

NEWSLETTER
Issue No. 77
Romanian legal developments enacted
between
April 1, 2007 to April 30, 2007

BANKING LAW

- *Rule No. 8/2007 of National Bank of Romania (Rom. “Circulara Nr. 8/2007”) regarding the reference interest rate of National Bank of Romania for April 2007 was published with the Official Gazette of Romania No. 240 of April 6, 2007 (“Rule 8/2007”)*

Rule 8/2007 entered into force on April 6, 2007. The reference interest rate established by National Bank of Romania for April 2007 is of 8.00% per year.

CRIMINAL PROCEDURE

- *Law No. 79/2007 amending the provisions of art. 28¹ paragraph 1 item b) of Romanian Criminal Procedure Code was published with the Official Gazette of Romania No. 225 of April 2, 2007 (“Law 79/2007”)*

Law 79/2007 entered into force in three day as of its publication, i.e. on April 5, 2007.

Under the provisions of Law 79/2007, the Appeal Courts shall judge as first instance courts the offences committed by judges and/or prosecutors performing their activity before first instance courts, tribunals or prosecutors offices, as well as the offences committed by attorneys at law, notaries public, officers of the court and financial controllers of the Court of Public Accounts.

PUBLIC AUTHORITY

- *Government Resolution No. 250/2007 (“GR 250/2007”) approving the Unitary Implementation Norms of Law No. 10/2001 on the legal regime of real estates abusively taken over between March 6, 1945 and December 22, 1989 (“Law No. 10/2001”)*

GR 250/2007 was published with the Official Gazette of Romania No. 227 of April 3, 2007, and entered into force on April 3, 2007.

GR 250/2007 provides for: i) the applicable rules as regards the settlement of notifications filed based on the provisions of Law No. 10/2001; ii) implementation norms regarding each of the provisions of Law 10/2001; iii) measures to be taken by each authority having competence under Law 10/2001.

- *Law No. 91/2007 amending and supplementing the provisions of Government Ordinance No. 75/2001 on organization and operation of tax offences record (“Law 91/2007”)*

Law 91/2007 was published with the Official Gazette of Romania No. 264 of April 19, 2007, and entered into force on April 22, 2007.

In compliance with the provisions of Law 91/2007, a tax offence record shall be issued, upon request, as follows: i) within 10 business days, with the applicant to pay Ron 5 fee (approx. 1.6 EUR); ii) in case of urgency, within 2 business days, with the applicant to pay Ron 100 fee (approx. 30 EUR).

- *Law No. 82/2007 amending the provisions of Art. 26 paragraph 1 of Emergency Government Ordinance No. 190/2000 on the legal regime of precious metals and stones in Romania (“Law 82/2007”)*

Law 82/2007 was published with the Official Gazette of Romania No. 235 of April 4, 2007, and entered into force on April 7, 2007.

Under Law 82/2007 individuals and/or legal entities abusively de-possessed of precious stones and metals may claim restitution from Romanian state.

Law 82/2007 establishes that the restitution claim shall be filed until December 31, 2009 with the competent court of justice afferent to claimant’s domicile or headquarters.

FISCAL LAW

- *Emergency Government Ordinance No. 22/2007 amending and supplementing the provisions of Art. 157 of Law No. 571/2003-Fiscal Code (“EGO 22/2007”) was published with the Official Gazette of Romania No. 230 of April 3, 2007.*

EGO 22/2007 entered into force on April 3, 2007.

Under the provisions of EGO 22/2007, between April 15, 2007 and December 31, 2008, no VAT payment shall be performed with the customs bodies by VAT paying entities, that obtained a certificate for VAT payment postponement.

EGO 22/2007 establishes that as of January 1, 2009, no VAT payment shall be performed with the customs bodies by VAT paying entities.

EGO 22/2007 also provides that as of April 15, 2007, inclusively, for tax-exempt imports, VAT shall be bailed with the customs bodies under the terms provided by Minister of Public Finance.

SOCIAL SECURITY

- *Government Resolution No. 268/2007 (“GR 268/2007”) approving the Implementation Norms of Law No. 448/2006 on protection and promotion of disabled people’s rights (“Law 448/2007”)*

GR 268/2007 was published with the Official Gazette of Romania No. 233 of April 4, 2007 and entered into force on April 4, 2007.

GR 268/2007 provides that the provisions of Law No. 448/2007 are applicable to: i) children holding a disable certificate issued under a decision of the Commission for children’s protection; ii) adults holding a disable certificate issued by the commission of evaluation for disabled adults or, as applicable, a decision issued by the higher evaluation Commission for disabled adults.

GR 268/2007 provides for rights of disabled people, such as the right to: health and recovery, training and education, accommodation, legal assistance and facilities. The act provides also for social services to which disabled people are entitled.

NOTE: In connection to this newsletter, readers may address questions to its authors at marius.petroiu@lp-legal.com, or crisrina.voevodschi@lp-legal.com, on behalf of Pachiu&Associates.

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