

**LAW OF THE REPUBLIC OF MOLDOVA
on assurances for labour accidents
and professional illnesses**

No.756-XIV dated on 24.12.99

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Chapter I
GENERAL PROVISIONS

- Article 1.** Guaranteeing the right on assurance for labour accidents and professional illnesses

The right on assurance for labour accidents and professional illnesses is guaranteed by the state.

- Article 2.** Assurance for labour accidents and professional illnesses

(1) The assurance for labour accidents and professional illnesses consists in establishing some specific relationships, through which there is assured the social protection against the following categories of professional risks: diminishing of the work ability, losing the work ability, death due to a labour accident or a professional illness.

(2) The assurance for labour accidents and professional illnesses is an integral part of the public system of obligatory social assurances.

(3) The assurance for labour accidents and professional illnesses guarantees to those assured a set of allowances and indemnities for:

a) diminishing and compensating the consequences of labour accidents and professional illnesses;

b) promoting the labour security and the prevention of labour accidents and professional illnesses.

(4) The assurance for labour accidents and professional illnesses is based on the principle of assuming the professional risk by those persons who benefit from the result of provided work, on the principle of obligatory contribution and on other principles of the public system of obligatory social assurances.

(5) The National Office of Social Assurances and its territorial structures are the assurance-provider for labour accidents and professional illnesses.

Article 3. Assured persons

In conformity with the present law, in obligatory way, the following are assured for labour accidents and professional illnesses and are called assured ones:

a) citizens of the Republic of Moldova, foreign citizens and stateless persons who carry out activity on the territory of the Republic of Moldova, on basis of an individual labour contract, concluded with an employer from the Republic of Moldova;

b) citizens of the Republic of Moldova who carry out activity abroad, on basis of a legal disposition of an employer from the Republic of Moldova;

c) persons who carry out activity in elective positions or are appointed to public authorities, for the period of mandate, of whose rights and duties are assimilated with those of the persons mentioned in item a).

Article 4. Relationships of assurance

(1) Relationships of assurance are established between employer and assurance-provider. Employers are those legal and physical persons who use remunerated work.

(2) Employer has to accomplish for each wager-earner the assurance for labour accidents and professional illnesses at the moment of concluding the individual labour contract.

Article 5. Concluding an assurance

Assurance for labour accidents and professional illnesses shall be concluded as provided by the National Office of Social Assurances.

Article 6. The status of assured person

(1) The status of a person assured for labour accidents and professional illnesses shall be kept as long as the relationships of assurance are active and stop when these are over.

(2) In case of professional illness, the status of assured person shall be kept even after the relationships of assurance are over if the former assured person proves, with legally issued medical acts, that the illness was caused by risk factors specific for the job place.

Article 7. The assured case

Labour accidents and professional illnesses are assured cases..

Article 8. The objectives of assurance

(1) Assurance for labour accidents and professional illnesses has the following objectives:

a) preventing the labour accidents and professional illnesses;

b) medical and professional rehabilitation of assured persons, victims of labour accidents and professional illnesses, as well as recuperation of their labour capacity;

c) to provide financial allowances and indemnities, in conditions of the present law.

(2) Assurance-provider has to organise its activity for accomplishing the objectives provided for in this Article, as well as to keep the confidentiality on all the information to which it has the access in accomplishing these objectives.

ALLOWANCES AND INDEMNITIES OF ASSURANCE

Article 9. Allowances and indemnities of assurance

(1) Assured persons have the right for the following allowances and indemnities:

- a) allowances for medical recovery;
- b) allowances for recuperating the labour capacity;
- c) allowances for professional rehabilitation;
- d) indemnity for temporary labour incapacity;
- e) indemnity for temporary assignment to another job;
- f) indemnity of infirmity;
- g) indemnity in case of death.

(2) Allowances for medical recovery and recuperation of labour capacity have the priority to indemnities.

Article 10. Allowances for medical recovery

(1) Assured persons have the right for medical treatment corresponding to the health deficiencies caused by labour accidents or professional illnesses, as follows:

- a) ambulatory treatment;
- b) medical analysis and medicines;
- c) emergency medical assistance;
- d) medical services in hospitals and specialised clinics;
- e) services of plastic and reparatory surgery;
- f) services of physiotherapy.

