

LABOR MOBILITY – EUROPEAN UNION AND NATIONAL RULES

PhD student **Mihaela CATANĂ**¹

Abstract:

One of the four fundamental freedoms guaranteed by the Treaty establishing the European Community is the free movement of persons, whose Foundation lies in the Elimination of discrimination between citizens of the Member State in whose territory they reside and operate and citizens of other countries who are working in the territory of the same State. Mobility of labor in terms of the concept of free movement of workers, the term worker referring both to persons carrying on an activity in the wage and the notion of the worker, as these concepts have been determined by the Court of Justice or by the Council (through the provisions of Regulation 1612/68), became his new in the context of Romania's integration in the European Union. Although the movement of workers is free, legal regime of these is different from one Member State to another, which leads to inequities that the Community rules have failed to cover.

Keywords: *European Union, free movement of labor, equality of treatment, non-discrimination, worker.*

JEL Classification: *K31*

The priority objective which it pursues construction of the European Union is economic and social progress of Member States, through the creation of the common market as a space without borders, to be guaranteed the free movement of goods, persons, services and capital². Constituent Treaty of the European Community – the EEC in 1957 as amended by provisions of the Treaty on European Union (1992) published in the Official Journal C 191 of 29 July 1992 guarantees the title III of Chapter 1 of articles 48-55: the free movement of workers, freedom of establishment employees of people for the free provision of non-salaried activities, the free provision of services by employers and freelancers.

On 1 January 2007 Romania acceded to the European Union, accession followed by a complex process of integration, with important implications for the economic, political and social. In the process of integration, had continued measures designed to lead to the fulfillment of the obligations assumed by Romania since the signing of the association agreement with the European Union on 1 February 1993 and entered into force in 1995. These measures aimed at among others and transposition of Community rules into national law through the harmonization of the Romanian legislation with the provisions of the European Union, "Romanian citizens interests compatible with those of the citizens of the Member States in all aspects of their life"³. In this sense, Romania has adopted a series of normative acts in order to harmonize national legislation with the Community *acquis*. In the field of labor law, the most important normative act adopted in the effort of harmonization of national law with Community law 53/2003 – labor code, to which have been envisaged Directives EEC, rules and recommendations of the International Labor Organization and the Council of Europe and which has undergone many changes and updates, as European developments, the most important change being carried out by the law 40/2011 which was republished. From the date of accession, in accordance with art. 52 of the Protocol to the Treaty of accession, all directives, regulations, decisions and laws – European framework are intended and in so far as they are addressed to all Member States.

Organizational and legislative measures must also ranks the principle of equal treatment enshrined in article 12 of the EEC Treaty, according to which "it is prohibited any discrimination on grounds of nationality/nationality", such as the free movement of workers – as one of the

¹ Mihaela Catană, "Titu Maiorescu" University – Bucharest, Faculty of Law, mihaelacatana@yahoo.com

² The Treaty of the European economic community, <http://eur-lex.europa.eu/ro/treaties/index.htm#founding>

³ Nicolae Voiculescu, *Labour Legislation*, the Perfect Publishing, 2011

fundamental freedoms of citizens within the Community area – to fit into the articles 39-40 of the EEC Treaty in detail by Regulation EEC No 1612/68 regarding the movement of workers within the community and Directive No. 2004/38/EC on the right to free movement and residence on the territory of Member States for the European Union citizens and members of their families.

The free movement of employees workers involves removing discrimination on grounds of nationality between workers of the Member States as regards employment, remuneration, working conditions, protection and security at work.

Directive No. 2004/38/EC on the right to free movement and residence on the territory of Member States for the European Union citizens and members of their families was transposed into Romanian legislation by Government Emergency Ordinance No. 102/2005 concerning the free movement of Romanian citizens of Member States of the European Union and the European Economic area, approved with amendments by law No. 260/2005 in force since 2 January 2007. The Act regulates the way in which citizens which is addressed may exercise their right to free movement on the territory of Romania, the right of temporary and permanent residence and limits the exercise of these rights, for reasons of public order, national security or public health.

