



Muşat & Asociații: News



Muşat & Asociații continues its tradition of supporting law school students by Business Law Career Day programme

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Muşat & Asociații continues its tradition of promoting and supporting the training of young professionals by *Business Law Career Day* programme aimed at organizing annual meetings with law school students in order to bring into light useful aspects concerning the vocation of the future graduates. The first discussions with the students have recently taken place at the Faculties of Law from the University of Bucharest and Nicolae Titulescu University.

“Supporting and encouraging young professionals is a constant and fundamental concern of our firm. Thus, through this programme we aim at supporting the students who wish to have a comprehensive and well-informed perspective of this profession, as well as of the graduating opportunities. Business Law Career Day programme supports and consolidates Muşat & Asociații’s tradition of involving in the training of the students who want to follow a legal career”, said Gelu Maravela, Partner with Muşat & Asociații, who joined the discussions along with other three Partners with Muşat & Asociații: Gheorghe Buta, Miruna Suciuc and Iuliana Craiciu.

Environment

In the area of environment protection legislation, we hereby draw your attention to the publication in Official Gazette of Romania no. 316 of May 9, 2011 of Order no. 1298/2011 for the amendment of the Procedure of issuing the environment authorization (“**Order no. 1298/2011**”), approved by Order no. 1798/2007. According to these amendments, the holders of forest exploitation activities permits have the obligation to apply for and obtain the environmental authorization; the environmental authorization for forest exploitation activities is issued for a period of 10 years and determines the conditions under which the activity is developed and the obligations related to environmental protection incumbent upon the permit holder. At the same time, Order no. 1298/2011 brings certain amendments to the Annex to the environmental authorization issuance procedure – “*The list of activities subject to the environmental authorization issuance procedure*”.

Law no. 64/2011 approving Emergency Ordinance no. 115/2010 which amended and supplemented Emergency Ordinance no. 196/2005 on the Environment Fund was published. For details, please see Law no. 64/2011 published in Official Gazette of Romania no. 329 of May 12, 2011.

Freelancers

As a measure of stimulating the business environment and accessing new work places in order to diminish the effects of the economic crisis, the Government amended and supplemented Emergency Ordinance no. 44/2008 on the development of economic activities by freelancers, individual enterprises and family enterprises. According to the amendments, (i) freelancers may hire third parties by individual employment agreement, concluded in accordance with the law, and (ii) the freelancer shall not be deemed an employee of third parties he/she collaborates with (other freelancers, natural persons holder of individual enterprises or representatives of family enterprises or other natural persons or legal entities), even if the collaboration is exclusive. The amendments were brought by Emergency Ordinance no. 46/2011 published in Official Gazette of Romania no. 350 of May 19, 2011.

Real Estate

We point out the publishing in Official Gazette of Romania no. 330 of May 12, 2011 of Government Decision no. 462/2011 amending point 182.5 of the Methodological Norms for enforcing Title VII “*The system for determining and paying compensations related to real estate assets abusively taken*” of Law no. 247/2005 regarding the property and justice reform, as well as some adjacent

“We are glad about the success of these meetings and we strongly hope that the information we offered to the future legal professionals will help them in outlining a clearer picture of their future career. Definitely, college plays an important part in such matters, yet the theoretical information must be cumulated with practical insights, thus we deeply encourage students to sign up for internships, which are so essential for understanding the particularities of this field”, added Miruna Suciuc.

Mușat & Asociații is constantly involved in corporate social responsibility projects, supporting by means of scholarships, internships, students meetings or sponsorships students and young talented professionals finding themselves at the beginning of their legal career.

Among the students' initiatives we have endorsed during the last period we may mention: *150 years since the establishment of the Law Faculty of Bucharest University, the Regional Debate Competition for Students - Muntenia 2009* or supporting the participation of three students at the international contest *Arbitration Moot Court*.

