LAW on the organization and functioning of the Social and Economic Council*

CHAPTER I
General provisions

Art. 1. — The Social and Economic Council shall be constituted as an autonomous, tripartite body of public interest for the purpose of achieving a social dialogue between the Government, trade unions, and employers, a climate of social peace.

Art. 2. — The Social and Economic Council shall have an advisory role in the settling of the social and economic policy as well as in the mediation of conflicting states supervening between the social partners, before starting the procedures provided under Law No. 15/1991 for the settlement of labour conflicts.

Art. 3. — (1) The Social and Economic Council shall have legal personality.
(2) The seat of the Social and Economic Council shall be in the municipality of Bucharest.

Art. 4. — The Social and Economic Council shall be organized and function according to the provisions under the present law as well as the organization and functioning regulations.

CHAPTER II
Attributions of the Social and Economic Council

Art. 5. — The Social and Economic Council shall examine the country’s social and economic situation and make proposals under the terms provided by law regarding:

a) the restructuring and development of the national economy;

b) the privatization of the economic units;

c) labour relations;

d) wages policy;

e) social protection and health care;

f) education and research.

Art. 6. — For the fulfilment of the advisory role in solving the problems provided under art. 5, the Social and Economic Council shall have the following powers and duties:

a) to formulate, under the terms of the present law, advisory opinions on draft ordinances and resolutions of the Government and on draft laws that are to be presented for endorsement to Parliament;

b) to signal to the Government the appearance of social and economic processes calling for the elaboration of new statutory instruments;

c) to examine the causes of conflicting states that have appeared, and to make proposals for their solution in the national interest;

d) to follow up the fulfillment of the obligations proceeding from the Convention No. 144/1976 of the International Labour Organization on tripartite consultations intended to promote the applications of international rules on labour.

Art. 7. — (1) The initiators of the draft statutory instruments regarding the domains provided under art. 5 shall to this end solicit a consultative advisory opinion of the Social and Economic Council.

(2) This advisory opinion shall accompany the draft statutory instrument until its endorsement.

Art. 8. — (1) In fulfilling the powers and duties provided under art. 7, the Social and Economic Council shall have the obligation to examine the draft statutory instruments received and to transmit its advisory opinion as follows:

a) within ten calendar days after the solicitation has been received, in the case of draft ordinances and resolutions of the Government or of ordinary laws, as the case may be;

b) within twenty calendar days after the solicitation has been received in the case of the drafts of organic laws.

2) Non-observance of the terms provided under para. (1) shall entitle the initiator to transmit the draft statutory instruments for endorsement without the Social and Economic Council’s advisory opinion, by specifying this situation.

Art. 9. — (1) At the request of the interested social partners, the Social and Economic Council shall mediate conflicting states occurring between them, at branch level or at national level, regarding the fields of activity provided under art. 5, as well as those from the activity sectors in which, according to Law No. 15/1991, strikes are forbidden.

(2) The Social and Economic Council shall have the obligation to invite the parties as well as the institutions with prerogatives in the solving of claims and to insist on the solving of the conflicting state under the terms provided by law.

(3) To the extent to which the parties with prerogatives in the solving of the claims fail to reach an understanding within 30 days after the date when they have approached the Social and Economic Council, its mediation prerogatives shall cease. In such cases, the Social and Economic Council shall have the obligation to communicate to the parties the cessation of its mediation prerogatives as well as its viewpoint on the formulated claims.

(4) The term provided under para. (3) may be extended with the agreement of the party having formulated the claims.

Art. 10. — Over the duration of the mediations provided under art. 9, the social partners shall have the obligation to suspend the measures having generated the conflict and to abstain from specific forms of upholding of the claims.

Art. 11. — The Social and Economic Council shall establish relations with international organizations and bodies in the labour and social fields.

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Art. 12. — The Social and Economic Council shall examine and propose measures for the improvement of the application mode of international conventions and agreements to which Romania is party as well as of the assistance programmes initiated by specialist international bodies in its own activity field.

CHAPTER III
Structure of the Social and Economic Council

Art. 13. — (1) The Social and Economic Council shall have a tripartite structure consisting of twenty-seven members appointed by the social partners as follows:
   a) nine members appointed by the Government;
   b) nine members appointed by mutual agreement by the trade union confederations representative at national level;
   c) nine members appointed by mutual agreement by the employers confederations representative at national level.
   (2) Representative at national level shall be the national trade union and employers confederations having acquired this quality according to the Law on the collective agreement.

