

# Law no. 448/2006

*Of December 06, 2006*

Regarding the Protection and Promotion of the Rights of Disabled Persons

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## CHAPTER I

### General Provisions, Definitions and Principles

**Art. 1.** – This law regulates the rights and obligations of disabled persons granted for the purpose of their social integration and inclusion.

**Art. 2. - (1)** For the purpose hereof, disabled persons shall be those persons who, due to a physical, mental or sensorial affection, do not have the abilities for normally performing the day-to-day activities, requiring protection measures in support of their social recovery, integration and inclusion.

**(2)** Disabled children and adults, Romanian citizens, citizens of other states or stateless persons shall benefit from the provisions hereof, over the period in which they have, according to law, their domicile or residence in Romania.

**Art. 3.** – The protection and promotion of the rights of disabled persons are based on the following principles:

- a) the observance of the fundamental rights and freedoms of the human being;
- b) the prevention and fight against discrimination;
- c) equal chances;
- d) equal treatment as to labor employment and occupation of labor force;
- e) social solidarity;
- f) community rendering responsible;
- g) subsidiarity;
- h) the adaptation of society to the disabled person;
- i) the interest of the disabled person;
- j) the integrated approach;
- k) the partnership;
- l) the freedom of option and the control or decision on one's own life, services and forms of support one benefits from;
- m) the person-focused approach in providing services;
- n) the protection against negligence and abuse;
- o) the choice of the less restrictive alternative in determining the necessary support and assistance;
- p) the social integration and inclusion of disabled persons, with equal rights and obligations as all the other members of society.

**Art. 4.** – The public authorities, the suppliers or social services, the representatives of civil society, and the natural and legal persons in charge with the application hereof shall promote, observe and guarantee the rights of the disabled person, established according to the provisions of the reviewed European social **Chart**, adopted in Strasbourg on May 3, 1996, ratified by Law no. **74/1999**, and to the other internal and international documents in this field, to which Romania is a party.

**Art. 5.** – For the purpose hereof, the used terms and expressions shall have the following meanings:

1. unlimited access of the disabled person – the access without any limits or restrictions to the physical, informational and communicational environment;

**2. accessibility** – the group of measures and works for adapting the physical, informational and communicational environment to the needs of disabled persons, an essential factor for exercising the rights and performing the obligations of disabled persons in society;

**3. adaptation** – the process related to the transformation of the physical and informational environment, of products or systems, in order to also make them available to disabled persons;

**4. reasonable adaptation to the workplace** – all of the modifications made by the employer to facilitate the exercise of the right to work of the disabled person; it supposes the modification of the work program, the purchase of assisting equipment, devices and technologies and other similar measures;

**5. assisted employment** – the employment option facilitating labor in usual workplaces on the competitive labor market, which supposes the granting of support in looking for the job and at the workplace, transport, helping technologies, training, specialization;

**6. personal assistant of the person with a severe handicap** – the person supervising, granting assistance and care to the child or adult with a severe handicap, based on the recovery plan for the disabled child and on the individual services plan for the adult disabled person;

**7. professional personal assistant** – the attested natural person ensuring at his/her domicile the care and protection of the adult with a severe or accentuated handicap, who is under the conditions provided by law;

**8. living assistance** – includes animal assistance, as for instance the guiding dog;

**9. protected workshop** – the space adapted to the needs of disabled persons, where they perform activities related to the formation, development and improvement of their skills; it may function in locations within the community, in day centers, in residential centers and in special educational units;

**10. complementary personal budget** – establishes the limits of personal expenses during a month, according to the handicap degree, for the payment of the radio/TV subscription fee, the telephonic subscription with included impulses and of the electricity subscription fee;

**11. access ways and means** – the elements through which the access to public buildings is ensured, and which ensure the possibility of disabled persons to go inside the building;

**12. special educative requirements** – the additional educational necessities, complementary to the general objectives of education adapted to the individual peculiarities and to those which are characteristic to a certain learning deficiency or disorder/difficulty, and a complex assistance of a medical, social nature, etc;

**13. public utility buildings** – the buildings belonging to public and private institutions providing different types of services to the population;

**14. commission for the evaluation of disabled adult persons** – the specialty body devoid of legal personality in the subordination of county councils, respectively of the local councils of the Bucharest municipality sectors, whose main duties are established hereunder;

**15. contracting** – the procedure of financing/co-financing, by the local public administration authorities, of the public social services performed by the private suppliers of social services, authorized as provided by law;

**16. disability** – the generic term for affections /deficiencies, limitations of activity and participation restrictions, defined according to the International classification of operation, disability and health, adopted and approved by the World Health Organization and which reveals the negative aspect of the individual-context interaction;

**17. equal chances** – the process by which different social and environmental structures, the infrastructure, services, informative or documentary activities also become available to disabled persons;

**18. social inclusion** – the set of measures and multidimensional actions in the field of: social protection, labor force occupation, habitation, education, health, information and communication, mobility, security, justice and culture, destined to the fight against social exclusion;

**19. monthly indemnity** – the monthly social performance representing money granted to disabled persons for facilitating equal chances, the assurance of an autonomous life and the favoring of their social inclusion;

**20. social integration** – the interaction between the individual or the group and the social environment, through which a functional balance of the parties is achieved;

- 21.** companion – the person accompanying the disabled person and benefiting from rights under the conditions provided by law;
- 22.** protected workplace – the space related to the activity of the disabled person, adapted to his/her needs, which includes at least the workplace, the equipment, the bathroom and the ways of access;
- 23.** case manager- the member of the pluridisciplinary team coordinating, monitoring and evaluating the performance of the individual services plan, and the measures taken related to the disabled adult;
- 24.** individual services plan – the document setting short-term, average-term and long-term objectives, stating the modalities of intervention and support for disabled adults, through which the activities and services mentioned in the individual social rehabilitation and integration program are performed;
- 25.** individual social rehabilitation and integration program – the document drafted by the commission for the evaluation of disabled adult persons, stating the activities and services needed by the disabled adult in the social integration process;
- 26.** legal representative – the parent or the person designated, according to law, to exercise the rights and perform the obligations to the disabled person;
- 27.** equal chances – the result of the chances equalization process, through which the different structures of society and the environment are accessible to everybody, including disabled persons;
- 28.** assistive and access technology –the technology ensuring the access of disabled persons, with equal chances, to the physical, informational and communicational environment;
- 29.** authorized protected unit – the private or public law economic operator, with its own administration, within which at least 30% of the total number of employees with an individual labor contract are disabled persons.

## CHAPTER II

### The Rights of Disabled Persons

- Art. 6.** - Disabled persons benefit from rights to:
- a) health protection - prevention, treatment and recovery;
  - b) professional education and training;
  - c) occupation and adaptation of the workplace, professional orientation and reconversion;
  - d) social assistance, *i.e.* social services and social performances;
  - e) dwelling, arrangement of the surrounding personal life environment, transport, access to the physical, informational and communicational environment;
  - f) spending of free time, access to culture, sport, tourism;
  - g) legal assistance;
  - h) fiscal facilities;
  - i) evaluation and reevaluation by the domicile examination of immobilized persons by the members of the evaluation commission, at a time interval of 2 years.
- Art. 7.** - **(1)** The promotion and observance of the rights of disabled persons shall be, mainly, the duty of the local public administration authorities where the disabled person has his/her domicile or residence and, in subsidiary, and complementarily, of the central public administration authorities, civil society and the family or of the legal representative of the disabled person.
- (2)** Based on the equal chances principle, the competent public authorities shall ensure the necessary financial resources and take specific measures so that the disabled persons have direct and unlimited access to services.
- Art. 8.** - **(1)** The National Authority for Disabled Persons and the other local and central public authorities shall ensure, as provided herein, the necessary conditions for the social integration and inclusion of disabled persons.
- (2)** The National Authority for Disabled Persons shall draft policies and ensure the monitoring and control of the observance of disabled persons' rights.
- (3)** In view of compliance with the provisions stipulated under para. (2), the National Authority for Disabled Persons may conclude partnerships with non-governmental organizations of

disabled persons, which represent their interests or perform activities in the field of promotion and defense of human rights.

## **SECTION 1**

### Health and Recovery

**Art. 9. - (1)** For the protection of the physical and mental health of disabled persons, the public authorities shall take the following specific measures:

- a)** inclusion of the needs of disabled persons and of their families in all the regional, county or local policies, strategies and programs, and in governmental health protection programs;
- b)** creation of conditions of availability, respectively transport, infrastructure, communication networks, of medical and socio-medical services;
- c)** establishment and support of specialized rehabilitation centers, per types of handicap;
- d)** creation of conditions for ensuring the assistive and access technology;
- e)** development of programs for the prevention of handicap occurrence;
- f)** support of access to the balneary and recovery treatment;
- g)** inclusion and acknowledgement of sport as a means of recovery, developing specific programs.

**(2)** The disabled persons, their families or legal representatives shall have the right to all the information regarding the medical and recovery/rehabilitation diagnosis, the available services and programs, in all their stages, and to the rights and obligations in this field.

**Art. 10. –** The disabled persons shall benefit from free medical assistance, including free medication, both for ambulatory treatment and during hospitalization, within the social health insurance system, under the terms established through the frame agreement.

**Art. 11. - (1)** In view of ensuring the recovery/rehabilitation assistance, the disabled persons shall have the right to:

- a)** free medical devices while in ambulatory care, according to the list and under the conditions provided in the Frame Agreement regarding the conditions of providing medical assistance in the health social insurance system and its rules of application;
- b)** free accommodation and meal services, for the companion of the child with a severe or accentuated handicap or of the adult with a severe or accentuated handicap in the sanitary units with beds, sanatoriums and balneary resorts, according to the recommendation of the family doctor or the specialist doctor, ensured from the National unique fund for health social insurance, according to the Frame agreement regarding the conditions of providing medical assistance within the health social insurance system;
- c)** one free balneary treatment ticket, during a year, based on the individual social rehabilitation and integration program and the recommendation of the family doctor or the specialist doctor.

**(2)** Within maximum 30 days from the submission of the documentation by the disabled person or the legal representative thereof, the health insurance houses shall issue the decision or the approval for payment for each medical device or type of medical device granted to disabled persons.

**(3)** The countervalue of the reference price for the products provided under para. (1) letter a) shall be fully paid from the National unique fund for health social insurance, through the health insurance house the insured belongs to.

**(4)** The number of free balneary treatment tickets granted to disabled adults shall be established on a *pro rata* basis with the number of the potential beneficiaries as compared to the total number of the free balneary treatment tickets established by the annual law of the state social insurance budget.

