States as a whole or a fraction of that tranche.

Article 17

(1) The central management located in Romania shall be informed about the composition of the special negotiating group and the persons appearing on the reserve list, as well as about the opening of the negotiations.

(2) The central management shall also inform the management of the subsidiaries, branches and other secondary offices of the Community-sized undertaking, the management of the undertakings making up the Community-sized group of undertakings and the competent European employees 'and employers' organizations consulted by the Commission. European Union based on art. 154 of the Treaty on the Functioning of the European Union.

(3) The obligation to inform lies with the parties.

Article 18

(1) Expenditure relating to the negotiation of an agreement for the establishment of the European Works Council or for the establishment of the procedure for informing and consulting employees shall be borne by the central management.

(2) The central management shall make every effort to ensure that the members of the special negotiating body have the material and financial resources necessary for the performance of their duties.

(3) Unless the Central Management and the Negotiating Group decide otherwise, when the Special Negotiating Group is assisted by experts, the Central Management shall bear the expenses of one expert only.

Section 2 Agreement on the establishment of a European Works Council or the establishment of a procedure for informing and consulting employees

Article 19

(1) The Central Management shall convene a meeting with its members within 30 days of the date of communication of the composition of the Negotiating Group, with a view to concluding an agreement on the establishment of the European Works Council or the establishment of the procedure for informing and consulting employees. The central management informs the local managements about this.

(2) The special negotiating body shall have the right to meet before and after each meeting with the central management, having all the means necessary for communication, without the representatives of the central management being present at those meetings.

(3) In order to carry out its attributions, the special negotiating group may be assisted by experts, at its choice, which may include representatives of the trade union organizations provided in art. 17 para. (2). Those experts and trade union representatives may attend, in an advisory capacity, the negotiating meetings at the request of the special negotiating body.

Article 20

In order to conclude the agreement provided in art. 22, the decisions of the special negotiating body shall be taken by a majority vote of the members.

Article 21

(1) The Special Negotiating Group may decide, by a two-thirds majority of the votes cast, to suspend or not to initiate negotiations with the Central Management.

(2) In the situation provided in par. (1) and in the absence of an agreement between the special negotiating body and the central management, otherwise decided, the special negotiating body shall be dissolved.

(3) A new request for convening, respectively for setting up the special negotiating group may be introduced at the earliest after 2 years from the date of the decision provided in par.(1), unless the parties set a shorter deadline.

(4) In the situation of taking a decision under the conditions of par.(1), the subsidiary provisions provided in this law are not applicable.

Article 22

(1) The purpose of the agreement between the special negotiating body and the central management shall be either to set up the European Works Council or to set up a procedure for informing and consulting employees.

(2) The agreement must be concluded in writing.

(3) The agreement is without prejudice to the rights to information and consultation of employees, provided by the Romanian legislation in force.

Article 23

The Agreement on the Establishment and Functioning of European Works Councils shall set out at least:

(a) the undertakings which make up the Community-sized group of undertakings or the subsidiaries, branches or other secondary offices of the Community-sized undertaking to which the Agreement applies;

b) the composition of the European Works Council, the number of members, the distribution of seats, taking into account the need for a balanced representation of employees according to activities, categories and sexes, as well as the term of office of members;

c) the tasks and procedure of informing and consulting the European Works Council, as well as the modalities of correlating the information and consultation of the European Works Council and the information and consultation of national employee representation organizations, respecting the principle set out in art. 3;

d) place, frequency and duration of committee meetings;

e) where applicable, the composition, modalities of appointment, tasks and arrangements for the meeting of the select committee set up within the European Works Council;

f) the financial and material resources necessary for its operation, which will be allocated to the committee;

g) the date of entry into force of the Agreement and its duration, the procedure for amending or terminating the Agreement, the conditions and the procedure for renegotiating it, including, where appropriate, changes in the structure of the Community-sized undertaking or group of Community-sized undertakings.

Article 24

(1) The central management and the special negotiating body may agree, by written agreement, to set up one or more information and consultation procedures, instead of setting up a European Works Council.

(2) In the situation provided in par. (1), the agreement must provide for the concrete ways in which the employees' representatives have the right to meet to be informed and to consult with the central management regarding the information communicated to them, respectively to meet to discuss to the information communicated to them.

(3) The information provided in par. (2) mainly concerns transnational issues which significantly affect the interests of employees of the Community-sized undertaking or group of Community-sized undertakings.

Article 25

(1) In the event of significant changes in the structure of the Community-sized undertaking or group of Community-sized undertakings and either in the absence of provisions in the agreements in force or in the event of conflicts between the provisions of two or more applicable agreements, the central management initiates, on its own initiative or upon receipt of a written request from at least 100 employees or their representatives from at least two companies or subsidiaries, branches or other secondary offices located in at least two different Member States, the negotiations provided in art. 11.

