

Legea 202/03-dec-2025 LAW no. 202 of 3 December 2025 amending and supplementing Law no. 213/2015 on the Insured Guarantee Fund and for the amendment of Law no. 85/2014 on insolvency prevention and insolvency procedures (traducere)

Legea 202/03-dec-2025 din 2025.12.06

Status: Acte în vigoare

Versiune de la: 6 Decembrie 2025

Intră în vigoare:

6 Decembrie 2025 An

Legea 202/03-dec-2025 (traducere) LAW no. 202 of 3 December 2025 amending and supplementing Law no. 213/2015 on the Insured Guarantee Fund and for the amendment of Law no. 85/2014 on insolvency prevention and insolvency procedures (traducere)

Data act: 3-dec-2025

Emitent: Parlamentul

The Parliament of Romania adopts this law.

Article I

Law no. 213/2015 on the Insured Guarantee Fund, published in the Official Gazette of Romania, Part I, no. 550 of July 24, 2015, as subsequently amended and supplemented, is amended and supplemented as follows:

1. In Article 1, after paragraph (2), two new paragraphs are inserted, paragraphs (3) and (4), with the following content:

"(3) The Fund, as a guarantee scheme in the field of insurance, shall protect the insurance creditors from the consequences of bankruptcy or liquidation based or not on the insolvency of the insurers, under the conditions of this law.

(4) The Fund shall not take over the obligations of the debtor insurers, but shall make payments to their insurance creditors after completing the administrative procedure regulated by this law."

2. Article 2 shall be amended and shall read as follows:

'Article 2

1. The purpose of the Fund shall be to directly protect:

- a) insurance creditors who are RCA injured persons residing in Romania, whose right to request the direct payment by the Fund of the amounts due according to the provisions of this law is born according to Article 12¹ paragraph (1), and who hold insurance claims resulting from the RCA contracts concluded by the insured persons liable for the occurrence of the damages with a Romanian legal person insurer;
- b) insurance creditors who are RCA injured persons residing in Romania, whose right to request the direct payment by the Fund of the amounts due according to the provisions of this law is born according to Article 12¹ paragraph (2), and who hold insurance claims resulting from the MTPL contracts concluded by the insured persons liable for the occurrence of the damages with a Romanian legal person insurer;
- c) insurance creditors who are persons injured by RCA residing in Romania, whose right to request the direct payment by the Fund of the amounts due according to the provisions of this law is born according to Article 12¹ paragraph (3), and who hold insurance claims resulting from the MTPL contracts concluded by the insured persons liable for the occurrence of the damages with an insurer authorized in another Member State, including the European insurer;
- d) insurance creditors of a Romanian legal person insurer, other than those referred to in letter a) and paragraph (2), whose right to request the direct payment by the Fund of the amounts due according to the provisions of this law arises according to Article 12¹ paragraph (1), and who are in one of the following situations:
 - (i) they are entitled to the refund of the premiums due by the insurer for the period in which the risk was not covered by it as a result of the termination of the MTPL contracts;
 - (ii) they hold insurance claims resulting from the insurance contracts concluded by the insurer, other than the RCA contracts;
 - (iii) are entitled under Romanian law to recover from the insurer amounts paid in accordance with the direct compensation clause related to MTPL contracts;
- e) insurance creditors of a European insurer, other than those referred to in letter c), whose right to request the direct payment by the Fund of the amounts due according to the provisions of this law arises according to Article 12¹ paragraph (4), and who are in one of the following situations:
 - (i) they hold insurance claims resulting from insurance contracts, other than MTPL contracts, concluded by the European insurer through the Romanian branch as host Member State and for which

the European insurer has the obligation to contribute to the Fund under the provisions of Article 3;

(ii) are entitled under Romanian law to recover from the European insurer amounts paid in accordance with the direct compensation clause related to RCA contracts.

2. The Fund shall also aim at the indirect protection of:

a) insurance creditors who are persons injured by the RCA residing in other Member States, whose right to request the indirect payment by the Fund of the amounts due according to the provisions of this law is born according to Article 12¹ paragraph (1), and who hold insurance claims resulting from the RCA contracts concluded by the insured persons liable for the occurrence of the damages with a Romanian legal person insurer;

b) insurance creditors who are RCA injured persons residing in other Member States, whose right to request the indirect payment by the Fund of the amounts due according to the provisions of this law is born according to Article 12¹ paragraph (2), and who hold insurance claims resulting from the RCA contracts concluded by the insured persons responsible for the occurrence of the damages with a Romanian legal person insurer.

(3) The Fund shall also pay to the Romanian Motor Insurers' Bureau, hereinafter referred to as BAAR, the amounts paid by it, as a national motor office and on behalf of a Romanian legal person insurer, to similar offices in other states for insured events occurring after the date of withdrawal of the operating authorization of the respective insurer; The BAAR shall make a request to the Fund in this regard, and the provisions of Article 15(5) to (8), (10) and (11) shall not apply.

4. The Fund shall make the payment of insurance claims to the persons referred to in paragraph 1 after they have submitted a payment request under the conditions of Article 14 and have completed the administrative procedure regulated by this Law, in compliance with the guarantee ceiling provided for in Article 15(2) or, as the case may be, in Article 15(5) and (6).

