

Translation from Romanian

## Romanian Law on Volunteerism

### CHAPTER 1: GENERAL PROVISIONS

Art. 1. The present law governs the promotion and facilitation of the foreign and Romanian citizens' participation, according to civil solidarity, to volunteer activities, as organised by public and private legal, non profit entities, as well as the participation of youth in international volunteer programs, as implemented by decentralized structures in close connection with the national authorities involved in matters regarding youth.

Art. 2 For the purpose hereof:

- a. **volunteer activity** shall be considered the activities performed for the benefit of the public, by natural entities, hereinafter named 'volunteers', within the framework of the legal relationship other than labor relationship and the relationship arising between employer and remunerated piece-work employees;
- b. **activity performed for the benefit of the public** shall be considered, according to the law, the following: social work, social care, human rights protection, health and health care, cultural, educational, tuition, scientific, humanitarian, religious, philanthropic, sports, environment and social and community activities;
- c. **hosting organisations** shall be considered the private or public non profit organisation which concludes, hereunder, the volunteer contract;
- d. **volunteer contracts** are gratuitous contracts, concluded by and between a natural entity, hereinafter named **volunteers**, and a legal entity, named **host organisation**, based on which the former undertakes to the latter to perform certain activities for the benefit of the public without any financial consideration;
- e. **the beneficiary** of the volunteer activities is the natural or legal entity for the benefit of which such activities are performed. The host organisation may be the same person as the beneficiary of the volunteer activities or a different person;
- f. the supervisor is the person assuming coordination and supervision of the volunteers during volunteer activities;

Art. 3: The principles at the basis of the present law are the following:

- a. the participation of the volunteer based on her/his freely expressed consent;
- b. the active involvement of the volunteer into the community life;
- c. the performance of volunteer activities without any financial consideration in return;
- d. the recruitment of volunteers based on equal opportunity, without any discrimination.

Art. 4: Self sufficient and sporadic volunteer activities, except for those performed within the framework of the relationships with the legal entities, mentioned herein above, under Art. 1, attributed to family, friendship or neighbourhood relationships shall not constitute the subject matter hereof.

Art. 4': Local authorities shall provide support in carrying out volunteer assignments, giving priority to the activities for the benefit of the youth belonging to underprivileged categories or areas.

Art. 5:

1. The conclusion of volunteer contracts in view of avoiding the conclusion of an individual labor, or as applicable, piece-work or other onerous contract is hereby forbidden;
2. any contract concluded in infringement of the present law by the legal entities mentioned herein above, under art. 1, for the purpose of avoiding the conclusion of a labor, piece-work or other onerous contract, shall be legally null and void;
3. participation in volunteer activities shall not be substitute for military service or other, alternative, service substituting military service, and cannot represent the equivalent of a remunerated job;
4. foreign volunteers shall be granted residence permit for the entire duration of their volunteer activities.

Art. 5'

1. For the purpose of the community action program "Youth", a young volunteer is a person between 18 and 25 years of age, who concludes a volunteer contract for a limited period of time, for the purpose of developing skills and personal and intercultural experience, while contributing to the benefit of the community.
2. The young volunteer shall participate in a non-profit and non-remunerated activity performed in a EU member state, other than the state of his /her residence or domicile, or in a third country, for a period of up to 12 months, within a project acknowledged by the respective state and the European Community.
3. Volunteer terms for youth within the community shall be classified, according to their length, into long-term volunteer terms, extending over a period of time between 3 months and one year, and short term volunteer terms, extending over period of time between 3 weeks and three months.
4. For performing volunteer activities within the community action program "Youth" the host organization shall provide the young volunteer with local transportation fees, accommodation and full board meals. International transportation and a non taxable daily allowance shall be covered from funds provided by the European Commission, during the entire volunteer term.
5. At the end of the volunteer term, within the community action program 'Youth', the European Commission shall issue a certificate in the name of the respective volunteer, acknowledging the performance of a volunteer as well as the skills and the experience thus acquired.

