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The European Court of Human Rights (ECHR) analyzed about 3,800 complaints against Romania last year and ruled 220 decisions against it.

According to the source, 47 of the ECHR decisions overruled the complaints and 29 dismissed them after complainers reached an amiable agreement with the Romanian state or withdrew their complaints. In 136 of its decisions the Court ruled Romania breached at least one right stated in the Convention for the Protection of Human Rights and Fundamental Freedoms.

The ECHR ruled 72 decisions noting breaches of the right to a fair trial and 61 decisions indicating breaches of property rights. CEDO ruled 21 decisions against Romania in cases regarding inhuman or degrading treatment or punishment and poor conditions in detention. About 97% of the complaints submitted at the Court are overruled.

Romanian authorities will have up to 45 days to refund the expenses of the developer of an EU-financed project, from the date the company files such a request.

Authorities had 60 days to refund the developer, prior to this change. In a meeting the Prime Minister asked for less red tape in European fund absorption procedures, warning that Romania may be denied new funds from the EU in the next fiscal year. The prime minister announced that auctions for projects financed by the European Union in the fields of transports, energy, environment and regional development will take place according to standard documents, which will be drafted by the Romanian authorities in cooperation with European Commission experts. These documents should improve transparency, competition and prevent discrimination in government procurement.

Romania's Constitutional Court cleared a government emergency decree issued in 2009 that raised taxes on gambling and the minimal value of share capital required for a gambling license.

The Court was called to rule on an exception of unconstitutionality raised during a trial by the Romanian Gambling Association. The decree, adopted on June 24, 2009, sets the license fee for casinos at 400,000 lei and raises the annual tax for each table in the casino to from RON 200,000 to RON 250,000 in Bucharest and from RON 100,000 to RON 120,000 in the rest of the country.

The decree set an annual tax of RON 8,000 for each slot-machine type device and a license fee of RON 25,000 for slot-machine games.

The Government will reduce the depreciation rate on motor vehicles by amending the car tax.

The Government will keep this discount opportunity, but will reduce the influence of each factor, as well as the maximum accepted discount rate, to 90%, from 95%. For instance, the coefficients associated with the car's age will be reduced to 1.01-1.04 from 1.03-1.1, while those related to the vehicle's overall condition (on the outside and inside) will be reduced to 1.05 from 1.1.

Cars without things such as air conditioning, ABS or airbags, will be eligible for a lower discount on the car tax, as the coefficients associated with these features will be reduced to 1.05 from 1.1-1.15.

The Government argues the lower discount will help limit the number of old, polluting vehicles on the country's roads and will stimulate their replacement with newer, greener models. Late last year, the Government decided to increase the car pollution tax by an average 45-50% starting from 2011.

Romania is to become the 19th member of the European Space Agency (ESA).

The document was signed by ESA director general Jean-Jacques Dordain and Romanian Space Agency president Marius Ioan Piso. "We are the second new member state to join this convention and we must point out its special importance for us, as it confirms Romania's technological capabilities and our political option to integrate further into a community which is extremely important to the collective security of the European Union,".

The European Space Agency is an inter-governmental organization founded in 1975, with 18 members (excluding Romania; 16 EU members plus Switzerland and Norway). The Czech Republic is the only other former Warsaw Pact member to have joined the ESA, having become a member in 2009.

Romanian authorities are forbidden to approve urban planning documents legalizing constructions built without authorization.

The draft act, which amends Law 350/2001 on urban planning, states constructions built without authorization will be partially or entirely demolished. According to the explanatory note to the draft decree, public administration authorities' responsibilities regarding urban planning will be strengthened. The act reads that only public administration authorities, the Government and expert ministries may draw up urban planning documentation.

The Romanian Government legislative agenda includes procedures through which minority stakes in state-owned companies are sold.

The Mangalia Shipyard will offer equipment in exchange for having its debts to the Defence Ministry written off, according to the document. The legislative agenda includes a normative act aimed to tackle irregularities in using European funds. The draft law should be approved by the end of April.

Regulations easing the selling of minority stakes in state-owned companies are to be approved by March this year. The Government will discuss new financial measures to help companies in the portfolio of privatization authority AVAS, which were impacted by the economic crisis.

Lobby activities will be regulated by the end of June and new rules on copyright will be implemented by end-September.

Romania's Government repealed a legal provision whereby an attorney is not held criminally responsible for recommendations and professional opinions given to their client, if while acting on these suggestions the client commits a criminal offense.