5. The Fund shall be entitled to obtain reimbursement of the amounts paid for the settlement of payment claims made by the insurance creditors referred to in paragraph 1(c) from the similar bodies in the Member States of origin of debtor insurers in bankruptcy proceedings or liquidation proceedings whether or not based on insolvency; In this regard, the Fund shall submit claims for reimbursement to similar bodies in other States which shall be submitted and settled in accordance with the provisions of the cooperation agreement concluded with them or of the delegated acts adopted by the European Commission, as the case may be, in accordance with the provisions of Articles 10a(13) and 25a(13) of Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 on motor vehicle liability insurance and the control of the obligation to insure this liability, as introduced by

Article 1(8) and (18) of Directive (EU) 2021/2.118 of the European Parliament and of the Council of 24 November 2021 amending Directive 2009/103/EC on motor vehicle liability insurance and the control of the obligation to insure against such liability.

(6) The Fund shall indirectly protect the insurance creditors referred to in paragraph (2) by reimbursing to the similar bodies in their States of residence the amounts paid by them in order to settle the payment claims made by those persons for compensation for the damages suffered as a result of the occurrence of the risks covered by MTPL contracts concluded by the debtor insurers of Romanian legal persons in bankruptcy proceedings or in liquidation proceedings that are not based on insolvency; the fulfilment of the Fund's obligation to make the reimbursement to similar bodies in other States shall be carried out in accordance with the provisions of the cooperation agreement or of the delegated acts adopted by the European Commission, as the case may be, provided for in paragraph (5), sentence II.

(7) The Fund shall make payments within the limit of the financial resources available at the time of payment, provided for in Article 5, and if the availabilities are not sufficient to cover the amount of the amounts due according to the provisions of this law, they shall be paid as the Fund is replenished with financial resources.

(8) The provisions of paragraph (7) shall not exempt the Fund from the obligations provided for in paragraph (6) and Article 15(5) to (8), (10), (11) and (13).

(9) Forced execution for enforceable titles obtained against the insurer may not be initiated against the Fund; In this case, the reasoned payment request shall be submitted in accordance with Article 14(1), in compliance with the procedure and ceiling established by this law.

(10) Any obligations arising from the reinsurance contracts are excluded from the application of the provisions of this law.

(11) The Fund may conclude cooperation agreements with similar bodies in other States, national motor offices and other entities, or may mandate them in order to carry out its legal duties."

3. In Article 2¹, after paragraph (9), three new paragraphs are inserted, paragraph (10) to (12), with the following content:

"(10) The Fund may also carry out other activities related to its object of activity in order to obtain income that can be used as a source of financing for the fulfillment of the obligations provided for by this law, including activities of ascertainment and assessment of damages for insurers authorized in Romania or in another Member State.

(11) The Fund shall promptly inform similar bodies in the other Member States of the opening of

bankruptcy proceedings or liquidation proceedings which are not based on insolvency with a Romanian legal person insurer authorised to practise MTPL insurance.

(12) In order to fulfill the legal obligations within the terms provided by this law, the Fund is entitled to conclude insurance contracts, as well as any other financial contracts, including contracts similar to reinsurance contracts appropriate to the risk profile and the specificity of the Fund's activity, in order to reduce the impact on the Fund's financial resources, to protect itself against the risks associated with the activity and to ensure the diversification of its sources of income."

4. Article 2² is repealed.

5. Article 3, paragraph (2) shall be amended and shall read as follows:

'2. European insurers shall contribute to the Fund only for that part of the branches' activity for which the guarantee schemes of their home Member States do not protect insurance creditors in the event of bankruptcy or liquidation proceedings based on insolvency against them.'

6. Article 4(1), letter a) shall be amended and shall read as follows:

"a) insurance claim – the claims of insurance creditors, regardless of the time of their birth in relation to the date of the opening of the bankruptcy or liquidation procedure based or not on insolvency, resulting from an insurance contract, including the amounts reserved for these creditors when some elements of the debt are not yet known; the amounts paid to the insurance creditors from the Fund's availabilities, representing compensations/indemnities and the premiums due by the debtor insurer for the period in which the risk was not covered by it, as a result of the termination of the insurance contracts, shall be considered insurance claims;"

7. In Article 4(1)(b), point (iii) is amended and will read as follows:

"(iii)the injured person – the person entitled to receive compensation for the damage suffered as a result of the occurrence of a risk covered by a civil liability insurance contract, other than a RCA contract;"

8. In Article 4(1)(b), after point (iii), two new points are inserted, points (iv) and (v), with the following content:

"(iv) person injured in RCA – the person entitled to receive compensation for the damage suffered as a result of the occurrence of a risk covered by a RCA contract when the accident causing damage occurs within the territorial limits of application of the RCA insurance;

(v) the insurer entitled to recover from the insurer in bankruptcy or in liquidation proceedings based on insolvency amounts paid to persons injured in RCA in accordance with the direct compensation clause related to a RCA contract, according to national law; any other insurer which has a right of

subrogation, recourse or direct action against the debtor insurer shall not be considered an insurance creditor within the meaning of this Law;"

9. In Article 4(1), after letter d), two new letters are inserted, letters e) and f), with the following content:

"e) European insurer – the insurer authorised in another Member State which carries out activity on the territory of Romania as host Member State through a branch opened in Romania;

f) Member State – Member State of the European Union or another Member State of the European Economic Area."