(2) At least 3 members of the existing European Works Council or of each of the existing European Works Councils shall be appointed or elected members of the special negotiating body, in addition to the members elected or appointed in application of the provisions of Art. 14-17.

(3) During these negotiations, the existing European Works Council shall continue to function in accordance with the arrangements adopted by agreement between the members of that Committee and the central management.

Article 26

The agreement provided in art. 22, the subsidiary provisions of this law do not apply to it, unless otherwise provided.

Chapter IV Subsidiary provisions

Section 1 Applicability

Article 27

(1) The provisions of this Chapter shall apply in any of the following situations:

- a) the central management and the special negotiating body shall so decide;
- b) the central management refuses to open negotiations within 6 months from the date of the employees' request, formulated according to art. 11 para. (1);
- c) within 3 years from the date of requesting the employees, formulated according to art. 11 para. (1), the central management and the special negotiating group are not able to conclude an agreement and the special negotiating group has not taken the decision provided in art. 21 para. (1).

(2) In the situations provided in par. 1. A European Works Council shall be set up in accordance with the provisions of this Chapter.

Section 2 Composition of the European Works Council

Article 28

(1) The European Works Council shall be composed of employees of the Community-sized undertaking or of the Community-sized group of undertakings appointed or elected by the employees' representatives or, in their absence, by all the employees.

(2) The members of the European Works Council shall be elected or appointed in proportion to the number of employees employed in each Member State by the Community-sized undertaking or group of Community-sized undertakings, with each Member State allocated one seat for each Member State. A tranche of employees employed in that Member State which represents 10% of the number of employees employed in all Member States as a whole or a fraction of that tranche.

Article 29

(1) The European Works Council shall adopt its rules of organization and operation.

(2) The organization and functioning regulation will include the concrete way of appointing or electing its members, as well as aspects regarding the suspension, revocation or termination of their mandates.

Article 30

(1) The central management checks every 2 years if the number of employees has changed; in this case the number of members in a state must be readjusted.

(2) Where such a change is found, the central management shall notify the European Works Council in writing of that change.

(3) The European Works Council shall appoint or elect the new member, under the conditions provided for in the rules of organization and operation, in accordance with the provisions of art. 28 para. (2).

Article 31

In order to ensure continuity within the European Works Council, in the situations provided for in the rules of organization and operation, a reserve list shall be set up, in accordance with the rules laid down in Art. 16.

Article 32

(1) In order to ensure the coordination of its activities, the European Works Council shall elect from among its members a small committee of up to 5 members, which shall have the necessary conditions in order to be able to carry out its activities on a regular basis.

(2) The restricted committee provided in par. 1. shall adopt rules of organization and operation.

Article 33

The central management in Romania shall be informed of the composition of the European Works Council, the select committee and the persons on the reserve list. It shall also inform the management of the subsidiaries of the branches and other secondary offices of the Community-sized undertaking, as well as the management of the undertakings which make up the Community-sized group.

Section 3 Competence and functioning of the European Works Council

Article 34

The competence of the European Works Council shall be established in accordance with the provisions of Art. 3 para.

(2) - (4).

Article 35

(1) The central management shall convene a meeting with the European Works Council at least once a year to keep it informed and consulted on the development of the activities of the Community-sized undertaking or group of undertakings with a Community dimension and its prospects, based on a report prepared by the central management.

(2) The information of the European Works Council shall take into account, in particular, the following aspects:

- a) the structure of the Community-sized undertaking or group of undertakings with a Community dimension;
- b) their economic and financial situation;
- c) the probable evolution of the activities of the enterprise or group of enterprises;
- d) the production and sales of the Community-sized enterprise or group of enterprises.

(3) The information and consultation of the European Works Council shall take into account, in particular, the following aspects:

- a) the state of employment and development forecasts in this field;
- b) investments;
- c) the main changes concerning the organization of enterprises or groups of enterprises;
- d) introduction of new working methods or new production processes;
- e) transfers of production, mergers, downsizing or closure of undertakings, subsidiaries, branches or other secondary offices or important parts thereof;
- f) collective redundancies.

(4) The consultation shall take place in such a way as to enable the employees' representatives to meet with the central management and to obtain a reasoned response to any point of view which they may make.

(5) The central management shall communicate the date of the meeting of the European Works Council and the local management at least 15 calendar days before that.

Article 36

(1) By exception from the provisions of art. 35, when exceptional situations occur or in the case of decisions which significantly affect the interests of employees, in particular in the event of a change of headquarters, closure of undertakings or subsidiaries, branches or other secondary offices, collective redundancies, the select committee or, failing that, the European committee The company has the right to be informed.