This provision had been adopted by the Parliament by adding a new section to article 7 of Law 51/1995 concerning the attorney profession

Romanian President signs Extradition Treaty with Syria

The treaties were signed by the two countries on November 10, 2010, on the occasion of Syrian President Bashar al-Assad's two-day visit to Romania. They must be ratified by both Romania and

Syria and will enter force once the two countries officially inform each other about having completed ratification procedures.

On November 16, 2009, President Traian Basescu said the goal of his 2008 visit to Syria was to amend the extradition agreement between the two countries, so that terrorism convict Omar Hayssam would be extradited to Romania. On January 8, 2010, the Romanian Foreign Ministry confirmed it had sent the Syrian authorities a draft treaty on extradition and said the draft was being analyzed by Syria.

Romania's Government will transfer a railway sector supervision body to the Competition Council from the Transport Ministry to avoid an infringement procedure from the European Union.

"Considering we have already exceeded the undertaken calendar by four months, the European Commission expects Romanian authorities to inform it of the measures it has taken to organize this supervision body, otherwise it may continue infringement procedures and refer the matter to the European Court of Justice," according to a draft emergency decree drawn up by the Transport Ministry.

The European Commission evaluated in 2008 Romania's transposition of two European directives in the railway sector and found a potential conflict of interests regarding the activity of the railway sector's supervision body. The supervision body is currently under the authority of the Transport Ministry, which is also the majority owner of the country's freight and passenger railway companies.

The supervision council analyzes and settles claims against decision taken by the administrator of railway infrastructure, monitors competition on the railway transport market and monitors prices set by infrastructure administrators to ensure they are in line with legislation.

Romanian senators rejected a bill that would have renamed the country's Roma minority internally as "gypsies".

The Romanian Academy and the Government backed the changing of the term 'Roma' to 'gypsy', saying this is the term used by most European countries. The Ministry of Culture, the Ministry of Foreign Affairs, the Department for Interethnic Relations and the National Council against Discrimination have expressed disapproval for the bill.

European Commission has authorized aid for Romanian farmers facing difficulties in accessing loans as a result of the current economic crisis.

Aid under this scheme is limited in time and takes the form of subsidized loans and the scheme is an application of the European Commission's Temporary Framework for businesses' access to finance during the crisis adopted in December 2010. "The scheme is open to farmers active in the primary agricultural production, provided they are not in difficulty. It is limited in time, as aid can be granted for loan contracts signed by 31 December 2011 and covers interest paid until 31 December 2013," the EC said in the release.

Romania plans to write off debts of 1 billion lei (EUR1=RON4.2649) of companies in the defence industry.

Writing off debts of companies in the defence industry will be regarded as a measure to improve the respective companies' economic and financial situation, according to the Economy Ministry. .

The list of defence industry companies subordinated to the Economy Ministry includes defence equipment and services provider Romarm and its subsidiaries, aeronautical companies Avioane Craiova, Romaero, Constructii Aeronautice and IAR Brasov, the Mangalia Shipyard, opto-mechanical equipment producer IOR Bucuresti and the Orastie mechanical plant.

Problems regarding defence industry companies' outstanding debts have not been solved and the respective companies do not have financial resources to pay off their debts, reads the document. Fiscal authorities will block their bank accounts by foreclosing their assets, which will impact defence capabilities, according to the document.

Romania's Government opposes the introduction of civil unions.

The Executive will send this position to the Parliament, in response to a bill who suggests creating the legal framework for civil unions.

The bill aims to grant legal character to domestic partnerships between two people, based on a notarized contract, providing rights and obligations regarding joint wealth and expenses. This relationship is not exclusive to different-sex couples, according to the act.

In the government document, the Labour Ministry says the bill should refer to the partners' minor children, and points out that it requires amending the Civil Code. The Justice Ministry said the initiative cannot be endorsed, given the Civil Code, adopted by the Government through a vote of confidence in Parliament in June 2009.

The Legislative Council, a specialized consulting body of the Parliament, gave a favourable report on the bill, but warned that the Civil Code forbids same-sex marriage and Romania does not recognize foreign civil unions.

Hammond, Bogaru and Associates are an international law firm based in Bucharest, Romania. We can be contacted on +40 21 326 6053 and more information regarding the Firm can be found on our web site www.hbalaw.eu. If you do not wish to receive any further News Updates please sent an email to admin@hbalaw.eu and you will be deleted from our distribution list.

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