

ORDINANCE No 58 of 22 August 2002
amending and supplementing
Law No 195/2001 on volunteering

ISSUED BY: THE GOVERNMENT OF ROMANIA

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By virtue of Article 107 of the Romanian Constitution and of Article 1 point V.2 of Law No 411/2002 empowering the Government to issue ordinances,

The **Government of Romania** has adopted this Ordinance:

Single Article. - Law No 195/2001 on volunteering, published in the Romanian Official Journal, First part, No 206 of 24 April 2001 has been amended and supplemented as follows:

1. Article 1 shall have the following content:

“Article 1. - This law provides regulations to promote and facilitate Romanian and foreign citizens’ participation, in the spirit of civil solidarity, in volunteering actions, organised by legal persons governed by public or private law without material purposes, as well as young people’s participation in volunteering international programmes for young people, implemented by decentralised structures in close relation with the national authorities responsible for youth matters.”

2. Points c) and d) of Article 2 shall have the following content:

“c) *host organisation* shall mean any legal person governed by public or private law without material purposes that concludes, under the provisions of this law, a volunteering contract;

d) *volunteering contract* shall mean a convention which is free of charge, concluded between a natural person, hereinafter referred to as *volunteer*, and a legal person, hereinafter referred to as *host organisation*, under whose terms the former commits itself to the latter to perform an activity of public interest without any material benefits.”

3. In Article 2, after point d), points e) and f) shall be inserted with the following content:

“e) *beneficiary of volunteering* shall mean the natural or legal person to whose benefit the voluntary activities are carried out. The host organisation may be identical or different from the beneficiary of volunteering;

f) *mentor* shall mean the person who has a leading and monitoring role in relation to the volunteers during the voluntary activities.”

4. After Article 4, Article 4¹ shall be inserted with the following content:

“Article 4¹. - Local authorities provide assistance for the carrying out of volunteering traineeships, giving priority to activities involving young people from disadvantaged categories or areas.”

5. In Article 5, after paragraph (2), paragraphs (3) and (4) shall be inserted with the following content:

“(3) Participation as a volunteer is not a substitute for military service or other alternative formulas replacing the military service and it is not an equivalent for paid employment.

(4) The residence of foreign citizen volunteers is guaranteed throughout their volunteering traineeship.”

6. After Article 5, Article 5¹ shall be inserted with the following content:

“Article 5¹. - (1) For the purposes of the “Youth” Community action programme, *young volunteer* shall mean any person between the ages of 18 and 25 who concludes, under the law, a volunteering contract for a limited duration, with the view to developing one’s abilities and acquiring personal and intercultural experience while at the same time contributing to the well-being of the community.

(2) The young volunteer participates in a Member State of the European Union, other than the one in which he/she resides or has the domicile, or in a third country, in a non-profit-making, unpaid activity of importance to the community and of a limited duration (12 months maximum) in the context of a project recognised by the respective Member State and the European Community.

(3) The Community volunteering traineeships for young people, depending on their duration, fall within two categories: long-term traineeships of 3 months to one year and short-term traineeships of 3 weeks to 3 months.

(4) For the purpose of the “Youth” community action programme, the host organisation covers expenses for the domestic transport, lodging and full board of the young volunteers. The external transportation and a non-taxable journey allowance as pocket money are provided from the funds of the European Commission throughout the entire volunteering traineeship.

(5) At the end of the volunteering traineeship, within the “Youth” Community action programme, the European Commission will issue a nominative certificate attesting the carrying out of the volunteering activity, as well as the experience and skills acquired.”

7. Paragraph (1) of Article 6 shall have the following content:

“Article 6. - (1) The volunteering activity shall be carried out on the basis of a contract concluded in writing (under penalty of absolute nullity), between the volunteer and the host organisation within contractual freedom of the parties and observing the provisions of this law”.

8. Points c) - f) of Article 7 shall have the following content:

“c) the host organisation shall ensure the carrying out of the activities under the coordination of a mentor, under the legal provisions relating to work protection, in accordance with the nature and the features of the respective activity;

(d) the host organisation shall provide, under the provisions of the law, insurance against accident and illness or other risks relating to the nature of the activity; if no insurance is provided, the cost of medical assistance resulting from risks relating to the carrying out of the volunteering activity shall be entirely covered by the host organisation, with the exception of the “Youth” action Community programme in which case the costs of the insurance are covered by the European Commission that concludes a contract with an insurance company.

(e) the host organisation shall issue a nominative certificate attesting the carrying out of the volunteering activity as well as the experience and skills acquired; the methodology of issuing the nominative certificate is approved through a joint order of the minister of labour and social solidarity and the minister of youth and sport;

(f) the host organisation refunds the expenses made for the carrying out of the activity, under the terms agreed upon in the contract and under the law.”

9. Points a) and c) of Article 8 shall have the following content:

“a) to accomplish the tasks assigned by the host organisation;

.....

c) to participate in traineeships which shall be organised, initiated or proposed by the host organisation”.

10. Article 14 shall have the following content:

“Article 14. - The unilateral denouncing of the volunteering contract can take place on initiative of the volunteer or the host organisation with a 15-day notice and no obligation to provide reasons.”

**PRIME MINISTER
ADRIAN NASTASE**

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