(2) Assurance-provider has to cover the costs of medical services, provided with the purposes of treatment or rehabilitation of the assured person, who suffered from a case assured additionally to those provided by the legislation in force.

(3) In order to diminish or compensate the consequences of health deficiencies caused by labour accidents or professional illnesses, the assured persons, in cases established by the medical expert of the assurance-provider, have the right to:

- a) special care;
- b) sanatorium treatment;
- c) reimbursement for all transport expenditures for visiting the medical institutions, sanatoriums and expenditures of the accompanying person;
- d) medico-sanatorium materials and consumptions for hearing and sight correction;
- e) prostheses, orstheses, orthopaedic devises and special orthopaedic shoes;
- f) auxiliary resources (wheelchair, carriage etc.). This right refers also to covering the costs on their reparation.

(4) The list of materials, consumptions and resources for diminishing or compensating the consequences of health deficiencies caused by labour accidents or professional illnesses shall be approved by the Government, at the proposal by the National Office of Social Assurances.

[Art.10 modified by Law n0.330-XV dated on 07.10.04, in force since 29.10.04]

Article 11. Allowances for recovering the labour capacity

(1) Recovering the labour capacity of assured persons is fulfilled according to individual recovering programmes.

(2) Individual recovering programmes shall be established in dependence on the character of injuries and the illness's prognosis, on basis of recovering framework-programmes, worked out by the National Office of Social Assurances and approved by the Government.

(3) Individual recovering programmes shall be established by the medical expert of the assurance-provider with agreement of the assured person.

(4) Assured person has to observe the individual recovering programme.

(5) Medical treatment, in conformity with individual recovering programme, as well as lodging in medical institutions shall be supported by assurance-provider.

(6) Assurance-provider also has to cover the allowances provided for preventing the diminishing or lost of labour capacity and the necessity of permanent care.

(7) In framework of individual recovering programme, the medical expert of the assurance-provider establishes, according to the case, the type of necessary prosthesis and the programme for accommodation with respective prosthesis.

(8) Measures of setting the prosthesis have to assure, first of all, the possibility for professional reintegration, and if this is not possible - the uplifting the degree of self-assistance.

Article 12. Institutions of medical rehabilitation and recovery of labour capacity

Institutions that provide services of medical rehabilitation and recovering the labour capacity shall be established by assurance-provider.

Article 13. Allowances for professional rehabilitation

(1) Allowances for professional rehabilitation shall be provided by assurance-provider at the request of assured persons who did not lose fully the labour capacity, but who, due to a labour accident or a professional illness, cannot carry out any more the activity according to their qualification.

(2) Assurance-provider shall assume the expenditures for professional rehabilitation:

a) costs of the courses for qualification recovering or retraining;

b) payment of the indemnity during the courses for qualification recovering or retraining.

(3) Indemnity, for period of the courses for qualification recovering or retraining, is provided monthly and constitutes 70% of monthly salary of the assured person for the previous month to that when the labour accident occurred or the professional illness ascertained.

(4) Indemnity shall be provided only in case when the assured person does not benefit, in period of the courses for qualification recovering or retraining, from indemnity for temporary labour incapacity or pension for infirmity, provided according to the legislation.

(5) Indemnity shall be provided only with condition that the assured person observes the dispositions of assurance-provider concerning the following:

a) institution where the courses for qualification recovering or retraining shall be carried out;

b) training programme.

Article 14. Indemnity for temporary labour incapacity

(1) During the period of temporary labour incapacity caused by a labour accident or a professional illness, the assured persons benefit from indemnity.

(2) The quantum of indemnity for temporary labour incapacity constitute 100% of the average monthly provided salary of assured person during the last 6 months previous to the month when the labour accident occurred or the professional illness ascertained.

(3) Indemnity for temporary labour incapacity shall be paid for the first 20 calendar working days, calculated since the date of temporary lost of labour capacity, by the employer, from its own resources, and from the 21st day - by the territorial branches of the National Office of

Social Assurances, from the resources of the Fund of assurance for labour accidents and professional illnesses.

(4) Duration of providing the indemnity for temporary labour incapacity shall be till 180 days, in interval of a year, and shall be calculated from the first day of medical vacation.

