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2022/0205 (NLE)

Proposal for a

COUNCIL IMPLEMENTING DECISION

amending Implementing Decision (EU) 2020/1355 granting temporary support under Regulation (EU) 2020/672 to Romania to mitigate unemployment risks in the emergency following the COVID-19 outbreak

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

Council Regulation (EU) 2020/672 (“SURE Regulation”) lays down the legal framework for providing Union financial assistance to Member States, which are experiencing, or are seriously threatened with, a severe economic disturbance caused by the COVID-19 outbreak. Support under SURE serves for the financing, primarily, of short-time work schemes or similar measures aimed at protecting employees and the self-employed and thus reducing the incidence of unemployment and loss of income, as well as for the financing, as an ancillary, of some health-related measures, in particular in the workplace.

On 7 August 2020, Romania requested financial assistance from the Union and on 25 September 2020, with its Implementing Decision (EU) 2020/1355, the Council granted financial assistance to Romania with a view to complementing its national efforts to address the impact of the COVID-19 outbreak and respond to the socioeconomic consequences of the outbreak for workers and the self-employed.

On 26 May 2022, Romania requested the Union to extend the list of measures in Council Implementing Decision (EU) 2020/1355.

In accordance with Article 6(2) of the SURE Regulation, the Commission has consulted the Romanian authorities to verify the sudden and severe increase in actual and planned expenditure directly related to Romanian labour market measures and health-related measures caused by the COVID-19 pandemic. In particular, these measures pertain to a combination of new measures and existing measures referred to in Council Implementing Decision (EU) 2020/1355:

- (a) the existing scheme providing benefit to employees of employers that reduce or temporarily interrupt their activity due to the effects of the COVID-19 outbreak. The benefit is capped at 75% of those employees’ basic salary (but no more than 75% of the average gross salary in the economy). This measure was extended for the duration of the state of emergency until March 2022.
- (b) the existing short-time work scheme, under which, in the event of a temporary reduction of activity caused by the state of emergency or alert, the employer has the possibility to reduce the working hours of employees by up to 50%. During the period of working time reduction, affected employees benefit from an indemnity of 75% of the difference between the gross salary for normal working time and their actual salary. This measure was extended until June 2022, three months after the end of the state of emergency.
- (c) For the self-employed and liberal professions, the existing two measures were extended. For those who stopped work entirely due to the effects of the COVID-19 outbreak, the State provides a benefit of 75% of the average gross salary for the duration of the state of emergency until March 2022. For those who reduce their working hours, the State provides a benefit of up to 41.5% of the average gross salary until June 2022, three months after the end of the state of emergency.
- (d) the existing support allowance to daily labourers who stop working as a result of the suspension of business activities due to the effects of the COVID-19 outbreak of 35% of the due remuneration per working day, for a maximum period of three

months. This measure was extended until June 2022, three months after the end of the state of emergency.

- (e) the existing childcare bonus granted to employees of the national system of defence, penitentiaries, public health units and other categories of the public sector established through ministerial orders. The benefit is conditional on the other parent not benefitting from alternative rights that grant days off to parents for the supervision of children in the event of the temporary closure of educational units. That measure can be considered to be a similar measure to short-time work schemes, as referred to in Regulation (EU) 2020/672, as it provides income support to employees, which will help to cover the costs of childcare during school closures and therefore help parents to continue working, preventing putting the employment relation at risk. This measure was extended until the end of the school year 2021-2022 and broadened to include private sector employees.
- (f) the new measure consisting of a sick-leave benefit granted to quarantined persons and persons diagnosed with COVID-19 infection. The leave and the indemnity for quarantine are granted to the insured persons who are forbidden to continue their activity, due to a suspicion of contagious disease, for the duration established by the certificate issued by the public health directorate.
- (g) the new measure consisting of a one-time financial support of RON 2 500 to employers for each teleworker for the purchase of packages of technological goods and services necessary for teleworking activities. The measure applies for employers whose employees have teleworked during the state of emergency for at least 15 working days in 2020. That measure can be considered to be a similar measure to short-time work schemes, as referred to in Regulation (EU) 2020/672, due to its intended purpose and economic effect. By facilitating teleworking in the context of the COVID-19 pandemic, it helps preserve the employment relationship. It also provides income support to employees, in the form of a fringe benefit, helping to cover the costs of home office expenditure to allow the performance of work during lockdown and subsequent restrictions.
- (h) the existing bonus in respect of additional work for the personnel of the specialty structures of the National Public Health Institute and the county public health directorates and/or the public health directorate of Bucharest was extended in 2020, 2021 and 2022. This measure continues to be in force as long as the WHO qualifies COVID-19 as a global pandemic.
- (i) the existing bonus in respect of particularly dangerous conditions of up to 30% of the salary of medical personnel that participate in the medical actions against COVID-19. The measure was in force for the period March 2020 to August 2020. The measure was broadened to include the personnel responsible for the enforcement of sanitary measures under the Ministry of Internal Affairs.
- (j) the new measure consisting of a bonus between 30% and 40% of the basic salary granted to the personnel of the county public-health directorates and of the public-health directorate of Bucharest.
- (k) the new measure consisting of a secondment allowance amounting to 50% and a *per diem* bonus of 2% of the basic salary for medical specialists, paramedical and auxiliary personnel in the public system. The allowance is granted to the personnel seconded, in situations of epidemiological or biological risk for a term of 30 days, to

health units with shortages of personnel and responsible for limiting and preventing the spread of COVID-19.

