

---

# BOGARU & ASSOCIATES



6 Maior Gheorghe Sontu Street, 2<sup>nd</sup> floor, 1st District,  
Bucharest, Romania

Telephone: (+40-21) 326 60 53 Fax : (+40-21) 326 60 60

e-mail: [office@bbnalaw.com](mailto:office@bbnalaw.com), [admin@bbnalaw.com](mailto:admin@bbnalaw.com)

---

## NEWSLETTER

THIS NEWSLETTER AIMS TO PRESENT THE RECENT LEGISLATIVE CHANGES THAT MAY IMPACT YOUR BUSINESS.

THIS PUBLICATION DOES NOT CONTAIN LEGAL ADVICE AND / OR FISCAL, SOLELY GENERAL INFORMATION. WE RECOMMEND REQUESTING PROFESSIONAL LEGAL ADVICE PRIOR TO IMPLEMENTING ANY DECISION BASED ON THIS NEWSLETTER.

## SUMMARY

**PRIME MINISTER DECISION NO. 279/2018 REGARDING THE CREATION OF THE NATIONAL COMMITTEE FOR WASTE** \_\_\_\_\_ **2**

**GOVERNMENT EMERGENCY ORDINANCE NO. 81/2018 FOR THE MODIFICATION OF THE GOVERNMENT EMERGENCY ORDINANCE NO. 111/2010 REGARDING THE LEAVE AND THE MONTHLY ALLOWANCE FOR RAISING CHILDREN** \_\_\_\_\_ **3**

**GOVERNMENT ORDINANCE NO. 18/2018 FROM 29.08.2018 REGARDING THE REGULATION OF SOME MEASURES IN THE FIELD OF ECONOMIC AND FINANCIAL INSPECTION CARRIED OUT BY THE MINISTRY OF PUBLIC FINANCE AND FOR COMPLETING SOME NORMATIVE ACTS** \_\_\_\_\_ **3**

**THE LAW NO. 242/2018 FOR THE MODIFICATION AND THE COMPLETION OF LAW NO. 303/2004 CONCERNING THE STATUTE OF JUDGES AND PROSECUTORS** \_\_\_\_\_ **4**

**OCTOBER 2018**

---

## BOGARU & ASSOCIATES



6 Maior Gheorghe Sontu Street, 2<sup>nd</sup> floor, 1st District,  
Bucharest, Romania  
Telephone: (+40-21) 326 60 53 Fax : (+40-21) 326 60 60  
e-mail: [Office@Bbnalaw.Com](mailto:Office@Bbnalaw.Com), [admin@bbnalaw.com](mailto:admin@bbnalaw.com)

---

### **PRIME MINISTER DECISION NO. 279/2018 REGARDING THE CREATION OF THE NATIONAL COMMITTEE FOR WASTE**

In the Official Gazette of Romania, Part I, no. 888 from the 22 of October 2018, was published the Prime Minister Decision no. 279/2018 on the establishment of the National Committee for Waste.

Considering that the European Commission has launched an infringement procedure against Romania for failing to comply with the obligations to report the implementation of several EU waste standards, urgent and effective measures must have been adopted.

With effect from the date of entry into force of this Decision, the National Committee for Waste, hereinafter referred to as "the Committee", will be organized as stipulated in the Annex which forms an integral part of the Decision.

The Vice Prime Minister, the Minister of the Environment, has the capacity of coordinator of the National Committee for Waste.

The Committee has as its main objectives:

- identifying actions needed to implement the Directive 2008/98 / EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives;
- recovering delays at national level in order to meet the objectives of the European waste management directives;
- the implementation of the priority governance measures provided for in the National Waste Management Plan for the management of municipal waste.

## **GOVERNMENT EMERGENCY ORDINANCE NO. 81/2018 FOR THE MODIFICATION OF THE GOVERNMENT EMERGENCY ORDINANCE NO. 111/2010 REGARDING THE LEAVE AND THE MONTHLY ALLOWANCE FOR RAISING CHILDREN**

On the 13<sup>th</sup> of September 2018, the Romanian Government adopted the Government Emergency Ordinance no. 81/2018 (hereinafter the "GEO") for the modification of the GEO no. 111/2010 regarding the leave and the monthly allowance for raising children, published in the Official Gazette no. 792/17.09.2018.

Changes to O.U.G. no. 111/2010 are intended to introduce income from intellectual property rights in the category of income that is taken into consideration in the calculation of the monthly allowance for maternity leave and the allowance for raising children.

For persons to whom the monthly indemnity amount stipulated by the Government Emergency Ordinance no. 111/2010, approved with amendments by Law no. 132/2011, with the subsequent amendments and completions, did not take into account the revenues from intellectual property rights, the agencies for payments and social inspection of the county, respectively of the municipality of Bucharest have the obligation to establish the new amount, within 60 days of the entry into force of this Emergency Ordinance.

## **GOVERNMENT ORDINANCE NO. 18/2018 FROM 29.08.2018 REGARDING THE REGULATION OF SOME MEASURES IN THE FIELD OF ECONOMIC AND FINANCIAL INSPECTION CARRIED OUT BY THE MINISTRY OF PUBLIC FINANCE AND FOR COMPLETING SOME NORMATIVE ACTS**

Starting from the 3<sup>rd</sup> of September 2018, the inspectors of the Ministry of Public Finance are allowed to verify the way in which the associations and the Non-Governmental Organizations are spending the money received from the public budget, from sponsors or the amounts of money that are redirected from the income tax.

Up to this moment there were no legal provisions empowering the financial inspectors to control the spending of this type, done by associations or NGOs.

The text of the Government Ordinance no. 26/2000 concerning the associations and the foundations has been modified also and a new paragraph (48<sup>1</sup>) has been added.

The paragraph 48<sup>1</sup> states that the control regarding the granting and justification of the sums received from the consolidated state budget shall be realized by the Ministry of Public Finance through the economic-financial inspection department.

## **THE LAW NO. 242/2018 FOR THE MODIFICATION AND THE COMPLETION OF LAW NO. 303/2004 CONCERNING THE STATUTE OF JUDGES AND PROSECUTORS**

On the 12 of October 2018 The Romanian Parliament has adopted the Law no. 242/2018 for the modification and the completion of the Law no. 303/2004 concerning the statute of judges and prosecutors (hereinafter referred to as the “Law”), published in the Official Gazette no. 868/15.10.2018.

The most important modifications brought by the new Law refers to the admission and the preparation of the future judges and prosecutors, the duration of professional training courses for the future magistrates being extended from 2 to 4 years, and to the liability of the magistrates for the judicial errors.

The Law establishes a more severe liability. According to the provisions of the paragraph 96 of the Law, the State is obliged to pay for the damages caused by the judicial errors. The liability of the State does not exclude the liability of the judges or prosecutors who have exercised their function with bad faith or gravely negligence.

The person affected by the judicial error will have to initiate a legal action against the State. If the action is admitted, the State will be obliged to pay for the damage suffered by the plaintiff. The new Law expressly indicates that the State is obliged, in this case, to initiate at his turn an action for recovery against the judge or the prosecutor who is to be blamed for the damage suffered by the affected person.

For further information, do not hesitate to contact:

Christian Bogaru, Partner

Tel: +0213266053

Fax: +0213266060

Email: [office@bbnalaw.com](mailto:office@bbnalaw.com)