

# Legal Bulletin

April - May 2010

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## Banking Law

### 1 Legal amendments to the bankruptcy proceedings concerning credit institutions

Name of the enactment

Government Emergency Ordinance No. 37/2010 ("GEO No. 37/2010") amending and supplementing Government Ordinance No. 10/2004 on credit institution bankruptcy

Publication

Official Gazette of Romania, Part I, No. 278 of 28 April 2010

Entry into force

28 April 2010

Connections with other enactments

Government Ordinance No. 10/2004 on credit institution bankruptcy, as amended and supplemented

Main provisions

The main role of this amendment is to correlate the provisions in the field of credit institution bankruptcy with the general provisions in the field of insolvency, as regulated by Law No. 85/2006.

In addition to the above, GEO No. 37/2010 inserts certain procedural provisions, such as: the term of submitting the final appeal against the decision to initiate the bankruptcy proceedings against a credit institution shall be of 5 days from its notification, and the final appeal shall be scheduled for a hearing within 48 hours from registration, and shall be judged urgently, without suspension of execution.

Furthermore, GEO No. 37/2010 includes certain provisions increasing the involvement of the National Bank of Romania ("NBR") in the insolvency proceedings against credit institutions; thus, NBR shall be granted a decision-making right over certain issues, such as:

- The application for the initiation of the proceedings filed by the credit institution or its creditors shall have to be accompanied by the prior approval of NBR, which may oppose to the initiation of the proceedings when it deems that the concerned credit institution is not undergoing insolvency. To this end, NBR's decision shall be accompanied by a presentation of grounds and may be challenged in court;
- The debtor credit institution shall request NBR's prior approval

within maximum 10 days from the occurrence of insolvency, and NBR shall issue its decision within 10 days from the receipt thereof;

- The application for the initiation of insolvency shall have to be submitted with the court within 10 days from the receipt of NBR's prior approval with respect to the initiation of the proceedings;
- In case of negotiations for a deal involving a purchase of assets or undertaking of liabilities throughout the winding-up of the credit institution, NBR, and not the liquidator shall assess the eligibility of potential credit institution purchasers;
- NBR shall express in advance its consent with respect to the selection of the offer for the deal involving a purchase of assets or undertaking of liabilities.

In addition, please note that the order of priority at the payment of receivables was amended, so as to give priority to receivables arising from secured deposits, including those of the Fund securing deposits in the banking system, receivables arising from debtor's activity subsequent to the initiation of the proceedings, and budgetary receivables, receivables of the Fund securing deposits in the banking system and NBR arising from loans given to the debtor institution, over any other categories of receivables, except for the amounts related to the bankruptcy proceedings.

## **2 Legal amendments to the general regime of credit institutions**

Name of the enactment	Emergency Ordinance No. 26/2010 ("GEO No. 26/2010") amending and supplementing Government Emergency Ordinance No. 99/2006 on credit institutions and capital adequacy, and other enactments
Publication	Official Gazette of Romania, Part I, No. 208 of 1 April 2010
Entry into force	1 April 2010, except for certain provisions which shall come into force on 31 October 2010 and on 30 April 2011
Connections with other enactments	Amends the following enactments: <ul style="list-style-type: none"><li>• Government Emergency Ordinance No. 99/2006 on credit institutions and capital adequacy;</li><li>• Law No. 656/2002 preventing and sanctioning money laundering, and implementing certain measures for the prevention and fight against acts of terrorism;</li></ul>

Connections with the  
Community legislation

- Government Decision No. 594/2008 approving the Regulation for the Enforcement of Law No. 656/2002 preventing and sanctioning money laundering, and implementing certain measures for the prevention and fight against acts of terrorism.
- Directive 2001/24/EC of the European Parliament and of the Council of 4 April 2001 on the reorganization and winding up of credit institutions;
- Directive No. 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions, amending Directives Nos. 2005/60/EC and 2006/48/CE and repealing Directive No. 2000/46/EC;
- Directive No. 2009/111/EC of the European Parliament and of the Council of 16 September 2009 amending Directives Nos. 2006/48/EC, 2006/49/EC and 2007/64/EC as regards banks affiliated to central institutions, certain own funds items, large exposures, supervisory arrangements, and crisis management;
- Directive No. 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending directives Nos. 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive No 97/5/EC.