- (l) the new measure consisting of temporarily financing salary costs related to the opening of 2 000 new positions to reinforce the health directorates and the public ambulance services (1 000 in each), to counteract the spread of COVID-19.
- (m) the new measure consisting of the granting of a bonus between 75% and 85% of the basic salary for the specialty medical personnel and auxiliary medical personnel from public health units or the structures thereof and for the specialty personnel from the paraclinical medical structures directly involved in the transport, equipment, assessment, diagnostic and treatment of patients diagnosed with COVID-19.
- (n) the new measure consisting of a payment of the medical-sanitary personnel and of the registrars that carry out their activity within the COVID-19 vaccination centres organised in other locations than those within the health units. The measure also financed current and capital expenditures to make the vaccination centres (organised in locations other than health facilities) operational.
- (o) the new measure consisting of a payment of the medical-sanitary personnel and the medical registrars that carry out their activity within the COVID-19 vaccination centres organised in health units, as well as the payment of family doctors for the activities provided for this purpose.
- (p) the new measure consisting of financing the purchase of COVID-19 vaccine doses in 2021.
- (q) the new measure consisting of general allowances (such as food, accommodation, transport, medicines) for the quarantine of people in designated areas with a confirmed diagnosis of COVID-19, people in the list established by the COVID-19 Surveillance Methodology and medical staff as diagnosed with COVID-19 who do not require hospitalisation or staff that interacted with patients and choose to stay away from their home.
- (r) two new measures consisting of the purchase of medication for COVID-19 treatment (Remdesivir and monoclonal antibodies medicine that contains Casirivimab and Imdevimab).
- (s) the new measure consisting of the purchase of medications for the treatment of COVID-19 infected patients (Tocilizumabum).
- (t) the new measure consisting of the provision of incentives (in the form of meal vouchers in the amount of RON 100) to persons vaccinated with the complete scheme.
- (u) the new measure consisting of a temporary increase of 30% of the basic salary for the staff of the prefect's institutions involved in preventing and fighting the effects of COVID-19 for the period from August 2020 to February 2021.
- (v) the new measure consisting of the expenditures to cover 200 additional resident doctors needed further to the pandemic.
- (w) the new measure consisting of the purchase of medical products and personal protective equipment for the fight against the pandemic (e.g., protective footwear, gloves, masks, ventilators, stretchers, etc.) to establish and consolidate emergency medical stocks.

- (x) the new measure consisting of the purchase of sanitary protection materials for the employees of the Ministry of Internal Affairs.
- (y) the new measure consisting of the payments to volunteer medicine students who worked for hospitals/health care institutions to provide emergency support.
- (z) two new measures consisting of the purchase of pharmaceutical products to be used for the treatment of COVID-19 patients with acute symptoms (ANAKINRA, MOLNUPIRAVIR).
- (aa) the new measure consisting of financing the costs related to COVID-19 testing. RT-PCR laboratory testing services financed under the National Program for Surveillance and Control of Priority Communicable Diseases are performed on categories of individuals established by the new COVID-19 Acute Respiratory Syndrome Surveillance Methodology or by order of the Minister of Health.
- (bb) the new measure consisting of financing COVID-19 testing by family doctors for the detection of COVID-19 infection. The testing work carried out by family doctors is financed by transfers from the State budget, through the Ministry of Health's budget to the budget of the Single national Health Insurance Fund.

Romania provided the Commission with the relevant information.

Taking into account the available evidence, the Commission proposes to the Council to adopt an Implementing Decision to extend the list of measures for which the Council already granted financial assistance in Council Implementing Decision (EU) 2020/1355.

The new measure on sick-leave granted to quarantined persons and persons diagnosed with COVID-19 infection is considered as similar to short-time work schemes, because of its effects, in terms of protecting the employment contract, providing income support, and being related to COVID-19 pandemic.

Health-related measures, as requested by Romania, including the additional health-related measures requested on 26 May 2022, amount to EUR 2 141 579 582. Given the need to ensure the ancillary nature of this category of measures, the amount of the financial assistance in support of health-related measures needs to be reduced as it should represent less than half of the total financial assistance planned to be spent on all eligible measures.

Moreover, following the request of Romania, the financial assistance granted by Implementing Decision (EU) 2020/1355 is reduced from EUR 4 099 244 587 to EUR 3 000 000 000. Romania remains committed to fully absorb the financial assistance granted and should identify further eligible measures in case the existing measures included in this proposal prove insufficient.

- **Consistency with existing policy provisions in the policy area**

The present proposal is fully consistent with Council Regulation (EU) 2020/672, under which the proposal is made.

The present proposal comes in addition to another Union law instrument to provide support to Member States in case of emergencies, namely Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund (EUSF) ("Regulation (EC) No 2012/2002"). Regulation (EU) 2020/461 of the European Parliament and of the Council, which amends that instrument to extend its scope to cover major public health emergencies and to define specific operations eligible for financing, was adopted on 30 March 2020.

- **Consistency with other Union policies**

The proposal is part of a range of measures developed in response to the current COVID-19 pandemic such as the “Coronavirus Response Investment Initiative”, and it complements other instruments that support employment such as the European Social Fund and the European Fund for Strategic Investments (EFSI)/InvestEU. By making use of borrowing and lending in this particular case of the COVID-19 outbreak for supporting Member States, this proposal acts as a second line of defence to finance short-time work schemes and similar measures, helping protect jobs and thus employees and self-employed against the risk of unemployment.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis for this instrument is Council Regulation (EU) 2020/672.

- **Subsidiarity (for non-exclusive competence)**

The proposal follows a Member State request and shows European solidarity by providing Union financial assistance in the form of temporary loans to a Member State affected by the COVID-19 outbreak. As a second line of defence, such financial assistance supports the government’s increased public expenditure on a temporary basis in respect of short-time work schemes and similar measures to help them protect jobs and thus employees and self-employed against the risk of unemployment and loss of income.

Such support will help the population affected and helps to mitigate the direct societal and economic impact caused by the present COVID-19 crisis.