10. Article 4, paragraph (3) shall be amended and shall read as follows:

"(3) For the purposes of this law, the persons in the management of the debtor insurer, as defined in Article 1 paragraph (2) item 33 of Law no. 237/2015, as subsequently amended and supplemented, are not part of the category of insurance creditors, unless they are persons prejudiced by RCA."

11. In Article 5(1), after letter d¹), three new letters are inserted, letter d²)-d⁴), with the following content:

"d²) amounts collected from similar bodies in other states, in accordance with the provisions of this law and of the agreements concluded by the Fund with them;

d³) amounts collected by subrogation;

d⁴) loans from the Government, according to the provisions of Article 6(9);"

12. In Article 5 paragraph (1), letters e) and h) are amended and will have the following content:

"e) amounts from other sources;

.....

h) special contribution levied from insurers, in accordance with the provisions of Article 3, if the Fund manages situations of insolvency or liquidation for which it is estimated that amounts exceeding the Fund's availabilities will be paid;"

13. In Article 5(1), after letter h), a new letter (i) shall be inserted, with the following content:

"i) amounts derived from the receipts made by the Fund from contracts referred to in Article 2¹ paragraph (12), as well as the amounts paid to the Reinsurance Fund in accordance with the provisions of Article 18(5)-(10)."

14. Article 5, paragraph (2) shall be amended and shall read as follows:

"(2) The funds of the Fund constituted in accordance with the provisions of paragraph (1) may be

invested in interest-bearing instruments, in credit institutions, in money market instruments, in government securities or securities of local public administration, in financial instruments traded on regulated markets of the Member States, in securities for participation in undertakings for collective investment in transferable securities and other investment funds, as well as in other investments, including in foreign currency."

15. In Article 6, after paragraph (8), nine new paragraphs are inserted, paragraphs (9) to (17), with the following content:

"(9) In exceptional situations in which the available financial resources of the Fund, as a guarantee scheme in the field of insurance, are not sufficient to cover the amount of the amounts due by the Fund according to the provisions of this Law to insurance creditors and similar bodies in other Member States, the Government, through the Ministry of Finance, at the request of the Fund, shall make available to it the necessary amounts, in the form of a loan, within a maximum of 30 days from the date of the request.

(10) The source of funds for the loan referred to in paragraph (9) shall be represented by the payments from privatization in lei and foreign currency recorded in the account of the State Treasury.

(11) In the event that the value of the loan to be requested exceeds the amount of the availabilities from privatization payments in lei registered in the general current account of the State Treasury, the Fund may request in addition a loan in foreign currency from privatization payments in foreign currency. When determining the amount of the loan requested, the currency risk will also be taken into account.

(12) The Government, through the Ministry of Finance, shall make available to the Fund the loan requested on the basis of an agreement concluded between the parties, specifying the amount of the loan and the general conditions for its granting/repayment.

(13) If the payments from privatization are insufficient, the Ministry of Finance may launch state loans, by derogation from the provisions of Article 4(1)(d) and (2) of the Government Emergency Ordinance no. 64/2007 on public debt, approved with amendments and completions by Law no. 109/2008, with subsequent amendments and completions. The financial conditions of the subloan, as defined according to the provisions of Article 2 letter j) of the Government Emergency Ordinance no. 64/2007, approved with amendments and completions by Law no. 109/2008, as subsequently amended and supplemented, granted by the Ministry of Finance of the Fund are established by an agreement concluded between the two parties. The necessary amounts shall be made available to the Fund within a maximum of 30 days from the date of their request by the Fund.

(14) The Ministry of Finance shall transfer the amounts made available to the Fund as a loan/sub-loan to its accounts indicated in the loan application.

(15) The Fund may request the Government to guarantee its loans which it may contract in accordance with the provisions of Article 5(1)(f), the Government taking a decision thereon within 5 days from the date of receipt of the application. The guarantee thus granted by the Romanian Government, through the Ministry of Finance, is exempted from the provisions of Article 4(1)(d) and (2) of the Government Emergency Ordinance no. 64/2007, approved with amendments and completions by Law no. 109/2008, as subsequently amended and supplemented, and covers 100% of the value of the loan(s), including interest and related commissions.

(16) By way of derogation from the provisions of Article 6(2) of the Government Emergency Ordinance no. 64/2007, approved with amendments and completions by Law no. 109/2008, as subsequently amended and supplemented, no commission is charged to the risk fund for the guarantees and subloans granted to the Fund by the Ministry of Finance.

(17) The Board of Directors of the Fund shall analyze, endorse and propose to the Financial Supervisory Authority for approval the request for guarantees or loans that the Fund is to address to the Government, according to paragraph (9) or (15), with the appropriate substantiation of their need."

16. Article 11 shall be repealed.

17. Article 12, paragraph (1) shall be amended and shall read as follows:

'Article 12

(1) Any person referred to in Article 2(1) who invokes a right of claim against the insurer as a result of the occurrence of risks covered by an insurance contract and for which the insurer has not proceeded to open the claim file may request the opening of the claim file by a written request addressed to the Fund; subsequently, in order to collect the indemnities/compensations due from the Fund, he shall formulate a reasoned request for payment, under the conditions of Article 14."