(5) In situations well-grounded by the possibility for medical and professional recovery of the assured person, the physician in charge of the medical institution, established in conformity with provisions of Art.12 of this law, may propose, according to legislation, the prolongation of the medical vacation over 180 days, but not more than with 30 days.

(6) Medical expert of the assurance-provider decides, according to the case, the prolongation of medical vacation in order to continue the recovering programme, with maintaining the right to indemnity for temporary labour incapacity, resuming the activity at the same job place or at another one or proposes, in the way provided by the legislation, a degree of infirmity to be given.

(7) Indemnity for temporary labour incapacity caused by labour accidents or professional illnesses, shall be provided on basis of medical certificate, issued in conformity with the legislation, and documents on investigation of labour accident or assertion of professional illness, prepared by competent authorities.

(8) In situation when the assured person was given a grade of infirmity before the period of 180 days expired, the indemnity shall be provided until the day when the decision on appointment to a degree of infirmity was issued.

Article 15. Indemnity for temporary assignment to another job

(1) The right to indemnity for temporary assignment to another job pertains to the assured persons who, being temporary transferred to another job due to a labour accident or professional illness, have an assured salary which is less than the average monthly salary assured during the last 6 months previous to the month when labour accident occurred or professional illness ascertained.

(2) The quantum of indemnity for temporary assignment to another job constitutes the difference between the average monthly salary of the assured person during the last 6 months right before the month when the labour accident occurred or the professional illness was ascertained and the monthly-assured salary of the assured person at the new place of job.

(3) Indemnity for temporary assignment to another job shall be provided to the assured person, on basis of acts that confirm this assignment, for a period of maximum 90 days.

Article 16. Indemnity of infirmity

(1) Assured persons who, due to a labour accident or a professional illness, have lost, completely or at least 25%, the labour capacity have the right to an indemnity of infirmity that is provided monthly for all the period during which they benefit from the pension of infirmity from the public system of social assurances.

(2) The quantum of the indemnity of infirmity differs depending on the infirmity degree of the assured person, established according to the legislation.

(3) The quantum of the indemnity of infirmity for the assured person with I and II degrees of infirmity shall be determined as difference between $\frac{2}{3}$ of average monthly assured salary of the assured person during the last 6 months previous to the month when the accident occurred or the professional illness ascertained and the quantum of his / her infirmity pension established through the public system of social assurances.

(4) Average monthly assured salary fulfilled until 1st of January 1999 shall be determined by multiplying the individual coefficient of the assured person with average salary in the country for the year

previous to the year when the indemnity of infirmity was established. Individual coefficient of the assured person represents the ratio between average monthly salary in last 6 months previous to the month when the labour accident occurred or the professional illness ascertained and the average salary in the country in the same period.

(5) Quantum of the indemnity of infirmity for the assured person with III degree of infirmity shall be determined percentage like, from the indemnity established according to the para (3), according to the degree of reduction and the labour capacity.

(6) Appointment of another degree of infirmity shall condition the modification of the quantum of infirmity indemnity according to present degree of infirmity, and the renewal of infirmity degree shall condition recurrence to the quantum of infirmity indemnity previously established for the respective degree.

(7) The indemnity of infirmity shall be annually readjusted on 1st of April. The coefficient of readjustment shall constitute the average between annual increase of the value of consumption prices and the annual increase of the average salary in the country for previous year, determined as established by the Government.

(8) The degree of labour capacity reduction for providing the indemnity to the assured person with III degree of invalidity shall be established according to the legislation.

(9) The person liable to indemnity of infirmity for which there is a supposition of a recovery potential has the obligation to follow the individual recovery programme established by medical expert of the assurance-provider.

(10) Non-observance of individual recovery programme, due to unjustified reasons, shall be followed by ceasing of infirmity indemnity payment.

(11) For assured persons with III infirmity degree, the medical expert of the assurance-provider, depending on the results of recovery programmes, shall present, according to legislation, the proposal on:

- a) keeping the degree of labour capacity reduction; or
- b) changing the degree of labour capacity reduction.

(12) When there is ascertained a modification of the labour capacity following the accomplishment of the recovery programme, the medical expert of the assurance-provider may propose, according to legislation, the revision of the infirmity degree.