- **Proportionality**

The proposal respects the proportionality principle. It does not go beyond what is necessary to achieve the objectives sought by the instrument.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Stakeholder consultations**

Due to the urgency to prepare the proposal so that it can be adopted in a timely manner by the Council, a stakeholder consultation could not be carried out.

- **Impact assessment**

Due to the urgent nature of the proposal, no impact assessment was carried out.

4. BUDGETARY IMPLICATIONS

The Commission should be able to contract borrowings on the financial markets with the purpose of on-lending them to the Member State requesting financial assistance under the SURE instrument.

In addition to the provision of Member State guarantees, other safeguards are built into the framework in order to ensure the financial solidity of the scheme:

- A rigorous and conservative approach to financial management;

- A construction of the portfolio of loans that limits concentration risk, annual exposure and excessive exposure to individual Member States whilst ensuring sufficient resources could be granted to Member States most in need; and
- Possibilities to roll over debt.

Proposal for a

COUNCIL IMPLEMENTING DECISION

amending Implementing Decision (EU) 2020/1355 granting temporary support under Regulation (EU) 2020/672 to Romania to mitigate unemployment risks in the emergency following the COVID-19 outbreak

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) 2020/672 of 19 May 2020 on the establishment of a European instrument for temporary support to mitigate unemployment risks in an emergency (SURE) following the COVID-19 outbreak¹, and in particular Article 6(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Further to a request from Romania on 7 August 2020, the Council, by means of Implementing Decision (EU) 2020/1355², granted financial assistance to Romania in the form of a loan amounting to a maximum of EUR 4 099 244 587 with a maximum average maturity of 15 years, with a view to complementing Romania's national efforts to address the impact of the COVID-19 outbreak and respond to the socioeconomic consequences of that outbreak for workers and the self employed.
- (2) The loan was to be used by Romania to finance the short-time work schemes, similar measures and health-related measures, as referred to in Article 3 of Implementing Decision (EU) 2020/1355.
- (3) The COVID-19 outbreak has immobilised a substantial part of the labour force in Romania. This has led to a still sudden and severe increase in public expenditure in Romania in respect of new measures, namely those referred to in recitals (11), (12) and (16) to (34), and measures referred to in Article 3 (a), (c), (d), (e), (f), (g), (h) and (i) of Implementing Decision (EU) 2020/1355.
- (4) The COVID-19 outbreak and the extraordinary measures implemented by Romania in 2020, 2021 and 2022 to contain that outbreak and its socioeconomic and health-related impact had and still have a dramatic impact on public finances. In 2020, Romania had a general government deficit and debt of 9.3% and 47.2% of gross domestic product (GDP) respectively, which changed to 7.1% and 48.8% respectively at the end of 2021. According to the Commission's 2022 spring forecast, Romania is expected to have a general government deficit and debt of 7.5% and 50.9% of GDP respectively by the end of 2022. Romania's GDP is projected to increase by 2.6% in 2022.

¹ OJ L 159, 20.5.2020, p. 1.

² Council Implementing Decision (EU) 2020/1355 of 25 September 2020 granting temporary support under Regulation (EU) 2020/672 to Romania to mitigate unemployment risks in the emergency following the COVID-19 outbreak, OJ L 314, 29.9.2020, p. 55.

- (5) On 26 May 2022, Romania requested the Union to extend the list of measures for which financial assistance was already granted by Implementing Decision (EU) 2020/1355 with a view to continuing to complement its national efforts undertaken in 2020 to address the impact of the COVID-19 outbreak and respond to the socioeconomic consequences of the outbreak for workers and the self-employed. In particular, Romania introduced and further extended a series of short-time work schemes and similar measures set out in recitals (6) to (12).
- (6) ‘Government Emergency Ordinance 30/2020’³, as referred to in Article 3(a) of Implementing Decision (EU) 2020/1355, provides a benefit to employees of employers that reduce or temporarily interrupt their activity due to the effects of the COVID-19 outbreak. The benefit is capped at 75% of those employees’ basic salary (but no more than 75% of the average gross salary in the economy) for the duration of the state of emergency. The measure has been extended through the ‘Government Emergency Ordinance 111/2021’⁴ and through ‘Government Emergency Ordinance 2/2022’⁵ until March 2022.
- (7) ‘Government Emergency Ordinance 132/2020’⁶, as referred to in Article 3(c) of Implementing Decision (EU) 2020/1355, introduced a short-time work scheme, under which, in the event of a temporary reduction of activity caused by the state of emergency or alert, the employer has the possibility to reduce the working hours of employees by up to 50%. During the period of working time reduction, affected employees benefit from an indemnity of 75% of the difference between the gross salary for normal working time and their actual salary. The measure has been amended and extended through the ‘Law 58/2021’⁷ until June 2022, three months after the end of the state of emergency.
- (8) ‘Government Emergency Ordinance 30/2020’⁸, Article 15, and ‘Government Emergency Ordinance 132/2020’⁹, Article 3, as referred to in Article 3(d) and (e) of Implementing Decision (EU) 2020/1355, introduced two measures for the self-employed and liberal professions. For those who stopped work entirely due to the effects of the COVID-19 outbreak, the State provides a benefit of 75% of the average gross salary for the duration of the state of emergency. For those who reduce their working hours, the State provides a benefit of up to 41.5% of the average gross salary until June 2022, three months after the end of the state of emergency. The first measure, as referred to in Article 3(d) of Implementing Decision (EU) 2020/1355, has been extended by the ‘Government Emergency Ordinance 111/2021’¹⁰ and the ‘Government Emergency Ordinance 2/2022’. The second measure, as referred to in Article 3(e) of Implementing Decision (EU) 2020/1355, has been extended by the ‘Law 58/2021’¹¹.