**Art. 12. - (1)** The person taking care of, supervising and supporting, a disabled child shall benefit, as the case may be, from the following rights:

- a)** leave and indemnity for rising the disabled child or, as the case may be, a monthly incentive, until the child is 3 years old, according to the granting conditions provided in Government Emergency Ordinance **no. 148/2005** regarding family support in view of raising the child, as subsequently amended and supplemented, approved as amended and supplemented by Law **no. 7/2007**;

**b)** leave and indemnity for raising the disabled child in quantum of RON 450, for the disabled child with an age comprised between 3 and 7 years old;

**c)** a work program reduced to 4 hours for the parent taking care of the child with a severe or accentuated handicap, until the child turns 18, at the parent's request;

**d)** medical leaves, granted according to law for the care of the disabled child who requires hospitalization, ambulatory or domicile treatment for intercurrent affections and for recovery/rehabilitation, until the child turns 18;

**e)** a monthly indemnity for the raise of the disabled child of RON 450, granted to the disabled person who does not achieve any income other than that provided by Art. 58, para. (4) letter a), until the child turns 3;

**f)** a monthly indemnity for the raise of the disabled child, in quantum of RON 300, granted to the disabled person not achieving any income other than that provided by Art. 58, para. (4) letter a), for the child with the age comprised between 3 and 7 years;

**g)** a monthly indemnity for the raise of the disabled child, in quantum of RON 300, granted to the person not complying with the conditions provided by Government Emergency Ordinance **no. 148/2005**, as subsequently amended and supplemented, approved as amended and supplemented by Law **no. 7/2007**, until the child turns 3, and for the child aged between 3 and 7 years a monthly aid of RON 150;

**h)** a monthly foster care allowance, granted as provided by law, in a quantum increased by 50%.

**(2)** The disabled person taking care of, supervising and supporting, a child and who does not achieve any income other than that provided by Art. 58, para. (4) letter a) shall benefit from an indemnity for raising the child in quantum of RON 450 until the child turns 2 years of age and from a social aid for the raise of the child in quantum of RON 150 lei for the child aged between 2 and 7.

**(3)** Any of the parents, the person to whom the child was entrusted for adoption, the person who adopted the child or having the child in foster care or in emergency foster care, and the person appointed as a tutor, except for the professional foster carer, shall benefit, upon request, from the rights provided under paras. (1) and (2).

**(4)** The persons also having, at the same time, the capacity as personal assistant for the same child or receiving the indemnity provided under Art. 42, para. (4) may not benefit from the rights provided under para. (1) letters a)-g) and under para. (2).

**(5)** Over the period in which the right provided under para. (1) letter b) is granted for the other children who are taken care of for raising and education, the entitled person shall also benefit from the rights provided by Emergency Government Ordinance no. 148/2005, as subsequently amended and supplemented, approved as amended and supplemented by Law no. 7/2007.

**(6)** The payment of the rights provided by paras. (1) and (2) shall be ensured, as the case may be, from the state budget, through the budget of the Ministry of Labor, Family and Equal Chances, or from the budget of the National unique fund for health social insurance, according to law.

**(7)** The quantum of indemnities and aids provided under para. (1) letters b), e)-g) and under para. (2) shall be updated annually by the consumption prices increase index by a Government resolution.

**Art. 13. - (1)** Over the period in which the indemnity provided under Art. 12, para. (1) letter b) is granted, the individual contribution to social health insurance shall be calculated by the application of the quota provided by law on the amount representing the value of twice the minimum gross basic salary guaranteed in the payment, and shall be paid from the state budget.

**(2)** The other mandatory social contributions provided by law shall not be owed on the right provided under Art. 12, para. (1) letter b).

**(3)** The period in which a person benefits from the rights provided under Art. 12, para. (1) letter b) shall be deemed as a period assimilated to the contribution stage in view of establishing the pension rights provided by Law **no. 19/2000** regarding the public pension system and other social insurance rights, as subsequently amended and supplemented, and for the establishment of the rights provided by Emergency Government Ordinance **no. 148/2005**, as subsequently amended and supplemented, approved as amended and supplemented by Law **no. 7/2007**.

(4) In view of determining the annual score necessary to the establishment of pension rights in the public system, for the periods assimilated to the contribution stage under the conditions provided under para. (3) the provisions of Art. 78, para. (5) letter b) of Law no. 19/2000, as subsequently amended and supplemented, shall be applied.

(5) The provisions of para. (4) shall also apply to the persons benefiting from the assimilated periods provided under para. (3) and who, at the same time, are in the situations provided in Art. 38, para. (1) of Law no. 19/2000, as subsequently amended and supplemented.

(6) The period in which a person benefits from the rights provided in Art. 12, para. (1) letter b) shall be a period assimilated to the contribution stage in view of establishment of the health social insurance indemnities provided by Emergency Government Ordinance no. 158/2005 regarding leaves and health social insurance indemnities, approved as amended and supplemented by Law no. 399/2006, as subsequently amended.

(7) In the situation provided in para. (6), when establishing the quantum of health social insurance indemnities, the minimum gross basic salary in the country guaranteed for payment in the respective period shall be taken into account.

(8) The period of the leave provided under Art. 12, para. (1) letter b) shall be deemed as labor and job seniority, which shall be taken into account when establishing the rights granted by reference thereto.

**Amended by Article 2 of Emergency Ordinance no. 118/2008 of October 03, 2008**

**Art. 14.** - (1) The rights provided in Art. 12, para. (1) letter b) shall be granted to the entitled persons who are in any of the following situations:

a) they benefited from a leave and indemnity for raising the child for the child for whom the right is required;

b) they achieved professional income subject to income tax according to the provisions of Law no. 571/2003 regarding Fiscal Code, as subsequently amended and supplemented, over a period of 12 months in the last year before requesting the right.

(2) The 12 months provided under para. (1) letter b) may also be entirely formed of periods assimilated as follows:

a) they accompanied their spouse sent on a permanent mission abroad;

b) they benefited from an unemployment benefit, established as provided by law;

c) they benefited from leaves and social and health insurance indemnities, according to law;

d) they achieved periods assimilated to the contribution stage in the public pension system, according to the conditions provided in Art. 38 para. (1) of Law no. 19/2000, as subsequently amended and supplemented;

e) they achieved contribution stage periods in the public pension system under the conditions provided by the normative documents with a special character regulating collective dismissals;

f) they benefited from invalidity pensions;

g) they benefited from unpaid leave in order to participate in professional improvement and training courses from the initiative of the employer or to which the employer agreed, organized as provided by law;

h) they worked under an individual labor contract abroad, based on the bilateral governmental agreements concluded by Romania with other states or based on EC Regulation no. 1.408/71 regarding the application of social security regimes to employed workers, independent workers and members of their families traveling within the Community;

i) they are in the period of temporary interruption of their activity, from the employer's initiative, without the cessation of the labor relationship, for economic, technological, structural or similar reasons, as provided by law.

## SECTION 2- Education

**Art. 15. - (1)** Disabled persons shall have a free and equal access to any form of education, irrespective of their age, according to the handicap type, degree and the educational needs thereof.

**(2)** The disabled persons shall be ensured permanent education and professional training throughout their life.

**(3)** The disabled person or, as the case may be, the family or the legal representative shall be the main decision factor in choosing the training form and type, and the educational unit.

**Art. 16. - (1)** The education of disabled persons shall be an integral part of the national education system, coordinated by the Ministry of Education, Research and Youth.

**(2)** The education of disabled persons shall be made through:

**a)** special education units;

**b)** the individual integration in mass educational units, including in units teaching in the language of national minorities;

**c)** compact special classes or groups, integrated in mass school and pre-school units;

**d)** educational services through support/itinerant teaching staff;

**e)** domicile school education until the graduation of high school studies, but not later than the age of 26, by the care of the Ministry of Education, Research and Youth;

**f)** "hospital bed" education during hospitalization;

**g)** educational alternatives.

**(3)** The forms of education listed under para. (2) may also be practiced in the language of national minorities.

**(4)** The access to educational units of disabled children, including of the children with a handicap, and of those with school adaptation difficulties shall be made by the decision of the child protection commission, which issues the school and/or professional orientation certificate, based on the complex evaluation report drafted by the complex evaluation service within the county or Bucharest municipality sectors general social assistance and child protection divisions.

**(5)** For the education forms provided under para. (2) letters d)-f) the recommendation of the internal commission for continuous evaluation and the parents' request shall be necessary.

**(6)** The special educational units shall be formed of: special school, canteen and, as the case may be, boarding schools, as provided by law.

**(7)** Disabled pupils shall benefit from meals and accommodation in boarding schools, on a free of charge basis.

**(8)** The students with a severe and accentuated handicap shall benefit, upon request, from a 50% discount of the accommodation and meals fees at the student canteens and hostels.

**(9)** The value of the discount provided under para. (8) shall be ensured from the budget of public or private education institutions.

**Art. 17. –** The financing of the special and specially integrated education shall be made from the budgets of counties, respectively the local budgets of the sectors of the Bucharest municipality, where the special educational unit operates, irrespective of the domicile of the children /pupils/the young with special educative needs.

**Art. 18. - (1)** Within the educational process, irrespective of its level, disabled persons shall have the right to:

**a)** educational support services;

**b)** the endowment with the technical equipment adapted to the handicap type and degree and the use thereof;

**c)** the adaptation of the furniture in classrooms;

**d)** school manuals and courses in accessible format for the pupils and students with sight deficiencies;

**e)** the use of assistive equipment and software in taking exams of any type and level.

**(2)** The disabled children under school age, pupils and students, along with their personal assistants and the professional personal assistants, as the case may be, shall have the right to free of charge tickets in camps, once a year, irrespective of the education form.

**(3)** The amounts related to the right provided under para. (2) shall be ensured from the state budget through the National Youth Authority.

**Art. 19. –** In view of ensuring the access of disabled persons to education units and institutions, the public authorities shall take the following specific measures:

- a) promotion and guarantee of the access to professional education and training of disabled persons;
- b) assurance of domicile school education of immobilized disabled persons during the mandatory schooling period, and of school preparation, irrespective of the place of the disabled person, including through support/itinerant teaching staff;
- c) assurance of access to permanent forms of education, adapting them to the educational needs of disabled persons;
- d) support of the cooperation between the special or mass education units with the family and community, in view of ensuring an educational offer answering the individual needs of disabled persons;
- e) support of the preparation of the teaching staff in view of adapting the educational practices for the disabled pupils in usual education groups or classes;
- f) assurance of the possibility of a sportive activity by any disabled person, and the preparation of the didactic staff in view of appropriation by them of certain specific medical and technical notions;
- g) assurance of support educational services for disabled persons and their families, through experts in the field of special psychopedagogy;
- h) assurance of access to educational units and institutions.

### SECTION 3

#### Dwelling

**Art. 20. - (1)** In view of ensuring the access of disabled persons to the obtainment of a dwelling, the public authorities shall take measures to include a priority criterion for the lease, at inferior levels, of the dwellings belonging to the public field of the state or its administrative and territorial units.