## **CHAPTER II. VOLUNTEER ACTIVITIES CONTRACT**

Art. 6

1. Volunteer activities shall be performed, under the pains of absolute nullity, under a written contract concluded between the volunteer and the host organization, based on the free agreement of the parties and subject to the provisions hereof.

2. The volunteers activities contract shall be concluded in two counterparts; thereof one shall be kept in the record of the legal entity

Art. 7 At least the following rights of the volunteers shall be expressly stipulated in the volunteer activities contract:

- a) the volunteers' active participation in the elaboration and performance of the program in consideration of which the volunteer activities contract was concluded;
- b) the volunteers activities shall be in accordance with their professional training;
- c) the host organization shall organize the activities to be supervised by a coordinator, subject to the legal condition regarding labor safety in accordance with the nature and characteristics of the respective activity;
- d) the conclusion and maintenance, by the host organization and subject to the legal provisions, of casualty, health and other risks insurance. In relation to the "Youth" programs the costs shall be incurred by the European Commission, who shall conclude a contract with an insurance company;
- e) the host organization shall issue a certificate in the name of the respective volunteer attesting to the performance of the voluntary activities the skills and the experience acquired; the rules regarding the issuance of the above mentioned certificate shall be issued jointly by the Ministry of labor and social Solidarity and the Ministry of Youth and Sports.
- f) The host organization shall reimburse according to the contract and subject to the legal provisions the costs incurred in relation to the performance of the activities;
- g) The working hours determined subject to the law shall not adversely affect the health and mental and physical ability of the volunteer;
- h) The volunteers right to benefit of honorary titles, medals, bonuses, subject to the conditions stipulated by the law.

Art. 8 The volunteer activities contract shall stipulate at least the following obligations of the volunteer:

- a. To perform the tasks entrusted by the host organization;
- b. To keep confidentiality regarding the information to which the volunteer has access due to or during the performance of the volunteer activities.
- c. To participate in the lectures organized, initiated or proposed by the host organisation;
- d. To protect the goods the volunteer uses during the performance of the volunteer activities.

Art. 9 During the performance of the volunteer program, the volunteer shall be subordinated to the management of the legal entity that concluded the volunteer contract.

Art. 10 Performance of the volunteers contractual obligation shall not be assignable to an agent.

Art. 11 Liability for non-performance or inadequate performance of the volunteer contract is subject to the provisions of the Civil Code.

Art. 12 Provided that during the performance of the volunteer activities contract unexpected events impede the performance of the volunteers activities, the contract shall be negotiated and should the situation render the performance of the contract impossible such contract shall be considered terminated in law.

Art. 13 Renegotiation of the volunteer activities contract shall be made based upon one of the parties written request submitted within 15 days as of the occurrence of the event mentioned under articles 12.

Art. 14 Unilateral termination of the volunteer activities contract shall be made upon initiative of the volunteer or the host organization based upon a 15 days prior notice without any obligation in respect of an explanatory statement.

#### Articles 15

Any disputes arising out of the conclusion, amendment performance or termination of the volunteer activities contract and which the parties cannot settle amicably shall be for the competence of the courts to resolve. Any legal action related to the volunteer activities contract shall be exempt of judicial charge.

### **CHAPTER III FINAL PROVISIONS**

Art. 16 The activities of the volunteer fire brigades included into the firefighters services and constituted according to the Government Ordinance 60/1997 regarding fire fighting as approved and amended by law 212/1997 as further amended shall not be subject to the provisions hereof.

Art. 17 Provided that acts related to the performance of the volunteer activities contract are considered to be tortuous under criminal law volunteers shall be assimilated to the persons mentioned under Art17(2)of the Penal Code.

Art. 18 The present law shall come into full force and effective within 60 days as of its publication in Monitorul Oficial al Romaniei part. 1

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