³ Published in the Official Monitor of Romania no. 231 of 21 March 2020.

⁴ Published in the Official Monitor of Romania no. 945 of 4 October 2021.

⁵ Published in the Official Monitor of Romania no. 61 of 20 January 2022.

⁶ Published in the Official Monitor of Romania no. 720 of 10 August 2020.

⁷ Published in the Official Monitor of Romania no. 345 of 5 April 2021.

⁸ Published in the Official Monitor of Romania no. 231 of 21 March 2020.

⁹ Published in the Official Monitor of Romania no. 720 of 10 August 2020.

¹⁰ Published in the Official Monitor of Romania no. 945 of 4 October 2021.

¹¹ Published in the Official Monitor of Romania no. 345 of 5 April 2021.

- (9) ‘Government Emergency Ordinance 132/2020’¹², approved through ‘Law 282/2020’¹³, and its subsequent amendments ‘Government Emergency Ordinance 182/2020’¹⁴, ‘Government Emergency Ordinance 211/2020’¹⁵ which was approved through ‘Law no. 58/2021’¹⁶, ‘Government Emergency Ordinance 220/2020’¹⁷, ‘Government Emergency Ordinance 226/2020’¹⁸, ‘Government Emergency Ordinance 44/2021’¹⁹, ‘Government Emergency Ordinance 111/2021’²⁰ and ‘Government Emergency Ordinance 2/2022’²¹, as referred to in Article 3(f) of Implementing Decision (EU) 2020/1355, introduced a measure providing a support allowance of 35% of the due remuneration per working day, for a maximum period of three months, for daily labourers who stop working as a result of the suspension of business activities due to the effects of the COVID-19 outbreak. This measure was extended until June 2022, three months after the end of the state of emergency.
- (10) ‘Law 19/2020’²², Article 3, as extended through ‘Government Emergency Order 147/2020’²³, Article 4 alin. (3), and ‘Government Emergency Order 110/2021’²⁴, Article 7, as referred to in Article 3(h) of Implementing Decision (EU) 2020/1355, provided a childcare bonus for employees of the national system of defence, penitentiaries, public health units and other categories of the public sector established through ministerial orders. The benefit is conditional on the other parent not benefitting from alternative rights that grant days off to parents for the supervision of children in the event of the temporary closure of educational units. That measure can be considered to be a similar measure to short-time work schemes, as referred to in Regulation (EU) 2020/672, as it provides income support to employees, which will help to cover the costs of childcare during school closures and therefore help parents to continue working, preventing putting the employment relation at risk. The measure has been extended over time including the school years in 2021 and in 2022, and also broadened to include private sector employees.
- (11) ‘Law 136/2020’²⁵ and its subsequent amendments as well as ‘Government Emergency Ordinance 70/2020’²⁶, Article 13, which are referred to in Romania’s request of 26 May 2022, granted a sick-leave benefit to quarantined persons and persons diagnosed with COVID-19 infection.
- (12) ‘Government Emergency Ordinance 132/2020’²⁷, Article 6, which is referred to in Romania’s request of 26 May 2022, included the measure for a one-time financial support of RON 2 500 to employers for each employee working remotely for the

¹² Published in the Official Monitor of Romania no. 720 of 10 August 2020.

¹³ Published in the Official Monitor of Romania no. 1201 of 9 December 2020.

¹⁴ Published in the Official Monitor of Romania no. 993 of 27 October 2020.

¹⁵ Published in the Official Monitor of Romania no. 1189 of 7 December 2020.

¹⁶ Published in the Official Monitor of Romania no. 345 of 5 April 2021.

¹⁷ Published in the Official Monitor of Romania no. 1326 of 31 December 2020.

¹⁸ Published in the Official Monitor of Romania no. 1332 of 31 December 2020.

¹⁹ Published in the Official Monitor of Romania no. 575 of 7 June 2021.

²⁰ Published in the Official Monitor of Romania no. 945 of 4 October 2021.

²¹ Published in the Official Monitor of Romania no. 61 of 20 January 2022.

²² Published in the Official Monitor of Romania no. 209 of 14 March 2020.

²³ Published in the Official Monitor of Romania no. 790 of 28 August 2020.

²⁴ Published in the Official Monitor of Romania no. 945 of 4 October 2021.

²⁵ Published in the Official Monitor of Romania no. 634 of 18 July 2020; republished in the Official Monitor of Romania no. 884 of 28 September 2020.

²⁶ Published in the Official Monitor of Romania no. 394 of 14 May 2020.

²⁷ Published in the Official Monitor of Romania no. 720 of 10 August 2020.

purchase of packages of technological goods and services necessary for teleworking activities. The measure applies for employers whose employees have teleworked during the state of emergency for at least 15 working days in 2020. That measure can be considered to be a similar measure to short-time work schemes, as referred to in Regulation (EU) 2020/672, due to its intended purpose and economic effect. By facilitating teleworking in the context of the COVID-19 pandemic, it helps preserve the employment relationship. It also provides income support to employees in the form of a fringe benefit, helping to cover the costs of home office expenditure to allow the performance of work during lockdown and subsequent restrictions.