**(2)** The persons with a severe handicap shall benefit from the following rights:

- a) the granting of a room, in addition to the minimal rules for dwelling provided by law, based on the lease contracts for the dwellings belonging to the public or private field of the state or the territorial and administrative units thereof;
- b) the establishment of the rent, as provided by law, based on the lease contracts for the locative areas with the dwellings destination, held by the state or the administrative and territorial units thereof, at the minimum tariff provided by law.

**(3)** The family or the legal representative shall also benefit from the provisions of para. (2) over the period in which such family or legal representative takes care of a child or adult with a severe handicap.

**(4)** The adult with an accentuated handicap shall also benefit from the provisions of para. (2) letter b).

### SECTION 4

#### Culture, Sport, Tourism

**Art. 21. - (1)** The competent public administration authorities shall facilitate the access of disabled persons to cultural values, patrimonial, tourist, sportive and leisure time spending objectives.

**(2)** In view of ensuring the access of disabled persons to culture, sport and tourism, the public administration authorities shall take the following specific measures:

- a) support of the participation of disabled persons and their families in cultural, sportive and touristic manifestations;
- b) organization, in collaboration or in partnership with legal, public or private persons, of cultural, sportive, leisure time spending manifestations and activities;
- c) assurance of conditions for the practicing of sportive activities by the disabled persons;
- d) support of the activity of sportive organizations of disabled persons.

(3) The disabled child and the person accompanying him/her shall benefit from free tickets to shows, museums, artistic and sportive manifestations.

(4) Disabled adults shall benefit from tickets to shows, museums, artistic and sportive manifestations, as follows:

a) the adult with a severe or accentuated handicap, and the accompanying person shall benefit from free tickets;

b) the adult with an average and small handicap shall benefit from entry tickets under the same conditions as for pupils and students.

(5) The amounts related to the rights provided under paras. (3) and (4) shall be paid from the state budget, through the budget of the Ministry of Culture and Cults, of the National Agency for Sport, from the local budgets or, as the case may be, from the budget of public or private organizers.

## SECTION 5

### Transport

**Art. 22.** – The local public administration authorities shall take the following specific measures in view of ensuring the common transportation of disabled persons:

a) purchase of adapted common transportation means;

b) adaptation of the common transportation means in circulation within the possible technical limits, according to the regulations in force;

c) performance, in collaboration or in partnership with legal, public or private persons, of programs for the transport of disabled persons.

**Art. 23.** - (1) The persons with a severe and accentuated handicap shall benefit from free tickets on all the urban transportation lines with land common transportation means and the subway.

(2) Also, the following persons shall benefit from the provisions of para. (1):

a) the companions of the persons with a severe handicap, in their presence;

b) the companions of the children with an accentuated handicap, in their presence;

c) the companions of the adults with an accentuated hearing and mental handicap, in their presence, based on the social investigation made by the social worker within the special department of the city hall within the territorial area of which the disabled person has his/her domicile or residence;

d) the personal assistants of the persons with a severe handicap;

e) the professional personal assistants of the persons with a severe or accentuated handicap.

(3) The permit for the urban transport with land common transport means shall be valid for the entire territory of the country, being recognized by all the local transportation *regies* and shall be issued by the county or Bucharest municipality sectors general social assistance and child protection divisions, the costs to be borne from the budgets of counties or of the sectors of the Bucharest municipality.

(4) The amounts related to the right provided under paras. (1) and (2) shall be ensured from the local budgets.

(5) The modality of granting the gratuity and its quantum shall be established by the decision of local councils.

**Art. 24.** - (1) The persons with a severe handicap shall benefit from free tickets for interurban transportation, at their choice, with any kind of train, within the limit of the cost of a second class fast train ticket, with buses or fluvial transport ships, for 12 round trips in a calendar year.

(2) Also, the following persons shall benefit from the provisions of para. (1):

a) the companions of the persons with a severe handicap only in their presence;

b) the personal assistants of the persons with a severe handicap.

(3) The persons with an accentuated handicap shall benefit from free interurban transportation, at their choice, with any kind of train, within the limit of the cost of a second class fast train ticket, with the buses or fluvial transportation ships, for 6 round trips for a calendar year.

(4) Also, the companions of children with an accentuated handicap shall benefit from the provisions of para. (3) only in their presence.

(5) The persons with kidney diseases requiring hemodialysis in localities other than those where they are domiciled shall also benefit from free interurban transportation, at their choice, with any kind of train, within the limit of the cost of a second class fast train ticket, with buses or fluvial transportation ships over the provided number of travelers, according to the recommendation of the dialysis center.

(6) The personal assistants or the companions of disabled persons requiring hemodialysis shall also benefit from the provisions of para. (5).

(7) The amounts related to the rights provided in paras. (1)-(6) shall be ensured from the state budget through the budget of the National Authority for Disabled Persons.

(8) The modality to grant the rights provided under paras. (1)-(6) shall be established by a Government resolution \*).

\*) See Government Resolution [no. 680/2007](#) for approving the Methodological [Rules](#) regarding the modality to grant rights to free interurban transportation to disabled persons, published in the Official Gazette of Romania, Part I, no. 487 of July 20, 2007.

## SECTION 6

### Legal Assistance

**Art. 25.** - (1) Disabled persons shall benefit from protection against negligence and abuse, irrespective of the place where they are located.

(2) In case the disabled person, irrespective of his/her age, is in a total or partial impossibility to manage his/her personal assets, he/she shall benefit from legal protection in the form of trusteeship or guardianship and from legal assistance.

(3) Along with the takeover of the guardianship, the tutor shall make an inventory of all the movable and immovable assets of the disabled person and submit on an annual basis a management report to the tutelary authority in the administrative and territorial unit in which the disabled person has his/her domicile or residence.

(4) In case the disabled person has no relatives or persons accepting the guardianship, the court may appoint as a tutor the local public administration authority or, as the case may be, the private legal person ensuring the protection and care of the disabled person.

(5) The monitoring of the observance of obligations of the tutor of the disabled person shall be ensured by the tutelary authority in the administrative and territorial unit within the area of which the disabled person has his/her domicile or residence.

(6) The parent, the legal representative, the tutor, and the non-governmental organization whose member the disabled person is may assist him/her before the competent courts.

(7) The judgment of the cases having as their object the obtainment by the disabled persons of the rights provided by this law shall be made with celerity.

## SECTION 7

### Facilities

**Art. 26.** – The persons with a severe or accentuated handicap shall benefit from the following fiscal facilities:

- a) exemption from taxation on the salary income and indemnities of a salary nature;
- b) exemption from the payment of the tax for building and land;
- c) exemption from the payment of the tax on cars, motorcycles with sidecar and mototricycle, adapted to the handicap;
- d) exemption from the payment of the tax for the issuance of the operation authorization for economic activities and the annual visa thereof;
- e) exemption from the payment of the hotel tax.

Challenged by [Decision no. 452/2008](#) of May 09, 2008

**Art. 27. - (1)** The adult persons with a severe and accentuated handicap may benefit from credit whose interest shall be borne from the state budget, through the budget of the National Authority for Disabled Persons, for the purchase of a single means of transport and for the adaptation of a dwelling according to the individual needs of access, subject to the payment of credit installments on the due date.

**(2)** The family or person taking care of at least one child with a severe or accentuated handicap shall also benefit from the provisions of para. (1).

Amended by [article 1](#) of [Emergency Government Ordinance no. 86/2008](#) dated **June 27, 2008**

**Art. 28. –** The disabled persons holding cars adapted to the handicap, and the persons taking care of them shall benefit from exemption from the payment of the tariff for the use of national road networks, provided in Government Ordinance [no. 15/2002](#) regarding the introduction of the tariff for the use of the Romanian national road networks, approved as amended and supplemented by Law [nr. 424/2002](#), as subsequently amended and supplemented.

**Art. 29. –** The amounts related to the right provided under Art. 28 shall be borne from the State budget through the budget of the Ministry of Transportations.

## SECTION 8

### Assurance of Continuity in Protection Measures

**Art. 30. -** In view of ensuring the correlation of the services in the protection system for the disabled child with the services in the protection system for adult disabled persons, the responsible public administration authorities shall take the following specific measures:

- a)** planning and assurance of the transition of the disabled young person from the child protection system to the disabled adult person protection system, based on his/her identified individual needs;
- b)** assurance of the continuity of the services granted to disabled persons;
- c)** establishment of measures meant to ensure the preparation of the young person for the adult and independent life;
- d)** performance, in collaboration or in partnership with legal, public or private persons, of programs for the preparation for the adult life;
- e)** performance of activities for the information of the disabled young person as to the opportunities for education, employment, access to family and social life, different means for spending free time;
- f)** evaluation, upon request, of the pupils in the special educational units.

## CHAPTER III

### Social Services and Performances

## SECTION 1

### Social Services

**Art. 31. - (1)** The right to social assistance in the form of social services shall be granted upon request or *ex officio*, as the case may be, based on evidencing documents, under the conditions provided by law.

**(2)** The application for the granting of the right to social services shall be registered with the local public administration authority within the territorial area of which the disabled person has his/her domicile or residence.

**(3)** The application and evidencing documents shall be submitted for registration by the disabled person, his/her family, the legal representative, the personal assistant, the professional

personal assistant or the non-governmental organization in which the disabled person is a member.

**(4)** In view of ensuring the social services necessary to disabled persons, the public authorities shall take the following special measures:

**a)** creation of the access conditions for all the types of services corresponding to the individual needs of disabled persons;

**b)** initiation, support and development of social services focused on the disabled person, in collaboration or in partnership with legal, public or private persons;

**c)** assurance of the weight of the specialized personnel employed in the disabled persons protection system by reference to the types of social services: social assistants, psychologists, ergotherapy instructors, kinetherapists, recovery pedagogues, logopedists, psychopedagogues, supporting teaching staff, specialized educators, psychiatrists, dentists, hospital attendants;

**d)** involvement of the family of the disabled person in the activities related to his/her care, rehabilitation and integration;

**e)** assurance of training in the specific problem of the disabled person of the personnel performing its activity in the protection system of disabled persons, including of personal assistants and professional personal assistants;

**f)** development and support of collaboration programs between parents and experts in the handicap field, in collaboration or in partnership with legal, public or private persons;

**g)** establishment and support of the system based on case management in the protection of the disabled person;

**h)** encouragement and support of voluntary activities;

**i)** assurance of social and medical assistance and care at the domicile of the disabled person.

**Art. 32. - (1)** The disabled persons shall benefit from social services granted:

**a)** at the domicile;

**b)** in community;

**c)** in day centers and residential, public or private centers.

**(2)** The social services destined to disabled persons shall be protected and adapted according to the person's individual needs.

**Art. 33. - (1)** The local public administration authorities shall organize, administrate and finance social services destined to disabled persons as provided by law.