The rules contained in Regulation (EEC) No 1612/68 concerning access to the conditions of employment and Directive No. 2004/38/EC on the right to free movement and residence on the territory of Member States for the European Union citizens and members of their families are the basis of the application of the principles of free access to employment and equality of treatment, favors the Elimination of discriminatory practices and create the environment conducive to labor mobility.

In this sense, for Romanians who work abroad have at their disposal the rules of the law no. 156/2000 republished, that according to art. 1 and 3 "Romanian State ensures the protection of Romanian citizens residing in Romania who work abroad, as long as it deems necessary for the conclusion of agreements, agreements, treaties or conventions with similar authorities in other States, based on the principle of equal treatment and the application of more favorable provisions provided for in the Romanian legislation, foreign or international to which Romania is a party".

An example of this, look less known by those who leave to work across national border is that the movement of labor from Romania towards the Federal Republic of Germany shall be carried out on the basis of bilateral agreements governing the access of Romanian workers on the labor market in Germany. According to these conventions, in Germany, mediation of foreigners from outside the European Community or of another State of the European Economic area can be achieved only by the Federal Agency for labor occupations such as those of the students during the holidays, seasonal occupations, workers in the fun parks, help in households where there is a need of care, personal care, guest workers. Also for the intermediation of Roman is made exclusively by the National Agency for employment, the Romanian and German representative offices abroad, or other private agencies authorized to carry out activities. For the pursuit of an activity in the territory of German motorists is required, just as: guest worker-people under 40 years, having very good knowledge of German language, worker or laborer on works contract-quota.

The opening of frontiers towards Western countries – Romania, gave the opportunity for Romanian citizens to seek jobs abroad through employment agents without inform beforehand about the law governing their operation or about labor legislation of the country in which he wishes to work.

Thus, in accordance with the provisions of art. 5 of law No. 156/2000 republished, "on the territory of Romania can be held, under the present law, the mediation activities of the employment of the Romanian citizens abroad companies formed in accordance with Law No. 31/1990 on trading companies, republished, with subsequent amendments and additions,

including subsidiaries of foreign companies established in Romania according to articles 42 and 44 of law No. 31/1990, republished, with subsequent amendments and additions, which have as main activity "placement agencies activities of labor" code CAEN-7810, hereinafter referred to as employment agents".

Employment agencies in the workforce can conduct mediation if they fulfill the conditions laid down in article 17. 8 of law No. 156/2000 republished, namely to have the space and facilities necessary for the proper conduct of business (defined in the methodology of law enforcement), have employed staff with experience in the field of labor, have organized a database encompassing the offers and requests for jobs abroad, information on their employment conditions and qualifications and skills applicants are in their records, to have concluded with legal persons, individuals and employers' organizations from abroad, where appropriate, contracts containing firm offers of jobs and be registered at the Labor Inspectorate in whose jurisdiction have their headquarters.

In accordance with the provisions of article 7 of law No.156/2000 republished, "employment agencies have the obligation to process the personal data of Romanian citizens residing in Romania seeking jobs abroad, in compliance with the provisions of Law No. 677/2001 for the protection of individuals with regard to the processing of personal data and the free movement of such data, with the changes and additions".

There are cases in which the employment agency workforce operates in an Office consisting of a single room, which represents both space for public relations (usually job seekers) as well as space for storing documents (folders, mediated bids people farm jobs, etc.), not having the necessary space for the proper conduct of the work, whereas the employment agent is unable "application of appropriate technical and organizational measures to protect your data personal information against accidental or unlawful destruction, loss, alteration, unauthorized disclosure or access, "according to the article. 20 of law No.677/2001, Romanian citizens documents sent to work abroad being unprotected.

To perform tasks of mediation, employment agencies abroad may charge a fee for mediation to cover their costs concluding a mediation contract in written form, with Romanian citizens seeking to work abroad. The mediation contract shall contain at least the elements and the clauses in the annex. 1 of the rules for the application of law No. 156/2000 republished. Where charges are collected by the mediation agencies for employment of labor from foreign employers, employment agencies, labor may not claim payment services of mediation and to applicants for jobs abroad.