(2) In this case, the European Works Council or, as the case may be, the select committee shall have the right to meet, at its request, with the central management of Romania or any other level of management within the Community-wide enterprise or group of Community-scale undertakings with competence to take decisions, to be informed and consulted.

(3) Members who have been elected or appointed by subsidiaries, branches or other secondary offices and / or undertakings which are directly affected by those measures or decisions shall also have the right to attend the meeting of the select committee.

Article 37

(1) The information and consultation meeting provided in art. 36 takes place as soon as possible, on the basis of a report prepared by the central management or by the managements organized at different levels.

(2) The European Works Council may deliver an opinion on the report at the end of the meeting or within a reasonable time, but not later than 10 days after the date of the meeting.

Article 38

The meeting provided in art. 36 may not affect the prerogatives of the central management.

Article 39

The information and consultation provided in art. 36 shall be carried out without prejudice to the provisions provided in art. 2 para. (2) and to art. 50-52.

Article 40

Before and after any meeting with the central management, the European Works Council or the select committee, which may be extended where appropriate, in accordance with the provisions of

Art. 36 para. (3), has the right to meet without the central management being present.

Article 41

(1) The members of the European Works Council shall inform the representatives of the employees of the Community-sized undertaking or group of undertakings of Community size or, in their absence, of all employees, of the content and outcome of the information and consultations carried out under this Chapter.

(2) The provisions of par. (1) may not exempt the members of the European Works Council or the members of the restricted committee from the obligation of confidentiality provided in art. 50.

Article 42

(1) After 4 years from the date of the establishment of the European Works Council, it examines the need to initiate negotiations in order to conclude an agreement according to art. 22 or to maintain the application of the subsidiary provisions of this Chapter.

(2) If it is decided to initiate a negotiation procedure, the provisions of art. 20, art. 22-26, art. 49 para. (3) and the subsidiary provisions of this law, and the role of the special negotiating body is fulfilled by the European Works Council.

Article 43

(1) The European Works Council or the Select Committee, as the case may be, may be assisted by experts of its choice, in so far as this is necessary for the performance of their duties.

(2) The central management located in Romania shall bear the expenses for at least one expert.

Article 44

(1) The running costs of the European Works Council shall be borne by the central management located in Romania, which shall establish, in collaboration with the European Works Council, its annual budget.

(2) The central management shall provide the members of the European Works Council with the financial and material resources to enable them to fulfill their obligations under this Act.

(3) The central management shall, unless otherwise agreed, bear the costs of organizing meetings and translating, as well as the travel and accommodation expenses of members of the European Works Council and members of the select committee.

Article 45

Without prejudice to the capacity of other bodies or organizations in this field, the members of the European Works Council shall have the necessary means to exercise the rights deriving from this Act, to represent collectively the interests of employees of the Community-wide group of enterprises with a Community dimension.

Article 46

Without prejudice to art. 50, the members of the European Works Council shall inform the employees' representatives of subsidiaries, branches or any other headquarters of undertakings of Community size or of undertakings belonging to a group of undertakings of Community size or, in the absence of representatives, of all employees, of the content and results of the procedure. information and consultation implemented in accordance with the law.

Chapter V Protection of employees' representatives

Article 47

(1) The members of the special negotiating group, of the European Works Council and the representatives of the employees employed in Romania enjoy, in the exercise of their functions, the rights provided by the legislation in force for the employees' representatives and for the elected members of the trade unions.

(2) The provision of par. (1) concerns, in particular, the participation in the meetings of the Special Negotiating Group or of the European Works Council or in any other meeting held under the Agreement provided for in Art. 22, as well as the payment of salaries to members of the staff of the Community-sized undertaking or group of Community-sized undertakings, during the absence necessary for the performance of their duties.

(3) The persons provided in par. (1) may not be subject to any discrimination, dismissal or subject to other sanctions, as a result of the performance of their duties in accordance with the provisions of this law.

(4) The members of the special negotiating body, the European Works Council and the employees' representatives must be given the time and means necessary to enable them to inform employees of the status and results of the information and consultation process.

(5) A member of the Special Negotiating Group or of the European Works Council or his alternate, who is a member of the crew of a seagoing vessel, shall have the right to attend the meeting of the Special Negotiating Group, the European Works Council or the agreement provided in art. 19 or at any other meeting held in accordance with any procedures established pursuant to art. 24 para.

(1) if, at the date of the meeting, the member or alternate is not at sea or in a port of a country other than Romania, where the shipping company is established.

(on 17-06-2018, Article 47 of Chapter V was supplemented by Point 2, Article II of LAW no. 127 of 11 June 2018, published in the OFFICIAL GAZETTE no. 491 of 14 June 2018)

(6) Meetings shall be scheduled in such a way as to facilitate the participation of members or their alternates who are part of the crews of sea-going vessels.