Furthermore, Mușat & Asociații has an annual internship programme for students, allowing them to have a more lucid and proper perspective of this profession and to develop, starting with their student years, abilities that would be helpful later on in their legal career. In the last year, more than 20 graduating year students have completed an internship within various departments of Mușat & Asociații.

and consulate offices of other states in Romania, namely cultural institutes and commercial and economic representative offices of other states in Romania have the same obligation to prepare and send this registry to the territorial labor inspectorate, for locally employed staff having Romanian citizenship or a permanent residence in Romania. Employers having branches, representative offices or other such units without legal personality, to which the competence of contracting staff by concluding individual labor agreements was transferred, may also be transferred the competence of keeping the registry. Filling in and sending the registry is done by one or more persons appointed by written decision of the employer. Employers may contract the service of preparing and sending the registry by concluding service agreements with service providers registered with territorial labor inspectorates, observing the specific provisions of the law for the protection of persons during the processing of personal data and the free circulation of this data.

Financial and Tax Regulations

By Emergency Ordinance no. 42/2011 (“**GEO no. 42/2011**”) published in Official Gazette of Romania no. 303 of May 3, 2011, the Government amended and supplemented Emergency Ordinance no. 113/2009 regarding payment services (“**GEO no. 113/2009**”) and Law no. 93/2009 regarding non-banking financial institutions (“**Law no. 93/2009**”).

As significant amendments brought to GEO no. 113/2009, we mention: (i) the express determination of the applicability of Law no. 93/2009 as regards the crediting activity performed by payment institutions; (ii) the express determination of the National Office for

measures, approved by Government Decision no. 1095/2005. The amendment provides that, in exceptional cases, with good reason (such as medical or social cases, proven by writs or distorting the market as regards the trade of Property Fund shares, by reducing their market price, likely to endanger the compensation process), the Authority for Granting Cash Compensations within the National Authority for the Restitution of Properties shall be entitled to primarily issue payment and/or conversion deeds.

Employment Relationships

As a result of the material amendments brought by Law no. 40/2011, the Labor Code was recently republished in Official Gazette of Romania no. 345 of May 18, 2011.

For the purpose of integrating in a sole regulation the elements regarding the organization and operation of syndicates and patronages, the Economic and Social Council, the social dialogue commissions, as well as the regulations related to collective negotiation and settling work conflicts, Social Dialogue Law no. 62/2011 was adopted. Upon the entry into force of this law, all other separate regulations related to the above mentioned aspects are repealed, namely Trade Unions Law no. 54/2003, Law no. 168/1999 on settling work conflicts, Patronages Law no. 356/2001, Law no. 130/1996 regarding the collective labor agreement, Law no. 109/1997 on the organization and operation of social dialogue commissions and Government Decision no. 369/2009 on establishing and operating social dialogue commissions at the level of central and territorial public administrations. For additional details, please see Law no. 62/2011 published in Official Gazette of Romania no. 322 of May 10, 2011.

Also in the area of labor legislation, we signal the approval by the Government of Decision no. 500/2011 on the general employee registry, published in Official Gazette of Romania no. 372 of May 27, 2011. According to this regulation, each employer has a legal obligation to prepare a general employee registry and communicate it to the territorial labor inspectorate, as well as to present it to labor inspectors upon their request. In addition, diplomatic missions



and consular offices of other states in Romania, namely cultural institutes and commercial and economic representative offices of other states in Romania have the same obligation to prepare and send this registry to the territorial labor inspectorate, for locally employed staff having Romanian citizenship or a permanent residence in Romania. Employers having branches, representative offices or other such units without legal personality, to which the competence of contracting staff by concluding individual labor agreements was transferred, may also be transferred the competence of keeping the registry. Filling in and sending the registry is done by one or more persons appointed by written decision of the employer. Employers may contract the service of preparing and sending the registry by concluding service agreements with service providers registered with territorial labor inspectorates, observing the specific provisions of the law for the protection of persons during the processing of personal data and the free circulation of this data.

Preventing and Fighting Money Laundering's responsibility to supply, upon the request of the National Bank of Romania, information regarding the risk of money laundering in the context of payment institutions' activity; (iii) introducing the obligation to establish specific risk provisions as a task of payment institutions.

The amendments brought to Law no. 93/2009, aim at clarifying the means of enforcing the said law in the area of payment services crediting, namely the express stipulation of the legal capacity of payment services providers to grant credits related to payment services without falling under the provisions of Law no. 93/2009. Additionally, GEO no. 42/2011 provides the obligation of the National Bank of Romania to issue regulations in applying the amendments occurred, within 30 days from the entry into force of the ordinance.

By Order no. 1984/2011, the Ministry of Public Finance regulated the criteria for conditioning the VAT purpose registration of companies. For additional details, please see Order no. 1984/2011 published in Official Gazette of Romania no. 361 of May 24, 2011.