18. Article 12(1¹) shall be repealed.

19. Article 12, paragraph (1²) shall be amended and shall read as follows:

"(1²) In the event that additional findings are necessary for the files already opened by the insurer, the Fund shall proceed to carry them out, on the basis of a written request addressed to the Fund in this regard by the petitioner, at the headquarters or by mail, by electronic mail or by other means ensuring the transmission of the text of the document."

20. In Article 12, after paragraph (1²), a new paragraph is inserted, paragraph (1³), with the following content:

"(1³) The requests referred to in paragraph 1 and (1²) may be made directly or through representatives from the dates referred to in Article 12¹."

21. In Article 12, after paragraph (4), a new paragraph shall be inserted, paragraph (5), with the following content:

'5. Paragraphs 1 and 1 shall not apply to insurance creditors residing in other Member States referred to in Article 2(2); They shall apply to similar bodies in the States in which they reside.'

22. Article 12¹ shall be amended and shall read as follows:

'Article 12¹

(1) The right of the insurance creditors provided for in Article 2(1)(a) and (d) and (2)(a) to request, directly or indirectly, as the case may be, the payment of the amounts due from the Fund shall arise on the date of publication in the Official Gazette of Romania, Part I, of the decision of the Financial Supervisory Authority establishing the existence of indications of the insurer's state of insolvency and the impossibility of its recovery.

(2) The right of the insurance creditors provided for in Article 2(1)(b) and (2)(b) to request, directly or indirectly, as the case may be, the payment of the amounts due from the Fund shall arise on the date of publication in the Official Gazette of Romania, Part I, of the decision of the Financial Supervisory Authority by which it withdraws the authorization to operate the insurer and approves its entry into the dissolution and voluntary liquidation procedure or orders it to enter the procedure of dissolution and liquidation.

3. The right of the insurance creditors referred to in Article 2(1)(c) to claim payment of the sums due from the Fund shall arise on the date of publication in the Official Journal of the European Union of the extract relating to the decision of the competent authority of the insurer's home Member State, including the European insurer, on the opening of bankruptcy or liquidation proceedings with it, whether or not based on insolvency.

4. The right of insurance creditors referred to in Article 2(1)(e) to claim payment of the sums due from the Fund shall arise on the date of publication in the Official Journal of the European Union of the extract concerning the decision to open bankruptcy or liquidation proceedings based on insolvency with the European insurer by the competent authority of its home Member State.'

23. In Article 12², paragraphs (1) to (3) are amended and will read as follows:

'Article 12²

(1) Within 30 days from the date of publication in the Official Gazette of Romania, Part I, of the

decision of the Financial Supervisory Authority to withdraw the operating authorization and to ascertain the existence of indications of the insolvency status of the Romanian legal person insurer, it shall hand over to the Fund the record of the insurance contracts in force on the date of communication of the above-mentioned decision, the complete record of the claim files, as well as the technical-operative and accounting records related to these contracts and files, in order to publish the list of potential insurance creditors; In the case of the European insurer, the 30-day period shall be calculated from the date referred to in Article 12¹(4) and the records provided shall relate to the activity referred to in Article 3(1)(b) and (2).

(2) The insurer shall submit the records referred to in paragraph (1) both in written format and, if any, in electronic/digital format; at the same time, the insurer hands over to the Fund all insurance contracts in force, unliquidated claim files, databases, registers, correspondence, any document relating to files, contracts in force, as well as any other records held in connection with them; The provisions of the second sentence of this paragraph shall not apply to European insurers.

(3) The insurer shall transmit to the Fund any documents or information regarding the insurance contracts and claim files, requested by the Fund in order to analyze the payment requests submitted by potential creditors; Liability for the non-fulfilment or improper fulfilment of the obligations provided for in this paragraph and in paragraphs 1 and 2 shall lie with the management of the insurer, respectively the representative of the European insurer, as the case may be."

24. In Article 12³, paragraph (4) is amended and will read as follows:

"(4) The secretariat of the commission shall ensure at least the preparation of the lists of insurance creditors with proposals for the approval or rejection, in whole or in part, of the amounts requested by the payment applications submitted by them to the Fund, of the convening notice, of the agenda and of the minutes of the meetings of the special commission."

25. Article 13(1) shall be repealed.

26. In Article 13, paragraphs (3), (4), (5) and (6) shall be amended and shall read as follows:

'(3) In order to fulfil the payment obligations provided for in this Law, the Fund shall analyse the documents and information relating to the payment claims and reimbursement claims referred to in Article 2(4) and (6), including the documents and information taken from the insurer, taking into account the applicable rules in the matter, the general and specific insurance conditions provided for in the insurance contracts concluded with the insurer, as well as by the cooperation agreement concluded with similar bodies in other States or by the delegated acts adopted by the European Commission, as the case may be, provided for in Article 2(5), second sentence.

(4) The approval or rejection, partial or total, of the amounts claimed by the petitioners and similar bodies from other states shall be within the competence of the special commission constituted in accordance with Article 12³; The special committee may order the suspension of the settlement of the payment request, under the conditions of Article 16(2).