According to the provisions of art. 9, par. (3) the detailed rules for the application of law No. 156/2000 republished, employment agencies and labor are required partial or total refund, if you fail to provide jobs within the period established by mediation or contracts if, before the expiry of the contract of mediation, applicant for employment abroad waive mediation.

In practice, there are many cases in which companies registered or unregistered from the territorial labor inspectorates in whose radius have their headquarters, is presented on the site posted on the internet or in ads in the press as being "agents of employment", in the activities and offers of employment, given that mediation activities to provide employment for Romanian citizens abroad. However, instead of mediation agreements they conclude contracts of service with the Romanian citizens seeking to work abroad, in which they undertake to draw up and to process the files necessary for employment abroad, to identify a program of training abroad, perform the steps and formalities necessary for the beneficiary in the country of destination, perceiving prices or fees for services rendered.

Employment agencies in the workforce can conduct mediation of employment for Romanian citizens residing in Romania seeking to work abroad, only on the basis of tenders

submitted by jobs abroad by natural or legal persons, employers' organizations. The condition laid down in article 6 of law No. 156/2000 republished does not impose employment agents work to conclude contracts offers from direct jobs with foreign employers, giving the possibility of an intermediary in finding employment, which leads to the mediation fee hike paid by Romanian citizen seeking to work abroad. Furthermore, art. 7, paragraph (1) (a), (b) of the detailed rules for the application of law No. 156/2000 republished, provides that the mediation of the Romanian citizens engagement abroad consist inter alia in "identification of jobs offered by employers, legal entities or individuals from abroad, foreign mediation partners".

Contracts containing firm offers of employment concluded between the employment of the workforce and legal persons, individuals or employers' organizations from abroad, shall contain the elements specified in article 9, par. (1) of law No. 156/2000 republished, namely: the number of jobs for which the contract is concluded; function, job or occupation; the nature and duration of employment, conditions of employment, termination of employment or re-engagement; the length of time of work and rest; fare zone, payment of salary data; bonuses, overtime and other wage rights; cases in which may be pursued wage rights; duration, mode of payment and monetary rights related to leave rest; working conditions, protective measures and security of labor; transferring salary in Romania; Romanian employees health insurance, similar to that of the citizens of the country welcoming; indemnification of employees and in the case of accidents at work, occupational disease or death; accommodation conditions, or, as appropriate, a rental housing and food; insurance formalities, setting the conditions of transport of Romania in the State in which there are job vacancies and return for Romanian citizens employees and family members accompanying or visiting them, as well as the costs incurred; fees, taxes and contributions on employees' incomes borne Romanian citizens, ensuring the avoidance of double taxation or double form of social insurance contributions; obligations of employees of Romanian citizens abroad.

According to the provisions of art. 9, par. (2) of law No. 156/2000 republished, these items (less than the first two), must permeate and in the content of the individual contract of employment between the employer and the employee Romanian citizen stranger, and according to the provisions of art. 10 of law No. 156/2000 republished, the employment of the workforce has an obligation to provide individual employment contracts and in Romanian language.

The contract of mediation and labor contract concluded in Romanian language must permeate to the Romanian citizen sent to work abroad, in accordance with the provisions of art. 12, paragraph 1. (1) (a), (B) the detailed rules for the application of law No. 156/2000 republished.

In practice, the employment of the workforce do not ensure that the conclusion of the contract and in the Romanian language, nor does it receive a copy or a copy of this contract. Also, most of the time, the employment of the workforce does not ensure that the contents of the individual contract of work to retrieve the items referred to in art. 9, par. (1) (a), (c) – r) of law No. 156/2000 republished. This is not possible, States where employment contracts are printed (e.g., Germany), or where that State law does not require the inclusion of all items listed above in individual employment contracts. There are cases in which foreign employers not to conclude individual contracts of employment, but service contracts (e.g. United Kingdom), the employee must find additional work to other employers, outside the program contracted with the employer, employers should issue invoices for work performed and to pay fees and taxes to the State.