Main provisions

The main scope of this amendment is to set the basis for the establishment of credit institutions with proper capital, whose shareholders have the proper financial capacity, materializing in the correlation of the provisions applicable to credit institutions with the provisions applicable in the European Community, and with the national legislation in the field of payment services.

First, GEO No. 26/2010 draws a line between the banking law and the institutions issuing electronic money – recently regulated as payment institutions in a separate enactment.

In addition, the credit institutions shall gain the capacity of providing payment services, in accordance with GEO No. 113/2009, issuing and managing any other payments means, and issuing electronic money.

New provisions were inserted with respect to NBR's powers regarding the supervision of the branches pertaining to the Romanian credit institutions, to

increase cooperation at the European level in the field of credit institution supervision. In addition, NBR gained new powers as a consolidating supervisory authority.

All such new powers were vested in NBR to enable the latter to monitor and control emergency or crisis situations to a greater extent, so as to secure a stability of the financial system.

In connection with the breaches by a credit institution of the banking law provisions, a new measure may be requested, *i.e.* preparation of a reorganization plan including any of the measures already provided under Art. 226 of GEO No. 99/2006.

Also, changes were made to the situations in which NBR may institute the special administration in a credit institution, and the additional measures which BNR may take in such cases (e.g., withdrawal of approvals from persons in charge with the administration and management of the credit institution, suspension of the right to vote of the shareholders holding qualified participation interests, etc.).

Furthermore, the legal regime provided for the special administration of a credit institution is fully amended, including with respect to the branches thereof, opened in any foreign country. To this end, the relevant section regulates the following matters:

- Initiation and term of the special administration;
- Appointment and change of the special administrator by NBR;
- Termination of the mandates of directors, managers or, as the case may be, members of the board of directors or management committee;
- Powers of the special administrator and turnaround measures the latter may adopt;
- Reports of the administrator to NBR and effects thereof;
- Means to challenge the special administration measures.

The amendments of Law No. 656/2002 refers to:

- Definition of the financial institution, so as to include the providers of postal services supplying payment services, and the providers of foreign exchange currency services; and
- Supervision by the National Office for Prevention and Control of

Money Laundering of the providers of postal services supplying payment services.

The Regulation for the Enforcement of Law No. 656/2002 shall be correlated with the provisions of the legislation on payment institutions, and with the new amendments brought to the above mentioned Law, with respect to providers of postal services supplying payment services and the providers of foreign exchange currency services.

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## Corporate Law

Name of the enactment

Government Emergency Ordinance No. 43/2010 amending certain enactments in order to reduce or simplify, from an administrative standpoint, certain permits/endorsements/proceedings as a result of the measures undertaken by the Government of Romania under the Simplification Plan related to the Memorandum of Understanding between the European Community and Romania, executed in Bucharest and Brussels on 23 June 2009 (the “**Ordinance**”)

Publication

Official Gazette of Romania, Part I, No. 316 of 13 May 2010

Entry into force

13 May 2010

Connections with other enactments

Companies Law No. 31/1990 (“**Law No. 31/1990**”).

Main provisions

The Ordinance brings significant amendments to the provisions of art. 260 of Law No. 31/1990 regarding the companies winding-up proceedings and details the obligations of the liquidators appointed to manage such proceedings.

Liquidators shall be appointed within 30 days from dissolution and, within 60 from such date, they shall file a report on the economic status of the company undergoing winding-up with the Trade Registry in order to be noted therein.

If the debtor company complies with the conditions for the initiation of the simplified insolvency proceedings, the liquidator shall have the obligation to request the initiation of such proceedings within 15 days from the submission of such report.

Within 6 months from appointment, the liquidator must file a report on the status of the winding-up operations with the Trade Registry.

The winding-up proceedings completion term shall be reduced from 3 years to 1 year, subject to a 6-month extension, without exceeding an aggregate term of 24

months.

Upon the completion of the winding-up proceedings, the liquidator must file a new report accompanied, if applicable, with the proposal to extend the winding-up term with the Trade Registry in order to be noted therein.

Within 15 days from the completion of the winding-up proceedings, the liquidator shall file the application for the deregistration of the company with the Trade Registry. Failure to file such application shall be punished by a judiciary fine of RON 200 per day of delay.

