



## LEGAL NEWSLETTER - FEBRUARY 2014

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## LEGAL UPDATES

### GENERAL

**1. Order no. 2506 on the establishment of the small aid schemes for the actions of the Export Promotion Program.**

The text of the law stipulates three aid schemes for SME businesses: the economic operators participation at international fairs and exhibitions abroad in the National Pavilion. In addition organizing economical missions and promotional events abroad and making market and product studies, including complex objectives. The aim of these schemes is to sustain the economic operators in promoting the export offer on foreign markets both by participating, at international fairs and exhibitions and by participating in economic missions and promotion activities abroad. For each of the three schemes there are given objectives, the implementation domain, the implementation procedures and the conditions which the entities must fulfill in order to become beneficiaries of one of the schemes. Subject to conditions each of the three State aids may be cumulated with other State aid received for the same eligible costs. The State aid schemes mentioned above will be applied in the first quarter of 2014. For each scheme it is provided a specific budget.

**2. Order no. 247 on the establishment of the interest rates charged by the State Treasury.**

As of March 1, 2014 the interest rates applied by the State Treasury for the assets kept in the general current account of the State Treasury that bare interest, as well as the term deposits constituted by their holders will be as follows: the sight interest rate paid for assets kept in accounts at the State Treasury will be of 0.15% per year; the interest rate paid for one month term deposits will be of 0.45% per year and the interest rate paid for the 3 months term deposits will be of 0.50% per year.

**3. Circular no. 7 on the reference interest rate of the National Bank of Romania.**

As of February 5, 2014, the reference interest rate of the National Bank of Romania is 3.50% per year.

### AGRICULTURE

**1. Resolution no. 83 regarding the approval of state aid that granted to potato producers affected by the harmful organisms in potato culture.**

By this Resolution, the Romanian Government has approved the amount of state aid that is granted to the potato producers affected by harmful organisms in potato cultures for the harvest of 2012. Its total value is of 2000 lei and it will be covered from the state budget.



**2. Order no. 14 regarding the sanitary-veterinary conditions which have to be complied with when trading poultry in Romania from registered/sanitary-veterinary authorized bodies to the non-professional bodies and for completing annexes 1 and 2 of the sanitary-veterinary Norm.**

The purpose of the order is to establish the sanitary-veterinary conditions that must be complied with when trading poultry in Romania from the registered/sanitary-veterinary authorized bodies to non-professional bodies.

The health certificate required for trading living poultry from commercial exploitation in Romania will be issued by a veterinarian and will be valid for 3 days from the date of completion. Trading poultry can be carried out through direct sales or through third parties with living animals that are sanitary-veterinary registered and under the conditions specified in the order. A number of conditions must also be met by the transporter – third party. The order also provides certain prohibitions for the sale of poultry.

**3. Order no. 83 regarding the times and prohibited areas for fishing, as well as the protection areas of the live aquatic resources in 2014.**

The order establishes prohibition measures for commercial fishing and recreational / sportive fishing, namely areas and periods in which fishing is prohibited. The prohibition period begins on April 1, 2014 and lasts for between 60 and 90 days depending on the area. Twelve such areas are also declared as biological recovery areas / areas of protection for live aquatic resources, a number of prohibitions being established in each of these areas. Prohibition periods for commercial, recreational/sportive and family fishing are also established separately, but only for certain species of fish and other aquatic beings. However, in the “Danube Delta” Biosphere Reservation territory, the fishing activity is allowed in the prohibition period only if the administrators of fishing establishments hold a fishing license issued by the National Agency for Fishing and Aquaculture and the notice of the “Danube Delta” Biosphere Reservation Administration.

## **ENERGY**

**1. Order no. 6 on amending and completing Order no. 95/2013 of the National Authority for Energy Regulation regarding the approval of the tariffs and monetary contributions collected by the National Authority for Energy Regulation.**

The amendments brought in by the order are aimed at establishing the annual amount of the cash contribution that is owed by the holders of licenses granted by the National Authority for Energy Regulation for conducting commercial activities in the sector of electricity and heat produced in cogeneration. Therefore, for the natural or legal persons exclusively holding a license for the commercial exploitation of electricity production capacities with a total installed power of up to 1 MW included, the contribution that is levied is equal to 250 lei, while for the legal person holding a license the contribution



that is levied is equal with 0.08% of the 2013 turnover from the commercial activities that are subject to the license, but not less than 2500 lei, except for the legal person falling within the first category.

A fee of 1.000 lei will be charged for granting / amending of the authorization for participation in auctions of emission of greenhouse gases and analyzing the documentation attached to the application for the grant / amendment of an authorization for participation in auctions of emission of greenhouse gases.

**2. Order no. 8 approving the general conditions associated with the license for electricity supply.**

The normative act sets the general conditions under which the license for electricity supply is valid. According to the law, the license holder may sell electricity to end user customers, the retail electricity market or trade electricity on the wholesale electricity market, including transactions of importing and exporting electricity for the duration of the validity of the license. The norms provide a series of rights and obligations that must be met by the licensee.