Telecommunications

The National Administration for Communications Regulation recently issued Decision no. 1167/2011 on the suppliers of public use electronic communication networks or services reporting statistic information. The decision aims to impose the obligation of suppliers of public use electronic communication networks or services to regularly provide the National Administration for Communications Regulation with certain statistic information, in view of preparing reports, studies analysis and such other documents in the area of electronic communications. Upon the entry into force of this decision, the Decision of the President of the National Administration for Communications Regulation no. 151/EN/2006 on the suppliers of public use electronic communication networks or services reporting certain statistic information is repealed. For additional details, please see Decision no. 1167/2011 published in Official Gazette of Romania no. 321 of May 10, 2011, corrected on May 26, 2011 (published in Official Gazette of Romania no. 368 of May 26, 2011).

Transportation

By Decision no. 471/2011, the Government approved the Agreement of October 23, 2006 concluded between the Government of Romania and the Government of the Republic of Cyprus on sea transport, published in Official Gazette of Romania no. 359 of May 23, 2011.

Law no. 55/2006 regarding railway safety was amended and supplemented by Law no. 65/2011 published in Official Gazette of Romania no. 335 of May 16, 2011.

Another legislative novelty in the area of transportation is represented by Government Decision no. 455/2011 or airport taxes ("GD no. 455/2011"). This new regulation sets out the common principles for the collection of airport taxes by Romanian airports. As regards all airports opened to public use, irrespective of the traffic thereof, the airport taxes apply without discrimination to all airport users and are published together with all associated conditions, by the airport manager, in the Aeronautical Information Publication AIP Romania, as well as on the website of the airport. It is provided, as well that the airport manager has the right to adapt the airport taxes according to certain public and general interest aspects, including environmental protection reasons, based on relevant, objective and transparent criteria. For additional details, please see GD no. 455/2011 published in Official Gazette of Romania no. 346 of May 18, 2011.



Urbanism

In the urbanism area, we highlight the publishing in the Official Gazette of Romania no. 361 of May 24, 2011 of Government Decision no. 490/2011 supplementing the General Urbanism Regulation approved by Government Decision no. 525/1996 ("GD no. 490/2011"). As a consequence of the amendments brought, the construction works for the execution/extension of utility networks in the area of public roads located in the intra muros areas of localities are performed underground, by reasons of environmental protection, ensuring inhabitants' health and safety and increasing the security level of utility networks located in the intra muros areas of localities.

According to the new provisions, technical equipments that are part of the telecommunications, water, electricity heat supply, public transportation, road signaling systems and other such equipments are forbidden from being installed above ground, on the public domain. Consequently, installing the above mentioned equipments shall be done underground or, as appropriate, enclosed or in building niches, with the prior approval of the owners of the respective buildings. As well, it is forbidden to place utility networks on public lighting and electricity supply poles, on roadside trees, on elements of building front side or other such. To this end, it is provided that the technical documentations prepared for investment objectives related to the execution, upgrading or rehabilitation of the street network

or public interest county or national roads located in the extra muros areas of localities shall mandatorily provide underground channels for placing utility networks. These provisions also apply to investment objectives for which pre-feasibility and/or feasibility studies are pending completion on the date GD no. 490/2011 enters into force.

Other Amendments

Additionally, we would like to bring to your attention the recent amendment of Romanian National Defense Law no. 45/1994. For details, please see Law no. 58/2011 published in Official Gazette of Romania no. 303 of May 3, 2011.

We hereby also highlight that Emergency Ordinance no. 40/2011 on promoting non-polluting and energetically efficient road transport vehicles was published in Official Gazette of Romania no. 307 of May 4, 2011.

The Insurance Supervisory Commission recently adopted Order no. 6/2011 approving the Enforcement Rules of Law no. 260/2008 regarding the mandatory insurance of dwellings against earthquakes, land slides and floods, published in Official Gazette of Romania no. 315 of May 6, 2011.

The Ministry of Culture, Religious Affairs and National Patrimony adopted Order no. 2178/2011 on amending and supplementing the Procedure of granting archaeological research authorizations, approved by Order no. 2562/2010 issued by the Ministry of Culture and National Patrimony, published in Official Gazette of Romania no. 304 of May 3, 2011.