(5) In case of partial or total rejection of the amounts claimed by the petitioners, a reasoned rejection decision shall be issued; An appeal against the decision may be filed within 30 days from its communication, under penalty of forfeiture, to the civil courts of the Fund's headquarters, by derogation from the rules of general jurisdiction of Law no. 134/2010, republished, with subsequent amendments and completions, as well as by derogation from the rules of special jurisdiction provided for in the Law on Administrative Litigation no. 554/2004, with subsequent amendments and completions. The appeal addressed to the court does not suspend, during its resolution, the effects of the decision of the special commission.

.....

(6) The right of the petitioners to bring an action against the Fund for the payment of insurance claims, after their registration of the payment requests, shall be prescribed within 5 years calculated from the date of the entitlement."

27. In Article 14, paragraphs (1) to (3) shall be amended and shall read as follows:

'Article 14

1. Any person referred to in Article 2(1) who claims an insurance claim against the insurer may submit a reasoned request for payment to the Fund under the conditions laid down in Article 12 and this Article.

(2) The request for payment provided for in paragraph (1) shall be formulated in writing and shall be communicated to the Fund, directly by the potential insurance creditor or through its representatives, with the attachment of the supporting documents, in a certified copy, from which the amount of the amounts requested shall result; If the payment request concerns several claims files or insurance contracts, the potential insurance creditor shall attach a record containing the identification data and the amounts related to each claim file/insurance contract, as well as any relevant documents, if applicable.

(3) In case of impossibility of submitting the supporting documents in a certified copy, the insurance creditor may submit either copies of them or a declaration on his own responsibility, in the sense of supporting these supporting documents, and the application shall specify the reason for the impossibility of submitting them in a certified copy."

28. In Article 14, after paragraph (5), a new paragraph shall be inserted, paragraph (6), with the following content:

'6. The insurance creditors referred to in Article 2(2) shall address their claims for payment to similar bodies in the States in which they reside, in accordance with the provisions of the national law of those States.'

29. After Article 14, a new Article shall be inserted, Article 14¹, with the following content:

'Article 14¹

1. In case of receipt of payment requests from the persons referred to in Article 2(1)(a) to (c), the Fund shall inform:

- a) the insurer that concluded the RCA contract;
- (b) the similar body in the insurer's home Member State;
- c) BAAR, if the accident occurred on the territory of a state other than Romania;
- d) other persons and entities provided for in the cooperation agreement or in the delegated acts adopted by the European Commission, as the case may be, provided for in Article 2(5), second sentence.

2. The Fund shall ensure the transmission of the information referred to in paragraph 1 in accordance with its own procedures, the cooperation agreement or the provisions of the delegated acts adopted by the European Commission, as appropriate, referred to in Article 2(5), sentence II.

3. Within a maximum of 30 days from the date of communication of the information referred to in paragraph 1(a), the insurer shall inform the Fund of the following:

- a) whether or not it has received a similar payment request directly;
- b) whether or not he has paid the compensation requested by the payment request provided for in letter a);
- c) if he takes over the liability cover or refuses to take it over for reason.

(4) The provisions of paragraph (3) letters a) and b) shall be applied accordingly by the BAAR."

30. Article 15, paragraph (1) shall be amended and shall read as follows:

'Article 15

(1) As the petitioners' payment requests are registered and analyzed, together with the attached documents, the lists of insurance creditors whose payment requests are to be partially or totally approved or rejected shall be drawn up; The lists shall be submitted to the special commission, with

the proposal to approve or reject the payment, partial or total, of the amounts requested, and after the approval of these lists by the special commission, the payments of insurance claims to the insurance creditors shall be made, in compliance with the provisions of this article."

31. In Article 15, after paragraph (1), two new paragraphs are inserted, paragraph (1¹) and (1²), with the following content:

"(1¹) By exception to the provisions of paragraph (1), the following shall be analyzed with priority:

- a) payment requests made by minor descendants, as well as those who are studying until their completion, but not exceeding the age of 26, of persons who died in road accidents;
- b) the payment requests of the petitioners who, following the occurrence of the insured event, have lost all or at least half of their work capacity in relation to the degrees of disability provided by law;
- c) the payment requests made by the petitioners on the basis of enforceable titles in contradiction with the bankrupt insurers, by which the insurer is obliged to pay monthly annuities in their favor;
- d) the payment requests regarding the granting of premium refunds.

(1²) The payment requests referred to in paragraph (1¹) shall be recorded on separate lists which shall be submitted to the special commission, with the proposal to approve or reject the payment of the amounts requested, and after the approval of these lists by the special commission, the payments of insurance claims to the insurance creditors shall be made."

32. In Article 15, after paragraph (4), eleven new paragraphs shall be inserted, paragraphs (5) to (15), with the following content:

"(5) By way of exception to the provisions of paragraph (2), the payment of the insurance claim due under a MTPL contract to each of the insurance creditors referred to in Article 2(1)(a)-c) shall be made by the Fund within the limit of a guarantee ceiling that is given by the level of the maximum liability limit of the insurer that concluded the MTPL contract.

(6) The maximum liability limit of the insurer that concluded the RCA contract provided for in paragraph (5) is equal to the greater of the liability limit provided in the legislation applicable to the place of occurrence of the accident and the one provided for in the RCA contract.

(7) The provisions of paragraphs (5) and (6) shall also apply accordingly for the making of reimbursements under the conditions provided for in Article 2(6) requested by the similar bodies in the Member States of residence of the persons injured by the RCA.