- (13) Romania also introduced and further extended a series of health-related measures to address the COVID-19 outbreak. In particular, this concerns the measures set out in recitals (14) to (34).
- (14) ‘Government Emergency Ordinance 11/2020’²⁸, and its extensions through ‘Government Emergency Ordinance 131/2020’²⁹, Article 2, and ‘Law 136/2020’³⁰, Article 6’, as referred to in Article 3(g) of Implementing Decision (EU) 2020/1355, provides a bonus for additional work for the personnel of the specialty structures of the National Public Health Institute and the county public health directorates and/or the public health directorate of Bucharest which act towards coordinating and implementing measures for the prevention and limitation of events related to the COVID-19 global public health emergency. The measure provides a benefit equivalent to 75% of the basic salary for hours worked over the normal working hours and to 100% of the basic salary for hours worked on weekends, legal holidays and other days not counted as working days. That measure can be considered to be a health-related measure, as referred to in Regulation (EU) 2020/672. This measure was extended in 2020, 2021 and 2022 and continues to be in force as long as the WHO qualifies COVID-19 as a global pandemic.
- (15) ‘Law 56/2020’³¹, Article 7, and its subsequent amendment through ‘Government Emergency Ordinance 116/2021’³², as referred to in Article 3(i) of Implementing Decision (EU) 2020/1355, grants as a temporary measure a bonus for particularly dangerous working conditions of up to 30% granted for recognition of the merits of medical personnel that participated in the medical actions against COVID-19. The measure was in force for the period March 2020 to August 2020. The measure was broadened to include the personnel responsible for the enforcement of sanitary measures under the Ministry of Internal Affairs.
- (16) ‘Government Emergency Ordinance 131/2020’³³, Article 1(1a) and (1b), which is referred to in Romania’s request of 26 May 2022, allows the granting of a bonus between 30% and 40% of the basic salary to the personnel of the county public-health directorates and of the public-health directorate of Bucharest. The executive director and the deputy executive directors shall benefit from a bonus of 40% of the basic salary; the civil servants employed with the control service in public health shall benefit from a bonus of 30% of the basic salary.

²⁸ Published in the Official Monitor of Romania no.102 of 11 February 2020.

²⁹ Published in the Official Monitor of Romania no. 720 of 10 August 2020.

³⁰ Published in the Official Monitor of Romania no. 634 of 18 July 2020; republished in the Official Monitor of Romania no. 884 of 28 September 2020.

³¹ Published in the Official Monitor of Romania no. 402 of 15 May 2020.

³² Published in the Official Monitor of Romania no. 951 of 5 October 2021.

³³ Published in the Official Monitor of Romania no. 720 of 10 August 2020.

- (17) ‘Law no. 136/2020’³⁴, Article 19(3), which is referred to in Romania’s request of 26 May 2022, grants a secondment allowance amounting to 50% and a per diem bonus of 2% of the basic salary for medical specialists, paramedical and auxiliary personnel in the public system. The allowance is for the personnel seconded, in situations of epidemiological or biological risk for a term of 30 days, to health units with shortages of personnel, and responsible for limiting and preventing the spread of COVID-19.
- (18) ‘Government Decision 254/2020’³⁵, single article, ‘Government Decision 840/2020’³⁶, single article, ‘Government Decision 383/2021’³⁷, single article, ‘Government Decision 1072/2021’³⁸ and ‘Government Decision 496/2022’³⁹, which are referred to in Romania’s request of 26 May 2022, allowed to temporarily finance salary costs related to the opening of 2 000 new positions to reinforce the health directorates and the public ambulance services (1 000 in each) to counteract the spread of COVID-19.
- (19) ‘Government Decision 1035/2020’⁴⁰, single article, point 3, which is referred to in Romania’s request of 26 May 2022, grants a bonus of between 75% and 85% of the basic salary for the specialty medical personnel and auxiliary medical personnel from public health units or the structures thereof, as applicable, and for the specialty personnel from the paraclinical medical structures directly involved in the transport, equipment, assessment, diagnostic and treatment of patients diagnosed with COVID-19.
- (20) ‘Government Emergency Ordinance 1031/2020’⁴¹ and ‘Government Emergency Ordinance 3/2021’⁴², which are referred to in Romania’s request of 26 May 2022, allowed a payment to the medical-sanitary personnel and of the registrars that carry out their activity within the vaccination centres organised in other locations than those within the health units. The measure also financed current and capital expenditures to make the vaccination centres (organised in locations other than health facilities) operational.
- (21) ‘Government Emergency Ordinance 3/2021’⁴³ and ‘Government Decision 1031/2020’⁴⁴, which are referred to in Romania’s request of 26 May 2022, allowed a payment to the medical-sanitary personnel and of the medical registrars that carry out their activity within the vaccination centres against COVID-19 organized in health units, as well as the payment of the family doctors for the activities provided for these purposes.
- (22) ‘Government Decision 1031/2020’⁴⁵, which is referred to in Romania’s request of 26 May 2022, regulated the purchase of COVID-19 vaccine doses. The framework agreements have been concluded by the European Commission on behalf of and for the EU Member States.

³⁴ Published in the Official Monitor of Romania no. 634 of 18 July 2020; republished in the Official Monitor of Romania no. 884 of 28 September 2020.

³⁵ Published in the Official Monitor of Romania no. 272 of 1 April 2020.

³⁶ Published in the Official Monitor of Romania no. 924 of 9 October 2020.

³⁷ Published in the Official Monitor of Romania no. 335 of 1 April 2021.

³⁸ Published in the Official Monitor of Romania no. 951 of 5 October 2021.

³⁹ Published in the Official Monitor of Romania no. 357 of 11 April 2022.

⁴⁰ Published in the Official Monitor of Romania no. 1179 of 4 December 2020.

⁴¹ Published in the Official Monitor of Romania no. 1171 of 3 December 2020.

⁴² Published in the Official Monitor of Romania no. 50 of 15 January 2021.

⁴³ Published in the Official Monitor of Romania no. 50 of 15 January 2021.

⁴⁴ Published in the Official Monitor of Romania no. 1171 of 3 December 2020.

⁴⁵ Published in the Official Monitor of Romania no. 1171 of 3 December 2020.