(13) If the medical investigation, following the accomplishment of recovery programme, ascertains that there is need of additional recovery measures for professional reintegration, the assurance-provider has to assure the appropriate allowances.

[Art.16 modified by the Law no.330-XV dated on 07.10.04, in force since 29.10.04]

[Art.16 modified by the Law no.645-XV dated on 16.11.2001]

Article 17. Providing the indemnity for infirmity

(1) The indemnity of infirmity is provided at the request of eligible person.

(2) The request accompanied by the decision on appointment to an infirmity degree and the decision of pensioning, issued according to legislation, shall be submitted to the assurance-provider.

(3) In a period up to 30 days from the date when the request was submitted, the assurance-provider prepares the dossier for providing the indemnity of infirmity, which shall encompass:

- a) documents of investigation on the labour accident or on assertion of the professional illness, prepared by appropriate authorities;
- b) decision on appointment to an infirmity degree;
- c) decision on pensioning;
- d) declaration of the employer on the average monthly assured salary of the assured person in the last 6 months previous to the month when the labour accident occurred or the professional illness ascertained;
- e) proposal by the medical expert of the assurance-provider regarding the degree of the labour capacity reduction, for the assured person with III degree of infirmity;

f) quantum of the infirmity indemnity for which is eligible the assured person.

(4) Non-appearance at the medical investigation shall be followed by rejection of the request on granting the indemnity of infirmity.

(5) Granting the indemnity of infirmity or rejecting the request on granting the indemnity of infirmity shall be made through the decision of the assurance-provider' leadership in period up to 45 days from the date when the request was submitted.

(6) Decision on granting the indemnity of infirmity or on rejecting the request on granting the indemnity of infirmity shall be communicated in written form to the solicitor in period up to 5 days from the date of its adoption and it shall encompass fact-based and legal reasons according to which the request is accepted or rejected.

Article 18. Indemnity in case of death

(1) In case of the death of the assured person, due to a labour accident or a professional illness, the following person shall benefit from the indemnity in case of death:

a) children of the assured person who, at the moment of his / her death:

- reached the age less than 18 years old or reached this age, but without exceeding the age of 23, if they continue their studies in the secondary, secondary-professional and high educational institutions, day courses;

- are appointed an infirmity degree, regardless of the age;

b) spouse of the assured person, who at the moment of his / her death:

- is appointed an infirmity degree;

- reached the pensioning age;

c) spouse or one of the parents of the dead assured person, or another person who, at the moment of death of the assured one, does not work and takes care about the children of the assured person under the age of 3 years old.

(2) Indemnity in case of death is provided only once, in a fixed amount, according to the number and category of the persons under the maintenance of the assured one as follows:

a) for children under the age of 18 years old or over it, without exceeding the age of 23 years, if they continue their studies in the secondary, secondary-professional and high educational institutions, day courses, or for disabled children, regardless of age:

- equivalent of 5 salaries, calculated as an average of monthly assured salary of the dead assured person during the last 6 months previous to the month when the labour accident occurred or professional illness was ascertained, but not less than 5 average monthly salaries in economy in the year previous to that when the assured case occurred, for one child;

- equivalent of 8 salaries, calculated as an average of monthly assured salary of the dead assured person during the last 6 months previous to the month when the labour accident occurred or professional illness was ascertained, but not less than 8 average monthly salaries in economy in the year previous to that when the assured case occurred, for two children;

- equivalent of 12 salaries, calculated as an average of monthly assured salary of the dead assured person during the last 6 months previous to the month when the labour accident occurred or professional illness was ascertained, but not less than 12 average monthly salaries in economy in the year previous to that when the assured case occurred, for three or more children;

b) for the spouse of the assured person who, at the moment of his / her death, is appointed an infirmity degree or reached the pensioning age - equivalent of 3 salaries, calculated as an average of monthly assured salary of the dead assured person during the last 6 months previous to the month when the labour accident occurred or professional

illness was ascertained, but not less than 3 average monthly salaries in economy in the year previous to that when the assured case occurred;

c) for the spouse or of the parents of the dead assured person, or another person who, at the moment of death of assured one, does not work and take care about the children of assured person under the age of 3 years - equivalent of 3 salaries, calculated as an average of monthly assured salary of the dead assured person during the last 6 months previous to the month when the labour accident occurred or professional illness was ascertained, but not less than 3 average monthly salaries in economy in the year previous to that when the assured case occurred.