(8) Within 3 months from the date of receipt of the payment request and regardless of the information sent by the insurer, provided for in Article 14¹ paragraph (1) and (3), the Fund shall decide on the

payment request and shall send the petitioner the following documents:

a) if the liability of the insured in the occurrence of the risks covered by the RCA contract is proven and the damage for the compensation for which the claims for compensation are formulated by the payment request is partially or totally quantified:

(i) a justified notification, stating that the claims for compensation made in the payment claim have been fully approved and the maximum term for payment by the Fund of the compensation; or

(ii) a justified compensation offer, stating that the compensation claims made in the payment claim have been partially approved and the maximum term for payment by the Fund of the compensation specified in the offer, accompanied by the decision to partially reject the compensation claims made in the payment claim;

b) if the liability of the insured is not proven or it has not been clearly established or the damage for the compensation for which the claims for compensation are formulated by the payment request is not quantified, the Fund shall send the decision to reject the compensation claims in full, duly motivated.

(9) The Fund's decision on the payment request shall be enforceable against the insurer.

(10) If the Fund owes compensation in accordance with paragraph (8)(a), the Fund shall pay compensation to the injured party to the RCA without undue delay, but not later than:

a) 3 months from the date of transmission of the justified notification referred to in paragraph 8(a)(i);

b) 3 months from the date of communication to the Fund, in writing, of the acceptance of the injured person RCA regarding the compensation offer provided for in paragraph (8) letter a) point (ii).

(11) For non-payment of compensation within the term provided for in paragraph (10), the Fund shall owe legal penalty interest established in accordance with the provisions of Article 3(2) and (3) of Government Ordinance no. 13/2011 on the legal remunerative and penalty interest for monetary obligations, as well as for the regulation of certain financial-fiscal measures in the banking field, approved by Law no. 43/2012, with subsequent additions; The penalty interest is applied at the level of the amount of compensation written in the documents provided

paragraph (8) letter a) and shall be calculated proportionally to the number of days completed by the date of payment.

(12) In case of receipt of payment requests other than those provided for in Article 14¹ paragraph (1), the Fund shall ensure that they are resolved within a reasonable period of time, in relation to the volume of activity carried out in order to comply with the provisions of Article 2(8).

13. The deadline for payment of the amounts requested by a request for reimbursement made in

accordance with the provisions of Article 2(5) or (6) may not exceed 6 months from the date of communication of the request for reimbursement, unless another deadline is established by the cooperation agreement or the delegated acts adopted by the European Commission, as the case may be, provided for in Article 2(5), sentence II.

(14) The Fund shall be subrogated to the rights of the person injured by the RCA against the person who caused the accident or the insurer of the latter, except for the rights of the person injured by the RCA against the insured or the beneficiary of the insurance that caused the accident, to the extent that the liability of the insured or the beneficiary of the insurance would be covered by the debtor insurer in accordance with the applicable national law.

15. Similarly to paragraph 14, the Fund shall recognise the right of subrogation of similar bodies in other Member States provided for by the applicable national law.'

33. Article 16 shall be amended and shall read as follows:

'Article 16

(1) In all cases where it deems it necessary, the special commission may request the petitioners to fill in the documentation and/or to specify or provide additional information regarding their payment request; The requested information shall be sent to the Commission within 30 days from the date of receipt of its request.

(2) Without prejudice to the deadline provided for in Article 15(8), in the event that the deadline provided for in paragraph (1) is exceeded, the resolution of the payment request shall be suspended until the date of transmission of the requested documentation and/or information."

34. In Article 18, after paragraph (4), six new paragraphs are inserted, paragraphs (5) to (10), with the following content:

"(5) Within the limits of the amounts paid from its availabilities, the Fund shall be subrogated to the rights of the insurer in bankruptcy or liquidation based or not on insolvency, in order to request the payment of the amounts owed by the reinsurer to it, according to the reinsurance contracts concluded; in this regard, insurers shall introduce clauses in the reinsurance contracts providing for this right of subrogation of the Fund and shall not introduce clauses affecting the Fund.

(6) The payment by the Fund of the amounts owed by the insurer to the insurance creditors shall place on the reinsurer the obligation to pay them directly to the Fund, the insurer's obligations being considered fulfilled.

(7) Before making the payment to the Fund, the reinsurers shall have the right to deduct from the amount paid to the Fund the obligations of the insurer, due under the reinsurance contract.

(8) The Fund shall not assume the obligation to pay the reinsurance premiums stipulated in the reinsurance contracts of the insurer.

(9) The reinsurers are required to fulfill their obligation towards the reinsured by making the payment to the Fund, after the opening of the bankruptcy or liquidation procedure based or not on insolvency.

(10) After collecting the amounts from the reinsurers, the Fund shall reduce the amounts entered in the insurer's insolvency estate by their value."

35. Article 26, paragraph (1¹) is amended and will read as follows:

"(1¹) The Director General of the Fund and his deputy are appointed for a term of 4 years, which may be renewed only once."

36. In Article 26, after paragraph (2), a new paragraph shall be inserted, paragraph (3), with the following content:

"(3) In the event of temporary impossibility of exercising the prerogatives of the Director General, the representation of the Fund shall be incumbent on the Deputy Director General; The provisions of Article 27(1)(g) and (h) and (2¹) shall apply accordingly to the Deputy Director-General during the period during which the Director-General takes over the duties."

