

## Tax Alert

→ Tax Services → Accounting  
→ Auditing → Legal Services

December 11th, 2020



### Summary:

**Modifications of the "Kurzarbeit" and the granting of a 2500 lei incentive for tele-work** – The Law no. 282/2020 for the passing of the Cabinet Emergency Order no. 132/2020 regarding relief measures for the employees and the employers on the background of the pandemic generated by the spread of the Coronavirus SARS-CoV-2, as well as for the stimulation of the employment of the workforce – coming into act from December 12th, 2020.

## ECOVIS Romania: HR&Payroll Services

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Esteemed Client,

We would like to inform you about the most recent legal changes, and to remind you of a series of tax & social protections facilities you might be interested in.

### THE EXTENSION OF THE SOCIAL PROTECTION FACILITIES

#### **The extension of the granting of the Kurzarbeit allowance and the modification of the granting procedure**

The Official Monitor no. 1201/ 09.12.2020 published the **Law 282/2020** for the passing of the Cabinet Emergency Order no. 132/2020 regarding relief measures for the employees and employers on the background of the pandemic generated by the spread of the Coronavirus SARS-CoV-2, as well as for the stimulation of the employment of the workforce. The Law no. 282/2020 will come into force starting with **12.12.2020**.

If they apply the temporary reduction of the worktime (*Kurzarbeit*), during the state of **emergency / alert / siege**, as well as during a period of up to three months after the date of the lifting of the last period of the state of emergency / alert / siege, **the employers have the option of reducing the worktime of the employees at 50% (at the most) of the daily, weekly or monthly work duration** stipulated by the individual employment agreement, **with the notice and the consulting of the trade-union, of the representatives of the employees or of the employees, according to each situation, prior to the communication of the decision to the employee.**

#### **Conditions:**

**The employer may order the procedure** of the decreased work time if **the following conditions are met simultaneously:**

- a) the procedure affects at least 10% of the company's employee' number;
- b) the decrease of activity is justified by a decrease of the turnover of the previous month to the application of the procedure or, at the most, of the month before the prior month with at least 10% compared to the same month of the previous year.

#### **The Duration of the Reduction of the Worktime:**

The reduction of the worktime is ordered through a decision of the employee and it is applicable to the work in shifts too, as well as for the uneven worktime, for a period of at least 5 work days, monthly. The employer bears the obligation to establish the work schedule for the entire month. The decision of the employer regarding the reduction of the worktime, the work schedule, its allocation on days and the due salary rights **are notified to the employee with at least 5 days before the actual application of the procedure.**

#### **Allowance:**

During the procedure of reduced work time, the employees affected by it benefit of an allowance of 75% of the difference between the monthly gross basic salary stipulated in the individual employment agreement, and the monthly gross basic salary due to the hours actually provided as a consequence of the reduction of the worktime, as a filling to the due salary rights, calculated at the time actually worked.

The allowance is paid by the employer and it is due at the date of the salary payment due to that month.

## *ECOVIS Romania: In-Cloud Accounting*

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### **Reimbursement of Allowances:**

The application for reimbursement and the required documents are submitted, electronically or on paper, until the date of 25th of each month for the payment of allowances of the prior month, at the Agency for the Employment of the Workforce competent for the address of the headquarters of the employer. If the application is submitted by the employer at a date later than the above mentioned, the amount due to the month the application is made for is reimbursed in the next month.

The Agency for the Employment of the Workforce will reimburse the amounts in maximum 5 days after issuing the decision proving the correct registration by the employer of the required documents and after the fulfillment by the employer of the declaring and payment duties due to the incomes from salaries and assimilated to salaries from the period the application is made for.

### **Required Documents:**

- a) A duplicate of the decision regarding the reduction of the worktime, signed by the employee and certified that he/she took the due notice;
- b) The monthly trial balance proving the decrease of the turnover of the month prior to the month the procedure is applied or, at the most, of the month before it **with at least 10% compared to the same month of the previous year.**
- c) An agreement concluded with the representatives of the internal trade-union or, if a trade-union does not exist, with the representatives of the employees, regarding the percentage from the total employee number who are under the reduced worktime procedure.
- d) The list of the persons who will benefit from the allowance;
- e) A duplicate of the documents proving the payment of salaries, with the highlighting of the allowance payment.

### **Interdictions:**

During the applicability of the procedure of the reduced worktime are prohibited the hiring of staff for providing activities which are identical or similar with those provided by the employees with reduced worktime, as well as the sub-contracting of activities provided by the employees with reduced worktime.