**(2)** The local public administration authorities may contract social services with the suppliers of private law social services, as provided by law.

**(3)** The cost of the contracted social service may not exceed the cost of such service on the contracting date or the average cost of the service functioning on the establishment date, in case of a new service.

**(4)** The contracting modality shall be established by the methodological rules \*) for the application of the provisions hereof.

\*) See Government Resolution **no. 268/2007** for the approval of the Methodological **Rules for** the application of the provisions of Law no. 448/2006 regarding the protection and promotion of the rights of disabled persons, published in the Official Gazette of Romania, Part I, no. 233 of April 4, 2007.

**Art. 34. - (1)** The social services destined to adult disabled persons shall be under the coordination of the National Authority for Disabled Persons.

**(2)** The monitoring of the implementation of the specific quality standards and the control of their observance shall be of the competence of the National Authority for Disabled Persons and shall be applied by the personnel with duties in this field, according to a methodology approved by the order of its president.

**(3)** In performing the activity provided under para. (1) the personnel of the National Authority for Disabled Persons shall have access to the spaces related to the supply of social services, to data and information related to disabled persons benefiting from such service.

## SECTION 2

### Personal Assistant

**Art. 35.** – The person with a severe handicap shall have the right, based on the social and psycho-medical evaluation, to a personal assistant.

**Art. 36.** - (1) The person meeting the following conditions may be employed under an individual labor contract as a personal assistant:

- a) minimum age: 18 years old;
- b) he/she was not sentenced for the perpetration of offences that would make him/her incompatible with the exercise of the personal assistant occupation;
- c) full capacity of exercise;
- d) adequate health condition, attested by the family doctor based on a specialized medical examination;
- e) he/she graduated at least the mandatory secondary education, except for the relatives and in-laws up to the IV<sup>th</sup> degree inclusively of the person with a severe handicap, and except for the wife or husband, as the case may be; in exceptional situations, at the proposal of the social assistant within the own system of the local council within the territorial area of which the person who shall have the personal assistant function has his/her domicile or residence, the National Authority for Disabled Persons may approve the derogation from the observance of the study conditions also in case of other persons.

(2) The persons benefiting from a leave for the raise of the child of up to 2 years of age or, in the case of the disabled child, of up to 7 years of age may not hold the capacity as personal assistant.

**Art. 37.** - (1) During the care and protection of the person with a severe handicap, based on the individual labor contract, the personal assistant shall have the following rights:

- a) basic salary established according to the legal provisions regarding the remuneration of the social assistant with medium education in the social assistance units in the budgetary sector, other than those with beds, and seniority bonus and other related bonuses granted according to law;
- b) work program not exceeding 8 hours per day and 40 hours per week on the average;
- c) annual leave according to the legal provisions applicable to the personnel employed in public institutions;
- d) free urban transportation, as provided under Art. 23;
- e) interurban transportation, according to Art. 24.

(2) Over the period of the leave, the employer shall ensure to the person with a severe handicap a person replacing the personal assistant, including in case personal assistant is a relative of such person of up to the IV<sup>th</sup> degree inclusively.

(3) In case the employer cannot ensure a person replacing the personal assistant, the person with a severe handicap shall be granted an indemnity equivalent to the net salary of the personal assistant or the accommodation in a social assistance centre.

**Art. 38.** – The personal assistant shall have the following main obligations:

- a) to participate, every 2 years, in the training organized by the employer;
- b) to sign a commitment as an additional act to the individual labor contract assuming the responsibility to fully achieve the recovery plan for the child with severe handicap, respectively the individual services plan for the adult person with a severe handicap;
- c) to perform for the person with a severe handicap all the activities and services provided in the individual labor contract, in the job description and in the recovery plan for the child with a severe handicap, respectively in the individual services plan of the adult person with a severe handicap;
- d) to treat with respect, good faith and understanding the person with a severe handicap and not to abuse of his/her condition from a physical, mental or moral point of view;
- e) to communicate to the county or Bucharest municipality sectors general social assistance and child protection divisions, within 48 hours from the taking knowledge thereof, any modification occurred in the physical, mental or social condition of the person with a severe handicap and other situations which may modify the granting of the rights provided by law.

**Art. 39. - (1)** The individual labor contract of the personal assistant shall be concluded with the city hall of the locality where the domicile or residence of the person with a severe handicap is located, as the case may be, within maximum 30 days from the application registration.

**(2)** The individual labor contract shall be drafted in 3 originals, one for each contracting party, and the third original shall be sent to the county or Bucharest municipality sectors general social assistance and child protection divisions, within 5 days from its conclusion.

**(3)** The modalities and conditions of conclusion, amendment and termination of the individual labor contract of the personal assistant shall be supplemented with the provisions of Law **no. 53/2003** – Labor **Code**, as subsequently amended and supplemented.

**(4)** The individual labor contract of the personal assistant shall terminate as of right in case of death of the person with a severe handicap.

**Art. 40. - (1)** The local public administration authorities shall provide and guarantee in the local budget the necessary amounts from which the remuneration shall be paid, and the other rights due to the personal assistant, according to law.

**(2)** The public social assistance service shall order the performance of periodical controls on the activity of personal assistants and shall submit a report to the local council on a bi-annual basis.

**Art. 41. –** The failure, by the personal assistant, to meet or to adequately meet the obligations provided by the legal provisions for him/her and the obligations provided in the individual labor contract shall result in his/her disciplinary, civil or criminal responsibility, as the case may be, as provided by law.

**Art. 42. - (1)** The adult with a severe visual handicap may opt for a personal assistant or a companion indemnity.

**(2)** The persons with a severe handicap also having the capacity as I<sup>st</sup> degree invalidity pensioners may opt for the companion indemnity provided under Art. 61 of Law **no. 19/2000**, as subsequently amended and supplemented, or for a personal assistant. The right of option shall be also maintained in case invalidity pensioners pass to the pension for an age limit.

**(3)** The war invalid persons also having the capacity as persons with a severe handicap and being I<sup>st</sup> degree invalidity pensioners shall benefit both from the right provided under para. (2) and from the right provided under Art. 3 of Law **no. 49/1999** regarding pensions for invalid persons, orphans and war widows, as subsequently amended and supplemented.

**(4)** The parents or the legal representatives of the child with a severe handicap, the adults with a severe handicap or the legal representatives thereof, except for those with a severe visual handicap, may opt between a personal assistant and the receipt of a monthly indemnity.

**(5)** The option shall be expressed by an application addressed in writing to the county or Bucharest municipality sectors general social assistance and child protection divisions, and shall become valid only based on their agreement expressed in writing.

**(6)** The county or Bucharest municipality sectors general social assistance and child protection divisions shall communicate to the employer, within 5 days, the consent for the option expressed under the conditions provided under para. (5).

**Art. 43. - (1)** The monthly indemnity provided under Art. 42 para. (4) shall be equal to the net salary of the debutant social assistant with average studies in the social assistance units in the budgetary sector, other than those with beds.

**(2)** The payment of the monthly indemnity shall be ensured by the city halls within the territorial area of which the person with a severe handicap has his/her domicile or residence.

**(3)** The payment of the indemnity shall be made over the validity period of the handicap degree certificate issued by the child protection commissions or the commissions for the evaluation of disabled adult persons, as the case may be.

**(4)** The following may not benefit from monthly indemnity:

**a)** the parents or the legal representatives of the child with a severe handicap in boarding schools or in foster care centers related to special education institutions or units;

**b)** the adults with a severe handicap or their legal representatives over the period in which the adults with a severe handicap are in public residential centers, except for the social assistance centre, or in other types of public institutions with a social character in which complete support is granted on the part of the public administration authority;

c) the persons with a severe handicap retained, arrested or sentenced by a final decision to a punishment depriving from freedom, during the period of their retention, arrest or detention.

**Art. 44.** – The local public administration authorities provided under para. (2) shall:

a) employ and remunerate the personal assistant of the person with a severe handicap, as provided by law;

b) ensure and guarantee the payment of the monthly indemnity, in case the person with a severe handicap or his/her legal representative opted therefor.

### SECTION 3

#### Professional Personal Assistant

**Art. 45.** - (1) The adult with a severe or accentuated handicap not having a dwelling space, not achieving income or achieving income up to the level of the average salary per economy may benefit from the care and protection of a professional personal assistant.

(2) The care and protection of the adults with a severe or accentuated handicap by the professional personal assistant shall be made based on the decision of the county or Bucharest municipality sector commissions for the evaluation of disabled adult persons.

(3) The opinion of the adult with a severe or accentuated handicap shall be taken into account in making the decision regarding the establishment of the professional personal assistant.

(4) The labor contract of the professional personal assistant shall be concluded by the county or Bucharest municipality sectors general social assistance and child protection divisions, or the private suppliers of social services, accredited as provided by law.

(5) The monitoring and control of the activity related to the care and protection of the adults with a severe and accentuated handicap by the professional personal assistant shall be made by the county or Bucharest municipality sectors general social assistance and child protection divisions.

(6) The foster carer taking care of the child with a severe or accentuated handicap until the child turns 18 may opt to become a professional personal assistant.

**Art. 46.** - (1) For each adult with a severe or accentuated handicap in the care and protection of the professional personal assistant, the amounts necessary to the coverage of the monthly expenses related to meals, equipment, bedding, hygienic and sanitary materials and the amounts necessary to the coverage of dwelling expenses shall be granted.

(2) The amounts provided under para. (1) shall be borne from the own budget of the county or of the Bucharest municipality sector within the area of which the domicile or residence of the professional personal assistant is located.

(3) The quantum of the amounts granted under para. (1) shall be established by the decision of the county or Bucharest municipality sector council, and shall not exceed the quantum of the expenses made for the disabled adults assisted in public residential centers.

(4) The amounts necessary to the coverage of the expenses provided under para. (1), borne by the private accredited suppliers of social services shall be returned to them upon request, by the county or Bucharest municipality sectors general social assistance and child protection divisions, based on the justifying documents, within 15 days from the submission of the application.

(5) The manner of settling the expenses provided under para. (1) shall be approved by the order of the president of the National Authority for Disabled Persons.

**Art. 47.** - (1) Over the period of care and protection of the adults with a severe or accentuated handicap, the professional personal assistant shall benefit from the following rights:

a) basic salary established according to the legal provisions regarding the remuneration of the social assistant with average studies in the social assistance units in the budgetary sector, other than those with beds, and seniority bonus and other related bonuses granted as provided by law;

b) a bonus of 15% calculated on the basic salary for neuropsychical overstraining and special work conditions in which he/she performs his/her activity;

c) a bonus of 15% calculated on the basic salary over the period in which he/she takes care of and protects at least two adult persons with a severe or accentuated handicap;

d) a bonus of 25% calculated on the basic salary, over the period in which he/she takes care of, and protects, an adult person with a severe or accentuated handicap infected with the HIV virus or who has AIDS.