The sanction for the failure to file the activity reports and to notify the insolvency state shall be deemed a misdemeanor and shall be punished by a fine ranging from RON 50 to RON 100. The director of the Trade Registry and/or the person(s) appointed by the general director of the National Office of the Trade Registry shall establish the misdemeanors and enforce punishments, *ex officio*, or at the notification of a party showing an interest.

Also, the Ordinance regulates the situation of the dissolved companies for which no application appointing the liquidator, or an application for deregistration is filed within the legal term provided for the completion of the winding-up proceedings. In such cases, deregistration shall be ordered by the relevant commercial tribunal and shall be carried out *ex officio* by the Trade Registry.

As to the applicability of the amendments brought to Law No. 31/1990, the Ordinance provides that the new provisions shall also be applied to companies undergoing winding-up proceedings upon the entry into force of the Ordinance, and the mandatory terms shall start running in the case of such companies from the entry into force of the Ordinance. Furthermore, companies which, upon the entry into force of the Ordinance are undergoing dissolution or winding-up proceedings for more than 3 years, and 5 years, respectively, if the term was extended, shall be *ex officio* deregistered from the Trade Registry.

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## Employment and Social Security Law

Name of the enactment

Government Emergency Ordinance No. 36/2010 amending and supplementing Government Emergency Ordinance No. 158/2005 on leaves and health insurance social indemnities (“**GEO No. 36/2010**”)

Publication

Official Gazette of Romania, Part I, No. 268 of 26 April 2010

Entry into force	26 April 2010
Connections with other enactments	Government Emergency Ordinance No. 158/2005 on leaves and health insurance social indemnities (" <b>GEO No. 158/2005</b> ")
Main provisions	GEO No. 36/2010 brought a series of amendments to the legislation on granting leaves and health insurance social indemnities. Thus, a series of additional conditions on granting such leaves and indemnities were inserted, <i>i.e.</i> :

- A minimum subscription period has to lapse;
- The applicant has to submit evidence issued by the indemnity payer and attesting the number of medical leave days with temporary incapacity to work he/she was awarded in the latest 12 months;
- The applicant has to remain within the limits of his/her domicile for the period of the leave with temporary incapacity to work for verification purposes, which verifications are to be performed by the representatives of the health social security payers.

As to the subscription period, GEO No. 36/2010 provides that the periods in which the insured benefited from leave and indemnity to raise the child aged up to 2 years, or, in case of disabled children of up to three years, or aged between 3 to 7 years, respectively shall be considered as period of subscription to the health insurance social system.

The new provisions of GEO No. 36/2010 reduced the period in which insured persons have the possibility to request payment of health insurance social indemnities from 3 years to 90 days, computed starting with the date when the beneficiary was entitled to request such indemnities.

In addition, the newly-adopted enactment hardened the punishments applicable in case the legal provisions on granting medical leave certificates are breached. Thus, doctors prescribing medical leave certificates in breach of the legal provisions in force shall be charged with minor offense and punished with fine ranging from RON 2,500 to RON 10,000.

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## Intellectual Property

Name of the enactment	Law No. 66/2010 amending and supplementing Law No. 84/1998 on trademarks and geographical indications (" <b>Law No. 66/2010</b> ")
Publication	Official Gazette of Romania, Part I, No. 226 of 9 April 2010



Entry into force	9 May 2010
Connections with other enactments	<ul style="list-style-type: none"><li>• Regulation for the enforcement of Law No. 84/1998 on trademarks and geographical indications, as approved by Government Decision No. 833/1998;</li><li>• Government Ordinance No. 41/1998 on taxes in the field of industrial property protection and use regime.</li></ul>
Connections with the Community legislation	<ul style="list-style-type: none"><li>• Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark, published in Official Journal of the European Union Series L No. 78 of 24 March 2009;</li><li>• Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trademarks (codified version), published in Official Journal of the European Union Series L No. 299 of 8 November 2008 ("<b>Directive 2008/95/EC</b>").</li></ul>
Main provisions	<p>Law No. 66/2010 amending and supplementing Law No. 84/1998 on trademarks and geographical indications was passed to harmonize national regulations to the Community norms and protection in the field of trademarks by way of transposing the provisions of Directive 2008/95/EC.</p> <p>Law No. 66/2010 improves the terminology used in Law No. 84/1998, by:</p> <ul style="list-style-type: none"><li>- Redefining major terms such as: trademark, trademark registration, earlier mark, certification mark, well-known mark or geographical indication;</li><li>- Defining certain new terms such as: trademarks registry, geographical indications registry, enterprise.</li></ul> <p>At the same time, Law No. 66/2010 improves the administrative procedure of examining trademarks applications, as follows:</p> <ul style="list-style-type: none"><li>- Introducing the procedure of "publication of the trademark application" after maximum 7 days from the submission of the application for registration. Within 2 months from the publication of the application for registration of the trademark, any interested person may formulate comments with respect to the application for registration of the trademark for absolute refusal reasons, and oppositions to the registration of the trademark for relative refusal</li></ul>