Art. 14. — The quality of member of the Social and Economic Council may be acquired by people fulfilling the following conditions namely by persons who have:
   a) Romanian citizenship only and permanent residence in Romania;
   b) reached the age of thirty;
   c) the legal capacity to exercise the function;
   d) not been sentenced for deliberate offences included in the Criminal Code.

Art. 15. — Members of the Social and Economic Council shall be appointed for a period of four years; the member’s mandate may be renewed.

Art. 16. — (1) The social partners shall forward to the Social and Economic Council the list of the appointed members at least thirty days before expiry of the mandate of members in activity.
   (2) Conformably to the Organization and Functioning Regulations of the Social and Economic Council, members appointed by the social partners shall be individually validated, after the verification of the fact that they have fulfilled the conditions provided under art. 14.
   (3) The social partners shall have to appoint new members instead of those who were not confirmed.

Art. 17. — (1) The Social and Economic Council shall be considered legally constituted after the date when all members appointed by the social partners shall have been confirmed.
   (2) The former Council shall continue its activity up to the date a new Social and Economic Council shall be constituted, but not later than three months after cessation of the mandate.
   (3) The management body habilitated, according to the organization and management regulations, with the confirmation of the new Social and Economic Council shall continue its activity until the new Council shall be constituted.

Art. 18. — (1) The Social and Economic Council shall cease in the following situations:
   a) on expiry of the mandate;
   b) in case of demise;
   c) in case of resignation;
   d) in the situation in which the social partner having appointed him/her shall request his/her revocation;
   e) in case he/she fails to fulfill one of the conditions provided under art. 14 letters (a), (c), and (d).
   (2) The revocation procedure from the quality of member of the Social and Economic Council shall be established by the Organization and Functioning Regulations.

Art. 19. — In the situations provided under art. 18, the social partner shall appoint a new member, which appointment shall be transmitted for confirmation according to art. 16.

Art. 20. — (1) Temporary or permanent specialist committees shall be organized in the structure of the Social and Economic Council.
   (2) The standing specialist committees shall mainly include:
   a) the national economy development and restructuring committee;
   b) the economic agents privatization committee;
   c) the mediation and labour relations committee;
   d) the wages policy committee;
   e) the health protection and social protection committee;
   f) research and education committee;
   g) the international and non-governmental organizations relations committee.
   (3) Other standing specialist committees and some temporary specialist committees may be constituted through the Organization and Functioning Regulations for solving certain problems arisen in the specific fields of activity.

CHAPTER IV
Organization, functioning and management of the Social and Economic Council

Art. 23. — The bodies ensuring the functioning of the Social and Economic Council shall be the following:
   a) the plenum;
b) the executive bureau;
c) the chairman and vice-chairmen;
d) the secretary general.

(2) The plenum shall meet in extraordinary sessions at the request of the executive bureau, or of at least one third of the number of members.

Art. 25. — (1) Debates in plenum shall unfold in presence of at least fifteen members on condition that each social partner be represented by at least five persons.
(2) The proceedings of the plenum shall unfold in public sittings, except cases deliberately established by the executive bureau.

Art. 26. — (1) The plenum shall provide the general management of the Social and Economic Council, and shall have the following main attributions: it shall
a) elect the two vice-chairmen at the proposal of the social partners;
b) debate and adopt the Organization and Functioning Regulations;
c) establish the composition of the standing specialist committees;
d) debate and approve its own draft receipts and expenses budget as well as the report on the budgetary execution;
e) debate and approve the decision proposals elaborated by the specialist committees;
f) debate and issue an advisory opinion on draft organic laws and on programmes of national interest drawn up by the Government;
g) appoint the Secretary General of the Social and Economic Council.
(2) The attributions provided under para. (1) may be completed by the Organization and Functioning Regulations.

Art. 27. — (1) In the exercise of its attributions, the plenum shall adopt decisions as a rule by mutual consent of the social partners.
(2) In case when the mutual consent is not achieved decisions shall be adopted by vote with a three quarters majority of the number of members of the Social and Economic Council.
(3) In case when a decision of the plenum cannot be adopted under the terms provided in paragraphs (1) and (2), the viewpoints expressed in the plenum of the Social and Economic Council shall be transmitted to the party having informed this body.

Art. 28. — (1) The executive bureau of the Social and Economic Council shall be made up of a chairman, two vice-chairmen and six members, two each from each social partner.
(2) The executive bureau of the Social and Economic Council shall ensure the management during the interval between sittings of the plenum.
(3) The attributions and working procedure of the executive bureau shall be established by the Organization and Functioning Regulations of the Social and Economic Council.