In cases where the license holder wishes to conduct its transfer to another natural or legal, he must notify his intention to the competent authority 60 days before the date it becomes effective, along with documents proving the transfer operation, as well as the certificate issued by the registry Office regarding the trader who takes the license. The license may be suspended, withdrawn or amended by the competent authority. The holder has the option to change the license upon written request.

**3. Order no. 10 on the Method for establishing in the gas sector the regulated revenues and the total revenues related to the regulated supply activity and for approving the final regulated prices for the third regulatory period.**

The methodological norms purpose is to regulate the method of calculating, adjustment and establishment of the regulated revenue of the total income and to approve the regulated natural gas prices at which the regulated supply of natural gas is realized (final prices). The text of the law establishes a series of formulas and parameters used in determining income and final prices.

The establishment and approval of the unitary regulated income and of the total unitary income, related to the third regulatory period will be made as of April 1, 2014.

**4. Order no. 12 establishing the mandatory quote for green certificates for 2013.**

According to the Order, in 2013, the mandatory quote of green certificates acquired by economic operators who have the obligation to acquire green certificates was set at 0,224 green certificates / MWh. In this regard, the Electricity and Gas Market Operator OPCOM - SA society will hold three sessions of green certificates trading on the centralized green certificates market in the period between



1 March and 31 March 2014. The Electricity and Gas Market Operator OPCOM – SA will also submit to the National Authority for Energy Regulation by April 4, 2014, the green certificates account status for each participant in the green certificates market.

## LEGAL PROJECTS IN DEBATE

### GENERAL

#### **1. Law for strengthening the financial discipline on cash receipts and payments operations**

The project stipulates that the cash receipts and payments from legal persons, authorized natural persons, sole proprietorships, family businesses, freelancers, natural persons operating independently, associations and other entities without legal personality from / to any of these categories will be made only by non-cash payment instruments. There are exceptions to this provision. An exemption is the use of cash payments within certain limits, however, this provision also implies exceptions. For certain cash payments or cash issuing requests cumulative transactions are forbidden. The draft law provides new sanctions in case of violations of the legal provisions in the domain.

#### **2. Law for establishing the National Authority for Certification and Qualification of the Eligible Economic Operators.**

The project stipulates that the newly established authority (ANCCOEE) will have the main task of establishing and maintaining a unified, integrated, proportionate and transparent system for the qualification and certification of competent economic operators. It will issue certificates attesting the eligibility of economic operators classified by fields and categories. The certificate will attest the eligibility of economic operators on classes and categories so that they can demonstrate the fulfillment of the eligibility conditions for awarding a public acquisition contract in a single document. ANCCOEE will prepare a single national panel of eligible economic operators and will charge taxes for issuing the certificates. The economic operators can demand at any time to be officially listed or for a certificate to be issued, being informed by ANCCOEE on how to obtain it.

The project also includes realizing a platform that would contain a record system containing information that is accessible to the public online.

### AGRICULTURE

#### **1. Resolution approving the norms for applying the provisions of Law no. 297/2013 regarding the establishment of contracts in the milk and dairy products sector, as well as the recognition of producers organizations in the milk and dairy products sector.**



The project stipulates that every raw milk delivery done by a producer to a first purchaser shall be the subject of a written contract between the parties or the first purchasers must make a written offer in order to contract. There are also provided the elements that the contract / offer should contain. The project states that recognition as a producer's organization in the milk and dairy products sector for the legal persons is obtained after submitting the application and meeting the specified conditions. The recognition of an organization may be suspended if after an inspection, it turns out that it does not meet the recognition criteria. Another penalty may also be receiving a warning.

**2. Resolution amending and completing Resolution no. 1261/2007 establishing measures for the implementation of Regulation (EC) no. 2.003/2003 of the European Parliament and of the Council of 13 October 2003 regarding fertilizers.**

The project stipulates that the resolution, in its new form, is applicable to fertilizers and soil amendments authorized RO – fertilizer, as well as fertilizers and soil additives approved for marketing and sale. It also proposes the establishment of a National Commission for authorizing/approving the fertilizers and soil additives which will substitute the Inter-ministerial Commission for authorizing fertilizers in order to enter the list of approved fertilizers, with the ro-fertilizer mention for use and distribution in Romania. The project also aims to amend certain penalties that can be applied and also imposing new obligations for fertilizer owners.

*Disclaimer: The legal newsletter is a selection of legal updates with purely informative purpose and cannot be considered professional advice. For any questions or concerns regarding the information contained in the newsletter, please do not hesitate to contact us.*

**CONTACT:**

**BWSP Hammond Bogaru & Associates**

**Attorneys at Law**

Nicolae Caramfil no. 61B ST, District 1, Bucharest 014142, Romania

Telephone: 021 326 60 53 | Fax: 021 326 60 60 | [admin@hbalaw.eu](mailto:admin@hbalaw.eu) | web: [www.hbalaw.eu](http://www.hbalaw.eu)