(3) The person who is eligible in several of situations mentioned in para (2) of this Article shall benefit from the indemnity established just for one of these situations.

(4) The total amount of provided indemnities cannot exceed the equivalent of 24 average monthly salaries in economy.

(5) In situation when the total amount of indemnities in case of death exceed the limit provided for in para (4) of this Article, the indemnity provided to each eligible person shall be proportionally reduced.

(6) The indemnity provided to the victim's children shall not be reduced.

Article 19. Providing the indemnity in case of death

(1) The request on granting the indemnity in case of death shall be submitted to the assurance-provider. The request should be accompanied by:

- a) documents regarding the investigation of the labour accident or asserting the professional illness, prepared by competent authorities;
- b) assured one's death certificate, issued by a competent authority;
- c) other acts proving the eligibility of the solicitor, according to legislation.

(2) Granting the indemnity in case of death or rejecting the request on granting such an indemnity shall be made through the decision of the assurance-provider's leadership in period up to 45 days from the date when the request was submitted.

(3) Decision on granting the indemnity in case of death or on rejecting the request on granting such an indemnity shall be communicated in written form to the solicitor in period up to 5 days from the date of its adoption.

Article 20. Payment of the indemnity for temporary assignment to another job, the indemnity for infirmity and the indemnity in case of death and supporting the expenditures for allowances of assurances

(1) Payment of the indemnity for temporary assignment to another job, the indemnity for infirmity and the indemnity in case of death and supporting the expenditures for allowances of assurances shall be carried out by territorial branches of the National Office of Social Assurances from the resources of the Fund of assurance for labour accidents and professional illness.

(2) Payment of the indemnity in case of death shall be made in up to 15 days from the moment the decision on granting the indemnity was communicated.

(3) The way of payment of the indemnity of infirmity and the way of reimbursing the expenditures for allowances of assurance shall be approved by the Government at the proposal made by the National Office of Social Assurances.

Chapter III

PREVENTION OF LABOUR ACCIDENTS AND PROFESSIONAL ILLNESSES

Article 21. Responsibilities and obligations of employers and employees

(1) Employers are responsible for creating security and hygienic conditions at working places according to legislation.

(2) Employers have the obligation:

a) to apply labour security and hygienic measures for preventing the labour accidents and professional illnesses, in order to eliminate the risk factors;

b) to assure the employees' familiarisation, their participation in preparation, adoption and application of the measures on preventing the labour accidents and professional illnesses;

c) to provide any information requested by assurance-provider concerning the risk factors and working places.

(3) Employees have the obligation to know and observe the measures taken by the employers for preventing the labour accidents and professional illnesses.

(4) For carrying out the preventive measures, the wage-earners do not support any expenditures.

(5) Employees have the right to notify the assurance-provider if the employer does not take any preventive measures, without suffering from some consequences on them.

Article 22. Promoting and stimulating the activity on preventing the labour accidents and professional illnesses

Assurance-provider has the task to promote and stimulate, by increasing or reducing the contributions of assurance and through other legal forms, the activity on preventing the labour accidents and professional illnesses, aiming at:

a) maintaining the physical and psychical integrity of assured persons;

b) improving the working conditions;

c) eliminating or reducing the risk of occurrence for assured case.

Article 23. Investigating the labour accidents and the reasons of professional illnesses

Investigating the labour accidents and the reasons of professional illnesses shall be accomplished in the manner established by the Government.

[Art.23 modified through Law no.645-XV dated on 16.11.2001]

[Chap. excluded by Law no.330-XV dated on 07.10.04, in force since 29.10.04]

[the rest - recounted]

Chapter IV

CONTRIBUTIONS OF OBLIGATORY STATE SOCIAL ASSURANCES

[Naming version by the Law no.330-XV dated on 07.10.04, in force since 29.10.04]

Article 24. Contributors

According to present law, contributors are the employers.

Article 25. Contribution of assurance

(1) The quantum of the contribution of assurance shall be established annually, by the Law on the budget of state social assurances, at the proposal made by the National Office of Social Assurances.

(2) The quantum of the contribution of assurance shall be determined differentially, depending on working conditions (normal, particular or special) of assured persons.