reasons;

- Correlating the procedure of “opposition” with the procedure of “publication of the trademark application”. Thus, at the request of the applicant, the holder of the mark that formulated the opposition shall provide the State Office for Inventions and Trademarks with evidence attesting to the fact that:
  - o During the 5-year period preceding the publication of the mark with respect to which the opposition was filed, the earlier mark was actually used on the territory of Romania for the products and services for which such was registered;
  - o There are justified reasons not to use the mark with respect to which an opposition was filed.
- Introducing the procedure of “*observation*”, as a possibility to protect third party rights by opposition to the registration of a mark for the absolute refusal reasons provided under Art. 5 of Law No. 84/1998.

Law No. 66/2010 inserts a new chapter: “*Chapter XI' Community Trademark*”, making clarifications on: (i) the community marks recognition procedure, (ii) providing the State Office for Inventions and Trademarks with the Community trademark applications in case such are filed with the State Office for Inventions and Trademarks, (iii) Bucharest Tribunal's jurisdiction over disputes regarding Community trademarks, etc.

In addition, Law No. 66/2010 amends the amount of the fines provided for the breach of the legal provisions.

The Regulation for the enforcement of Law No. 84/1998 shall be amended accordingly by the Government within 3 months from the entry into force of Law No. 66/2010.

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## Real Estate

Name of the enactment

Government Emergency Ordinance No. 30/2010 amending and supplementing Government Emergency Ordinance No. 60/2009 on certain measures for the implementation of the “Prima Casă” Program (“**GEO No. 30/2010**”)

Publication

Official Gazette of Romania, Part I, No. 243/16 April 2010

Entry into force	16 April 2010
Connections with other enactments	Emergency Ordinance No. 60/2009 on certain measures for the implementation of the "Prima Casă" Program ("GEO No. 60/2009")
Main provisions	GEO No. 30/2010 brings a few important amendments to the provisions of GEO No. 60/2009, particularly with respect to the qualification of the beneficiaries from the "Prima Casă" Program (the "Program") and to the supplementation of the provisions regarding the procedure of granting the State secured loans for the construction of housing under the Program.

### **1 Qualification of the Program's beneficiaries**

According to the new regulation, to hold the capacity as beneficiary from the Program, individuals have to cumulatively fulfill the following conditions:

- Until the loan is requested, such individual must not have held in exclusive ownership or together with his/her spouse any housing, irrespective of the fashion in which and time when it was acquired;
- The individual shall purchase or build a sole housing by means of a loan granted and awarded under the conditions of the Program; and
- The individual has the capacity as borrower in relation to the financing entity.

As to the first conditions, please be informed that the new regulation eliminates the exception provided for the joint shares of housings acquired by inheritance under Art. 1 para. 2 of GEO No. 60/2009.

The following two conditions shall have the role of circumstantiating the beneficiaries of the Program, from the standpoint of the number of purchased/built housings under the Program and of their capacity as borrowers.

### **2 Construction of a housing under Program**

As to the construction of a housing under the Program, GEO No. 30/2010 inserts the possibility of its construction either by individual beneficiaries owning the land on which they intend to build the housing, or by associations without legal status consisting of at least 7 beneficiaries, of which at least one is the owner of such land.

In addition, by way of derogation from the provisions of Art. 1775 of the Civil Code concerning the interdiction that the future assets of the debtor be mortgaged, GEO No. 30/2010 regulates a series of mortgages over the future

assets to secure the loans for the construction of housings under the Program. Such mortgages established over future housings shall be registered with the Land Book subsequent to the registration of the construction permit with the Land Book.