According to the article 11 of law No. 156/2000 republished, "Romanian citizens working abroad on the basis of contracts provided for in art. 8 (a), (d) benefit in the country of the benefits granted by the social insurance system of health care, unemployment insurance system or the public system of pensions and other social insurance rights, if, under contracts of insurance

completed, pay the authorities of Romania the corresponding contributions determined on the basis of declarations concerning the monthly income made abroad. " In order to receive the benefits provided by the public system of pensions and other social insurance rights, as well as insurance for unemployment Romanian citizens working abroad may conclude the territorial House of pensions insurance contract in the public system of pensions and other social insurance rights and employment agency work County an insurance contract for unemployment. Also, in order to receive the benefits provided by the social insurance system of health Roman citizens working abroad may provide, in accordance with the law, the territorial health homes in whose territorial jurisdiction domiciles.

Free movement of services in the European Union allow firms established in one Member State to offer their services on the basis of contracts of service in any other Member State and so they can send their own workers to carry out these contracts.

Romanian citizens can work abroad to employers who, according to their object of activity, perform works or provide services abroad under a contract and post their own employees for this purpose i.e., employers who are not considered employment agents work within the meaning of Law No. 156/2000.

At european level, posting a worker in a Member State is subject to the rules laid down in Directive 96/71/EC of the European Parliament and of the Council concerning the posting of workers in the framework of the provision of services.

According to the article. 1, par. (3) the directive applies to the extent that undertakings established in a Member State which, in the framework of the transnational provision of services, post workers to the territory of another Member State, shall take one of the following transnational measures:

- a) the posting of a worker, on behalf of the undertaking or under their direction, in the territory of a Member State, under a contract concluded between the undertaking making the posting and the party for whom the services are intended, operating in that Member State, provided there is an employment relationship between the undertaking making the posting and the worker during the period of the posting,
- b) posting is done within the same companies. Society of Romania shall post employees at a subsidiary in a Member State or to another company as part of the same group of companies,
- c) posting, as the enterprise with temporary employment or undertaking has made available a worker, a worker to a user undertaking established or operating in the territory of a Member State, provided there is an employment relationship between the temporary employment or undertaking that has provided the worker and the worker during the period of the posting.

In accordance with the provisions of art. 2, paragraph (1) of Directive 96/71/EC, by the posted worker ' means a worker who, for a limited period, carries out work in the territory of a Member State other than that in which he normally works. In this sense, the posting in the community, as defined in Directive 96/71/EC, should not be confused with the institution of the posting in national space, regulated by national legislation; 45 to 47 of law No. 53/2003 – Labor code, republished.

According to the article. 3, par. (1) of the directive, in all the cases referred to in article 1), para. (3), shall apply to the conditions of employment applicable in Romania, but for the following aspects of the contract shall apply the rules of the Member State in which the posting, fixed by collective agreements or arbitration awards of general application-according to the second indent-to the extent that they relate to the activities referred to in the annex:

1-periods of work and rest

2-leave

3-salary, being included here and on overtime

- 4-rules and conditions relating to temporary agency work
- 5-health, safety and hygiene at work
- 6-protective measures for pregnant women, or who are born, children and youth
- 7-equal treatment

Activities referred to in article 3 (1) second indent should cover all activities in the construction sector, which refers to the construction, repair, upkeep, alteration or demolition of buildings, especially works by:

- 1. excavation
- 2. embankment
- 3. construction
- 4. mounting and dismantling of prefabricated elements
- 5. fitting or equipment
- 6. transformation
- 7. renovation
- 8. repair
- 9. disassembly
- 10. demolition
- 11. maintenance
- 12. maintenance, painting and cleaning work
- 13. improvements.

Where these issues apply to a Convention (having a general mandatory character) in the enterprise or sector of activity in which it will work will apply the provisions of that Convention. But in a situation where the conditions laid down in the legislation of Romania are better those conditions will apply.