37. In Article 27(1), after letter c), two new letters are inserted, letter c¹) and c²), with the following content:

"c¹) non-compliance by Romanian legal person insurers and/or persons who are part of their management with the obligations regarding the communication of information according to Article 39(1) and (2);

c²) non-compliance by the Romanian legal person insurers and/or by the persons who are part of their management with the regulations issued in application of this law;"

38. In Article 27(1), after letter d), two new letters are inserted, letter d¹) and d²), with the following content:

"d¹) the failure of the Fund to comply with the deadline for transmitting to the injured persons RCA the documents provided for in Article 15(8);

(d²) the failure of the Fund to comply with the obligations to pay the persons injured to the RCA and to reimburse similar bodies in the other Member States within the time limits laid down in Article 15(10) and (13), if such non-compliance occurs for reasons other than the insufficiency of the financial resources provided for in Article 5;"

39. In Article 27 paragraph (1), letters e) and g) are amended and will have the following

content:

"e) the failure of the members of the Board of Directors of the Fund to comply with the obligations provided for in Article 24;

.....

(g) the failure of the Director-General of the Fund to comply with the obligations laid down in Article 26(2)(b)-(e) and (j) and Article 40(2);"

40. In Article 27(1), after letter g), a new letter is inserted, letter h), with the following content:

"h) non-compliance by the Fund and/or by the members of the Board of Directors and/or the Director General of the Fund with the regulations issued pursuant to this Law and/or with the delegated acts adopted by the European Commission provided for in Article 2(5), second sentence."

41. In Article 27, after paragraph (1), two new paragraphs are inserted, paragraph (1¹) and (1²), with the following content:

"(1¹) The commission by insurers of the contraventions provided for in paragraph (1) letter a), b), c¹) and c²) shall be sanctioned with a written warning or a fine from 10,000 lei to 500,000 lei, by derogation from the provisions of Article 8 paragraph (2) letter a) of Government Ordinance no. 2/2001 on the legal regime of contraventions, approved with amendments and completions by Law no. 180/2002, with subsequent amendments and completions.

(1²) The commission by the persons who are part of the management of insurers of the contraventions provided for in paragraph (1) letters c)-c²) shall be sanctioned with a fine from 10,000 lei to 100,000 lei."

42. Article 27, paragraph (2) shall be amended and shall read as follows:

"(2) The commission by the Fund of the contraventions provided for in paragraph (1) letters d)-d²) and h) shall be sanctioned with a written warning or a fine from 5,000 lei to 100,000 lei."

43. In Article 27, after paragraph (2), a new paragraph shall be inserted, paragraph (2¹), with the following content:

"(2¹) The commission by the members of the Board of Directors and/or the General Manager of the Fund of the contraventions provided for in paragraph (1) letter e)-h) shall be sanctioned with a fine from 1,000 lei to 20,000 lei."

44. In Article 27(3), the introductory part is amended and will read as follows:

"(3) In addition to the main contravention sanctions provided for in paragraph (1¹)-(2¹), depending on the nature and gravity of the act, one or more complementary contravention sanctions may be

applied:"

45. In Article 27, after paragraph (5), three new paragraphs are inserted, paragraph (5¹)-(5³), with the following content:

"(5¹) By way of derogation from the provisions of Article 8(3) and (4) of Government Ordinance no. 2/2001, approved with amendments and completions by Law no. 180/2002, as subsequently amended and supplemented, the amounts arising from the contravention fines provided for in paragraph (1¹) and (1²) and applied by the Board of the Financial Supervisory Authority shall be paid in full to the Fund's budget.

(5²) The amounts derived from the contravention fines provided for in paragraph (2) and applied by the Council of the Financial Supervisory Authority shall be fully paid to the state budget.

(5³) By way of derogation from the provisions of Article 8 paragraph (4) of Government Ordinance no. 2/2001, approved with amendments and completions by Law no. 180/2002, as subsequently amended and supplemented, the amounts derived from the contravention fines provided for in paragraph (2¹) and applied by the Council of the Financial Supervisory Authority shall be fully paid to the state budget."

46. Article 29 shall be amended and shall read as follows:

'Article 29

To the extent that this law does not provide otherwise, the provisions of Articles 27, 28 and 29¹ regarding contraventions shall be supplemented by the provisions of Government Ordinance no. 2/2001, approved with amendments and completions by Law no. 180/2002, with subsequent amendments and completions."

47. In Article 29¹, after paragraph (2), four new paragraphs are inserted, paragraph (2¹)-(2⁴), with the following content:

"(2¹) The provisions of paragraphs (1) and (2) shall be without prejudice to the competence of the Financial Supervisory Authority to sanction the commission by European insurers and the representatives of their branches established on the territory of Romania of the following contraventions:

(a) failure by European insurers to comply with their obligations to pay contributions, submit reports and provide information in accordance with Articles 3, 6 to 8 and 39(1) and (2);

b) failure by the representatives of the branches of the European insurers to comply with the obligations to hand over records and documents to the Fund, according to Article 12² paragraph (1) to (3);

c) non-compliance by European insurers and their branch representatives with the regulations issued in application of this law.

