

## LEGAL UPDATE - OCTOBER 05<sup>TH</sup> - 11<sup>TH</sup>, 2015

**ÎCCJ Decision no. 21/2015 regarding the examination of the request made by the Court of Appeal Constanta - 1<sup>st</sup> Civil Section in case no. 9994/118/2013 for finding a prior judgment** entered into force on October 05<sup>th</sup>, 2015. We mention below several regulated issues:

- The complaint is required to establish, by way of interpretation, the date from which the debtor due the legal interest rate for wage rights granted by the court decisions whose execution was suspended while the main flow has been deferred;
- Basically, the date from which the legal interest flows for wage rights contained in title whose execution has been deferred is the date of the judgment, and the interest continues to flow gradually for each period of delay, until the date of actual payment;
- The application for summons marks the moment when the court is reported to determine whether the due date of tranches paid for which are calculated distinct penalty interest enter within the prescription period of three years preceding that date, interest can be claimed for the period for which prescription has not been fulfilled;
- For the remaining amount after partial payment, penalty interest still flows and may be granted for the last three years prior to the date of application;
- As a result, penalty interest due by the state for the delayed execution of payment obligation can be requested for the period of 3 years prior to the date of application.

**MFE Order no. 2690/2015 for approving the Instructions for applying the provisions of art. 11<sup>1</sup> of Government Decision no. 759/2007 regarding the eligibility rules of the expenditure incurred in operations financed under the operational programs and repealing Order of the Minister of European Affairs no. 204/2011 for approving the Instructions for applying the provisions of art. 11<sup>1</sup> of Government Decision no. 759/2007 regarding the eligibility rules of the expenditure incurred in operations financed under the operational programs** entered into force on October 7<sup>th</sup>, 2015. We mention below several regulated issues:

- The financing applicant is required to submit to the managing authority or intermediary authority, with the application, the affidavit regarding the eligibility of VAT on the eligible expenses that shall be incurred in the project proposed for funding from structural instruments, stating that for acquisitions of proposed project for financing value added tax is not deductible;
- The financing beneficiaries are required to submit to the managing authority or intermediary authority, with the request for reimbursement, the affidavit on non - deductibility value added tax of expenditure incurred under the project financed from structural instruments.

**Romania's Parliament Law no. 229/2015 amending and supplementing Law no. 202/2002 regarding equal opportunities and equal treatment between women and men** entered into force on October 10<sup>th</sup>, 2015. We mention below several regulated issues:

- The new rules establish, among other things, that the Romanian state shall develop and implement policies and programs to achieve and ensure equal opportunities and treatment between women and men and eliminate all forms of discrimination based on the criterion of sex;
- Also, equal opportunities between women and men shall be in accordance with the following principles: the principle of legality, the respect for human dignity, cooperation and partnership, transparency and cross - cutting;
- At the end of maternity leave for raising children under the age of 2 years, or 3 years for children with disabilities or paternity leave, the employee is entitled to a program of reintegration, whose duration is provided in the internal rules of organization and operation and may not be less than 5 working days.