

Procedure for obtaining emergency situation certificates by economic operators affected by SARS-COV-2 pandemic

The Ministry of Economy, Energy and the Business Environment of Romania has regulated the conditions under which the economic operators affected by the SARS-COV-2 pandemic can obtain emergency situation certificates (“ESC”) to benefit from the facilities provided by Government Emergency Ordinance no. 29/2020 on some economic and fiscal-budgetary measures and Government Emergency Ordinance no. 30/2020 for the amendment and the supplementation of some normative acts, as well as for establishing measures in the field of social protection in the context of the epidemiological situation generated by the spread of SARS-CoV-2.

Order no.791/2020 regarding the granting of emergency situation certificates to economic operators whose activities are affected by the SARS-CoV-2 pandemic (“Order”), that entered into force as of 25 March 2020, regulates the conditions under which the Ministry of Economy, Energy and the Business Environment issues emergency situation certificates to those economic operators whose activities have been affected by the SARS-COV-2 pandemic.

The Order regulates two types of ESC:

- **Certificate type 1 (BLUE)** – issued to applicants that interrupted their activities, totally or partially, during the state of emergency, as a consequence of the decisions taken by the competent public authorities;
- **Certificate type 2 (YELLOW)** – issued to applicants that register a decrease in revenue in March 2020, of a minimum of 25% of the average revenue in the period January-February 2020.

Please note that applicants are allowed to file a request for only one type of emergency situation certificate.

An ESC can be used either in relation with a public institution, with the purpose of obtaining certain benefits/support measures, or in commercial relations.

In order to obtain an ESC, applicants shall upload, on <http://prevenire.gov.ro/> (“Online Platform”), the following documents, having attached the electronic signature of the economic operator’s legal representative or of a proxy:

- Identification data of the applicant;
- An affidavit on the liability of the legal representative (his/her own liability) stating that all of the information and documents underlying the application for obtaining the ESC are true and correct and comply with the legislation in force in relation to the type of certificate requested.

Applicants that are not registered with the Trade Registry Office shall submit documents attesting the authorization of the activity.

An ESC is valid without a signature and stamp and can be verified on the above-mentioned Online Platform.

PETERKA PARTNERS

THE CEE LAW FIRM

In case of inspection and control performed by competent bodies, the documents underlying the issuance of the above-mentioned affidavit on a legal representative's own responsibility shall be verified.

The Ministry of Economy, Energy and the Business Environment will issue the emergency situation certificates only during the state of emergency in Romania.

For any further information and assistance with respect to the above and any other COVID-19 related legal matters, please do not hesitate to contact us at covidhelpdesk@peterkapartners.com.