(2²) The commission by the European insurers of the contraventions provided for in paragraph (2¹) letters a) and c) shall be sanctioned with a written warning or a fine from 10,000 lei to 500,000 lei, by derogation from the provisions of Article 8 (2) letter a) of the Government Ordinance no. 2/2001, approved with amendments and completions by Law no. 180/2002, with subsequent amendments and completions.

(2³) The commission by the representatives of the branches of the European insurers of the contraventions provided for in paragraph (2¹) letters b) and c) shall be sanctioned with a fine from 10,000 lei to 100,000 lei.

(2⁴) The provisions of Article 27(4) to (5³) and Article 28 shall apply accordingly as regards the system of contraventions and penalties applicable to European insurers and their agents.'

48. In Article 29¹, paragraph (3) is amended and will read as follows:

"(3) The measures adopted by the Financial Supervisory Authority in accordance with the provisions of this Article shall be thoroughly reasoned and communicated to the respective European insurer."

49. In Article 39, after paragraph (1), a new paragraph shall be inserted, paragraph (1¹), with the following content:

"(1¹) Insurers shall provide the Fund, at its request, with all the information necessary for the compilation of the register referred to in Article 3(3).'

50. In Article 39, after paragraph (7), a new paragraph shall be inserted, paragraph (8), with the following content:

"(8) The Fund collaborates with BAAR in order to ensure that the information regarding the RCA contracts is uploaded to the database with the mandatory motor civil liability insurances concluded on the territory of Romania."

51. After Article 44, the mention on the transposition of the rules adopted at the level of the European Union shall be inserted, with the following content:

"This law transposes the provisions of Article 1(8), with the exception of the first sentence (3) of Article 10a(18), with the exception of the first sentence (3) of Article 25a(20) and 23(1) to (3), and of Article 2 of Directive (EU) 2021/2.118 of the European Parliament and of the Council of 24 November 2021 amending Directive 2009/103/EC on motor vehicle liability insurance and the control of the obligation to insure against motor vehicle liability, published in the Official Journal of the

European Union, L series, no. 430 of December 2, 2021."

Article II

This law shall enter into force 3 days after the date of publication in the Official Gazette of Romania, Part I, except for the provisions of Article I, items 38-48, which shall enter into force 30 days after the date of publication.

Article III

The administrative procedures managed by the Insured Guarantee Fund regarding the settlement of the claims for payment of the amounts due to the insurance creditors of the Romanian legal person insurers, for which the bankruptcy procedure was opened prior to the entry into force of this law, remain subject to the law applicable on the date of their commencement, regardless of the time of submission of the applications.

Article IV

Within 90 days from the date of entry into force of this law, the Romanian Government shall approve, by decision, at the proposal of the Ministry of Finance, as well as on the basis of consultation with the Insured Guarantee Fund, methodological norms for the application of the provisions of Article 6(9)-(11), (15) and (16) of Law no. 213/2015 on the Insured Guarantee Fund, with subsequent amendments and completions.

Article V

In Law no. 85/2014 on insolvency prevention and insolvency procedures, published in the Official Gazette of Romania, Part I, no. 466 of 25 June 2014, with subsequent amendments and completions, the mention regarding the transposition of the European Union norms is amended and will have the following content:

"This law transposes Directive 2001/24/EC of the European Parliament and of the Council of 4 April 2001 on the reorganisation and winding-up of credit institutions, published in the Official Journal of the European Union, series L, no. 125 of 5 May 2001, the provisions of Article 1(20)(c) of Directive 2019/879/EU of the European Parliament and of the Council of 20 May 2019 amending Directive 2014/59/EU as regards the loss-absorbing and recapitalisation capacity of credit institutions and investment firms and Directive 98/26/EC, published in the Official Journal of the European Union, L series, no. 150 of 7 June 2019, as well as the provisions of Article 1(8) with regard to the first sentence of paragraph 3 of Article 10a introduced by paragraph 8 and the provisions of Article 1(18) with regard to

paragraph 3, first sentence of Article 25a, introduced by paragraph 18 of Directive (EU) 2021/2.118 of the European Parliament and of the Council of 24 November 2021 amending Directive 2009/103/EC on civil liability insurance and the control of the obligation to ensure this liability, published in the Official Journal of the European Union, series L, no. 430 of December 2, 2021."

Article VI

The provisions of Article 15 paragraph (1¹) and (1²) of Law no. 213/2015 on the Insured Guarantee Fund, as subsequently amended and supplemented, are applicable to payment claims made by the petitioners and not resolved by the Fund claiming insurance claims resulting from the insurance contracts concluded with the insurers for which the bankruptcy procedure has already been opened.

Article VII

By way of derogation from the provisions of Article 56 of Law no. 53/2003 - Labor Code, republished, with subsequent amendments and completions, the individual employment contracts of the Deputy General Directors of the Insured Guarantee Fund, concluded for the performance of this function, before the entry into force of this law, shall cease by law 90 days from the date of entry into force of this law.

This law was adopted by the Romanian Parliament, in compliance with the provisions of Article 75 and Article 76 paragraph (2) of the Romanian Constitution, republished.

<p>p. THE PRESIDENT OF THE CHAMBER OF DEPUTIES,</p> <p>NATALIA-ELENA INTOTERO</p> <p>PRESIDENT OF THE SENATE</p> <p>MIRCEA ABRUDEAN</p>

Published in the Official Gazette no. 1114 of December 3, 2025