For example, the 1990 Convention approved under GD 167/1991 as amended concerning the sending of workers in enterprises based in Romania to conduct on the basis of contracts for works, sets the framework for the sending of workers in enterprises based in Romania in the Federal Republic of Germany, on the basis of works contracts concluded between the Romanian and German firms, at the initiative of both sides. Sending is carried out within a maximum annual quota set by the German side, workers may be posted in all fields.

Many companies from Romania misinterprets the provisions of Community law, by using the "posting" minimum wage guaranteed in payment in Romania. Also, those companies not engaged in substantial in the State of origin of the posting. Under Community legislation, as a rule, if a citizen of a Member State working in another Member State, pays taxes and contributions in the State in which they operate, in the amounts determined by that State.

However, to keep the worker's affiliation to the social security system of the country of origin, there are exceptions to the payment of insurance contributions in the State of employment, regulated by EC Regulation 883/2004 on the coordination of social security systems and the Regulation EC 987/2009 laying down the procedure for implementing Regulation EC 883/2004.

For employees of a company established in a Member State, post employees under a contract of service, within the territory of another Member State, there are three exceptions which allow payment of taxes to the State and to the amounts of the State of origin of the posting, namely: portable form A1 owners, workers and the workers involved in the Assembly of parts or equipment – provided that the Assembly does not exceed 8 days.

Seconded employees, who work temporarily in a Member State and demonstrates that remained still make the country on social security are not required to pay social contributions in the country in which they are posted. For this purpose must obtain portable form A1, by request of the employer completed and filed at the headquarters of the national public pension House

with 30 calendar days prior to the commencement of the period of detachment, accompanied by the documents necessary for the issue of the form of detachment. However, the rules on posting workers to a Member State, does not remove the tax regulations at European level and can be forced to pay taxes in the State of detachment.

According to the article. 18, par. (1) of law No. 53/2003 republished "where the person selected for employment or employed, as appropriate, to conduct business abroad, the employer has the obligation to communicate in good time before departure, the information referred to in article 1. 17. (3), as well as information relating to: "during the period of work to be done abroad; in which currency will be paid salary rights and methods of payment; benefits in cash and/or in kind relating to conducting business abroad; climatic conditions; the main regulations of the labor legislation of that country; local customs whose failure would endanger the life, personal safety or freedom; the conditions for repatriation of the worker, as appropriate, and according to par. (2) of the same article, "the information referred to in paragraph (1) a), b) and c) should be reflected in the content of the individual contract of employment". These provisions transpose Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship.

The legal framework for employment and posting of aliens on the territory of Romania, is governed by the emergency Government Ordinance No. 56/2007 establishes rules according to which a citizen who does not belong to another Member State of the European Union or the European Economic area may be employed or seconded to the territory of the country. Also, the Government's Emergency Ordinance No. 194/12.12.2002 on foreigners in Romania⁴, lays down in article 44 the provisions granting long-stay visa for employment of foreigners. This visa is granted on the basis of an opinion issued at the request of the employer of Romanian Office for Immigration (times).

Relevant Legislation as regards the mobility of labor⁵:

- **Community legislation**

- » Council Regulation (Eec) No. 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the community

Issuer: Council

- » Regulation No. 1612/68 of the Council-complete with decisions of the European Court of Justice

- » Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right to free movement and residence within the territory of the Member States for Union citizens and their family members, amending Regulation (EEC) No. 1612/68 and repealing directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (Text with EEA relevance)

ISSUER: the European Parliament and the Council

- » Directive 68/360 of 15 October 1968 on the abolition of restrictions on movement and residence within the community for workers of Member States and their families

Issuer: Council

- » Directive 64/221a Council of 25 February 1964 on coordination of special measures concerning the movement and residence of foreign nationals, justified on grounds of public policy, public security and public health

Issuer: Council

⁴ Republished in m. Of. Part I no. 421/05.01.2008 and modified by O.U.G. No. 12/2010.