Consequently, the security agreement shall provide the following encumbrances over both the land on which the housing is to be built under the Program, and over the future housing built by the individual beneficiary and/or through associations without legal status:

- A first rank mortgage right in favor of the State, represented by the Ministry of Public Finance, throughout the full term of the security, noting the interdiction to alienate the housing and land for a period of 5 years, except for the alienation of the land share related to each housing built by any of the members of the association, and of the interdiction to encumber the same by any encumbrances throughout the full term of the security; and
- A second rank mortgage right in favor of the financing bank, throughout the full term of the security.

In addition, GEO No. 30/2010 enables the Ministry of Public Finance to approve the takeover of the secured financing and of the housing by an individual meeting the eligibility criteria provided under the Program. Furthermore, the new regulation brings a major amendment with respect to the enforcement procedure applicable upon the extinguishment of receivables due to the State Budget as a result of enforcing the securities issued in the name and on behalf of the State in favor of the banks granting loans to individuals for the purchase or construction of a housing under the Program.

The above receivables shall not be applied the enforcement proceedings performed by the National Agency of Fiscal Administration and regulated by Government Ordinance No. 92/2003 on the Fiscal Procedure Code, but shall be subject to the ordinary enforcement proceedings.

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## Taxation

### 1 New legal enactment concerning the fiscal and budgetary liability

Name of the enactment

Law No. 69/2010 ("Law No. 69/2010") of fiscal and budgetary liability

Publication	Official Gazette of Romania, Part I, No. 252 of 20 April 2010
Entry into force	23 April 2010
Main provisions	<p>The main objectives considered upon passing Law No. 69/2010 are to improve public finance management and to secure a fiscal and budgetary discipline, transparency and sustainability on average and long term for public finance.</p> <p>The provisions of this enactment apply to public and/or public utility authorities, institutions and entities, and to other entities financed from public funds in excess of 50%.</p> <p>Law No. 69/2010 provides the principles, objectives and rules of fiscal and budgetary policy to be enforced by the Government of Romania upon the implementation of the fiscal and budgetary policy.</p> <p>In addition, the main rules and principles regarding: budgetary expenses, budgetary income, budgetary rectifications, fiscal and budgetary strategy are regulated in detail.</p> <p>The legislative authority expressed a particular interest with respect to fiscal and budgetary policy's transparency, setting rigorous terms and conditions regarding the fashion in which the budgetary execution and fiscal and budgetary targets are monitored (e.g. by the end of July of each year, the Ministry of Public Finance shall publish a biannual detailed report regarding the economic and budgetary status on its website).</p> <p>One of the sections of this law regulates the "<i>Financial Impact of Electoral Commitments</i>" and refers to the possibility available to the presidents of political parties of requesting the Prime Minister or the Fiscal Committee to assess the financial impact of the proposed and publicly released policies by such political party.</p> <p>In addition, it is provided the establishment of the Fiscal Committee, an independent authority consisting of 5 members experienced in the field of macroeconomic and budgetary policies, which shall support the activity of the Government and Parliament throughout the preparation and performance of fiscal and budgetary policies, to secure the quality of macroeconomic forecasts based on which the budgetary forecasts and fiscal and budgetary policies on average and long term are drafted. Among the primary powers of the Fiscal Committee:</p> <ul style="list-style-type: none"><li>- Opinions and recommendations of the Fiscal Committee shall be</li></ul>

considered by the Government and Parliament upon the preparation of the fiscal and budgetary strategy and of the annual budgetary laws, and upon assuming/approving them;

- The members of the Fiscal Committee shall be appointed by the decision of the Parliament for a 9-year term of office and shall be selected from among the persons nominated in advance by the Romanian Academy, National Bank of Romania, Bucharest Academy of Economic Studies, Romanian Banking Institute and Romanian Banking Association.

