

Track Changes

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April 2020

COVID-19 Logbook: Romanian Legal Updates – Days 18 - 21 3rd – 6th April: Banking & Finance/Employment

Developments related to COVID-19 are occurring rapidly. Wolf Theiss will continue to distribute regular Client Alerts via email and publish up-to-date analysis on our website. A list of daily updated resources can be found here: <https://www.wolftheiss.com/covid19/>

European and national finance authorities are pushing for deadline extensions during the COVID-19 pandemic in order to help regulated entities. The Government launches a digital platform for obtaining the state support scheme for technical unemployment and free days are granted to one parent for the supervision of their children, including during the school holidays.

In today's newsletter we analyze the measures adopted by the following:

- Financial Supervisory Authority Decision no. 21/2020 on reporting and publication deadline extensions regarding insurance activities;
- European Banking Authority Guideline on treatment of public and private moratoria in light of COVID-19 measures;
- Government Ordinance no. 41/2020 for amending Law no. 19/2020 on granting free days to parents for the supervision of their children during the temporary closure of the schools;
- Press release issued by the National Employment Agency regarding the launch of an online platform for submission of documents for technical unemployment.

BANKING & FINANCE

Financial Supervisory Authority ("**FSA**"): Decision no. 21/2020 on reporting and publication deadlines extensions regarding insurance activities

Following the meeting held on 1 April by the FSA Council, FSA Decision no. 21/2020 has been published on 2 April in the Official Gazette. Bearing in mind the current context of the COVID-19 outbreak, the FSA is easing up on the regulated entities as a measure to counteract the heavy toll on the insurance market.

Some of the measures taken by this decision include:

- Submission of the IT audit report is postponed until 31 December 2020; and
- Quarterly reports to be issued by brokerage companies are expected until 30 June 2020.

These measures are mainly taken to reduce the workload and duties of the regulated entities by extending most reporting obligations until the second part of 2020.

European Banking Authority ("EBA"): Guideline on treatment of public and private moratoria in light of COVID-19 measures

In the wake of many EU Member States taking measures in order to combat the economic downturn that is to be expected following the virus pandemic, the EBA has decided to issue a guideline tackling the issue of public or private moratoria, since this is currently a hot topic in most of the EU countries.

The guidelines clearly state that 'payment moratoria do not trigger forbearance classification and the assessment of distress during restructuring if they are based on the applicable national law or an industry or sector-wide private initiative agreed and applied broadly by relevant credit institutions'.

Regulated credit institutions are expected to proceed with the moratoria in a transparent manner, while collecting information about the scope and the utilization of the moratoria for each and every debtor. This information is expected to be shared with the national competent authorities in order to identify and measure the risks in an orderly fashion.

As a general rule to be followed, the EBA mentioned that before approving forbearance measures, credit institutions should take the time to properly investigate and carry out individual assessments of every borrower's repayment capacity, while tailoring the measures individually.

Moreover, the EBA has listed several conditions that must be fulfilled for a general payment moratoria:

- it is launched in response to the COVID-19 pandemic;
- it has to be broadly applied and under the same terms;
- it changes only the schedule of payments; and
- it does not apply to new loans granted after the launch of the moratorium.

The full EBA Guideline can be read [here](#).

EMPLOYMENT

Press release issued by the National Employment Agency regarding the launch of an online platform for submission of documents for technical unemployment

The National Employment Agency announced the launch of the **digital platform** <https://aici.gov.ro/home>, to be used for uploading the necessary documents for obtaining

the state support scheme for technical unemployment in relation to those employees whose employment contracts have been suspended.

The **application**, the **affidavit** and the **list of employees** templates can be downloaded from the same page. They must be signed in wet ink or electronically and thereafter uploaded. We note that to date, no simplification to the electronic signature regulations was approved for private entities. Therefore, documents may be signed electronically only based on Law 445/2001 on electronic signatures. Specifically, in cases where, according to the law, the written form is required as a condition of proof or validity of a legal document, an electronic form fulfills this requirement if an extended electronic signature has been incorporated, attached or logically associated with it, based on a qualified certificate, generated through a secure signature creation device.

The employer's request receives a unique registration number. Following the submission, both the employer and a National Employment Agency representative receive a notification email. Once the request is resolved, the employer receives an e-mail with the response document signed electronically by National Employment Agency.

Additional information may need to be provided upon request of the National Employment Agency, following a specific procedure.

Government Ordinance no. 41/2020 for amending Law no. 19/2020 on granting free days to parents for the supervision of their children during the temporary closure of the schools.

Free days are granted to one of the parents for the supervision of their children, **including during the school holidays**, in the situation of temporary closure of the schools and of preschools as a result of the state of emergency.

Does your business need support in implementing a work from home policy? We are pleased to offer our online collaboration platform WT Space to support you during the current COVID-19 pandemic.

WT Space is a fully customizable, secure collaboration platform that requires no additional hardware or software. Whether you need to collaborate on documents, manage project tasks or communicate more efficiently, WT Space can help bring your team together. Please let us know if you have questions or wish to discuss pricing. space@wolftheiss.com

About WOLF THEISS

Wolf Theiss is one of the leading law firms in Central, Eastern and Southeastern Europe (CEE/SEE). We have built our reputation on a combination of unrivalled local knowledge and strong international capability. We opened our first office in Vienna over 60 years ago. Our team now brings together over 340 lawyers from a diverse range of backgrounds, working in offices in 13 countries throughout the CEE/SEE region.

Authors:



Adelina Iftime-Blagean

Counsel

adelina.iftime-blagean@wolftheiss.com

T: +40 21 3088 100



Andrei Alecu

Associate

andrei.alecu@wolftheiss.com

T: +40 21 3088 100



Antonia Coman

Associate

antonia.coman@wolftheiss.com

T: +40 21 3088 100



Cătălin Sabău

Associate

catalin.sabau@wolftheiss.com

T: +40 21 3088 100



Ramona Enache

Associate

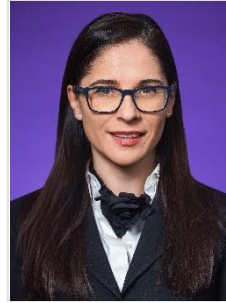
ramona.enache@wolftheiss.com

T: +40 21 3088 100

For more information about our services, please contact:



Bryan Jardine
Managing Partner
bryan.jardine@wolftheiss.com
T: +40 722 568 569



Ileana Glodeanu
Partner
ileana.glodeanu@wolftheiss.com
T: +40 729 155 382



Claudia Chiper
Partner
claudia.chiper@wolftheiss.com
T: +40 733 103 614



Ligia Cecilia Popescu
Partner
ligia.popescu@wolftheiss.com
T: +40 729 218 871



Anca Jurcovan
Partner
anca.jurcovan@wolftheiss.com
T: +40 736 887 888

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If you would like to know more about the topics covered in this memorandum or our services in general, please get in touch with your usual WOLF THEISS contact or with:

Wolf Theiss
Schubertring 6
AT – 1010 Vienna

www.wolftheiss.com