(2) The professional personal assistant also benefits from other rights, as follows:

a) counseling and support on the part of experts from the county or Bucharest municipality sectors general social assistance and child protection divisions or the suppliers of social services, in view of performing his/her obligations regarding the care and protection of the adult person with a severe or accentuated handicap;

b) settlement of the expenses for interurban transportation, accommodation and meals, in case the travel is made in the interest of the adult with a severe or accentuated handicap, under the terms established for the personnel in the budgetary sector;

c) free urban transportation under the terms provided under Art. 23.

(3) Over the period of the leave, the employer shall ensure for the person with a severe or accentuated handicap a person replacing the professional personal assistant or his/her accommodation in a social assistance center.

**Art. 48.** - (1) The conditions for the obtainment of the attestation, the attestation procedures and the status of the professional personal assistant shall be regulated by a Government resolution, at the proposal of the National Authority for Disabled Persons.

(2) The minimum mandatory standards for ensuring the care and protection of adults with a severe or accentuated handicap by the professional personal assistant shall be drafted by the National Authority for Disabled Persons and approved by the order of its president.

**Art. 49.** – The professional personal assistant shall have the following main duties:

a) to participate annually in the training organized by the employer;

b) to sign a commitment, as an additional act to the individual labor contract, assuming his/her liability to fully achieve the individual services plan for the adult with a severe or accentuated handicap;

c) to supply for the adult with a severe or accentuated handicap all the activities and services provided in the individual labor contract, in the job description and in the individual services plan;

d) to treat with respect, good faith and understanding the adult with a severe or accentuated handicap and not to abuse from a physical, mental or moral point of view from his/her condition;

e) to communicate to the county or Bucharest municipality sectors general social assistance and child protection divisions, within 48 hours from taking knowledge thereof, any change of the physical, mental or social condition of the adult with a severe or accentuated handicap and other situations which can modify the granting of the rights provided by law.

**Art. 50.** – The failure by the professional personal assistant to perform or to appropriately perform his/her obligations provided by the legal provisions and those provided in the individual labor contract shall result in the disciplinary, civil or, as the case may be, criminal liability of the professional personal assistant, as provided by law.

## SECTION 4

### Centers for Disabled Persons

**Art. 51.** - (1) The disabled person may benefit from social services granted in day centers and residential centers of different types, public, public-private or private.

(2) The day centers and the residential centers shall represent locations in which social services are granted by qualified personnel and which have the infrastructure adequate to the supply thereof; the residential centers are locations in which the disabled person is housed for at least 24 hours.

(3) For the purpose hereof, the types of residential centers for disabled persons shall be:

a) assistance and care centers;

b) recovery and rehabilitation centers;

c) centers of integration through occupational therapy;

d) centers of preparation for an independent life;

e) social assistance/crisis centers;

f) community services and training centers;

g) protected dwellings;

h) other.

(4) The admission of a disabled person in a residential center, except for those provided under para. (3) letters e) and g), shall be made in case he/she cannot be ensured the protection and care at his/her domicile or within other services within the community.

(5) The public centers for disabled persons shall be established and operate as structures with or devoid of legal status, in the subordination of county councils or the local councils of the Bucharest municipality sectors, in the structure of the general social assistance and child protection divisions, subject to the endorsement and under the methodological guidance of the National Authority for Disabled Persons.

(6) The private centers for disabled persons shall be established and operate as structures with legal status, subject to the endorsement and under the methodological guidance of the National Authority for Disabled Persons.

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Amended by [Article 1](#) of [Emergency Ordinance no. 86/2008](#) of **June 27, 2008**

**Art. 52.** - (1) In view of performing a type of innovatory activities in the disabled persons protection field, the accredited suppliers of social services may establish, administrate and finance pilot centers for a maximum duration of 2 years.

(2) The evaluation of innovatory activities shall be made by the local competent decentralized public service of the Ministry of Labor, Family and Equal Chances, in collaboration with the National Authority for Disabled Persons.

**Art. 53.** - (1) In a day center or a residential center, the social services may be supplied in an integrated system with medical, training, dwelling, labor force occupation services and the like.

(2) The disabled persons in day or residential centers shall benefit from medical services within the basic medical services package which shall be borne from the budget of the National unique fund for health social insurance, according to the Frame agreement regarding the conditions of granting medical assistance within the health social insurance system.

(3) The coordination of the social services supplied in an integrated system shall be made by the local public administration authority or the supplier of social services establishing, administrating and financing the center.

(4) The Minister of Education, Research and Youth shall allocate funds from the budget for the financing of related expenses:

- a) to the education activities performed in the centers for disabled persons;
- b) to the improvement of the professional training of the teaching staff;
- c) to other actions and activities, as provided by law.

**Art. 54.** - (1) The disabled person shall have the right to be taken care of and protected in a center in the locality/county within the territorial area of which he/she has his/her domicile or residence.

(2) The financing of public centers shall be made from the own budgets of the counties, respectively the sectors of the Bucharest municipality on whose territory they operate.

(3) In case the individual needs of the disabled person cannot be ensured under the conditions provided under para. (1), the disabled person may be taken care of and protected in a center located in another administrative and local unit.

(4) The settlement of expenses between the local public administration authorities shall be made based on the monthly average cost of the expenses made in the previous month by the center in which the disabled person is taken care of and protected.

(5) The settlement manner shall be established through the methodological rules \*) for the application hereof.

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\*) See Government Resolution [no. 268/2007](#) for the approval of [Methodological Rules](#) for the application of the provisions of Law no. 448/2006 regarding the protection and promotion of the rights of disabled persons, published in the Official Gazette of Romania, Part I, no. 233 of April 4, 2007.

**Art. 55. - (1)** The supplier of social services shall promote, facilitate and ensure professional training programs for the personnel, and specific training programs regarding the problem of handicap and the legislation in this field.

**(2)** The personnel within the centers provided under Art. 51 para. (1) shall observe the specific quality standards and the legal provisions regarding the rights of disabled persons.

**(3)** The failure to observe the provisions of para. (2) shall result, as the case may be, in the disciplinary, contraventional or criminal liability, according to the legal provisions.

**Art. 56. - (1)** The specialized personnel performing its activity in public centers in the rural environment, which are day and residential centers for disabled children and adults, shall benefit from the settlement of transport expenses to and from the domicile, as provided by law.

**(2)** The amounts necessary to the granting of the rights provided under para. (1) shall be ensured from the own budgets of the counties, respectively of the sectors of the Bucharest municipalities on whose territorial area the center operates.

## SECTION 5

### Social Performances for Disabled Persons

**Art. 57. - (1)** The right to social assistance in the form of social performances shall be granted upon request or *ex officio*, as the case may be, based on justifying documents, under the conditions provided by law.

**(2)** The application for the payment of social performances shall be registered with the competent local public administration authority within the territorial area of which the disabled person has his/her domicile or residence.

**(3)** The application and the evidencing documents may be submitted under the terms provided under Art. 31 para. (3).

**(4)** The payment of the social performance shall be made starting with the month following the submission of the application and shall cease starting with the month following the cessation of the right to such social performance.

**Art. 58. - (1)** The disabled children, including the children with an HIV/AIDS handicap shall benefit from a state allowance under the conditions and in the quantum provided by law, increased by 100%.

**(2)** The children with an HIV/AIDS handicap shall benefit from a monthly food allowance, calculated based on the daily food allowance established for the collective consumptions in the public sanitary units.

**(3)** The adult with a severe visual handicap shall receive for the payment of the companion an indemnity equivalent to the net salary of the debutant average study social assistant in the social assistance units in the budgetary sector, other than those with beds.

**(4)** The disabled adult shall benefit, according to this law, from the following social performances:

**a)** a monthly indemnity, irrespective of his/her income:

- 1.** in quantum of RON 179, for the adult with a severe handicap;
- 2.** in quantum of RON 147, for the adult with an accentuated handicap;

**b)** a monthly complementary personal budget, irrespective of the income:

- 1.** in quantum of RON 80, for the adult with a severe handicap;
- 2.** in quantum of RON 60, for the adult with an accentuated handicap;
- 3.** in quantum of RON 30, for the adult with an average handicap.

**(5)** The family or the legal representative of the child with a severe, average or medium handicap shall also benefit from the social performance provided under para. (4) letter b) over the period in which it/she/he takes care of, supervises and supports the child.

**(6)** The following persons may not benefit from the provisions of para. (4):

**a)** the disabled adults who are taken care of and protected in public residential centers, except for the social assistance center;

**b)** the disabled persons who are retained, arrested or sentenced by a final decision to a punishment depriving them of freedom, over the retention, arrest or detention period;

c) the adults with a severe or accentuated handicap achieving income, in the care and under the protection of the professional personal assistant.

(7) The adults with a severe or accentuated handicap not achieving income, in the care and under the protection of the professional personal assistant cannot benefit from the provisions of para. (4) letter a).

(8) The disabled children who are in boarding schools or foster care centers related to special education institutions or units or in other types of public institutions with a social character, except for the social assistance center, in which full support is granted by the public administration authority may not benefit from the right provided under para. (1).

(9) The child with AIDS may benefit from the right provided under para. (2) only over the period in which he/she is taken care of within the family.

(10) The amounts related to the rights provided under paras. (1)-(5) and to the administration expenses shall be ensured through the own budgets of the counties/Bucharest municipality sectors from transfers from the state budget to the local budgets, provided with such destination in the budget of the Ministry of Labor, Family and Equal Chances.

(11) The payment of the rights provided under paras. (1)-(5) shall be made by the county or Bucharest municipality sectors general social assistance and child protection divisions.

(12) The complementary personal budget provided under para. (4) letter b) shall not be taken into account when establishing other rights and obligations.

(13) The quantum of the rights shall be updated annually by the consumption prices increase index, by a Government resolution.

(14) The outstanding rights related to the decisions issued and unpaid in 2006 for the persons with a visual handicap, established based on Emergency Government Ordinance **no. 102/1999\*\***) regarding the special protection and labor employment of disabled persons, approved as amended and supplemented by Law **no. 519/2002**, as subsequently amended and supplemented, shall be ensured and paid by the Ministry of Labor, Family and Equal Chances through the county and Bucharest municipality labor and social protection departments.

\*\*\*) Government Emergency Ordinance no. 102/1999 was abrogated by Law no. 448/2006, published in the Official Gazette of Romania, Part I, no. 1.006 of December 18, 2006.