### **Support for the Activity Under Tele-Work Procedure**

The Law 282/2020 changed the conditions for granting the financial support of 2.500 lei for the purchase of assets and IT services necessary for the activity under tele-work procedure. Starting with **December 12th, 2020** the amount of 2.500 lei / tele-worker is granted, **in the order of submitting the applications, up to December 31st, 2020**, from the budget of the unemployment insurances, through ANOFM, **under the limit of the funds allocated for this purpose**, to the employers, for the **employees who have worked under the tele-work procedure during the state of emergency or the state of alert for at least 15 business days.**

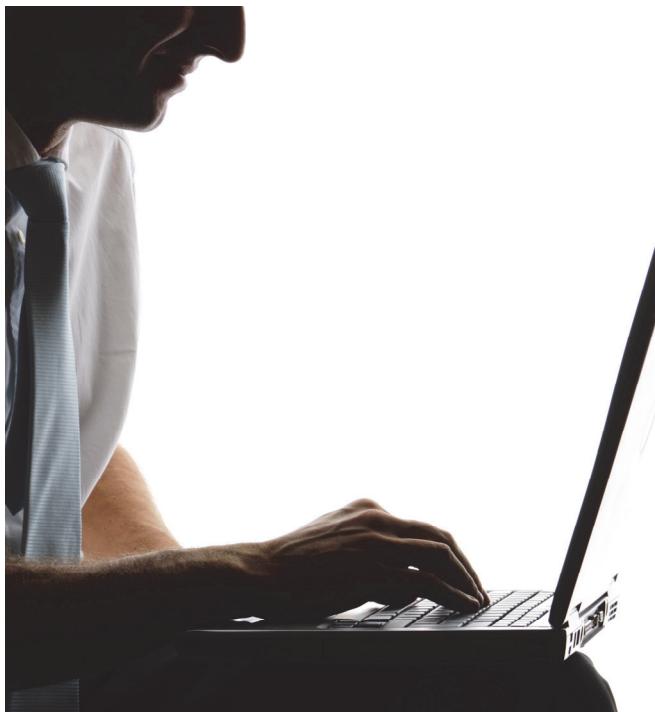
### **Required documents:**

In order to benefit from the granting of the amount of 2.500 lei, the employers submit electronically, at the county agencies for the employment of the workforce or, if applicable, to the Bucharest agency, according to the agency competent for the address of the company's headquarters, the following documents stipulated by the law, taking on responsibility for the correctness and the accuracy of the data inscribed:

- a) An application signed and dated by the legal representative;
- b) A self-responsibility declaration, provided through the legal representative;
- c) The list of tele-workers for whom it is solicited the amount of 2.500 lei.

## *ECOVIS Romania: Services of Financial & Internal Audit*

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*This info is a selection of some elements of new legislation, with a strictly informative purpose. It is not considered professional consulting and, in consequence, we do not assume any responsibility in this respect. For additional questions regarding the situations mentioned above, please do not hesitate to contact us.*

## ECOVIS Romania: One Stop Shop

Accounting	Audit	Payroll & HR	Consulting
<ul style="list-style-type: none"> <li>→ Financial Accounting;</li> <li>→ Preparing &amp; registering tax statements for legal and natural persons, both Romanian and foreign;</li> <li>→ Harmonizing the national financial accounting with the accounting norms of the parent-company;</li> <li>→ Preparing and certifying the annual financial situations;</li> </ul>	<ul style="list-style-type: none"> <li>→ Financial audit according to ISA;</li> <li>→ Restatement of financial statements prepared according to national regulations, to International Financial Reporting Standards (IAS/IFRS) or Reporting Standards specific to the Client (GAAP);</li> <li>→ Financial audit required by the group's policy;</li> <li>→ Internal audit;</li> <li>→ Audit missions such as: agreed procedures (ISA 4.400), revisions (ISA 2.400), due diligence;</li> </ul>	<ul style="list-style-type: none"> <li>→ Payroll services;</li> <li>→ Managing, auditing and registering the personnel files according to legal bindings and to the company's regulations;</li> <li>→ Preparing the job descriptions and of the Internal Order Regulation specific to Client's activity;</li> <li>→ Interface with banking applications and performing of salary payment transactions;</li> <li>→ Staff appraisal and selection for accounting/HR departments;</li> </ul>	<ul style="list-style-type: none"> <li>→ Tax consulting</li> <li>→ Assistance for drafting the <b>transfer pricing file</b>;</li> <li>→ Consulting for M&amp;A, company restructuring;</li> <li>→ Assistance in implementing IT solutions regarding: financial and management accounting, employees' records, payroll, management reports, etc.;</li> <li>→ Tax registration of various entities and VAT payer registration;</li> <li>→ Tailored information regarding significant law.</li> </ul>

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