⁵ Available online at: <http://www.mmuncii.ro/nou/index.php/ro/legislatie/munca2/mobilitatea-forței-de-munca>

- » Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services
Issuer: the European Parliament and the Council
- » Directive 2003/86/EC of 22 September 2003 on the right to family reunification
Issuer: Council
- » Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents
Issuer: Council
- » Directive 2000/78/EC of 27 November 2000 to create a general framework for equal treatment concerning employment and working conditions
Issuer: Council
- » Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications
Issuer: the European Parliament and the Council
- » Council Regulation (Eec) No. 1408/71 of the Council of 14 June 1971 on the application of social security schemes in relation to salaried workers and their families moving within the community
Issuer: Council
- » Council Regulation (Eec) No. 574/72 of the Council of 21 March 1972 laying down detailed rules for the application of Council Regulation (EEC) No. 1408/71 on the application of social security schemes in relation to employees and members of their families moving within the community
Issuer: Council
- » Regulation (EC) No. 859/2003 of 14 May 2003 extending the provisions of Regulation (EEC) No. 1408/71 and Regulation (EEC) No. 574/72 to nationals of third countries who are not covered by those provisions solely on the grounds of nationality
Issuer: Council
- » Regulation (EC) No. 1992/2006 of the European Parliament and of the Council of 18 December 2006 amending Regulation (EC) No. 1408/71 of the Council on the application of social security schemes in relation to salaried workers, self-employed and their families moving within the Community (Text with EEA relevance)
Issuer: the European Parliament and the Council of the European Union
- » Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purpose of conducting scientific research activities
Issuer: Council
- » Council decision 2003/578 of the Council of 22 July 2003 on guidelines for the employment policies of the Member States (2003/578/EC)
Issuer: Council
- » Council decision 2005/600/EC of 12 July 2005 on guidelines for the employment policies of the Member States (2005/600/EC)
Issuer: Council
- » Council decision 2007/491/EC of 10 July 2007 on guidelines for the employment policies of the Member States (2007/491/EC)
Issuer: Council
- » Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment between men and women as regards access to employment, vocational training and promotion, and working conditions
Issuer: Council

» Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Directive 76/207/EEC on the implementation of the principle of equal treatment between men and women as regards access to employment, vocational training and promotion, and working conditions (Text with EEA relevance)

Issuer: the European Parliament and the Council

» Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment between men and women in matters of employment and labor (reform)

Issuer: the European Parliament and the Council

» Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community

Issuer: the European Parliament and the Council

» Decision No. 1145/2002/EC of the European Parliament and of the Council of 10 June 2002 on Community incentive measures in the field of employment (Text with EEA relevance)

Issuer: the European Parliament and the Council

» Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the maintenance of employees' rights in the event of transfers of undertakings, businesses or parts of units or units

Issuer: Council

» Regulation 1251/70 of the Commission of 29 June 1970 on the right of workers to remain in the territory of a Member State after having been employed in

Issuer: Commission

» Directive 91/533 of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship

Issuer: Council

» Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of salaried workers and the self-employed workers moving within the community

Issuer: Council

» Regulation (Ec) No. 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (Text with relevance for the EEA and for Switzerland)

Issuer: the European Parliament and the Council

» Directive 72/194/EEC of 18 May 1972 on extending the scope of the directive of 25 February 1964 on coordination of special measures concerning the movement and residence of foreign nationals, justified on grounds of public policy, public security or public health, workers who exercise the right to remain in the territory of a Member State after having been employed in that State

Issuer: Council

» Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third country nationals for studies, Exchange pupils, unpaid training or voluntary service

Issuer: Council

- **Internal legislation**

- Order No. 1555/09.09.2009 Minister of labor, family and social welfare on the modification of the procedure for allocation of quota companies based in Romania, who runs the works contracts in the Federal Republic of Germany, approved by order of the Minister of labour, social solidarity and family. 133/2005 (M.O. No. 638/28th September 2009)