Art. 29. — (1) The chairman of the Social and Economic Council shall be appointed by Parliament for a term of four years at the proposal of the plenum of the Social and Economic Council adopted by a majority of three quarters of the total number of members.

(2) The chairman of the Social and Economic Council shall be revoked by Parliament at the proposal of the Social and Economic Council.

Art. 30. — The attributions of the chairman and vice-chairmen of the Social and Economic Council shall be established by the Organization and Functioning Regulations.

Art. 31. — The chairman of the Social and Economic Council shall represent the council in relations with third parties, according to the decisions taken in the executive bureau.

Art. 32. — (1) The specialist committees shall be the structures of the Social and Economic Council which shall examine problems specific to the domains provided under art. 5 and propose to the plenum measures for their resolution.
(2) The specialist committees shall be conducted by a chairman appointed by each social partner in turn.
(3) The chairman of the specialist committee shall establish the working programme and the problems that are to be debated.

Art. 33. — The working procedure of the standing committees shall be established by the Organization and Functioning Regulations of the Social and Economic Council.

Art. 34. — (1) In the structure of the Social and Economic Council shall function a technical secretariat, which shall be the technical and administrative as well as the specialist working apparatus.
(2) The technical secretariat of the Social and Economic Council shall be conducted by the secretary general, whose attributions shall be established by the Organization and Functioning Regulations.
(3) The function of secretary general shall be incompatible with the function of member of the Social and Economic Council.

CHAPTER V
Other provisions

Art. 35. — (1) For the organization and functioning of the Social and Economic Council funds for the following classes of expenses shall be appropriated from the state budget through the annual budgetary laws:
(a) maintenance and functioning expenses and capital expenses, which shall be established annually;
(b) wages for a minimum number of six employees of the Technical Secretariat of the Social and Economic Council, established according to the levels provided under Law No. 40/1991, republished as well as the afferent contribution to the State Social Insurance Fund and the contribution to the fund for the payment of unemployment benefits;
(c) indemnities for the twenty-seven members of the Social and Economic Council and for twelve from the members of the specialist committees who do not have the quality of members of the Social and Economic Council.
(2) In 1997, sums of money shall be appropriated for covering expenses provided under the previous paragraph from the budgetary reserve fund at the disposal of the Government.
Other revenues may be constituted from unanimously accepted donations and contributions of the social partners, of other natural and juristic persons.

Art. 36. — The personnel structure of the Social and Economic Council shall be the following:
(a) specialist as well as technical and administrative personnel;
(b) experts of the specialist committees.

Art. 37. — (1) For services rendered, members of the Social and Economic Council, and of the temporary and standing specialist committees shall receive a monthly indemnity.
(2) In case members of the Social and Economic Council or of the temporary or standing specialist committees undertake travels at home or abroad in the service’s interest as well as in other particular situations they shall be entitled to other sums of money, too, established according to the Organization and Functioning Regulations, as provided by law.

Art. 38. — The technico-administrative and specialist personnel shall function within the framework of the Technical Secretariat of the Social and Economic Council, and shall be appointed under the terms of the law.

Art. 39. — (1) For the fulfilment of the council’s attributions, the Social and Economic Council shall have the right to solicit data and information required from any legal person of private or public law, and these persons shall have the obligation to transmit such data and information under observance of the legal rules in force.
(2) The use and storage of data and information shall be made under observance of the degree of confidentiality stated precisely by the issuer.

CHAPTER VI
Final provisions

Art. 40. — (1) Within thirty days after the coming into force of the present law, the Government, trade union organizations of confederative type, and employers organizations representative at national level shall, by mutual consent, appoint a committee to prepare the organization of the Social and Economic Council.
(2) The preparation committee for the organization of the Social and Economic Council shall consist of nine members, three each from each social partner.

Art. 41. — The preparation committee for the organization of the Social and Economic Council shall have the following attributions: it shall
(a) elaborate the draft organization and functioning Regulations of the Social and Economic Council;
(b) make proposals for the appointment in function of the secretary general;
(c) confirm in function members of the Social and Economic Council appointed by each social partner;
(d) convene the plenum of the Social and Economic Council at its first sitting.

Art. 42. — The preparation committee of the Social and Economic Council’s organization shall cease its activity at the first sitting of the council’s plenum.