- (23) ‘Government Decision 201/2020’⁴⁶, ‘Government Decision 1103/2020’⁴⁷ and ‘Ministry of Health Order 725/2020’⁴⁸, which are referred to in Romania’s request of 26 May 2022, regulated the expenses for the quarantine of people in designated areas with confirmed diagnosis of COVID-19, or people in the list established by the COVID-19 Surveillance Methodology and medical staff diagnosed with COVID-19 who do not require hospitalisation or staff that interacted with patients and choose to stay away from their home. The measure covers general allowances (for items such as food, accommodation, transport and medicines).
- (24) ‘Government Decision 1092/2020’⁴⁹, ‘Government Decision 380/2021’⁵⁰, ‘Government Decision 1017/2021’⁵¹ and ‘Government Decision 1190/2021’⁵² allowed the purchase of the medication ‘Remdesivir’ and of monoclonal antibodies medicine for COVID-19 treatment that contains Casirivimab and Imdevimab. The procurement procedures for both medications have been conducted by the European Commission on behalf of the Member States within framework contracts⁵³ which are referred to in Romania’s request of 26 May 2022.
- (25) ‘Ministry of Health Order 487/2020’⁵⁴, which is referred to in Romania’s request of 26 May 2022, allowed the purchase of medications for the treatment of COVID-19 infected patients. The Ministry of Health concluded a framework contract for the procurement of ‘Tocilizumabum’.
- (26) ‘Government Ordinance 19/2021’⁵⁵ and ‘Law 55/2020’⁵⁶, which are referred to in Romania’s request of 26 May 2022, lined out the provision of incentives, in the form of meal vouchers in the amount of RON 100, to persons vaccinated with the complete scheme.
- (27) ‘Government Emergency Ordinance 131/2020’⁵⁷, Article 5, which is referred to in Romania’s request of 26 May 2022, allowed a temporary increase of 30% of the basic salary for the staff of the prefect’s institutions involved in preventing and fighting the effect of COVID-19 for the period from August 2020 to February 2021.
- (28) ‘Government Emergency Ordinance 186/2020’⁵⁸, which is referred to in Romania’s request of 26 May 2022, covered the expenditures of 200 additional resident doctors needed further to the pandemic.
- (29) ‘Government Emergency Ordinance 11/2020’⁵⁹, which is referred to in Romania’s request of 26 May 2022, allowed the purchase of medical products and personal protective equipment for the fight against the pandemic (e.g., protective footwear,

⁴⁶ Published in the Official Monitor of Romania no. 224 of 19 March 2020.

⁴⁷ Published in the Official Monitor of Romania no. 1259 of 18 December 2020.

⁴⁸ Published in the Official Monitor of Romania no. 350 of 30 April 2020.

⁴⁹ Published in the Official Monitor of Romania no. 1251 of 17 December 2020.

⁵⁰ Published in the Official Monitor of Romania no. 328 of 31 March 2021.

⁵¹ Published in the Official Monitor of Romania no. 935 of 30 September 2021.

⁵² Published in the Official Monitor of Romania no. 1081 of 11 November 2021.

⁵³ Framework agreement – SANTE/2020/C3/048 for ‘Remdivisir’ and Framework agreement – SANTE/2020/C3/091 for monoclonal antibodies medicine.

⁵⁴ Published in the Official Monitor of Romania no. 242 of 24 March 2020.

⁵⁵ Published in the Official Monitor of Romania no. 834 of 31 August 2021.

⁵⁶ Published in the Official Monitor of Romania no. 396 of 15 May 2020.

⁵⁷ Published in the Official Monitor of Romania no. 720 of 10 August 2020.

⁵⁸ Published in the Official Monitor of Romania no. 1005 of 29 October 2020.

⁵⁹ Published in the Official Monitor of Romania no. 102 of 11 February 2020.

gloves, masks, ventilators, stretchers, etc.) to establish and consolidate emergency medical stocks.

- (30) ‘Law 319/2006’⁶⁰, ‘Law 55/2020’⁶¹ and the ‘Ministry of Labor and Ministry of Health Joint Order 3577/831/2020’⁶², which are referred to in Romania’s request of 26 May 2022, regulated the purchase of sanitary protection materials for the employees of the Ministry of Internal Affairs.
- (31) ‘Government Emergency Ordinance 197/2020’⁶³, which is referred to in Romania’s request of 26 May 2022, allowed payments to volunteer medicine students who worked for hospitals/health care institutions to provide emergency support.
- (32) ‘Ministry of Health Order 487/2020’⁶⁴, which is referred to in Romania’s request of 26 May 2022, allowed the purchase of two pharmaceutical products (‘Molnupiravir’ and ‘Anakinra’) which are used for the treatment of COVID-19 patients.
- (33) ‘Law 95/2006’⁶⁵, Article 51, ‘Government Decision 155/2017’⁶⁶ and ‘Ministry of Health Order 377/2017’⁶⁷ which are referred to in Romania’s request of 26 May 2022, regulated the funding of testing for COVID-19 at the level of specialized units. RT-PCR laboratory testing services financed under the National Program for Surveillance and Control of Priority Communicable Diseases are performed on categories of individuals established by the new COVID-19 Acute Respiratory Syndrome Surveillance Methodology or by order of the Minister of Health.
- (34) ‘Ministry of Health Order 58/4/2022’⁶⁸, which is referred to in Romania’s request of 26 May 2022, regulated the funding of testing by family doctors for detection of a COVID-19 infection. The testing work carried out by family doctors is financed by transfers from the State budget, through the Ministry of Health’s budget to the budget of the Single national Health Insurance Fund.
- (35) Romania fulfils the conditions for requesting financial assistance set out in Article 3 of Regulation (EU) 2020/672. Romania has provided the Commission with appropriate evidence that the actual and planned public expenditure has increased by EUR 3 321 482 911 as of 1 February 2020 due to the national measures taken to address the socioeconomic effects of the COVID-19 outbreak. This constitutes a sudden and severe increase because it is related also to both new measures and an extension of existing measures directly related to short-time work schemes and similar measures that cover a significant proportion of undertakings and of the labour force in Romania. Romania intends to finance EUR 353 704 624 of the increased amount of expenditure through Union funds.
- (36) The Commission has consulted Romania and verified the sudden and severe increase in the actual and planned public expenditure directly related to short-time work schemes and similar measures, as well as the recourse to relevant health-related

⁶⁰ Published in the Official Monitor of Romania no. 646 of 26 July 2006.