Amended by Resolution no. 10/2008 dated January 10, 2008

## SECTION 6

### Obligations of Disabled Persons, the Family or the Legal Representatives

**Art. 59.** – The disabled persons shall have the following obligations:

**a)** to come *ex officio* or upon request, for evaluation and reevaluation, before the commissions which are competent in this field;

**b)** to make the necessary diligences to benefit from the rights provided by law;

**c)** to perform the activities and services provided in the recovery plan for the disabled child or in the individual services plan for the disabled adult;

**d)** to make the diligences for the labor employment, as provided by law, by reference to the background, physical and mental possibilities, based on the recommendations of the commission with competence in this field;

**e)** to collaborate with the social assistants and experts having as their purpose the professional recovery, rehabilitation, orientation and social integration;

**f)** to notify the county or Bucharest municipality sectors general social assistance and child protection divisions, within 48 hours from taking knowledge thereof, of any modification regarding the handicap degree, domicile or residence, material condition and other situations which could modify the granting of the rights provided by law.

**Art. 60.** – The person taking care of, supervising and supporting, a child or a disabled adult shall have the following main obligations:

- a)** to ensure the appropriate raising and care of the disabled person;
- b)** to observe and/or follow the activities and services provided in the recovery plan for the disabled child, respectively in the individual services plan for the disabled adult;
- c)** to accompany the disabled person, on the necessary term or upon request, for evaluation and reevaluation, to the commissions with competence in this field;
- d)** to appear upon the request of the county or Bucharest municipality sectors general social assistance and child protection divisions;
- e)** to collaborate with the social assistants and the experts having as their purpose the professional recovery, rehabilitation, orientation and the social integration;
- f)** to communicate to the county or Bucharest municipality sectors general social assistance and child protection divisions, within 48 hours of taking knowledge thereof, any modification regarding the handicap degree, domicile or residence, material condition, and other situations which could modify the granting of the rights provided by law.

#### **CHAPTER IV** Accessibility

**Art. 61.** – In view of ensuring the access of disabled persons to the physical, informational and communicational environment, the public authorities shall take the following specific measures:

- a)** promotion and implementation of the Access for all concept, in order to prevent the creation of new barriers and the occurrence of new discrimination sources;
- b)** support of the research, development and production of new information and communication technologies and assistive technologies;
- c)** recommendation and support of the introduction in the initial background of pupils and students of courses regarding the handicap problem and their needs and the diversification of the modalities to achieve accessibility;
- d)** facilitation of the access of disabled persons to the new technologies;
- e)** assurance of access to the public information for disabled persons;
- f)** assurance of authorized interpreters of the mimic and gesture language and of the language specific to deafblind persons;
- g)** design and performance, in collaboration or partnership with legal, public or private persons, of programs for accessibility or for becoming aware of its importance.

**Art. 62.** - **(1)** The public utility buildings, the ways of access, the dwelling buildings constructed from public funds, the common transportation means and their stations, the cabs, the railway transport wagons for the travelers and the platforms of the main stations, the parking spaces, the public streets and roads, the public telephones, the informational and communicational environment shall be adapted according to the legal provisions in the field, so as to allow the free access of disabled persons.

**(2)** The buildings in the patrimony and the historical buildings shall be adapted, observing the architectonic characteristics, according to the specific legal provisions.

**(3)** The costs of the works necessary for making the adaptations provided under paras. (1) and (2) shall be borne from the budgets of the central or local public administration authorities and from the own sources of private capital legal persons, as the case may be.

**(4)** The local public administration authorities shall include representatives of the National Authority for Disabled Persons or of non-governmental organizations of disabled persons in the commissions for the reception of the works related to the construction or adaptation of the objectives provided under paras. (1) and (2).

**Art. 63.** - **(1)** The authorities provided by law shall issue the building permit for the public utility buildings subject to the observance of the legal provisions in this field, so as to allow the free access of disabled persons.

**(2)** The provisions of para. (1) shall also apply for the dwelling buildings which are built or for which consolidation, rehabilitation, extension and/or modernization works are made, with financing from public funds.

(3) The adaptation of the access into the buildings in the public or private patrimony of the state or of local and administrative units shall also be made when the works provided under para. (2) are not performed, at the request of the persons with a severe handicap, lessees thereof.

**Art. 64.** - (1) In order to facilitate the free access of disabled persons to transport and travel, until December 31, 2010, the local public administration authorities shall take measures for:

- a) the adaptation of all the common transportation means in circulation;
- b) the adaptation of all the stations of common transportation means according to the legal provisions, including the marking by tactile pavement of the access spaces to the entry door in the means of transport;
- c) the mounting of the bill boards corresponding to the needs of the persons with a visual and hearing handicap in public transportation means;
- d) the printing in capital letters and contrasting colors of the routes and numbers of the transportation means.

(2) Within 6 months from the coming into force hereof, all the taxi operators shall ensure at least a car adapted to the transport of the disabled persons using the wheel chair.

(3) The refusal of taxi drivers to ensure the transport of the disabled person and walking device shall be deemed as discrimination.

(4) Until December 31, 2007, the competent local public administration authorities shall take measures for:

- a) adapting the pedestrian crossings on the public roads and streets according to the legal provisions, including the marking by tactile pavement;
- b) the mounting of visual and sound signaling systems at the intense traffic crossroads.

(5) The guide dog accompanying the person with a severe handicap shall have a free and free of charge access to all the public places and in the means of transport.

(6) Until the date of December 31, 2010, the railway infrastructure administrators and the railway transport operators shall:

- a) adapt at least one wagon and the main train stations in order to allow the access of the disabled persons using the wheel chair;
- b) mark by a contrasting tactile pavement the ways to the embarking platforms, counters or other utilities.

**Art. 65.** - (1) In the parking spaces next to public utility buildings and in the organized ones, at least 4% of the total number of parking lots shall be adapted, reserved and signaled by an international sign, but not less than two lots, for the free of charge parking of the means of transport for disabled persons.

(2) The disabled persons or the legal representatives thereof, upon request, may benefit from a card-permit for free parking lots. The vehicle transporting a disabled person owning a card-permit shall benefit from free of charge parking.

(3) The model of the card –permit shall be established in the methodological rules\*) for the application of the provisions hereof. The issuance of cards shall be made by the local public administration authorities.

(4) The costs related to the right provided under para. (2) shall be borne from local budgets.

(5) In the parking spaces of the public field and as close to the domicile as possible, their administrator shall distribute free of charge parking lots to the disabled persons who requested and need such parking.

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\*) See Government Resolution [no. 268/2007](#) for approving the Methodological [Rules](#) for the application of the provisions of Law no. 448/2006 regarding the protection and promotion of the rights of disabled children, published in the Official Gazette of Romania, Part I, no. 233 of April 4, 2007.

**Art. 66.** - (1) Publication houses shall make available the electronic matrixes used for printing magazines and books to the authorized legal persons requesting them to transform them in a format accessible to the persons with sight or reading deficiencies, according to Law [no. 8/1996](#) regarding the copyright and related rights, as subsequently amended and supplemented.

(2) Public libraries shall establish sections with books in formats accessible to the persons with sight or reading deficiencies.

**Art. 67. - (1)** Until the date of March 31, 2007, telephony operators shall:

**a)** adapt at least one booth to a public telephone battery according to the legal provisions in force;

**b)** provide information on the cost of services in forms accessible to disabled persons.

**(2)** Banking services operators shall make available to disabled persons at their request, account statements and other information in accessible formats.

**(3)** The employees of the operators of banking and mail services shall assist in the filling in of forms, at the request of disabled persons.

**Art. 68. –** Until the date of December 31, 2007, the owners of hotels spaces shall:

**a)** adapt at least one room for the housing of the disabled person using the wheel chair;

**b)** mark by tactile pavement or carpets the entry, the reception desk and own the tactile map of the building;

**c)** mount elevators with tactile signs.

**Art. 69. - (1)** The local and central authorities and institutions shall ensure, for the direct relations with the persons with a hearing or deafblind handicap, authorized interpreters of the mimic and gesture language or of the specific language of the deafblind person.

**(2)** The methodology for the authorization of interpreters \*\*) shall be approved by the common order of the Minister of Education, Research and Youth and of the Minister of Labor, Family and Equal Chances, at the proposal of the National Authority for Disabled Persons, subject to the consultation of the National Association of Deaf People of Romania, and of non-governmental organizations in the deafblindness field.

\*\*) See Order of the Minister of Labor, Family and Equal Chances, of the president of the National Authority for Disabled Persons and of the Minister of Education, Research and Youth [no. 671/1.640/61/2007](#) for approving the **Methodology** for the authorization of the interpreters of the mimic and gesture language and of the interpreters of the language specific to the deafblind person, published in the Official Gazette of Romania, Part I, no. 662 of September 27, 2007.

**Art. 70. - (1)** The public local and central authorities and the private law or public local and central institutions shall provide information and documentation services accessible to disabled persons.

**(2)** Within 6 months from the coming into force hereof, the public relation services shall display and dispose of information accessible to the persons with a visual, hearing and mental handicap.

**Art. 71. - (1)** Until the date of December 31, 2007, the public authorities shall take measures for:

**a)** making accessible their own web pages, in view of improving the accessing of electronic documents by the persons with a sight and mental handicap;

**b)** the use of pictograms in all the public services;

**c)** the adaptation of telex and telefax telephones for the persons with a hearing handicap.

**(2)** In the purchase of equipment and software, the public institutions shall take into account the observance of the accessibility criterion.

## CHAPTER V

### Orientation, Professional Formation, Occupation and Labor Employment

**Art. 72. - (1)** Any disabled person wanting to integrate or reintegrate in labor shall have a free access to professional evaluation and orientation, irrespective of his/her age, handicap type and degree.

**(2)** The disabled person shall actively participate in the professional evaluation and orientation process, shall have access to information and to choosing the activity, according to his/her wishes and skills.

**(3)** The personal data and information collected during the professional evaluation and orientation process shall be confidential and may be used only in the interest and subject to the consent of such disabled person.

**Art. 73. - (1)** The disabled person who is educated and has the appropriate age in view of professional integration, the person without a job, the person without professional experience, or

the person who, although employed, wants a professional reconversion shall benefit from professional orientation, as the case may be.

(2) The disabled person or, as the case may be, the family or its legal representative shall be the main decision-making factor as to professional orientation.

(3) The professional formation of disabled persons shall be organized, as provided by law, through programs for initiation, qualification, re-qualification, improvement and specialization.

**Art. 74. - (1)** In view of ensuring the professional evaluation, orientation, formation and reconversion of disabled persons, the public authorities shall take the following specific measures:

- a) making /diversification/support from a financial point of view of programs regarding the professional orientation of disabled persons;
- b) assurance of the background and training for necessary occupations in the handicap field;
- c) correlation of the professional background of disabled persons with the requirements of the labor market;
- d) creation of the necessary framework for the access to professional evaluation and orientation in any trade, according to the skills of disabled persons.

(2) The professional evaluation and orientation of disabled adults shall be made by the commission for the evaluation of disabled adult persons, as provided by law.

**Art. 75. - (1)** The disabled persons shall be entitled to the creation of all the conditions for choosing and exercising their profession, trade or occupation, to acquire and maintain a job and to be promoted from a professional point of view.

