



12-18 November 2007

**762/November 09, 2007**

*National Bank of Romania Rule No. 28/2007 regarding the National Bank of Romania reference interest rate for the month of November 2007*

National Bank of Romania reference interest rate for the month of November shall be 7.00% per year.

**Enters into force:  
9.11.2007**

**Special points of interest:**

- REFERENCE INTEREST RATE
- DUTY FREE REGIME
- ABUSIVELY TAKEN REAL ESTATES
- LABOR LITIGATION
- PUBLIC PROCUREMENT AGREEMENTS

**762/November 09, 2007**

*Order no. 1946/2007 of the minister of economy and finances for the amendment and supplementing of Order no. 1379/2002 of the minister of public finances regarding the approval of the Rules regarding organization, functioning and customs control of commodity trading under duty free regime as well as of Order of the minister of economy and finances no. 416/2007 regarding the establishment of the Commission responsible for the authorization of traders of products subject to excise tax.*

It provides that commodities are commercialized under duty free regime based on a duty free authorization or based on a diplomatic duty free authorization, as the case may be. Such document shall be issued by the central tax authority through the special commission established in this purpose with the Ministry of Economy and Finances. The commission shall authorize the retailers that shall trade products subject to excise tax. Words as "duty-free stores", "diplomatic duty-free stores", "duty free commodities", "operators", "buyers", "checking customs office", "authorization", "tax electronic cash register", "airplanes that perform extra European routes" are defined.

**Enters into force:  
9.11.2007**

excepting the provisions of item 43 of the Rules on organizing, functioning and customs control of commodity trading under duty free regime which shall enter into force starting from January 15, 2008.



12-18 November 2007

## 764/November 12, 2007

### *Decision no. XV of February 5, 2007 of The High Court of Cassation and Justice*

The High Court of Cassation and Justice admitted the plea of nullity for the preservation of the law filed by the Public Prosecutor's Office attached to the High Court of Cassation and Justice and decided that: The first court is competent to solve in first instance the claim against the enforcement and the claim that is aiming to explain the meaning, the domain and the enforcement of the enforceable title which is not issued by an jurisdictional body; The commercial court or the jurisdictional body that pronounced the enforceable resolution is competent to solve the claim regarding the meaning, the domain and the enforcement of the enforceable title represented by a commercial court resolution or by another commercial title.

Enters into force:  
12.11.2007

## 764/November 12, 2007.

### *Decision No. XX of March 19, 2007 of the High Court of Cassation and Justice*

The High Court of Cassation and Justice admitted the plea of nullity for the preservation of the law filed by the Public Prosecutor's Office attached to the High Court of Cassation and Justice and decided that when enforcing the provision of art. 26 alin 3 of Law no 10/2001 regarding the legal regime of abusively taken over real estates between March 6, 1945 and December 22, 1989, the court of justice is entitled to solve in substance both (i) the appeal filed against the decision by which the claim aiming to the restitution in kind of the real estates abusively taken has been overruled and (ii) the claim of the entitled person in case of an unjustified refusal of the entity possessing the real estate to answer to the notification filed by the interested person

Enters into force:  
12.11.2007



12-18 November 2007

## 764/November 12, 2007.

### *Decision No. XXXVIII of May 7, 2007 of the High Court of Cassation and Justice*

The High Court of Cassation and Justice admitted the plea of nullity for the preservation of the law filed by the Public Prosecutor's Office attached to the High Court of Cassation and Justice and decided that the provisions of art. 720 item 8 of the Code for Civil Procedure have the following meaning: first instance resolutions given in the commercial litigation and claims are enforceable as of right and consequently there is no need to request summary judgment in order to enforce it.

Enters into force:  
12.11.2007

## 763/November 12, 2007

### *Decision No. XL of May 7, 2007 of the High Court of Cassation and Justice*

The High Court of Cassation and Justice admitted the plea of nullity for the preservation of the law filed by the Public Prosecutor's Office attached to the High Court of Cassation and Justice and decided that according to the provisions of art. 269 alin. 1 of Labor Code in case of labor litigation employees are entitled to moral compensation only if the law, the collective labor agreement or the individual labor agreement contain express provisions in this regard.

Enters into force:  
12.11.2007

## 769/November 13, 2007

### *Decision No. LIII of June 4, 2007 of the High Court of Cassation and Justice*

The High Court of Cassation and Justice admitted the plea of nullity for the preservation of the law filed by the Public Prosecutor's Office attached to the High Court of Cassation and Justice and decided that the provisions of art. 35 of Law no. 33/1994 regarding the compulsory purchase by the state (i.e "in case the compulsory purchased real estates have not been used within a year term for the scope envisaged at the take over moment and if a new public utility declaration has not been made, former owners are entitled to claim its restitution") do not apply with regard to the claims having as object the real estates taken over between March 6, 1945-December 22, 1989 filed after Law's No. 10/2001 entering into force.

Enters into force:  
13.11.2007



12-18 November 2007

## 772/November 14, 2007

### *Decision No. XXXII of April 16, 2007 of the High Court of Cassation and Justice*

The High Court of Cassation and Justice admitted the plea of nullity for the preservation of the law filed by the Public Prosecutor's Office attached to the High Court of Cassation and Justice and decided that in the process of implementing the provisions of Government Ordinance No. 105/1999 on granting some rights in favor of the persons persecuted by the political regimes existing in Romania between September 6, 1940 and March 6, 1945 on ethnical grounds the resolution of the Commission enforcing the Government Ordinance no. 105/1999 may be contested by the competent administrative court, within 30 days as of its communication.

Enters into force:  
14.11.2007

## 772/November 14, 2007

### *Decision No. XXXIII of April 16, 2007 of the High Court of Cassation and Justice*

The High Court of Cassation and Justice admitted the plea of nullity for the preservation of the law filed by the Public Prosecutor's Office attached to the High Court of Cassation and Justice and decided that in the process of implementing the provisions of art. 299 alin.1 of Romanian Code for Civil Procedure the court resolutions passed by the appeal courts totally or partially annulling the followed procedure and the appealed resolution and withheld for re examining may be contested only by means of second appeal.

Enters into force:  
14.11.2007

## 776/November 15, 2007

### *Government Emergency Ordinance No. 129/2007*

It is established that the following agreements are subject to the verifying of procedural aspects with regard the assignment process of the following agreements: i) works agreements and public works concession agreements amounting to an estimated value of EUR 500,000, VAT not included; ii) services agreements and services concession agreements amounting to an estimated value of EUR 75,000 VAT not included; iii) supply agreements amounting to an estimated value of EUR 75,000 VAT not included; iv) frame-agreements concluded for the assignment of the agreements mentioned under items i)-iii).

Enters into force:  
15.11.2007

*Pachiu & Associates is a Romanian registered Law firm. All attorneys are members of the Bucharest Bar and National Union of Lawyers. This document is an update of recent legal developments in Romania and is designed solely for the purpose of information. No part of this newsletter may be reproduced without prior written approval of the authors. It is a breach of law to proceed otherwise and might lead to civil, criminal and administrative liability. The readers are advised to seek advise from a qualified attorney when taking decisions based on the content of this document. Pachiu & Associates undertakes no liability regarding the business or legal decisions based on the content of this newsletter.*