⁶¹ Published in the Official Monitor of Romania no. 396 of 15 May 2020.

⁶² Published in the Official Monitor of Romania no. 403 of 16 May 2020.

⁶³ Published in the Official Monitor of Romania no. 1108 of 19 November 2020.

⁶⁴ Published in the Official Monitor of Romania no. 242 of 24 March 2020.

⁶⁵ Published in the Official Monitor of Romania no. 372 of 28 April 2006; republished in the Official Monitor of Romania no. 652 of 28 August 2015.

⁶⁶ Published in the Official Monitor of Romania no. 222 of 31 March 2017.

⁶⁷ Published in the Official Monitor of Romania no. 223 of 31 March 2017.

⁶⁸ Published in the Official Monitor of Romania no. 33 of 11 January 2022.

measures related to the COVID-19 outbreak, as referred to in the request of 26 May 2022, in accordance with Article 6 of Regulation (EU) 2020/672.

- (37) The health-related measures requested by Romania, including the additional or extended health-related measures referred to in recitals (14) to (34), amount to EUR 2 141 579 582. Given the need to ensure the ancillary nature of this category of measures, the amount of the financial assistance in support of health-related measures needs to be reduced as it should represent less than half of the total financial assistance planned to be spent on all eligible measures.
- (38) Financial assistance already granted by Implementing Decision (EU) 2020/1355 should therefore also cover the new measures referred to in recitals (11), (12) and (16) to (34).
- (39) The financial assistance granted by Implementing Decision (EU) 2020/1355 is reduced from EUR 4 099 244 587 to EUR 3 000 000 000. Romania remains committed to fully absorb the financial assistance granted and should identify further eligible measures in case the existing measures in this proposal prove insufficient.
- (40) Romania and the Commission should take this Decision into account in the loan agreement referred to in Article 8(2) of Regulation (EU) 2020/672.
- (41) This Decision should be without prejudice to the outcome of any procedures relating to distortions of the operation of the internal market that may be undertaken, in particular pursuant to Articles 107 and 108 of the Treaty. It does not override the requirement for Member States to notify instances of potential State aid to the Commission under Article 108 of the Treaty.
- (42) Romania should inform the Commission on a regular basis of the implementation of the planned public expenditure, in order to enable the Commission to assess the extent to which Romania has implemented that expenditure.

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision (EU) 2020/1355 is amended as follows:

- (1) Article 2 is amended as follows:

- (a) paragraph 1 is replaced by the following:

- ‘1. The Union shall make available to Romania a loan amounting to a maximum of EUR 3 000 000 000. The loan shall have a maximum average maturity of 15 years.’;

- (2) Article 3 is replaced by the following:

‘Article 3

Romania may finance the following measures:

- (a) the technical unemployment benefit to employees of employers that reduce or temporarily interrupt their activity, as provided for in ‘Government Emergency

Ordinance 30/2020', Article XI, as extended by 'Government Emergency Ordinance 111/2021', in turn extended by 'Government Emergency Ordinance 2/2022';

- (b) the benefit applied for persons whose employment contract was suspended, as provided for in 'Government Emergency Ordinance 92/2020', Article I;
- (c) the short-time work scheme, as provided for in 'Government Emergency Ordinance 132/2020', Article 1, as amended and extended by 'Law 58/2021';
- (d) the benefit similar to that referred to in point (a) for categories other than employees, including self-employed and liberal professions, as provided for in 'Government Emergency Ordinance 30/2020', Article XV, as extended by 'Government Emergency Ordinance 111/2021', in turn extended by 'Government Emergency Ordinance 2/2022';
- (e) the benefit provided by 'Law No 6/2020 on State Social Insurance budget for 2020' for other categories than employees, including self-employed and liberal professions, as provided for in 'Government Emergency Ordinance 132/2020', Article 3, as amended and extended by 'Law 58/2021';
- (f) the support allowance to daily labourers as provided for in 'Government Emergency Ordinance 132/2020', Article 4, approved through 'Law 282/2020', and its subsequent amendments 'Government Emergency Ordinance 182/2020', 'Government Emergency Ordinance 211/2020' (approved through 'Law no. 58/2021'), 'Government Emergency Ordinance 220/2020', 'Government Emergency Ordinance 226/2020', 'Government Emergency Ordinance 44/2021', 'Government Emergency Ordinance 111/2021', and 'Government Emergency Ordinance 2/2022', and respectively for the 'Government Emergency Ordinance 132/2020' through the 'Law 58/2021';
- (g) the bonus in respect of additional work for the personnel of the specialty structures of the National Public Health Institute and the county public health directorates and/or the public health directorate of Bucharest, as provided for in 'Government Emergency Ordinance 11/2020', Article 8(6), as extended by 'Government Emergency Ordinance 131/2020, Article 2' and 'Law 136/2020, Article 6';
- (h) the childcare bonus granted to employees of the national system of defence, penitentiaries, public health units and other categories established through ministerial orders, as provided for in 'Government Emergency Ordinance 30/2020', Article I(6); as extended by 'Government Emergency Ordinance 147/2020, Article 4(3)' and 'Government Emergency Ordinance 110/2021, Article 7';
- (i) the bonus in respect of particularly dangerous conditions granted in recognition of the merits of medical personnel, as provided for in 'Law No 56/2020', Article 7, as extended by 'Government Emergency Ordinance 116/2021';
- (j) the sick-leave benefit granted to quarantined persons and persons diagnosed with COVID-19 infection, as provided for in 'Law 136/2020', and amended by 'Government Emergency Ordinance 70/2020', Article 13;
- (k) the one-time financial support granted to employers for employees in order to carry out teleworking activities, as provided for in 'Government Emergency Ordinance 132/2020', Article 6;
- (l) the bonus of 30% and 40% of the basic salary granted to the personnel of the county public-health directorates and of the public-health directorate of Bucharest, as provided for in 'Government Emergency Ordinance 131/2020, Article 1(1)';

