

NATIONAL UNION OF THE ROMANIAN BARS

CLUJ BAR - str. Pavel Roșca, no.4, Cluj County

GIDRO&GIDRO Law Firm

Headquarters: Cluj-Napoca, Str. Dobrogeanu –Gherea, no.21, ap.1, Cluj County.

Tel/fax:0264/ 595989, email: stancagidro@yahoo.com, stanca@gidro.ro



1. *What measures applicable to all citizens have been adopted in your country?*

On the 16th of March, the President of Romania declared STATE OF EMERGENCY on the territory of the whole country. We are obliged to observe social distancing. The persons going to work, for shopping, for emergency medical treatment, to provide care for sick persons, volunteers have the right to move about. Also, we may exercise and walk pets around our homes, with the observance of the health rules (a maximum of 3 persons). Failure to observe the rules results in fines or even criminal charges.

The persons coming to Romania are placed in quarantine or isolation. Most of the flights were suspended.

All the public catering places were closed and public meetings of any nature were banned.

Social protection measures were enacted for those who were laid-off and support was set up for activities closure or curtailment.

2. *What is the legal situation (legislative / regulatory standards) and before the courts?*

The state of emergency was set up by Presidential Decree 195/16.03.2020, which limited the exercise of certain rights and subordinated all the public order services to the Ministry of Internal Affairs. Concrete measures are adopted by Government Emergency Ordinances and Military Ordinances of the Ministry of Internal Affairs.

In what concerns justice, the cases trial was suspended, except the urgent ones and the enforcements as well. At the same time, it was enacted that all the limitation and incapacity terms be suspended and the unbegun ones will not start running and the new proceedings settlement procedure was suspended.

By the Emergency Ordinance no.29/18.03.2020, lawyers are obliged to continue their activity under disciplinary penalty – obviously, with the observance of health discipline measures.

3. *What is the situation of lawyers and what are the actions carried out by the bars ?*

As already mentioned, lawyers must adopt measures to continue their activity as the said activity is of public interest. The problem is though that of the clients' activity arrest or complete cut, clients who, to a great extent, suspended the effects of the legal assistance contracts and the cessation of the notification procedures to the defendants of new judicial proceedings. This determined the drastic decrease of the returns, both for individual and collective organization forms.

The Romanian Bars, by the National Union of Romanian Bars took the steps towards the application in the case of lawyers too, of the social protection measures for those who do not have activity or involuntary decreased their activity (an aid of 75% of the income but not more than 75% 75% of the average income at the economy level – about 900 Euros)

Each Bar adopted measures to continue the compulsory judicial assistance activity, including the provision of health protection equipment.

4. *What actions are most appreciated and what challenges do you have to face?*

In principle, each person understands that the adopted measures are necessary. Unfortunately, there are citizens who do not understand to observe the rules and there are a few hundreds of criminal cases already in progress.

5. Special remarks

In Romania, the problem of ailments is related to the consequences of the post – 1990 wrong policy. Due to the neglected economic situation, millions of Romanians were forced to find a job in Western Europe, especially in Italy and Spain. Subsequent to the present situation of the Western Europe, hundreds of thousands of Romanians returned to Romania bringing with them the devastating virus (especially those who worked without a contract or invoked public mercy). Their entry in the country cannot be denied and the control is very difficult to manage.

Stanca Gidro, Ph.D., Lawyer
Chairman
FBE - East Bars Board