(2) In the achievement of the rights provided under para. (1), the public authorities shall take the following specific measures:

- a) promotion of the concept according to which the employed disabled person represents an added value for society and, especially, for the community to which he/she belongs;
- b) promotion of an open labor environment, including and accessible to disabled persons;
- c) creation of the conditions and services necessary for the disabled person to be able to select the form of professional conversion/reconversion and the workplace according to his/her functional potential;
- d) establishment and support of service complexes, formed of authorized protected units and protected dwellings;
- e) initiation and development of forms of stimulating employers, in view of employing and maintaining disabled persons;
- f) granting of support for the organization of a sale market for the labor product of the disabled person;
- g) diversification and support of different social services, e.g. counseling for the disabled person and his/her family, information for employers, assisted employment and the like;
- h) promotion of mediation services on the labor market of disabled persons;
- i) permanent drafting /update of the database, for the highlight of the jobs offer for disabled persons;
- j) development of collaborations with the mass-media, in view of increasing the degree of awareness/sensitization of the community regarding the potential, skills and contribution of the disabled persons to the labor market;
- k) performance, in collaboration or partnership with legal, public or private persons, of programs and projects having as their object the increase of the occupancy degree;
- l) initiation and support of campaigns related to the sensitization and awareness of employees on the skills of disabled persons;
- m) initiation of specific programs stimulating the increase of participation on the labor force market by the groups subject to the major risks of social exclusion.

**Art. 76. –** The Ministry of Education, Research and Youth shall establish measures regarding equal chances for disabled persons, ensuring, where necessary, additional support adapted to the needs of disabled adults, supporting their access in higher education institutions and units. The Ministry of Education, Research and Youth shall initiate programs for the permanent education of disabled adults and ensure support regarding their implementation.

**Art. 77. - (1)** The disabled persons shall have the right to work and achieve income according to the provisions of labor legislation, and to the special provisions hereof.

(2) For the purpose hereof, and only in the context of labor employment, disabled person shall also mean a III<sup>rd</sup> degree invalid.

**Art. 78. - (1)** Disabled persons may be employed according to their professional background and labor capacity, attested by the handicap degree certificate, issued by the evaluation commissions at a county level or of the Bucharest municipality sectors.

(2) The public institutions and authorities, the legal, public or private persons having at least 50 employees shall hire disabled persons representing at least 4% of the total number of employees.

(3) The public authorities and institutions, the legal, public or private persons not hiring disabled persons under the conditions provided under para. (2), may opt for the performance of any of the following obligations:

a) to pay monthly to the state budget an amount representing 50% of the minimum gross basic salary per country multiplied by the number of jobs in which no disabled persons were employed;

b) to purchase products or services from authorized protected units, on a partnership basis, in the amount equivalent to the amount due to the state budget under the terms provided under letter a).

(4) The public institutions of national defense, public order and national safety shall be exempted from the provisions of para. (2).

(5) The monitoring and control of the observance of the provisions of paras. (2) and (3) shall be made by the Labor Inspection.

Amended by [article 1](#) of [Emergency Ordinance no. 86/2008](#) of **June 27, 2008**

**Art. 79. - (1)** The employment of the disabled person shall be made in the following forms:

a) on the free labor market;

b) at the domicile;

c) in protected forms.

(2) The forms protected upon labor employment shall be:

a) protected workplace;

b) authorized protected unit.

**Art. 80. –** The disabled persons employed at the domicile shall benefit on the part of the employer from the transport to and from the domicile of the raw materials and materials necessary in the activity, and of the achieved finished products.

**Art. 81. - (1)** The protected units may be established by any natural or legal person of public or private law hiring disabled persons.

(2) The protected units may be:

a) with legal status;

b) devoid of legal status, with own administration, in the form of sections, workshops or other structures within economic operators, public institutions or within non-governmental organizations, and those organized by the disabled person authorized, as provided by law, to perform independent economic activities.

(3) The procedure for the authorization of protected units shall be established by the order of the president of the National Authority for Disabled Persons\*).

\*) See Order of the president of the National Authority for Disabled Persons [no. 60/2007](#) regarding the approval of the [Procedure](#) for the authorization of protected units, published in the Official Gazette of Romania, Part I, no. 291 of May 3, 2007.

**Art. 82. - (1)** The authorized protected units shall benefit from the following rights:

a) exemption from the payment of taxes for authorization upon establishment and for reauthorization;

b) exemption from the payment of the tax on profit, provided that at least 75% of the fund obtained by exemption is reinvested for restructuring or for the purchase of technological equipment, machines, tools, work installations and /or arrangement of the protected workplaces, according to Law [no. 571/2003](#), as subsequently amended and supplemented;

c) other rights granted by the local public administration authorities financed from its own funds.

(2) At the end of each year, the authorized protected units shall submit the activity report for the previous year to the National Authority for Disabled Persons.

(3) The failure to observe the obligation provided under para. (2) shall be sanctioned by the suspension of the authorization for the operation as a protected unit or, as the case may be, by its withdrawal and the obligation to fully reimburse the facilities from which it benefited during the operation as an authorized protected unit.

(4) The procedure related to the suspension or withdrawal of the authorization of protected units shall be established by the normative rules \*\*) for the application hereof.

\*\*) See Government Resolution **no. 268/2007** for the approval of Methodological **Rules** for the application of the provisions of Law no. 448/2006 regarding the protection and promotion of the rights of disabled persons, published in the Official Gazette of Romania, Part I, no. 233 of April 4, 2007.

**Art. 83. - (1)** The disabled persons looking for a job or employed shall benefit from the following rights:

a) professional formation courses;

b) reasonable adaptation to the workplace;

c) counseling during the pre-employment period, during the employment, and during the trial period, by a counselor specialized in labor mediation;

d) a paid trial period upon employment, of at least 45 working days;

e) paid prior notice, of minimum 30 working days, granted upon the termination of the individual labor contract from the initiative of the employer for reasons not imputable to him/her;

f) the possibility to work less than 8 hours per day, as provided by law, in case he/she benefits from the recommendation of the evaluation commission in this regard;

g) the exemption from the payment of the tax on salary.

(2) The financing of the rights provided under para. (1) letters a) and c) for the disabled persons looking for a job shall be borne from the unemployment insurance budget, as provided by law.

**Art. 84. –** The employers of disabled persons shall benefit from the following rights:

a) deduction, upon the calculation of the taxable profit, of the amounts related to the adaptation of the protected workplaces and purchase of the machines and equipment used in the production process by the disabled person;

b) deduction, upon the calculation of the taxable profit, of the expenses related to the transport of disabled persons from the domicile to the workplace, and of expenses related to the transport of raw materials and finished products to and from the domicile of the disabled person, employed for domicile labor;

c) settlement from the unemployment insurance budget of the specific expenses related to professional background, formation and orientation and the labor employment of disabled persons;

d) a state subvention under the terms provided by Law **no. 76/2002** regarding the unemployment insurance system and stimulation of labor force occupation, as subsequently amended and supplemented.

## CHAPTER VI

### Classification in a Handicap Degree

**Art. 85. - (1)** The disabled persons shall benefit from the rights provided under Art. 6 based on the classification in the handicap degree, according to the handicap degree.

(2) The classification in the degree and the handicap degree of the disabled children shall be made by the child protection commission.

(3) The classification in the degree and the handicap type of disabled adults shall be made by the commission for the evaluation of disabled adult persons.

(4) The commissions provided under paras. (2) and (3) shall be specialized bodies of the county councils, as the case may be, of local councils of the Bucharest municipality sectors.

(5) The medical and psychosocial criteria based on which the classification in the handicap degree is established shall be approved by the common order of the ministry of public health and the ministry of labor, family and equal chances, at the proposal of the National Authority for Disabled Persons, until November 30, 2007.

**Art. 86.** - (1) The handicap degrees are: small, medium, accentuated and severe.

(2) The types of handicap are: physical, visual, hearing, deafblindness, somatic, mental, psychic, HIV, associated, rare diseases.

**Art. 87.** - (1) The commission for the evaluation of disabled adult persons, hereinafter the evaluation commission shall have the following main duties:

a) to establish the classification in a handicap degree, and, as the case may be, the professional orientation of the disabled adult, the labor capacity;

b) to establish the measures for protecting the disabled adult, as provided by law;

c) to reevaluate periodically or upon the notification of the county or Bucharest municipality sectors general social assistance and child protection divisions, the classification in a handicap degree, the professional orientation and the other protection measures of disabled adults;

d) to revoke or replace the protection measure established as provided by law, if the circumstances that determined its establishment changed;

e) to settle the requests regarding the issuance of the professional personal assistant attestation;

f) to inform the disabled adult or the legal representative thereof of the established protection measures;

g) to promote the rights of disabled persons in all the activities it performs.

(2) The evaluation commission shall meet any other duties provided by law.

(3) The organization and methodology for the operation of the evaluation commission shall be regulated by the Government resolution.

**Art. 88.** - In view of exercising the duties of the evaluation commission, the service for the complex evaluation of disabled adult persons, within the county or Bucharest municipality sectors general social assistance and child protection divisions shall be established.

**Art. 89.** - (1) Upon the issuance of the certificate for the classification in the handicap degree and type, the evaluation commission shall draft the individual program for the social rehabilitation and integration of the disabled adult.

(2) For the drafting of the individual social rehabilitation and integration program, the evaluation commission shall collaborate with the disabled person or his/her legal representative.

(3) The certificate provided under para. (1) shall entitle the disabled adult to benefit from the provisions provided by law for such handicap degree.

(4) The individual social rehabilitation and integration program provided under para. (1) shall be drafted and reviewed according to the methodological rules \*) for the application of the provisions hereof.

\*) See Government Resolution [no. 268/2007](#) for the approval of the Methodological [Rules](#) for the application of the provisions of Law no. 448/2006 regarding the protection and promotion of the rights of disabled persons, published in the Official Gazette of Romania, Part I, no. 233 of April 4, 2007.

**Art. 90.** – The secretariat works of the evaluation commission shall be ensured by a secretariat functioning within the county or Bucharest municipality sectors general social assistance and child protection divisions.

## **CHAPTER VII**

### **Partnerships**

**Art. 91.** – In the activity related to the protection and promotion of the rights of disabled persons, the National Authority for Disabled Persons and the local and central public administration authorities shall maintain dialogue, collaboration and partnership relationships with the non-governmental organizations of the disabled persons or which represent their interests, and with the cult institutions recognized by law with activity in this field.