- (m) the granting of a secondment allowance amounting to 50% and a per diem bonus of 2% of the basic salary for medical specialists, paramedical and auxiliary personnel in the public system, as provided for in 'Government Emergency Ordinance 136/2020, Article 19(3)';
- (n) the temporary financing of salary costs related to the opening of 2 000 positions to reinforce the health directorates and the public ambulance services (1 000 in each), to counteract the spread of COVID-19, as provided for in 'Government Emergency Ordinance 254/2020, single article', 'Government Emergency Ordinance 840/2020, single article', 'Government Emergency Ordinance 383/2021, single article', 'Government Decision 1072/2021' and 'Government Decision 496/2022';
- (o) the granting of a bonus of 75% to 85% of the basic salary for the specialty medical personnel and auxiliary medical personnel from public health units or the structures thereof and for the specialty personnel from the paraclinical medical structures directly involved in the transport, equipment, assessment, diagnostic and treatment of patients diagnosed with COVID-19, as provided for in 'Government Emergency Ordinance 1035/2020, single article, point 3';
- (p) the payment of the medical-sanitary personnel and of the registrars who carry out their activity within the vaccination centres organised in other locations than those within the sanitary units, as provided for in 'Government Emergency Ordinance 1031/2020' and 'Government Emergency Ordinance 3/2021';
- (q) the payment to the medical-sanitary personnel and to the medical registrars who carry out their activity within the vaccination centres against COVID-19 organised in health units, as well as the payment of family doctors for the activities provided for these purposes, as provided for in 'Government Emergency Ordinance 3/2021' and 'Government Decision 1031/2020';
- (r) the purchase of COVID-19 vaccine dose, as provided for in 'Government Decision 1031/2020';
- (s) the expenses for the quarantine of people with a confirmed diagnosis of COVID-19, people established by the COVID-19 Surveillance Methodology and medical staff diagnosed with COVID-19 who do not require hospitalisation or staff that interacted with patients and choose to stay away from home, as provided for in 'Government Decision 201/2020', 'Government Decision 1103/2020' and 'Ministerial Order 725/2020';
- (t) the purchase of medications (Remdesivir), as provided for in 'Government Decision 1092/2020', 'Government Decision 380/2021', 'Government Decision 1017/2021' and 'Government Decision 1190/2021'.
- (u) the purchase of medications (Tocilizumabum), as provided for in 'Ministry of Health Order 487/2020';
- (v) the purchase of monoclonal antibodies medicine for COVID-19 treatment that contains Casirivimab and Imdevimab, as provided for in 'Government Decision 1092/2020', 'Government Decision 380/2021', 'Government Decision 1017/2021' and 'Government Decision 1190/2021'.
- (w) the meal vouchers for the persons who are vaccinated with the complete vaccination scheme in the amount of RON 100, as provided for in 'Government Ordinance 19/2021', amending 'Law 55/2020';

- (x) the 30% basic salary increase for the staff of the prefect's institutions involved in preventing and fighting the effect of COVID-19, as provided for in 'Government Emergency Ordinance 131/2020, Article 5';
- (y) the expenditures to cover 200 additional resident doctors needed further to the pandemic, as provided for in 'Government Emergency Ordinance 186/2020';
- (z) the purchase of medical products and personal protective equipment for the fight against the pandemic (e.g., protective footwear, gloves, masks, ventilators, stretchers, etc.), as provided for in 'Government Emergency Ordinance 11/2020';
- (aa) the purchase of sanitary protection materials for personnel, as provided for in 'Law 319/2006', 'Law 55/2020', and 'Ministry of Labor and Ministry of Health Joint Order 3577/831/2020';
- (bb) the payments to volunteer medicine students who worked for hospitals/health care institutions to provide emergency support, as provided for in 'Government Emergency Ordinance 197/2020';
- (cc) the purchase of medications for the treatment of COVID-19 infections (ANAKINRA), as provided for in 'Minister of Health Order 487/2020';
- (dd) the purchase of medications for the treatment of COVID-19 infections (MOLNUPIRAVIR), as provided for in 'Minister of Health Order 487/2020';
- (ee) the financing of COVID-19 testing at the level of specialised units, as provided for in 'Law 95/2006, Article 51', 'Government Decision 155/2017' and 'Ministry of Health Order 377/2017';
- (ff) the financing of COVID-19 testing by family doctors, as provided for in 'Ministry of Health Order 58/4/2022';

(3) Article 4 is replaced by the following:

‘Article 4

1. Romania shall inform the Commission by 30 March 2021, and every six months thereafter of the implementation of the planned public expenditure until that planned public expenditure has been fully implemented.
2. Where measures referred to in Article 3 are based on planned public expenditure and have been subject to an Implementing Decision amending Implementing Decision (EU) 2020/1355, Romania shall inform the Commission within six months after the date of adoption of that decision, and every six months thereafter of the implementation of the planned public expenditure until that planned public expenditure has been fully implemented.’.

Article 2

This Decision is addressed to Romania.

Done at Brussels,

*For the Council
The President*