- Order No. 634/Tuesday 14.10.2008 Minister Interior and administrative reform, no. 2119/21.11.2008 of Minister of Foreign Affairs, no. 823/29.10.2008 Minister of labor, family and equal opportunities, nr. 6043/27.11.2008 for Minister of education, research and youth and no. 1816/30.10.2008 Public Health Minister for the implementation of the provisions of the Council decision of 5 October 2006 on the establishment of a mutual information mechanism concerning Member States ' measures on asylum and immigration (2006/688/EC) (M.O. No. 872/23.12.2008)
- Order No. 392/24.01.2008 Minister Interior and administrative reform and no. 613/24.09.2008 Minister of labor, family and equal opportunities concerning access to asylum seekers on the labour market in Romania (M.O. No. 718/22.10.2008)
- Emergency Ordinance No. 56 of 20 June 2007 privind employment work and posting of foreigners on the territory of Romania
Issuer: Government
- Emergency Ordinance No. 194 of December 12, 2002 on foreigners in Romania
* Republished; Text in force with effect from 15 December 2007
- Emergency Ordinance No. 102 of 14 July 2005 on free movement within the territory of Romania of the citizens of the Member States of the European Union and European Economic area
Text in force as of 2 January 2007
- Ordinance No. 44 of 29 January 2004 on the social integration of aliens who have acquired a form of protection or a right of residence in Romania, as well as the citizens of the Member States of the European Union and European Economic area
Text in force as of 20 October 2006
- Law from driving No. 1122 of 18 September 2007 approving the national strategy on immigration for the period 2007-2010
Issuer: Government
- Law No. 122 of 4 May 2006 concerning the asylum in Romania
Text in force with effect from 15 December 2007
- Law no 344 of 19 July 2006 concerning the posting of workers in the framework of the transnational provision of services
Issuer: Parliament
- Decision No. 104 of 31 January 2007 to regulate the specific procedure concerning the posting of workers in the framework of provision of transnational services in Romania
Issuer: Government
Text in force since 25 august 2005
- Law No. 200 of 25 May 2004 concerning the recognition of diplomas and professional qualifications for regulated professions in Romania
Text in force as from October 18, 2007
- Law No. 53 of 24 January 2003 – Labor code
Text in force with effect from 28 July 2007
- Law No 248 of 20 July 2005 on the free movement of Romanian citizens abroad
Text in force as from November 9, 2007
- Law No 155 of 26 July 2000 on the protection of Romanian citizens working abroad
Issuer: Parliament
- Decision No. 384 of 11 April 2001 approving the rules for the application of the provisions of law No. 156/2000, on the protection of Romanian citizens working abroad
- Ordinance No. 43 of 25 July 2002 amending Law No. 156/2000, on the protection of Romanian citizens working abroad

Issuer: Government

- Decision No. 850 of 31 July 2002 on the amendment of the rules for the application of the provisions of law No. 156/2000, on the protection of Romanian citizens working abroad, approved by Government decision No. 384/2001

Issuer: Government

- Decision No. 518 of 10 July 1995 concerning certain rights and obligations of the Romanian staff sent abroad to comply with some temporary assignments
- Law No. 76 of 16 January 2002 on the unemployment insurance system and employment stimulation work

Text in force as from October 1, 2007

- Decision No 174 of 20 February 2002 approving the rules for the application of law No. 76/2002 on the unemployment insurance system and employment stimulation work

Text in force with effect from 15 March 2006

- Ordinance No. 137 of 31 august 2000 on preventing and sanctioning all forms of discrimination
- * Republished

Issuer: Government

- Decision No. 187 of 20 February 2008 on the approval of the plan of measures for the return to the land of Romanian citizens working abroad

Issuer: Government

Bibliography

1. Alexandru Țiclea, *Treatise on labor law*, 5th Edition, revised, Bucharest, 2011
2. Nicolae Voiculescu, *Labour Legislation*, the Perfect Publishing, 2011
3. Nicolae Voiculescu, *Community Labour Law*, publishing house Wolters Kluwer, Bucharest, 2009
4. Website of the Ministry of labour family and social protection
5. Web page : <http://eur-lex.europa.eu/ro/treaties/index.htm#founding>

<http://www.mmuncii.ro/nou/index.php/ro/legislatie/munca2/mobilitatea-fortei-de-munca>