(on 17-06-2018, Article 47 of Chapter V was supplemented by Point 2, Article II of LAW no. 127 of 11 June 2018, published in the OFFICIAL GAZETTE no. 491 of 14 June 2018)

(7) If a member of the special negotiating body or of the European Works Council or his alternate, who is a member of the crew of a seagoing vessel, is unable to attend a meeting, the possibility of using the new information and communication technologies, if possible.

(on 17-06-2018, Article 47 of Chapter V was supplemented by Point 2, Article II of LAW no. 127 of 11 June 2018, published in the OFFICIAL GAZETTE no. 491 of 14 June 2018)

Article 48

To the extent necessary for the exercise of their powers of representation in an international framework, members of the Special Negotiating Group and of the European Works Council shall be provided with training without loss of salary.

Chapter VI Miscellaneous provisions

Article 49

(1) The relations between the central management in Romania and the European Works Council are based on the principle of collaboration, respecting their mutual rights and obligations.

(2) The collaboration between the central management and the employees' representatives is also necessary within the procedure of informing and consulting the employees.

(3) Negotiations between the central management and the special negotiating body shall be based on the principle of cooperation.

Article 50

Confidential information communicated in this respect to members of the special negotiating body, members of the European Works Council, experts and employees' representatives may not be disclosed to third parties even after the expiry of their term of office, wherever such persons are located.

Article 51

(1) The central management in Romania is not obliged to communicate information when it, according to some objective criteria, by its nature, would seriously affect the functioning of the respective enterprises or would harm them.

(2) The central management in Romania has the obligation to motivate in writing the refusal to disclose the information provided in par. (1).

Article 52

The request coming from the central management to respect the confidentiality, respectively the decision of the central management not to disclose the information provided in art. 51 may be challenged by the European Works Council or by the employees' representatives in the competent courts within 30 days.

Chapter VII Contravention liability

Article 53

The following acts constitute contraventions and are sanctioned with a fine from 2,000 lei to 4,000 lei:

a) obstructing the establishment, organization or functioning of the special negotiating body, the European Works Council or preventing the establishment or application of the procedure for informing or consulting employees by a member of the central or other management of a Community-sized undertaking, or of a group of undertakings with a Community dimension or by a person acting on their behalf;

- b) discrimination against a member of the special negotiating body, the European Works Council or an employee representative who acts in accordance with this law;
- c) the disclosure of confidential information by the persons to whom it was communicated within the procedures provided by this law.

Article 54

The finding of contraventions and the application of sanctions shall be made by the control bodies of the Ministry of Labor, Family and Social Protection or by other bodies which, according to the law, have the right to carry out control.

Article 55

The contraventions provided in art. 53, the provisions of Government Ordinance no. 2/2001 regarding the legal regime of contraventions, approved with modifications and completions by Law no. 180/2002, with subsequent amendments and completions.

Chapter VIII Final provisions

Article 56

(1) The provisions of this law are without prejudice to the Romanian legislation regarding:

- a) the general framework for informing and consulting employees;
- b) specific information and consultation procedures in case of collective redundancies;
- c) specific information and consultation procedures in case of transfer of the enterprise.

(2) This law does not affect the general level of protection of employees in the field of information and consultation of employees provided by the Romanian legislation in force.

Article 57

This law shall enter into force on the date of Romania's accession to the European Union. This law transposes: - the provisions of art. 2 of Directive 2015/1794 / EU of the European Parliament and of the Council amending Directives 2008/94 / EC, 2009/38 / EC and 2002/14 / EC of the European Parliament and of the Council and Directives 98/59 / EC and Council Directive 2001/23 / EC as regards seafarers, published in the Official Journal of the European Union (OJEU), L series, no. 263 of October 8, 2015; - Directive 2009/38 / EC of the European Parliament and of the Council of 6 May 2009 setting up a European Works Council or a procedure for informing and consulting employees in undertakings and groups of undertakings with a Community dimension, published in the Official Journal of the European Union (JOUE), L series, no. 122 of May 16, 2009; - the provisions of art. 13 para. (1) of Council Directive 2001/86 / EC supplementing the Statute for a European company with regard to the involvement of employees, published in the Official Journal of the European Communities (OJEC), L series no. 294 of November 10, 2001; - the provisions of art. 15 para. (1) of Council Directive 2003/72 / EC supplementing the Statute for a European Cooperation Company in respect of the involvement of employees, published in the Official Journal of the European Communities (OJEC), L series, no. 207 of 18 August 2003. (on 17-06-2018, the entry on the transposition of European Union rules was amended by Point 3, Article II of LAW No. 127 of 11 June 2018, published in the OFFICIAL GAZETTE No. 491 of 14 June 2018)