## 2 Amendments brought to the Fiscal Procedure Code

Name of the enactment	Government Emergency Ordinance No. 39/2010 ("GEO No. 39/2010") for the amendment and supplementation of Government Emergency Ordinance No. 92/2003 on the Fiscal Procedural Code
Publication	Official Gazette of Romania, Part I, No. 278/28 April 2010
Entry into force	1 July 2010, with certain exceptions which come into force on the publication date or within 10 days as of the publication date
Connections with other enactments	Government Ordinance No. 92/2003 on the Fiscal Procedure Code
Main provisions	<p>The enactment which amends the Fiscal Procedure Code was passed in the context of the Romanian Government's discussions with the representatives of the International Monetary Fund (IMF) and in view of observing the Romanian authorities' undertakings concerning the improvement of practices on the management of fiscal receivables and arrears, as well as strengthening the control over taxpayers; increasing the efficiency of fiscal management; and the recommendation of IMF's representatives not to use a fiscal receivables assignment procedure because of the risks involved by the management of arrears. Moreover, by failing to issue this enactment, Romania would have been exposed to the risk of not benefiting from the subsequent installments of IMF and EU loans.</p> <p>One of the essential amendments is that the concepts of <u>default interests and penalties</u> have been reintroduced in the Fiscal Procedure Code, while the concept of <u>default increases</u> is to refer only to the fiscal obligations owed to local budgets.</p> <p>Therefore, other concepts have been reintroduced as well, such as: <u>fiscal receivable</u> referring to "the right to charge default interests, penalties or increases, as the case may be", and the concept of <u>accessory payment obligations</u>,</p>

which includes *“the obligation to pay default interests, penalties or increases, as the case may be, related to taxes, fees, contributions and other amounts owed to the general consolidated budget”*.

In addition, in case the fiscal inspection bodies find that the taxpayer’s accounting records, fiscal records or statements are incorrect, false, and if such do not exist or are not made available, the inspection bodies shall determine the fiscal obligation by using indirect methods for the reconstruction of income or expenses. It should be noted as well that indirect procedures and methods for the reestablishment of income or expenses are approved by order of the Chairman of the National Agency for Fiscal Administration.

According to Article 119, as amended by GEO No. 39/2010, if the debtor fails to fulfill its payment obligations on the due date, default interest and penalties shall accrue after such date.

The exceptions from the aforementioned rule are the payment obligations towards local budgets, because, if the taxpayer fails to pay them in due time, it owes default increases. The default increases are in amount of 2% applicable on the main obligation, accruing for each month or fraction of a month, starting from the day immediately following after the due date and until the due amount is paid, including such date.

The relevant provisions on interest are as follows:

- They are calculated for each day of delay, starting with the day immediately following the due date and until the due amount is paid, including such date;
- The exception from the rule provided herein above are the interests related to taxes, fees and contributions satisfied by enforcement, as well as those owed by a debtor declared as insolvent and which does not have traceable income and property;
- A separate calculation method is also set for the interest calculated for the fiscal obligations not paid on their due date, representing income tax;
- The default interest amounts to 0.05% per each day of delay and cannot be altered by annual budget laws.

As regards the default penalties, according to the newly introduced Article 120:

- They are due for failure to timely pay the main fiscal obligations and

stand as a penalty for the untimely payment of such fiscal obligations;

- The level of default penalties is established as follows: (i) if the main fiscal obligation is paid within the first 30 days from the due date, no default penalties shall be owed or calculated for the main fiscal obligations settled, (ii) if settled within the next 60 days, the level of default penalties is 5% of the main fiscal obligations settled, (iii) after the period set out at letter (ii) lapses, the level of default penalties is 15% of the outstanding main fiscal obligations;
- They do not relieve the obligation to pay interests.

In case insolvency proceedings are initiated, no default penalties or interests shall be owed or calculated past the opening date of insolvency proceedings for fiscal receivables born before or after the opening date of such insolvency proceedings.

As mentioned above, the article in the Fiscal Procedure Code, regulating the procedure by which the National Fiscal Administration Agency could assign the main and accessory fiscal receivables under its administration was abrogated.

As regards fiscal receivables fallen due before the entry into force of GEO No. 39/2010, default penalties and interest shall be due as of the coming into force of said enactment. In this case, the deadlines based on which the level of default penalties is established, start running as of the entry into force of GEO No. 39/2010.

Unless reference is made to main fiscal obligations due to local budgets, in all enactments where reference is made to the term default increases in the sense of Government Ordinance No. 92/2003 regarding the Fiscal Procedure Code, republished as further amended and supplemented, this term shall be replaced by default penalties and/or interest.

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