**Art. 92. - (1)** The Council for the analysis of the problems of disabled persons, hereinafter the Council, with a consultative role shall be established attached to the National Authority for Disabled Persons, with the following membership:

- a) the president of the National Authority for Disabled Persons;
- b) the president of the National Council of Disability in Romania;
- c) one representative of the National Authority for the Protection of Child's Rights;
- d) one representative of the Ministry of Labor, Family and Equal Chances;
- e) one representative of the Ministry of Public Health;
- f) one representative of a non-governmental organization for the protection of human rights;
- g) one representative of each of the central and/or local public administration bodies, and of other private or public law bodies in the field, with a status of non-permanent members, according to the problems to be settled.

(2) The Council shall have the following duties:

- a) to issue consultative endorsements regarding the bills having as their object the protection of disabled persons, initiated by the National Authority for Disabled Persons or by other competent authorities;

- b) to analyze the problem of the protection of disabled persons and to propose measures regarding the improvement of their living conditions;

- c) to notify the competent bodies of the breach of the rights of disabled persons.

(3) The Council shall meet in quarterly ordinary meetings, and in extraordinary meetings whenever necessary.

(4) The members shall be called by the National Authority for Disabled Persons.

(5) The meetings shall be held at the headquarters of the National Authority for Disabled Persons or in any other place it proposes.

(6) The Secretary of the Council shall make sure of the National Authority for Disabled Persons.

(7) The Council organization and functioning manner shall be approved by the order of the president of the National Authority for Disabled Persons \*).

\*) See Order of the president of the National Authority for Disabled Persons [no. 256/2007](#) regarding the organization and functioning of the Council for the analysis of the problems of disabled persons, published in the Official Gazette of Romania, Part I, no. 561 of August 15, 2007.

**Art. 93. - (1)** At the level of the counties and sectors of the Bucharest municipality, commissions for the analysis of the problems of disabled persons shall be established attached to the county or Bucharest municipality sectors general social assistance and child protection divisions.

(2) The establishment and the organization and functioning manner shall be approved by the decision of the county council, respectively of the local councils of the Bucharest municipality sectors.

## CHAPTER VIII

### Financing of the Disabled Persons Protection System

**Art. 94. - (1)** The protection of disabled persons shall be financed from the following sources:

- a) the local budget of communes, towns and municipalities;
- b) the local budgets of counties, respectively of the sectors of the Bucharest municipality;
- c) the state budget;
- d) monthly contributions for the support of the disabled persons benefiting from social services in the centers;
- e) donations, sponsorships and other sources, as provided by law.

(2) To guarantee the receipt by the disabled persons of the amounts representing social performances, they shall be constituted only from amounts coming from the state budget and shall be managed by the Ministry of Labor, Family and Equality of Chances through the territorial labor and social protection divisions.

(3) The average monthly support cost in the residential centers for disabled persons, and the level of the monthly contribution for support due by disabled adults assisted in the centers or by

the supporters thereof shall be established by the order of the president of the National Authority for Disabled Persons.

(4) For certain social services supplied to disabled persons, taxes may be charged under the conditions established by the accredited public or private suppliers of social services, subject to the endorsement of the National Authority for Disabled Persons.

**Art. 95. - (1)** The products and services made by the centers for disabled persons under the coordination of the National Authority for Disabled Persons may be capitalized to legal and natural persons.

(2) The amounts obtained under the conditions of para. (1) shall be income to the local budget of the local and administrative unit in whose subordination such center operates.

**Art. 96. - (1)** The National Authority for Disabled Persons may finance or, as the case may be, co-finance national interest programs having as their purpose the social and professional integration, inclusion of the adult disabled persons, and the increase of their living standard.

(2) The national interest programs provided under para. (1), complementary to the actions financed at a local level, may have the following general objectives:

a) the performance of the necessary investments for the development, diversification, restructuring and good operation of services and centers ensuring the care of disabled adults;

b) the drafting of studies, researches and publications within its activity field;

c) the training of the personnel performing its activity within the services and centers for disabled persons;

d) the information of the public opinion of the rights of disabled adults through mediation campaigns;

e) the transcription or translation of informative and cultural materials in the systems for access to information, specific to the persons who are part of certain handicap categories: Braille alphabet, audio registrations, visual writing with higher letters, mimic and gesture language, pictograms;

f) any other objectives corresponding to the field of activity of the National Authority for Disabled Persons.

(3) The national interest programs provided under para. (1) shall be approved as an annex to the budget of the Ministry of Labor, Family and Equal Chances, based on the substantiations drafted by the National Authority for Disabled Persons.

(4) The methodology for the selection and financing of national interest programs shall be approved by the order of the president of the National Authority for Disabled Persons.

**Art. 97. - (1)** The financing, or, as the case may be, the co-financing of the national interest programs provided under Art. 96 para. (1) shall be ensured from the following sources:

a) the state budget;

b) reimbursable and non-reimbursable external funds;

c) donations, sponsorships and other sources, according to law.

(2) The amounts allocated from the sources provided under para. (1) shall be included in the own budget of the National Authority for Disabled Persons.

(3) For the financing of the national interest programs provided under Art. 96 para. (1), the National Authority for Disabled Persons may allocate funds from its own budget:

a) to social assistance public services in the subordination of county councils and local councils of the Bucharest municipality sectors;

b) authorized private bodies, as provided by law.

(4) The allocation of funds according to the provisions of para. (3) shall be made based on conventions concluded with county councils and the local councils of the Bucharest municipality sectors, respectively with the private bodies authorized according to law.

(5) The National Authority for Disabled Persons may finance projects within national interest programs to be performed based on a convention, in collaboration with ministries, other specialty bodies of the central public administration and with other public authorities or institutions and authorized private bodies, according to law.

**Art. 98. –** The Romanian Association of Blind People, the Romanian Association of War Invalids, the Romanian Association of Deaf People, the National League of Organizations with Disabled Personnel in Handicraft Cooperative, the National Council of Disability of Romania may

receive, according to law, subventions from the state budget through the budget of the National Authority for Disabled Persons, exclusively in supplementation of their income.

**Art. 99. - (1)** The National Authority for Disabled Persons shall finance its own projects, projects of the non-governmental organizations with activity in the field of protection of disabled persons, and projects of the authorized protected units.

**(2)** The methodology for the selection and financing of selection shall be approved by the order of the president of the National Authority for Disabled Persons.

## **CHAPTER IX** Legal Responsibility

**Art. 100. - (1)** The following facts shall be deemed as minor offences and sanctioned as follows:

**a)** the failure to observe the provisions of Art. 15 para. (1), Arts. 18-20, Art. 21 paras. (3) and (4), Art. 22, Art. 23 paras. (1) and (2), Arts. 24, 30, 31, Art. 34 para. (3), Art. 51 para. (4), Art. 55 para. (1), Arts. 62-68, Art. 69 para. (1), Arts. 70-71 para. (3), Arts. 78 and 82, with a fine ranging from RON 3,000 to RON 9,000;

**b)** the parking of other means of transport on the parking lots adapted, reserved and signaled through an international sign for disabled persons, with a fine ranging from RON 200 to RON 1,000 and the taking of the means of transport from such parking lot;

**c)** the issuance of disability degree certificates breaching the criteria provided by Art. 85 para. (5), with a fine ranging from RON 500 to RON 1,000.

**(2)** The establishment of minor offences and the application of the contraventional fines provided under para. (1) letters a) and c) shall be made by the personnel of the National Authority for Disabled Persons, authorized by the order of its president.

**(3)** The establishment of the minor offence and the application of the contraventional fine provided under para. (1) letter b) shall be made by the circulation agents or by the control personnel with duties in this regard.

**(4)** The amounts obtained from the application of fines shall be income to the state budget.

**(5)** The provisions hereof shall be supplemented with the provisions of Government Ordinance **no. 2/2001** regarding the legal regime of minor offences, approved as amended and supplemented by Law **no. 180/2002**, as subsequently amended and supplemented.

**(6)** The provisions of this article shall apply starting with the coming into force of the methodological rules for the application of the provisions hereof.

**Art. 101. - (1)** The amounts unduly collected as social performances by the disabled person or his/her family shall be recovered from him/her, including the related interest.

**(2)** The amounts established according to the provisions of para. (1), not recovered because of the death of the disabled person shall be recovered, as the case may be, from the heirs, the family or the legal representatives, according to common law.

## **CHAPTER X** Final and Transitory Provisions

**Art. 102. –** The provisions of Art. 43 para. (1) and Art. 58 paras. (4) and (5) shall come into force on January 1, 2007.

**Art. 103. –** On the coming into force hereof, Government Emergency Ordinance **no. 102/1999** regarding the special protection and labor employment of disabled persons, published in the Official Gazette of Romania, Part I, no. 310 of June 30, 1999, approved as amended and supplemented by Law **no. 519/2002**, as subsequently amended and supplemented, shall be abrogated, except for the provisions of Art. 18 para. (2) letters d) and e) and para. (5) and Art. 19 para. (1) letters a)-c), e), f), q) and r), which shall be abrogated starting with January 1, 2007, and any other provisions contrary hereto.

**Art. 104. –** Within 60 days from the coming into force hereof, the National Authority for Disabled Persons shall draft the methodological rules for the application of the provisions hereof and subject them to approval by Government resolution \*).

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\*) **The methodological rules** for the application of the provisions of Law no. 448/2006 regarding the protection and promotion of the rights of disabled persons were approved by Government Resolution **no. 268/2007**, published in the Official Gazette of Romania, Part I, no. 233 of April 4, 2007.

NOTE:

Please find below the provisions of Art. II of Government Emergency Ordinance **no. 14/2007**, as amended and supplemented by Law **no. 275/2007** regarding the approval of Emergency Government Ordinance no. 14/2007 for the amendment and supplementation of Law no. 448/2006 regarding the protection and promotion of the rights of disabled persons, which is not incorporated in the republished text of Law no. 448/2006 and which continues to apply, as the provisions of Government Emergency Ordinance no. 14/2007:

"Art. II. - (1) The rights provided by Art. 12 para. (1) letters a), b), e), f) and g) and under para. (2) of Law no. 448/2006, as subsequently amended and supplemented, shall be granted, as provided by law, if the application for their granting, accompanied by the justifying documents, is submitted by the entitled person within maximum 180 days from the coming into force of law, irrespective of the child birth year, if such child did not yet turn 2, 3 and 7 years of age, as the case may be.

(2) The procedure for granting the rights provided under Art. 12 para. (1) letters b), e)-g) and under para. (2) of Law no. 448/2006, as amended and supplemented by this emergency ordinance, shall be established by the order of the Minister of labor, social solidarity and family, within 30 days from the coming into force hereof.

(3) For the assurance, in 2007, of the funds necessary to the application of para. (1) letters a), b), e), f) and g) and para. (2) of Law no. 448/2006, as subsequently amended and supplemented, the Ministry of Economy and Finances shall be authorized to insert, at the proposal of the Ministry of Labor, Family and Equal Chances, the modifications resulted from the application of the provisions of this law in the structure of the state budget and of the budget of the Ministry of Labor, Family and Equal Chances for 2007."