(3) The value of increase or reduction of the contribution of assurance depends on:

a) number of labour accidents and professional illnesses - for a period of reference;

b) gravity of consequences of the labour accidents and professional illnesses;

c) volume of expenditures for allowances and indemnities of assurance.

Article 26. Calculation and payment of the contribution of assurance

(1) Calculation and payment of the contribution of assurance shall be made monthly by the employer. The calculation basis for contribution shall be the total fund of monthly salaries of assured persons.

(2) Terms of payment of the contributions of assurance shall be those provided for by the legislation.

Article 27. Raising, keeping and controlling the payment of the contributions of assurance

Raising, keeping and controlling the payment of the contributions of assurance shall be made as provided by the legislation.

Chapter V

RESOURCES OF THE FUND OF ASSURANCE FOR
LABOUR ACCIDENTS AND PROFESSIONAL ILLNESSES

Article 28. Resources of the Fund of assurance for labour accidents and professional illnesses

(1) Resources of the Fund of assurance for labour accidents and professional illnesses constitute the financial resources accumulated from the contributions of state social assurances in the quantum established by the Law on the budget of state social assurances, are component part of this budget, encompass incomes, expenditures and results of the fund's financial activity.

(2) Resources of the Fund of assurance for labour accidents and professional illnesses shall be kept on an sub-account of the National Office of Social Assurances.

Article 29. Incomes of the Fund of assurance for labour accidents and professional illnesses

Incomes of the Fund of assurance for labour accidents and professional illnesses shall be consists of:

- a) contributions from employers;
- b) revenues, increases for delay in paying the assurance contributions.

Article 30. Expenditures of the Fund of assurance for labour accidents and professional illnesses

(1) Expenditures of the Fund of assurance for labour accidents and professional illnesses shall consist of:

- a) expenditures needed to cover the equivalent value of allowances and the payment of indemnities for assurance of labour accidents and professional illnesses;
- b) expenditures for organisation and functioning of the assurance system for labour accidents and professional illnesses;
- c) expenditures for paying the equivalent value of the national programmes and projects for preventing the labour accidents and professional illnesses.

(2) The National Office of Social Assurances shall assure the transparency of expenditures of the Fund of assurance for labour accidents and professional illnesses.

Article 31. Annual surplus and deficit of the resources of the Fund of assurance for labour accidents and professional illnesses

(1) The annual surplus of the Fund of assurance for labour accidents and professional illnesses shall be used during the next year according to the provisions of the legislation.

(2) The deficit of the Fund of assurance for labour accidents and professional illnesses shall be covered by:

- a) the availabilities of the fund from the previous years;
- b) the budget of state social assurances.

Chapter VI
FINAL AND TRANSITORY PROVISIONS

Article 32. Legal responsibility

Non-observance of the provisions of the present law shall be followed by the responsibility provided for by the legislation.

Article 33. Contesting the decisions of the assurance-provider

The decisions of assurance-provider may be contested in judicial instances. Till the decision of judicial instances is not taken, the decision of assurance-provider cannot be suspended.

Article 34. Indemnifications established till this law entered into force

Indemnifications for labour accidents and professional illnesses, established till this law entered into force, shall be kept in the established quantum and shall be paid by the enterprises, institutions and organisations, culpable in occurrence of the labour accident or the professional illness, or by their successors, and in their absence - by the territorial branches of the National Office of Social Assurances from the resources of the state budget according to the provisions of the Law no.625-XII dated on 2nd of July 1991 on labour protection and the Law no.278-XIV dated on 11th of February 1999 on way of recalculation of the compensation for the damage caused to employees because of mutilation or other injuries for the health during when carrying out the job-duties.

[Art.37 in version of the Law no.645-XV dated on 16.11.2001]

Article 35. Entering into force. Government's duties

(1) This law enters into force in 6 months after being published.

(2) Government, during 6 months from the date when this law is published:

a) shall present to the Parliament proposals in order to adjust the legislation in compliance with the present law;

b) shall adjust its normative acts in compliance with the present law;

c) shall adopt normative acts that will assure the fulfilment of the present law.

CHAIRMAN
OF THE PARLIAMENT

Dumitru DIACOV

Chişinău, 24th of December 1999.
No. 756-XIV.